

Glendowlyn F Howard
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November 13, 2023

To: Town of Durham, NH, Members of the Zoning Board of Adjustment

Re: Petition by Henderson Family Properties to increase setback at 28 Dover Rd

Dear Members of the Zoning Board of Adjustment,

I am writing to express my concerns about the setback variance requested by the Henderson Family Properties in order to facilitate the construction of a car wash / retail location. While I understand that car washes are permitted in the courthouse zone, the granting of a variance to allow for that construction has to meet the 5 variance criteria set forth by NH RSA 674:33. For the reasons stated below, I do not believe that this application meets that criteria. I will address items III A, B, C and D in the application.

IIIA. This variance is definitely contrary to public interest, in particular to those that live in the adjacent and nearby residential areas. This specific car wash / retail location would require that an additional egress be allowed to Rte. 108 in what is already a very busy area. The area of Rte. 108, from Coes Corner to the court house traffic light, is heavily traveled by cars either rushing into, out of, or through Durham. The residents of Old Landing and Bayview Roads already have significant difficulty exiting their streets onto Rte. 108 due to poor visibility, fast moving traffic and stacked cars waiting for the court house light. Adding another egress in this general area is only going to compound the issue.

As pedestrians who walk along the Rte. 108 sidewalk to access the crosswalk near Young Drive, I am concerned that we will no longer be able to safely walk to the Durham Landing or to Jackson's Landing from Bayview Rd. if there is an additional, vehicular access along this route. Even today, many cars do not yield to pedestrians in this cross walk, and I have observed drivers not yielding to stopped school busses in this same area. The addition of a car wash / retail location will increase the traffic at this new egress and exacerbate both of these issues.

IIIB. By granting this variance, I do not believe that the spirit of the ordinance would be upheld. While the car washes are permitted in the courthouse zone, this specific location is not appropriate. Moving the car wash / retail location further back from the road will have a negative impact on the gateway

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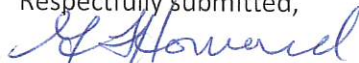
entrance into Durham and the abutting neighbors. Once the proposed hedge barrier matures, which will likely take several years, the daytime visibility of the car wash / retail location will be reduced, however at night, the location lighting will scream out to anyone entering town on Rte. 108. Abutting neighbors will also have their surroundings subject to continuous light from the car wash / retail location and from the headlights of the vehicles that are entering and exiting this new facility, not to mention the noise of slamming doors, vacuums, and loud voices probably 24 hours a day.

IIIC. Substantial justice will not be done if this variance is granted. The applicant states that this proposal “does not burden the public in any way” and that allowing this use would have “no detrimental effect on the surrounding property.” The concept of substantial justice is open to interpretation but we can clearly see how this car wash / retail facility would have a detrimental impact on the surrounding properties. Increased traffic, lights, noise, and trash will all have detrimental impacts on the surrounding properties and residential neighbors. At least one abutter has stated that he will leave town if this project is approved.

111D. The applicant respectfully asserts that the value of the surrounding properties is premised upon having facilities like the proposed car wash / retail location. This seems like a stretch, but let me try to imagine it. Have you ever heard a real estate agent tell a potential buyer ‘You will be happy to hear that the lovely home that you and your family would like to buy is right near a car wash’? Will landlords trying to attract tenants tell them that they will be living next to a car wash to entice them to rent? This proposal is for a car wash / retail location, not a golf course. The only benefactor will be the owner, who is not likely to be present on the property. There is no economic indicator that proves adding this car wash / retail facility to the courthouse district will positively impact or even help sustain the real estate values of adjacent properties. In fact, the contrary is more likely to be the case.

I hope that as members of the Zoning Board you will look beyond what may appear to be a simple request for an increase in the dimensional setback and see that this proposal is not in keeping with what the zoning intended. One might ask why a car wash / retail location needs to be allowed in any Durham district, especially given the large number of car washes within a 10 mile radius of Durham (I counted at least 8), but that is a question for another day.

Respectfully submitted,


Glendowlyn F. Howard