

**From:** [Michael Behrendt](#)  
**Subject:** Main Street #19 - buffer to Urso property \*  
**Date:** Thursday, May 27, 2021 4:25:34 PM

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To the Planning Board,

As part of the site plan review for 19 Main Street the Planning Board will need to determine the acceptable landscaping, buffering, and screening (referred to below as "buffering") around the perimeter of the proposed parking lot. This is still under discussion and the landscaping plan will be revised soon following the change from retaining walls to sloping ground. I have raised this issue several times but will now make my recommendation for the buffer adjacent to the Urso property.

At the site walk yesterday I was struck by the proximity of the proposed parking lot to the Urso lot (a single-family property) – both the lot line and the house. This points to the value of site walks since one can discern only so much from two dimensional plans. *See the plans at the bottom.* The Urso property is on the left.

Here are parameters under zoning and the site plan regulations for considering buffering adjacent to a residence:

- The minimum side setback for a structure in the zoning Table of Uses is **5 feet**. This is simply a broad minimum and should not be the standard applied to this situation. (A parking lot is a *structure* in terms of setbacks, not to be confused with the entirely different definition for a *parking structure*.)
- Section 175-57 D. 1. Side and rear yards of the zoning ordinance states: "Nonresidential or multiunit structures abutting or within residence districts. No nonresidential or multiunit structures, other than permitted signs, and no parking shall be permitted within seventy (70) feet of a side or rear lot line abutting a residence district or use unless screened as provided in Article XXII or as specified in the Site Plan Regulations." Likewise, a 70 foot setback would be excessive so it is appropriate to rely upon standards referred to in the Site Plan Regulations (Note that Article XXII – Landscaping was revised several years ago when the Site Plan Regulations were rewritten and no longer applies to site plans. This outdated reference will be removed when we revise the ordinance.)
- Conditional uses. Several conditional use criteria are relevant to the potential impacts of the project upon neighboring property.
- The *key reference* for the board in determining the appropriate buffer for the Urso property is Article 5. Landscaping and Screening Standards in the Site Plan Regulations. *I include various excerpts at the bottom.* The intent of these standards is for the Planning Board to approve/specify appropriate buffering in its best judgment on a case by case basis. That judgment should be informed in part by Section 5.1 Purpose and Section 5.2 General Objectives of the Article, which are worth reviewing.

Arguably, the most fundamental concern in zoning is to protect single family houses from incompatible adjacent development. A strong buffer is called for adjacent to the Urso property. From my long experience in planning, here is the best practice that I have observed. **This is what I recommend to the Planning Board for the Urso buffer:**

- 1) A setback of the pavement/parking of 20 or 25 feet from the side lot line/rear lot line of the Urso property (Council Chambers is 25 feet wide.). It would be preferable to simply eliminate the 6 parking spaces facing the lot so there are no headlights pointing toward the house. The 5 parallel spaces could be removed allow for a straight side line and keep parked cars further from the Urso lot.
- 2) Installation of a 6-foot high fully opaque stockade fence at or near the side lot line (whether cedar or vinyl) with the finish side of the fence toward the abutter. The posts should be made of steel and set into concrete (or comparable).
- 3) Large, dense evergreen shrubs on the abutter's side of the fence (placed on the subject lot or the abutter's lot).

This kind of buffer is necessary and appropriate to separate a large parking lot from a single family house. The wholeness of the Urso lot should be maintained to the extent practical. Strong buffers include three elements: a decent horizontal setback (for lights, noise, and other impacts), vertical opacity (a fence), and vegetation to soften the fence.

The other abutter most affected, Bill Hall, has worked closely with the applicant and appears to be satisfied with a 10 foot setback and limited vegetation. The buffer is only to protect the abutter so if the abutter is satisfied that is generally sufficient for a planning board. Certainly, the Ursos and the applicant should feel welcome to speak and if the two parties are able to mutually agree to some other buffering plan then that could be presented to the Planning Board for consideration.

