

January 9, 2019

Planning Board
8 Newmarket Road
Durham, NH 03824

RE: *Public Hearing - 18 Main Street - Parking Lot. Including drainage structures to be placed on 12 Cowell Drive. Site plan and conditional use for proposed 40-space parking lot to be built behind existing 4-unit building. Toomerfs, LLC c/o Peter Murphy, property owner. Mike Sievert, MJS Engineering, engineer. Robbi Woodburn, landscape architect. Map 4, Lot 55 – parking lot, Church Hill District. Map 4, Lot 38-5 – drainage structures, Residence A District.*

Greetings,

Sometimes when I learn about a development project that result in the loss of something I hold dear, I think: Where do I start? How can I find the one or two points that will connect listeners to that feeling? Often, it is impossible in the limited timeframe of public comment, because the issues are complex. And at other times, one simply thinks, "Seriously?"

First, I'd like to note that it does pain me to argue against applicants who have contributed to the benefit of the Town, I am sensitive to the business costs and risks associated with working in our Historic District, but when it comes to zoning, it can be a simple case of *caveat emptor*. Despite the applicant's stated interest in wanting "the Historic District Commission to be happy," I see stumbling blocks to that end.

Second, I have read the notes that Durham historian Janet Mackie has provided the community, detailing how the application does not meet the Conditional Use criteria. I applaud her work and agree with her points.

Next, I would like to address the issue of process. Given that the Historic District Commission has approval authority over the installation of parking areas in the District, it seems to me that the Commission should have taken the first step and rejected the application on the basis of its size, location, and purpose, i.e., not merely to serve on-site needs, as being completely out of character with the District. (Zoning ordinance excerpt below.)

175-94. Purview of Board.

- A. Activity Within the Historic District Overlay District Subject to Review. Approval of the HDC is required for the following activity within the HOD:
 - 4. Installation of pavement or other impervious or semi impervious material on the ground or establishment of any parking or driveway area.

My second point about process is to urge the Planning Board to schedule a continuation of this public hearing to a date following the Historic District's consideration of this application, i.e., after February 7 and, by extension, to make no decision until then.

Observations over the past 12 years lead me to conclude that when either the Conservation Commission or the Historic District Commission have had purview, whether advisory or with full authority, the coordination somehow has tended to work against these two commissions, with a common result that the commissions are left with very little room to address the concerns under

their mandates. So I fear that should the Planning Board not give due deference to the Historic District Commission, it will make a decision that in effect hamstrings the HDC.

Fourth, if I am correct, much of this parking lot would serve not the residents of the site but rather be leased or rented to others. The tax card for 18 Main Street shows an occupancy of 15. Assuming each tenant owns a car, that would mean that nearly 2/3 of the parking spaces would be for nonresidents of the site. In other words, it is significantly larger than it need be to serve the site.

Next I'll address a few reasons why this application does not meet the Conditional Use Criteria.

Section 175-23(C) 1. Site suitability

The addition of more parking spaces for cars that will make turns onto or from what is already a challenging stretch of Main Street will exacerbate traffic congestion and endanger pedestrians at the Park Court crosswalk at the top of the hill where the sight line is poor. IN addition, drivers tend to speed up as they pass the post office headed east at the start of the hill—just where the site's driveway is located.

Section 175-23(C) 3. Character of the site development

In my view, "neighborhood" in this case can only be defined by the structures of the Historic District, the abutting single-family residential homes, and the iconic houses of worship that flank the entrance to our small downtown.

The proposed excessive amount of off-street parking and the likely loss of buffering of adjacent properties—particularly if the intent is to create as many parking spaces as possible and push against the setbacks—violate this criterion.

First, apart from the parking required for the parishes of St. George's and the Community Church—institutions with large but only periodic users, as opposed to the more frequent use of the proposed lot—Church Hill has large parking lots only, if I am correct, due to grandfathering prior to the establishment of our Historic District. That is no reason to allow their further development.

Second, in the past decade, inadequate protection of trees during construction, whether by the Town or by private developers, has resulted in the loss of graceful settings for our downtown streets and buildings—of particular concern for our Historic District. I have no faith the result would be any different in this case, regardless of good intentions. In addition, as we have also witnessed, maintenance of landscaping falls off as time passes, leaving the community with unsightly views and unfilled promises. Put another way, never destroy healthy mature trees on the promise of new plantings, which in any event generally take years to attain a size adequate to their purpose.

While the Board must deliberate on whether this application meets all eight of the Conditional Use Criteria, I would also point out that:

- It runs counter to a Council Goal ("Continue revitalizing Durham's commercial core and neighborhoods in ways that enhance our collective sense of community and better provide for the needs of our residents, businesses, the fiscal well being of the Town and University, and align with the new Master Plan.")
- It also challenges the community values expressed in our recently updated Master Plan at many points, including "Core Principles of Smart Growth," "Conservation and enhancement of environmental and cultural resources," and "Preservation or creation of a sense of place."

Residents have said time and again, in community surveys and plans, that we want a more pedestrian-friendly downtown. That means: Do not entice more downtown residents to bring cars.

Any solution to a perceived parking problem in our downtown should not come at the expense of compromising our historic district, our residential neighborhoods, the safety of pedestrians, nor the demographic and cultural vitality of our downtown.

Finally, a few notes about the draft Notice of Decision:

First, I think it premature. Second, it inadequately addresses both protection of the historic stone wall and of the existing vegetation/trees.

If the stone wall is along a property line, I believe that moving or removing it is subject to State regulations.

The Board may legally establish additional conditions of approval; in this case, it should require a detailed tree protection plan for the construction period. In addition, both of the shrubs mentioned in the Notice are indeed deciduous and the list includes a typo: syringa (with and final "A") is part of the Latin name for lilac.

Regards,

A handwritten signature in blue ink that reads "Robert Mower". The signature is written in a cursive style with a large, looping initial "R".