

**Have you finished getting  
answers to key questions?**

***PLEASE CHECK THE FACTS!***

**Comment to the Durham Planning Board  
February 9, 2022, 8:49 pm ([video](#))**

**Joshua Meyrowitz, 7 Chesley Drive, Durham, NH**  
**[Prof.Joshua.Meyrowitz@gmail.com](mailto:Prof.Joshua.Meyrowitz@gmail.com)**

## ***CHECK THE FACTS!***

**Was Madbury Commons really a comparable  
Mixed-Use CUP project?**

as Ari Pollack states & restates (as on Aug 25, 2021, 8:15pm)

“Attorney Puffer incorrectly criticizes Mr. Fougere’s FIA for its reference to Madbury Commons, a similar Durham project which Attorney Puffer states was not dependent upon a conditional use approval but was instead ‘permitted as a matter of right’. This is simply wrong. **Madbury Commons is a comparable mixed-use project in the same Central Business District that required the same Section 175-23(C) conditional use approval for its proposed commercial/residential mixed-use development.**”

[Applicant Response to Attorney Mark Puffer's Letter 5-26-20](#)

## ***CHECK THE FACTS!***

**Was Madbury Commons really a comparable  
Mixed-Use CUP project – Not according to the dates!**

**“[S]ince the initial Madbury Commons application was accepted as complete on September 25, 2013, 49 days prior to the first public hearing on the conditional use Zoning amendment (on November 13, 2013), the mixed-use residential component of Madbury Commons was permitted as a matter of right. (Conditional Use criteria were applicable to Madbury Commons only in regard to encroachment into the Shoreland Protection Overlay District and the Wetland Protection Overlay District.... The overall project itself was not subject to the Conditional Use criteria that Colonial Durham must meet.”**

[Response from Attorney Mark Puffer to Attorney Pollack's Letter 5-27-20](#)

## ***CHECK THE FACTS!***

Are CDA claims about UNH Housing true?

**“UNH’s stated desire to reduce on-campus student housing”** [Letter from White Appraisal 6-17-20](#), p. 8

UNH Housing Official, personal email:

**“Reduce on-campus housing is not true.”**

Nov 19, 2021, 7:44 AM

***Please make formal inquiry to UNH Officials!***

## ***CHECK THE FACTS!***

**Are CDA claims about UNH Enrollments true?**

**"Given that Durham hosts the State's flagship University with a student population of over 15,000..." p. 3**

**"UNH enrollments remain strong, with consistent higher application interest over the last five years compared to earlier in the decade; Figure Five." p. 5**

**[Fiscal Impact Analysis](#), April 2, 2020**

***In 2021, UNH's acceptance rate was 87%\****  
***(the highest rate in ten years)***

***Yet, UNH's "yield" of actual students  
from the accepted pool was only 18.5%***  
***(the lowest in ten years)***

UNH Institutional Research shows that UNH-Durham had a 15,000 total enrollment for only 2 out of the last 29 years (7% of the time).

***CHECK THESE CLAIMS:***  
***Please look at the stats and/or make  
formal inquiry to UNH Officials!***

*\*Compared with 10.6% acceptance rate for Dartmouth, and about 57% for UMass-Amherst*



# UNH-Durham Undergraduate Enrollment

## Fall 2021 = 11,430

Sept 16, 2021 – UNH's Finance VP Chris Clement offers UNH enrollment projections:

“Hello Todd, Regarding undergraduate students,  
**UNH Durham projected enrollment is approximately 10,500 - 10,800 students from fall 2022 through fall 2025.** The UNH graduate student population is growing with the goal to increase masters and PhD students to support and strengthen our R1 standing. Housing is a major challenge for our graduate students. There is a big need, and the need is price sensitive. What we hear from our graduate students is: 1/ to live on or close to campus 2/ in accommodations they can afford, particularly if they are on an assistantship. I hope this information is helpful. Regards, Chris”

