

## **“Alternate Reality” at the Planning Board on Oct 20, 2021**

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / Feb 7, 2022

➔ Please include the following public comment to the Town Council in Mill Plaza legal record ➔

### **Town Council Public Comment – Nov 1, 2021 (7:31:00 – 7:36:04 pm [video](#))**

*[verbatim transcript of my comment, except for my saying “BS,” instead of the word actually spoken]*

[NOTE: At the Council, I referred to people quoted only by their *role*, not their names, in order to have the Councilors focus on words rather than the people speaking.]

Good evening. Joshua Meyrowitz, 7 Chesley Drive.

Thank you again for being so welcoming of Public Input. Indeed, given how uniquely responsive and responsible the Town Council in Durham generally is, despite various complaints, I simply want to read a few sample *direct quotes* into the record for you in the hope that it will give you some retrospective and *prospective* understanding of some issues members of the public are eager, even desperate, for you to be aware of.

The following direct quotes are from an Oct 20<sup>th</sup> Planning Board workshop discussion on the topic of “Managing Public Comments at Hearings.” I want to highlight the comments of the three **alternates** in attendance, as they contrast with the “official position” on the part of the Chair. And I’ll speak very quickly, because obviously you can check this on DCAT and see whether you think my highlights are fair.

7:12:10 – **ALT ONE [ELLIE LONSKE]**: “A big issue with me is how we react as a Board to public comments. In my opinion, even though we are not paid, we really in some way work for the residents of the Town of Durham. And I think they have to always be treated with respect, even if sometimes that you might think it’s not warranted.”

7:23 – **ALT TWO [BARBARA DILL]**: “[I]f members have bona fide quotes that have substance and clarity and reflect tons of research that they’ve done, I think they should be responded to on some level. That’s just me. We don’t respond to what they say, so no wonder they think we don’t care or don’t listen, or whatever.”

7:25:06 – **CHAIR [RASMUSSEN]**: “Well...you used the word ‘bonafide’ in that description of their comments, and I find like, so this past week we had two comments come in. Both were factually inaccurate. So do we respond and say ‘look, you’re factually inaccurate’ or

do we just ignore it?”<sup>1</sup>

**ALT TWO [DILL]:** “...I do think they should be responded to; I don’t think people should be ignored.”

7:27:55 – **Key Member [Council Rep to PB Sally Tobias]:** “We are listening, but they don’t believe it. And I think they don’t believe it because we are not doing exactly what they want us to do, like at that minute.”

7:30:49 – **Chair [Rasmussen]:** “...what you might not be aware of is our Town Administrator and the Town Planner and all have received letters claiming that we are ignoring all the public statements. [Maybe referring to me here, as well?] And it’s because we, you know, It’s not that we’re ignoring them, it’s simply that we don’t find, we haven’t found a reason to talk about them. You know, just because they talk about something, for whatever reason, we don’t feel that it has risen to the point where it’s worthy of discussion.” [I’m not sure how that’s different from ignoring.]

7:31 – **Alt One [Ellie Lonske]:** “Well, I have certainly learned a lot from reading things that the public has sent. And from the comments. It’s one of those things, partly because I’m new, but, you know, yes there may be 10%, 5%, 3%, you know that I find valuable. [That suggests 90% or more is not valuable!] But it’s still worth, the process makes it worth to learn that amount.”

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<sup>1</sup> What I had no time to mention to the Council with the strict 5-min public-comment time limit, was that one of the two letter writers attacked by the PB Chair as writing an “inaccurate” letter unworthy of wasting time on response or correction was Attorney Peter Wolfe, former Chair of the Planning Board, in his [Peter Wolfe 10-18-21](#). Yet, Peter Wolfe’s letter is accurate about the implications of the DCAT quotation he includes about the consistency in prohibition of commercial parking in the wetland setback in *both* the older and newer WCOD Zoning Ordinance. (This consistency was confirmed by Rick Taintor at the Oct 27 PB Meeting, without reference to the Wolfe letter or the Oct 20 Workshop, and in a Nov 5, 2021 4:55pm email to me: “I had initially believed (and told the Board) that the change to the WCOD language was substantive and therefore that the zoning that applies to Mill Plaza allowed parking in the 75’ setback by CUP; but subsequently, Michael [Behrendt] told me that the zoning amendment was meant to clarify the intent of the prior language, and therefore that the zoning that applies to Mill Plaza prohibits parking in the setback.”) Mr. Wolfe’s letter was thus a *reminder* to PB members (who repeatedly assure the public they read and digest carefully) of what he and Robin Mower had previously submitted to them four months earlier on a crucial issue (see [Peter Wolfe 6-14-21](#) and [Robin Mower 6-14-21](#)).

