

**From:** [Susan Richman](#)  
**To:** [Karen Edwards](#)  
**Subject:** Effects of CDA's proposal on the environment  
**Date:** Monday, January 04, 2021 6:59:06 AM

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To the Durham Conservation Commission:

I wish to add my voice to those concerned that Colonial Durham Associate's current proposal and past actions run counter to regulations meant to abide by Durham's core principles, as stated in our Master Plan, and to protect our environment--especially the Great Bay watershed and our urban green spaces.

I have no new arguments to present, but write this to add my voice to the already compelling case made, in the many letters you have already received.

1. Problems with the current proposal:

Net increase in impermeable surface area: .33 acres

Destruction of urban greenery, with excavation of hillside.

Insufficient buffer area for College Brook: CDA has strong motivation to diminish this buffer, both to meet Hannaford's requirement for parking spaces, and to produce student parking rental income for CDA.

Building C and its retaining wall are planned on land in the Oyster River "watershed" – approximately 3.4 acres of the site are within a quarter mile of the Oyster River, included in the NHDES Rivers Management & Protection Program.

45 of the proposed rental parking spaces are wholly or partially in the wetland protection area.

CDA has not yet submitted a "stream improvement or restoration plan."

How is snow removal planned? What guarantees that the salt- and chemical-laden snow will not be pushed into the College Brook or its buffer area?

Has the Oyster River Local Advisory Committee (LAC) been advised of this proposal and given their response?

As stated by Robert Russell in his December 14, 2020 letter to you:

Because of the massive terrain changes required... [it] will require an "Alteration of Terrain" (AoT) permit from the New Hampshire Department of Environmental Services (NHDES). Both the Conservation Commission and the Planning Board should require that they see and approve each AoT application BEFORE it is submitted, to ensure that each application accurately describes the destructiveness of its proposal. Members of the Conservation Commission, the Planning Board, and the Durham citizenry, as well as the proposers... should also be aware that much of the land being altered by these proposals lies within the Oyster River Designated River Corridor.

2. Problems with past conduct of CDA:

Excavation of hillside, approximately 9,000 square feet, without advising Town or acquiring permit. Has there been any penalty or reparations for this malfeasance?

Parking spaces have been leased to as many as 100 students during the academic year, without proper permission from the town. (This is verified by photographs of parking permits on dashboards, taken on various occasions during the school year.)

Doubtful veracity: CDA's representative claims only 25 students renting parking spaces – but that was in August, not during the school year!

“There are locations where run off from the parking lot travels directly down the steep bank and into the stream... presently no stormwater management at the site other than directing runoff quickly to College Brook.” (Joel and Thomas Ballestero, June 2018). This also resulted in the death of trees the snow was pushed into.

Neglect of trees and greenery planted on CDA property, resulting in their death.

### 3. Our Master Plan principles:

Issue: “Surface water, stormwater, and wastewater within the Great Bay watershed flow into the bay and thus directly impact the water quality of the estuary and its tributaries. Over the last decades, the increase in impervious surfaces due to development has contributed to water quality degradation in Great Bay.” NR-8

Issue: “Shoreland and wetland buffers may be inadequate and/or inadequately enforced to protect water quality...” NR-30

Recommendation: “Work with the Zoning Board of Adjustment, Planning Board, and the general public to increase awareness of the cumulative, negative impact of variances, special exceptions, and waivers on the Great Bay Estuary and its tributaries.” NR-30

Goal: "Reduce the trend of continued loss of forestland and other natural areas, and increase the quantity and quality of existing forest cover in developed areas." NR-33

### 4. Remaining questions

Is there an expectation of new plantings? Is there an expectation that they be maintained (in a living state)?

Who will be responsible for removing trash from the CDA property? From College Brook?

Who will be responsible for removing invasive species from the property, including the banks of College Brook?

Can we require that any snow removal vendor be certified under NHDES green Snow Pro program?

### 5. Concluding thoughts

Essential elements of CDA's current proposal violate DES regulations and/or Durham's Master Plan for protecting our watershed and our urban green areas. Past actions by DCA (noted above and also cited in numerous citizen letters to the Planning Board and to the Conservation Committee) make them a less than trustworthy partner.

Please ensure that any plan holds to the full force of regulations meant to protect our natural resources, without “variances, special exceptions, and waivers.” Please enforce penalties for past malfeasance, if we have any hope that DCA will feel it necessary to adhere to Durham's regulations in future. If a plan goes forward, please prevail on the Planning Board to demand that these issues are clearly resolved in unambiguous language.

My very great thanks for your consideration, and for your service to Durham.

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