

January 8, 2021

Planning Board
8 Newmarket Road
Durham, NH 03824

RE: *19-21 Main Street –Parking Lot. Preliminary discussion about conditional use criteria related to the project and discussion with Steve Pernaw, traffic engineer who prepared traffic report. Formal application for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District.*

Dear Members of the Board,

In consideration of your time, this note is focused on the two topics described in the agenda for the January 13 meeting, as above, i.e., discussions about the **Conditional Use Criteria** and the **Traffic Study**.

Conditional Use Criteria: #2. External impacts and #5. Preservation of natural, cultural, historic, and scenic resources

#2. External impacts

Having lived on Faculty Road (at the edge of the Faculty Development neighborhood) for many years, I can attest to the noise generated by an adjacent parking lot used by students. The comings and goings of cars, blaring of car horns and radios, “kickbacks” or “revving” of motors, chatter of pedestrians en route to and from vehicles, beeping of OSHA horns and scraping of snow plows: All these sounds carry across and rebound from hard surfaces, whether asphalt or a retaining wall, contrasting sharply with the absorption of noise by a woodlot. It is probable that the sound from a parking lot at the proposed elevation, similar to that of Faculty Road, would carry more directly.

If future student parking patterns follow my past experience, some of these comings and goings are likely to occur while residents of single-family homes are trying to sleep. Thus, the “fundamental incompatibility of family and student lifestyles” often referenced by former Police Chief Dave Kurz, amplifies noise impacts.

The conversion of the Church Hill woodlot to a large parking lot would have impacts greater than the lesser activity in the smaller downtown parking lots, such as those adjacent to St. George’s and Community churches. Impacts of those lots on the Faculty Neighborhood are mitigated by buildings, distance, and trees.

I suggest that the applicant could propose a more reasonable size for additional parking and should propose significantly greater mitigation measures.

Setback/buffer widths: When downtown zoning setbacks were established, it is likely that no one thought about Church Hill or the easternmost portion of Mill Plaza. For decades, it seemed improbable that the property owners would sell but would, in fact, continue for

the foreseeable future to do nothing with these lots. The challenging topography perhaps led ordinance drafters over the years to think it was not possible to develop there.

So while a property owner may have the right to build up to the setback line in the Central Business District, **the Board should consider whether the proposed minimal 5-foot western setback—up against a retaining wall, no less—is appropriate.**

This is a Conditional Use Permit application. The Planning Board has discretion—above and beyond determining whether it meets all eight criteria for approval—to set additional conditions. If this means limiting the extent of development, i.e., reducing the number of parking spaces, so be it.

The Board may require larger and better vegetated setbacks—whether on the west to Mill Plaza or on the south to Chesley Drive, per your authority as follows:

175-23. Approval Criteria. (D). Conditions of Approval. Conditional Use Permit approvals shall be subject to appropriate conditions where such conditions are shown to be necessary to further the objectives of this ordinance and the Master Plan, or which would otherwise allow the general conditions of this article to be satisfied. Conditions of approval shall be stated in writing in the issuance of a permit. The conditions shall, if applicable, include, but are not limited to, the following:

- 1. Front, side, and rear setbacks in excess of the minimum requirements of this Ordinance.*
- 2. Screening of the premises from the street or adjacent property in excess of any minimum requirements of this Ordinance.*

A final consideration regarding setbacks/buffers: If we look forward to a time when the residential buildings proposed for the abutting Mill Plaza might be converted to attract a non-student demographic, certainly visual natural buffering—at the last, a wider swath of landscaping—would make them more attractive.

#5. Preservation of natural cultural, historic, and scenic resources /Degradation of resources on abutting properties

One: Church Hill includes a hillside that has defined the character of Durham for hundreds of years. The topography of New England differentiates us from other regions. In other words, *the hillside is itself a natural, historic, and cultural resource.*

Two: The woods on Church Hill *frame designated historic buildings* along Main Street, and in the absence of a formal transitional zoning district, they provide a buffer to commercial uses. Several of us have also provided arguments for the ecosystem services the woods provide—especially in light of climate change; see in particular letters from urban forester John Parry and forest ecologist Richard Hallett.

Three: De-icing salt associated with the proposed use, i.e., a large parking lot, *will degrade College Brook*, already impaired for chloride, per NHDES. Scientists note that salt cannot be mitigated, as I have previously relayed to the Board, not even by the latest and greatest engineered stormwater system, as I believe the applicant's engineer has also stated.

Traffic study

The Town Planner's Review for January 13, 2021 notes:

Given the potential impacts of this project on Main Street in the middle of fairly congested Church Hill, I suggest that more information be provided beyond the traffic study to give the Planning Board as clear a picture as possible of the likely impacts—at the driveway, at the Main Street/Route 108 intersection, and the Main Street/Madbury Road intersection.

With all due respect, I would argue that the “likely impacts” extend significantly beyond the points mentioned. Please see Dennis Meadows's letter of December 20, 2020.

Note also that additional congestion in downtown *will* send more traffic to the Faculty Development neighborhood via Mill Pond Road and Faculty Road, and thus to Mill Road. We have seen this in the years since the conversion of the “yield” sign to a “stop” sign at the post office intersection of Main Street and Madbury Road, intended to improve safety for pedestrians, a goal achieved.

If the traffic consultant stated that the traffic model is “most useful” only if updated, then it *should* be updated, or any conclusions drawn from it will be suspect.

As we all know, a site plan application for Mill Plaza—adjacent to Church Hill, and to the highly-traveled Mill Road and Main Street—is also under review. These may be presented as independent applications, but the ramifications of non-containable impacts such as those to College Brook, noise, and traffic must be considered holistically.

Isolating traffic analyses is illogical and unhelpful.

Decisions should be made on appropriate data, and equitably funding a traffic model update should be on the table.

Sincerely yours,

Robin