# USNH Enrollment Task Force Images Reveal Crisis for UNH ahead

## What The Data Shows: Shrinking Enrollment

Granite State College

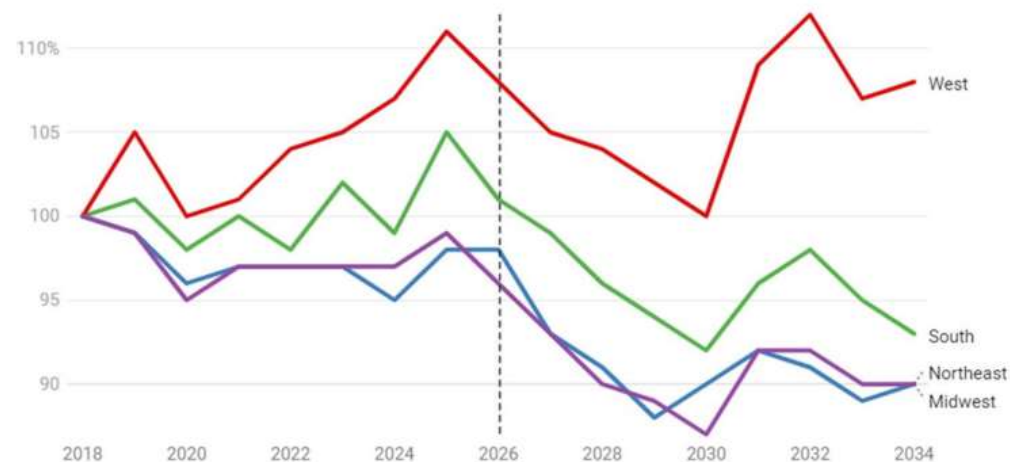
Keene  
STATE COLLEGE

Plymouth State  
UNIVERSITY

University of  
New Hampshire

University System  
of New Hampshire

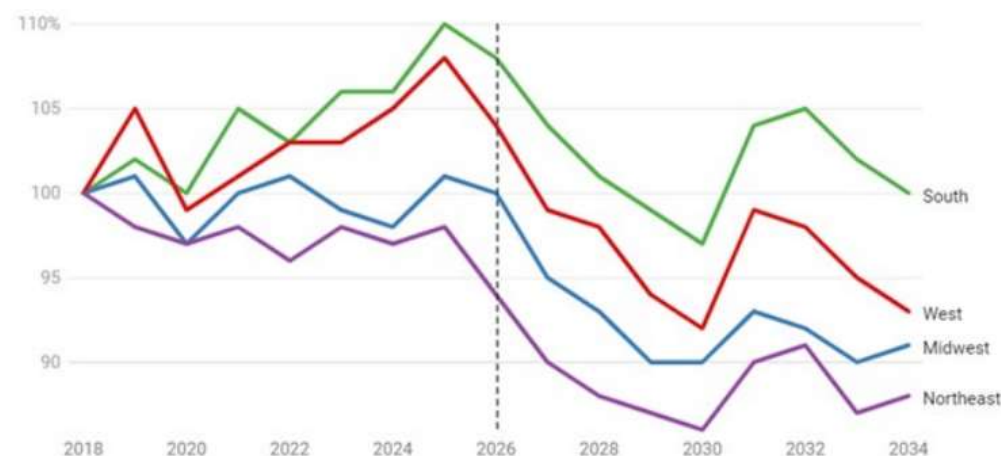
### 4-Year Regional Colleges



Source: Nathan D. Grawe, "The Agile College" • Get the data • Created with Datawrapper

