

June 2<sup>nd</sup>, 2021  
Sandra Ceponis Urso  
5 Smith Park Lane  
Durham, NH

Dear Planning Board Members,

My name is Sandra Ceponis-Urso. My husband, Michael Urso, and I are the owners of 5 Smith Park Lane, one of the four residential properties directly abutting the proposed Toomerfs parking structure. Of these four abutters, I believe we are the most affected.



I have been following the site plan/Conditional Use application review. After the most recent site walk, I am compelled to write. Indeed, I am beside myself with concern.

I thought I had a sense of how horrible this would be, but until the final stake for the project was placed in the heart of my back yard on May 24th, 2021 (two days before the second site walk) I was in complete bewilderment of what this stake indicated. As revealed by Mr. Sievert at the site walk, and to my shock, this stake represented the location of the closest vehicular parking space based on the current plan. Mr. Sievert's nonchalance regarding this reveal and the nonchalance of blasting away scenic granite so near to my home was heart-breaking. Gasps could be heard around the gathered crowd.





*Above: My oldest grandson (age 3) standing in my backyard. He is touching the stake where the nearest of a proposed row of 6 vehicles would be parked.*



*Above: Stake showing proximity to my home where the first of 6 vehicles will be parked*

Even a 75-foot buffer (let alone the proposed 10-foot buffer) would put a giant parking lot and vehicles closer to my home than any of you would want to live with.

My greatest concerns are listed below. Although some have been discussed in detail at previous meetings, I am disappointed by the lack of consideration my property, and my family, has been given.

I have been falsely described as an “absentee landlord” and my family home has been dismissively described as a “student rental” on numerous public occasions. Come to my front door and you will see my well cared for gardens, my grandchildren exploring the property, my personal items...in short, my home. It is a home I live in to be closer to and care for my grandchildren and because my husband and I grew to love the quaintness of Durham.

I have reviewed the board meeting videos, minutes, and attachments. I cannot emphasize enough the gross oversight of the visual, financial, and environmental impact to my property.

**Site walk deficiencies:** On the initial site walk on 12/2/2020, much was made of how there would be no effect on the character of the neighborhood since the parking lot is hidden from Main street behind Red Towers. Neighborhood? What about MY neighborhood? What about the “front” of the property as experienced by me, all those living in the Faculty neighborhood and Chesley drive? What about those who walk/bike through the wooded path, College Brook Bridge, and Chesley Marsh?

The site walk did not include walking of the property line behind my house. No stakes had been placed on the walk depicting where a 6 foot retaining wall would abut my property line. If the site walk had been done properly, looking at the project from each side and with conditional use criteria in mind, serious concerns about the proximity to my property would have been obvious. You would have seen just how close the closest cars would be to my house.

Two days prior to the site walk on May 26<sup>th</sup>, 2021, a stake was placed on the Eastern corner of the proposed lot. Even I, a grandmother, could hit the windows of the 6 closest vehicles with a stone. The lot would be 33 feet from my bedroom window. With a small buffer between the headlights of the vehicles and a measly guardrail, I fear my grandchildren (now age 2 and 3) could be injured by a car in my own back yard! I fear a car could slip in the snow and come through the wall of my home. Even with an enhanced buffer I will no longer have the peaceful property I purchased in 2007.

**Conditional use:** At the May 12<sup>th</sup>, 2021 board meeting, my son, Kyle Urso, asked a question on conditional use specific to abutters. He was told the planning board will “never know if any project passes conditional use on any project that we will ever look at ever”.

To the contrary: the board meeting on February 17<sup>th</sup> held an open discussion on the potential pitfalls of the plan that do/do not meet conditional use criteria. I understand there is no vote or binding statement based on such an informal discussion. I urge the board to hold a conditional use discussion on this revised plan, and, more specifically, on how conditional use relates to my property on 5 Smith Park Lane and the 3 other direct abutters.