Thus, it was the PB Chair who was inaccurate in describing the Wolfe letter as inaccurate. Additionally, the Chair disturbingly used the Wolfe letter as an example to justify broad dismissal of public input (something many members of the public have been complaining about for years!). Thus, by extension, when the PB Chair argues that it’s best not to engage and correct, he describes a path to ignorance for himself and the Board, and to frustration for the public. It was only by the disparaging mention of that letter during the Workshop that the Chair and Board had a chance to be corrected, because Peter Wolfe and others watched the Workshop. The attack on Peter Wolfe’s credibility (and the PB complaining about the public repeating stated and written concerns that no one responds to), also led Peter Wolfe to write this letter to the PB and Todd Selig: [Peter Wolfe 10-25-21](#). See sample related letters about how dismissing public input has corrupted the review process: [Kay Morgan 12-3-21](#), [Diane Chen 12-2-21](#), [Deborah Hirsch Mayer 2-3-22](#).

**Chair [Rasmussen]:** “But you see why the public is angry at us. They’re angry at us because we are not talking about what they wants us to talk about.”

7:32:06 – **Alt THREE [Alt Rep to PB Hotchkiss]:** “I don’t like ‘blame the victim’ here.”

**Chair [Rasmussen]:** “All right, we need to move through....”

7:48:55 – **Alt ONE [Lonske]:** “I’ve learned a lot from reading the comments. And they certainly do, over time, inform the way I feel about an application, the way I think about it. Because, we don’t know everything. And some of the people in the community can bring valuable facts to us that we maybe didn’t consider.”

**Chair [Rasmussen]:** “And that’s, in a way, what concerns me.”

**Alt One [Lonske]:** “Why is that?”

**Chair [Rasmussen]:** “Because I’m reading the same thing you are. And if I’m seeing a significant percentage of this is factually inaccurate. And you’re basing your opinions on it, then you could be basing you opinion on things that are factually inaccurate.”

**Alt ONE [Lonske]:** “You are assuming that the parts I find useful are factually inaccurate ones!”

**Chair [Rasmussen]:** “Usually, the factually inaccurate parts are the main part of the writings.”

**Alt ONE [Lonske]:** “Please, I am a little bit brighter than that. I do fine. I’m new to the town. I have learned a lot from the public comments. Now, not from all of them. There certainly are things that don’t make any sense.... I have a built-in bullshit detector, as people have told me many times. But... I feel if they are not being heard and we say you are not being heard because we don’t factor in anything you have to say, then that’s a problem.”

**Chair [Rasmussen]:** “Now, that’s not what I was saying.”

**ALT THREE & ONE say in unison**

**ALT THREE [Hotchkiss]:** “That was the way it came across.”

**Alt ONE [Lonske]:** “That’s the way it came across.”

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Again, I urge you to watch the first hour 9 mins in full on DCAT to check whether my highlights are fair, and how the message “came across” to the public (and maybe why almost no one came to the last Mill Plaza public hearing because of being beaten down).

There are over 260 posted Citizen Comments on the Mill Plaza review site [now about 350]. Contributors orally and in writing include former Town Councilors, former members of the Planning Board, former members of the Conservation Commission, State Representatives, multiple UNH professors, experts on urban forests, and so on.

As Alternate Two said: “I think they should be responded to on some level.... We don’t respond to what they say, so no wonder they think we don’t care or don’t listen....”

This situation should clarify why so many people displayed lawn signs and signed the Mill Plaza petition. Signs of desperation. And why many people signed the Dam petition who might not otherwise have signed it.

And no wonder I and others are reaching out to the Town Council about what has been ignored. You are again, the most responsive and *responsible* body in the Town, and “responsible” in both senses of the word.

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*Then, in response to query from Councilor James Lawson about key parts of Workshop to watch, I also read the following:*

8:34:55 – Summary of the “managing public comments” discussion from an alternate  
**ALT THREE [Council Rep Alt Chuck Hotchkiss]:** “A lot of what I’ve heard tonight is that it’s the public’s problem because they are fearful, they’re misinformed, they’re not understanding of the process, and they’re unappreciative of our work. None of that actually helps us solve things.” [Said as the PB was talking about some positive strategies that might solve some problems.]

PB Oct 20 2021 WORKSHOP ([video](#), 2 hrs, 18 mins, first hr, 9 mins mostly on “managing” public input). Note that PB members Lorne Parnell, Richard Kelley, Bill McGowan, and PB Alternate Nick Germain were absent. Additionally, Lorne Parnell subsequently objected to the plan made in a different section of the Oct 20 Workshop to severely limit public comments at Public Hearings, and the Dec 8, 2021 Public Hearing on Mill Plaza ([video](#)) was one of the most interactive of hearings, though an exchange between a former Council Chair and the PB Chair at 8:32 pm deserves some attention as it relates to themes from Oct 20.