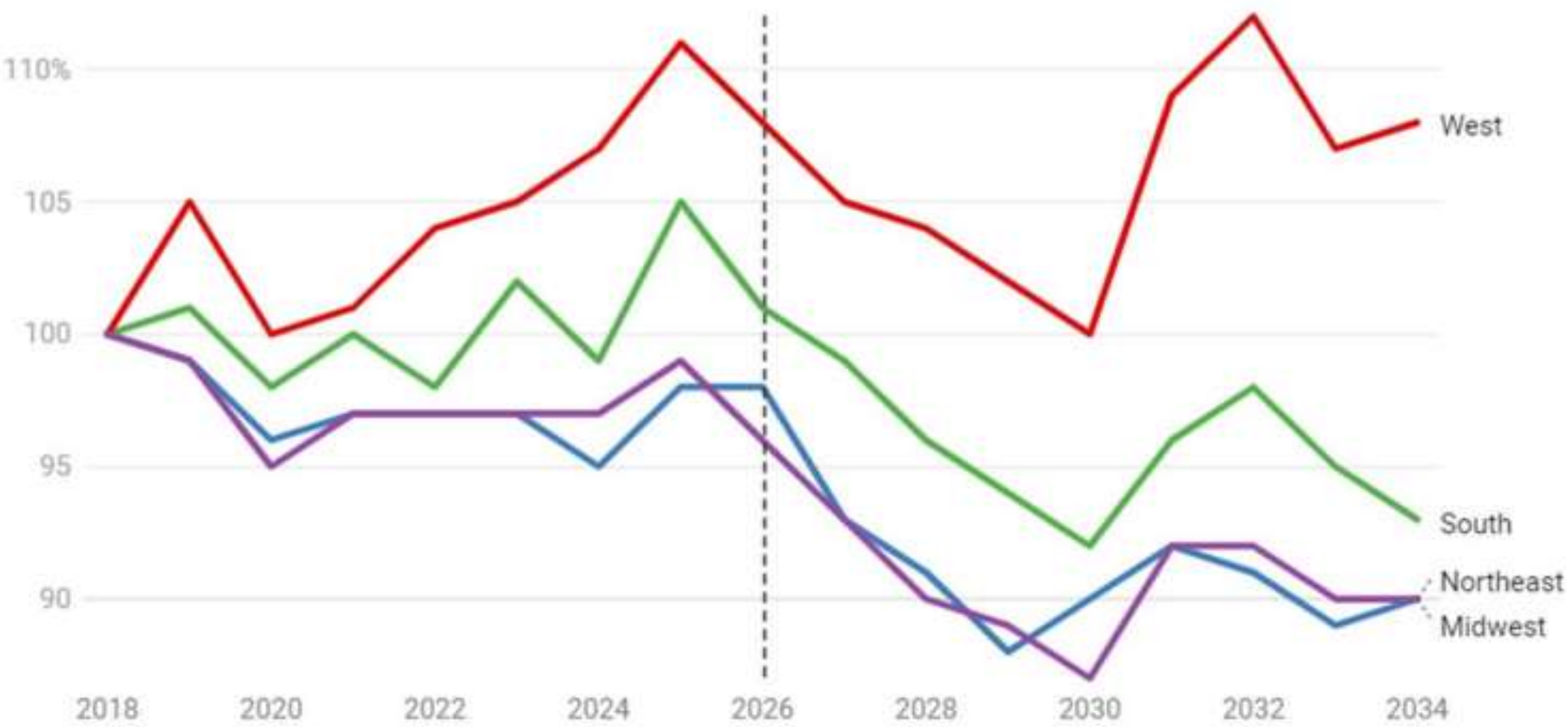
These graphs presented in *The Chronicle of Higher Education* in January 2021 depict the remarkable demographic decline in New England high school students by 2025. This decline will continue to put enormous pressure on higher education.