*Conditional Use 175-21:  
Rules of Procedure  
Application Review*

*6.5 Conditional Uses. The Planning Board conducts its formal review of the criteria for conditional uses (Section 175-23 Approval Criteria) at the final meeting(s) of its deliberations on the prospective conditions of approval for a project. However, the board may discuss concerns about conformance with the conditional use criteria at earlier meetings.*

**My concerns regarding conditional use:**

**2. External impacts:** *The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood.*

On 2/27/21 the board indicated there would be little impact on adjacent use. Do we really need to wait until this structure is built to establish that a new 142 vehicle lot right next to my house will have greater negative impacts than we now experience from the much more distant parking lots on Church Hill? The urban forest that currently exists behind our home cannot compare to a parking lot. The negative impacts from this plan would be far greater than any other existing or permitted use in the Church Hill zone:

- Direct glare of headlights into my bedroom window at any hour of the night or early morning
- Pollution: The gas, dust, fumes, motor oil, coolant, emissions that cannot be mitigated by the proposed “tall fescue” (grass), and screening (all of which my grandchildren and I, a cancer survivor, will breathe).



- Increased temperature: Not only would clearing trees remove shade from the back of my property, but the open, asphalt-paved parking lot would create a “heat island” effect. This would increase my cooling expenses (I have never had to use an air conditioner, but very likely would then need to) and decrease passive cooling and shade enjoyment.
- Litter: As seen near other student-used properties including trash, beer cans/bottles, masks, food, takeout containers, condoms, etc. from inconsiderate lot users (all of which my grandchildren will have unfortunate increased exposure to instead of the trails, trees, and treasures they now collect).
- Noise from revving engines, car doors, radios/music, late night chatter. The woodland now protects my property from these impacts.
- Lights on the parking lot itself: even with mitigation and motion sensitive timers would be intrusive to my sleep, my privacy, and a stark change from the stars and quiet we now enjoy in the evenings.

**3. Character of the site development:** *The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, the amount, location, and screening of off street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.*

My property lies within the Church Hill (CH) district: Per 175-44. According to the Zoning ordinance: "The purpose of the CH district is to preserve and enhance the historic character of this area by allowing for multiple land uses including professional offices, limited retail uses, and senior housing."

In addition, the Development Standards for Church Hill district state that:

...*“Parking should be located behind buildings”.*

- The intent of this standard is to address accessory use parking for historical buildings, shops, professional offices, and senior living. I see no mention of free standing, principal use parking structures being allowed by right in the district. A principal use parking lot does not preserve or enhance the character of Durham or any small historic NH town.
- The buffer of the proposed structure on my “adjacent property” is unsatisfactory, dangerous, and unsightly.

**6. Impact on property values:** *The proposed use will not cause or contribute to a significant decline in property values of adjacent properties*

- Removing the woods, privacy, and protection from the posterior border of my property would significantly decrease the value of my home. Parking lots are not aesthetically pleasing, they decrease privacy, increase cooling cost, and decrease

safety. This will make my home less marketable to those with families, young children, and the elderly alike.

- The applicant has suggested that the lot would “improve my walk score” and could even make my home more accessible to downtown. Tell me how, if this parking lot were built, I would scale a proposed fence, walk through the parking lot, and safely walk down the 26% grade on the other side with no direct access to the Mill plaza through vegetation that is not meant to be a pedestrian path, especially in winter. It is just as easy and far safer to walk out my front door and up Smith Park Lane to Main Street.

**Additional Concerns:**

It has been suggested that the proposed vegetation will block my view of the lot. This might be partially true for the 6 months of the year that leaves are on the trees, but what about the remaining 6 months of the year? Trees this large take years to grow. What happens if the vegetation dies outside of the town's required maintenance window, as we know often happens?

I am sorry this is so lengthy, but so is the number of years it took to save to purchase this home. We are hoping you will consider this and all the other letters you have received from concerned tax paying residents who are proud of their town. Thank you for all the time spent on this project.

*Sandra Ceponis Urso*