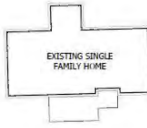
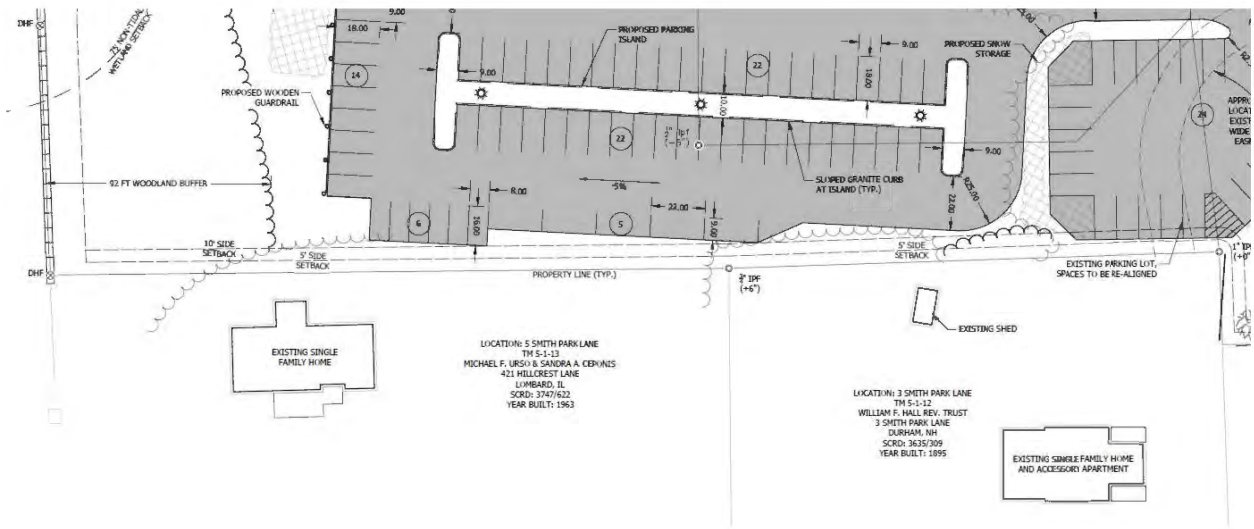
See below.

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Article 5. Landscaping and Screening Standards in the Site Plan Regulations:

#### Section 5.9 Screening

- 5.9.1 Where nonresidential uses and/or off-street parking facilities abut a vacant lot in a residential zone or an existing residential use, the perimeter shall be screened to provide physical and visual separation from the residential zone or use.
- 5.9.2 Screening measures composed of trees, shrubs, berms, walls, and/or fences shall be installed to a height of 6 feet, or higher, when appropriate, as specified by the Planning Board. A wall or fence shall be placed on the exterior side of any landscaping unless otherwise approved by the Planning Board. The more attractive finished side of the fence shall face abutters, unless otherwise approved by the Planning Board.
- 5.9.3 When natural vegetation is used, it shall consist of evergreen shrubs and/or trees planted in a line to form a continuous screen that will grow to a minimum height of 6 feet within 3 years. Additional evergreen shrubs/trees may be planted in a second, staggered line to form a screen together with the first line.
- 5.9.4 All sites shall incorporate screening measures to prevent the headlights of vehicles from shining on adjoining residential areas.
- 5.9.6 The Planning Board may stipulate additional buffers due to unusual impacts generated, including odor, noise, glare, dirt, dust, vibration, etc.



LOCATION: 5 SMITH PARK LANE  
 TM 5-1-13  
 MICHAEL F. URSI & SANDRA A. CERVINS  
 421 HILLCREST LANE  
 DURHAM, NH  
 YEAR BUILT: 1963

LOCATION: 3 SMITH PARK LANE  
 TM 5-1-12  
 WILLIAM F. HALL REV. TRUST  
 3 SMITH PARK LANE  
 DURHAM, NH  
 SCRD: 3635709  
 YEAR BUILT: 1895



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