### 2-Year Colleges





# 4-Year Regional Colleges



# USNH Enrollment Task Force Images Reveal Crisis for UNH ahead

## NH will be especially hard hit

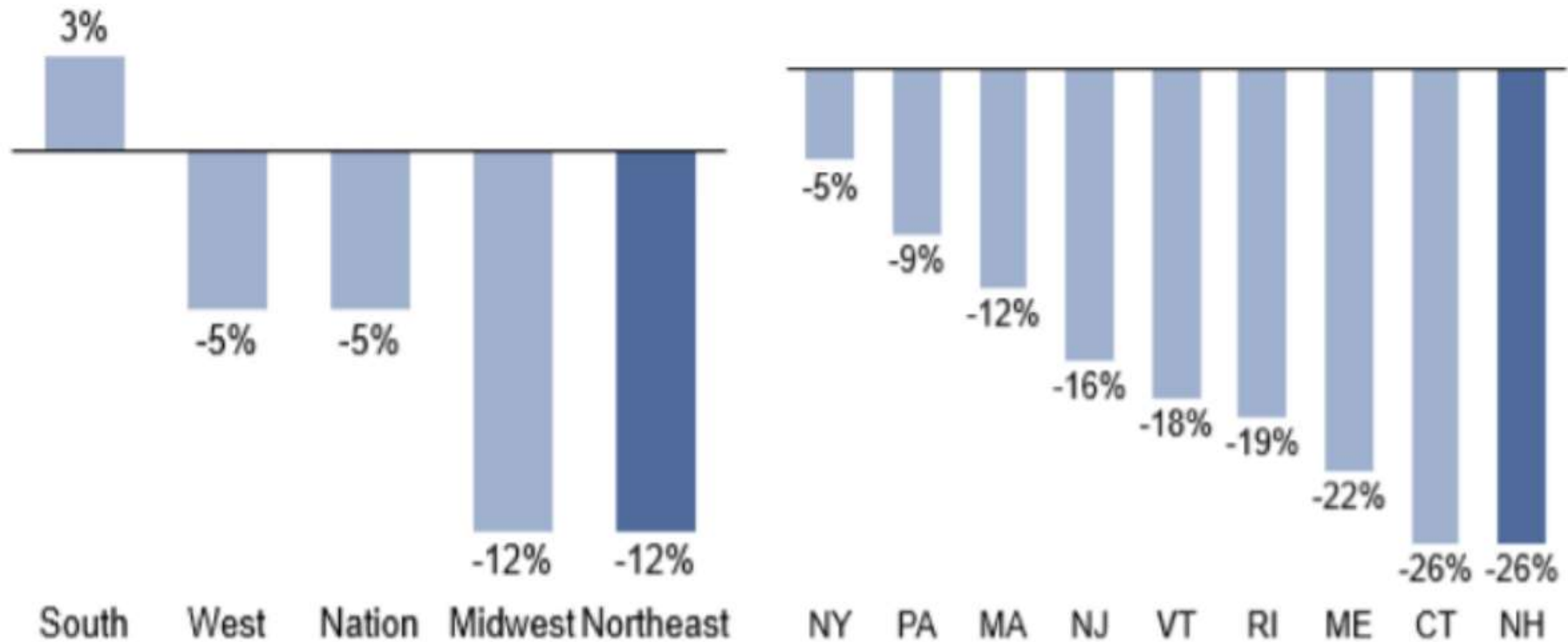
Granite State College

Keene  
STATE COLLEGE

Plymouth State  
UNIVERSITY

University System  
of New Hampshire

Projected growth / decline by US region and northeast states in high school graduates by 2032, i.e., 15 years out (data from 2017)



# Measure the heights of the existing Buildings & Compare



**Back of current Building 2, looking toward Brookside Commons, with vegetated hillside behind me.**

I count 23 8" tall cinder blocks (including the one I imagine to be under the top molding.

