

From: [Michael Behrendt](#)
Subject: Main Street #19 - Definition of "surface parking" - email from Emily Friedrichs
Date: Monday, July 25, 2022 1:25:55 PM

To the Planning Board,
Please see the email from Emily Friedrichs below. We will also post this email on the website.

Michael Behrendt
Town Planner

From: Emily Friedrichs <emilyfriedrichs@gmail.com>
Sent: Monday, July 25, 2022 12:19 PM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: Definition of "surface parking" - relevant for 19-21 Main Street

Hi Michael,

Last week this wasn't correctly addressed. The PB looked at the definition of "structured parking" instead of the definition of "surface parking," when a CU project for the zone needs to meet the definition of "surface parking". The "structured parking" definition is ancillary--the logic goes "Conditional Use is permitted if the use is 'surface parking'", NOT "Conditional Use is permitted if the use is not "structured parking".

The PB has definitions for "surface parking" from the ordinance and from other documents supplemental to the application:

- From the Zoning Ordinance [175-7. Definitions](#). "SURFACE PARKING – A parking lot or similar uncovered, single-level parking facility that provides at-grade parking that is not located within a structure."
- From the applicant's engineer [Mike Sievert, May 11, 2021](#): "At grade means the original grade."
- From applicant [Tim Murphy, April 15, 2021](#): "At grad' [sic] needs some work too—for example, our proposal is 'at grade' from the front, but not the back."

Perhaps your comments from before and on [March 25, 2022](#), "*a 6 foot retaining wall does not create structured parking (which really means a parking garage),*" caused confusion because they mistakenly focused on the definition of "structured parking" rather than "surface parking". Those comments did not refer to the language from the ordinance and introduced new terms, like "parking garage", not defined in the ordinance. ("Garage" is repeatedly named in the ordinance in association with "building", and it is of note that neither definition for "surface" or "structured" parking references the term "building".)

I bring all this up because pursuant article [175-23A](#), every decision of the PB pertaining to granting a CU must be explained such that "*a mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall be deemed not to be in compliance with these regulations,*"

i.e. if the PB votes to approve the CU and Site Regs, we need to be prepared with specific facts for every single checkbox, same as with a denial.

Please share this with the PB, especially the Chair and VC. Thanks!

Emily Friedrichs

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