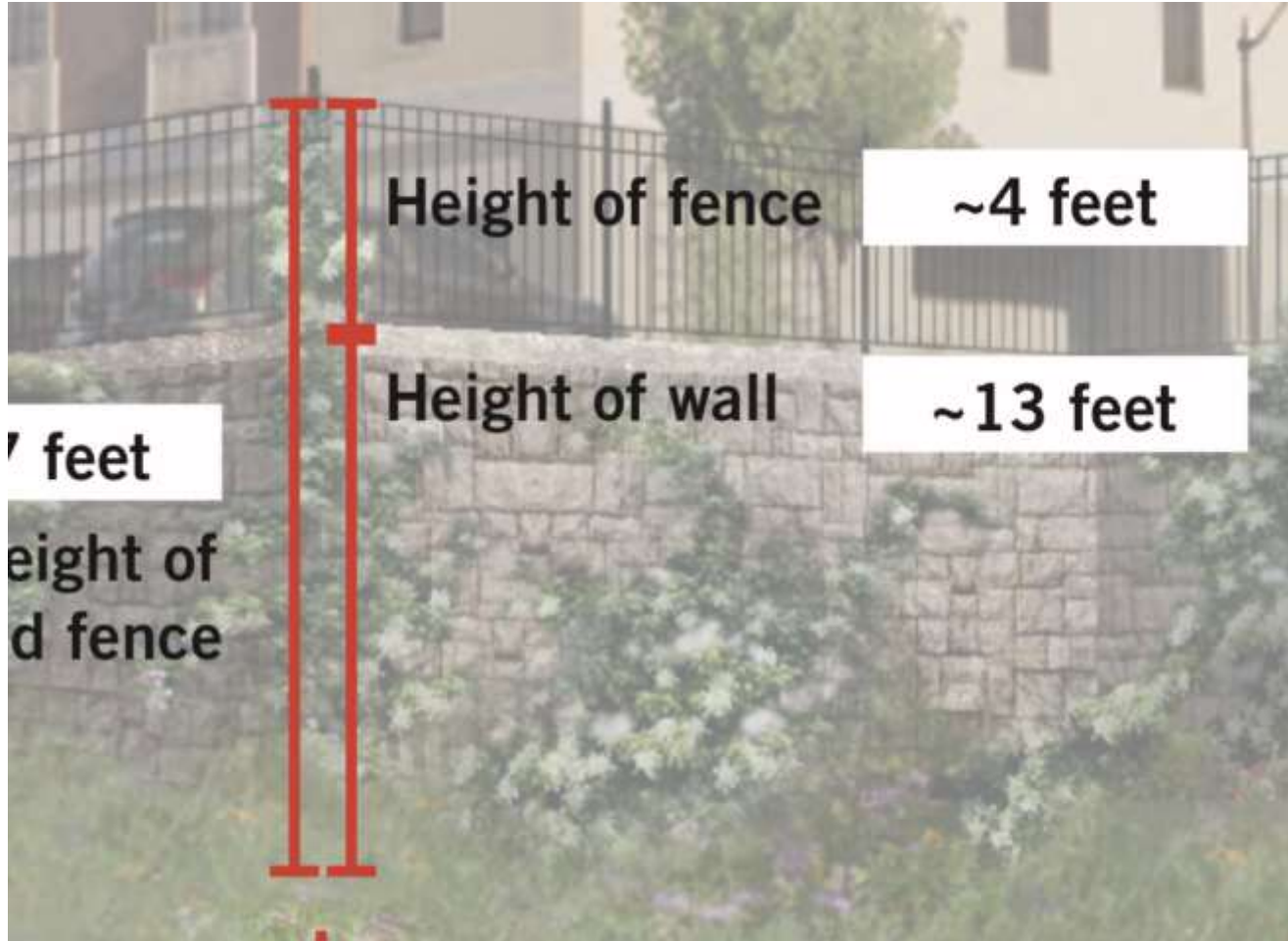
**Compare to proposed building C, with 13-foot retaining wall + 4' metal fence = 17 feet + 3-stories above it!**





The *tall* part  
of the second  
building is  
17.3-feet high







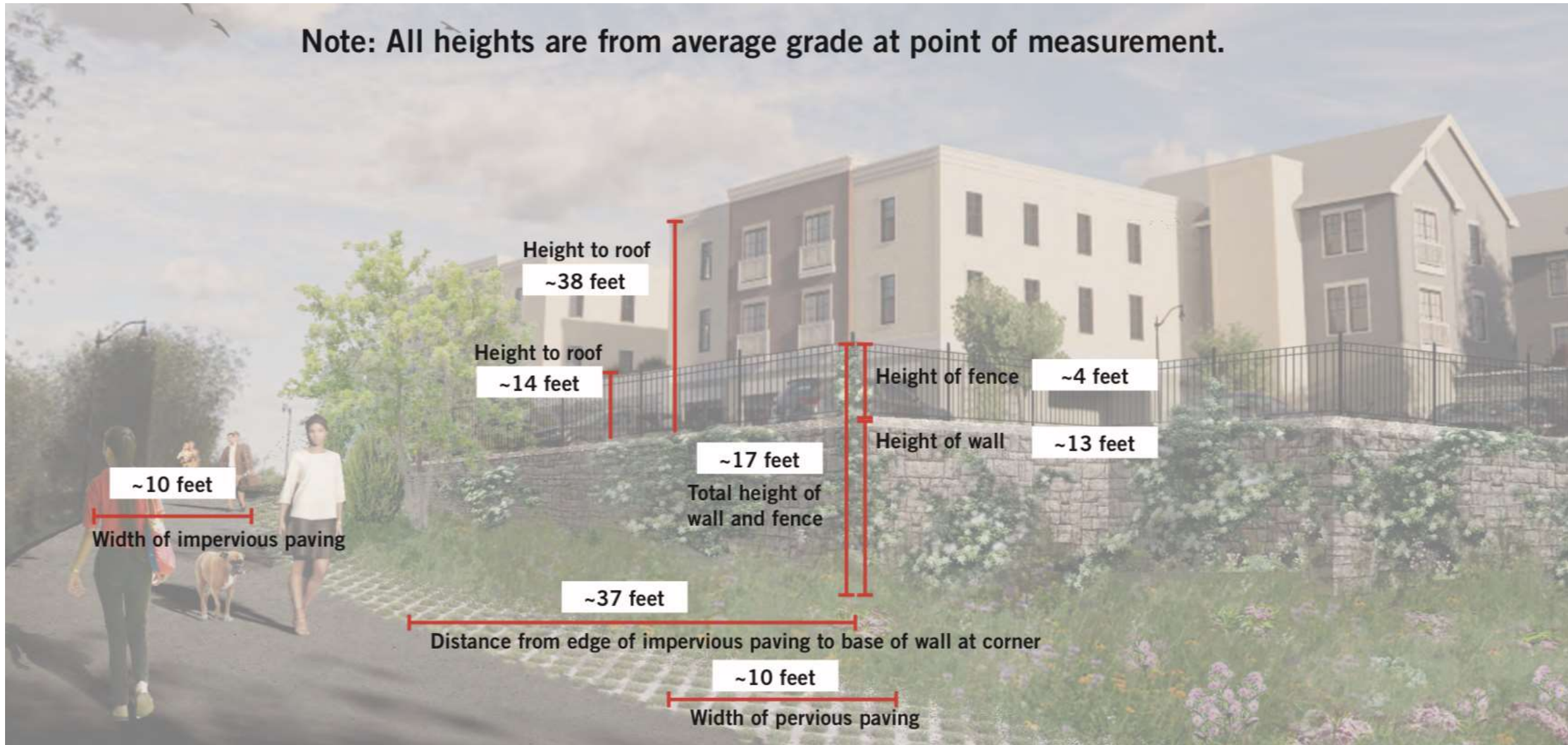
**Middle School student (11 yrs old) at 13 feet of wall (comparable to proposed Building C Retaining Wall).**

**Up against 20 8" cinder blocks of current Building Two.  $20 \times 8" = 160$  inches or 13.3 feet.**

**This does not include the 4' metal fence proposed for about the 13' wall.**



Note: All heights are from average grade at point of measurement.



**13' retaining wall + 38' three stories = 51' or THREE times height of current 17.3' tall building 2**

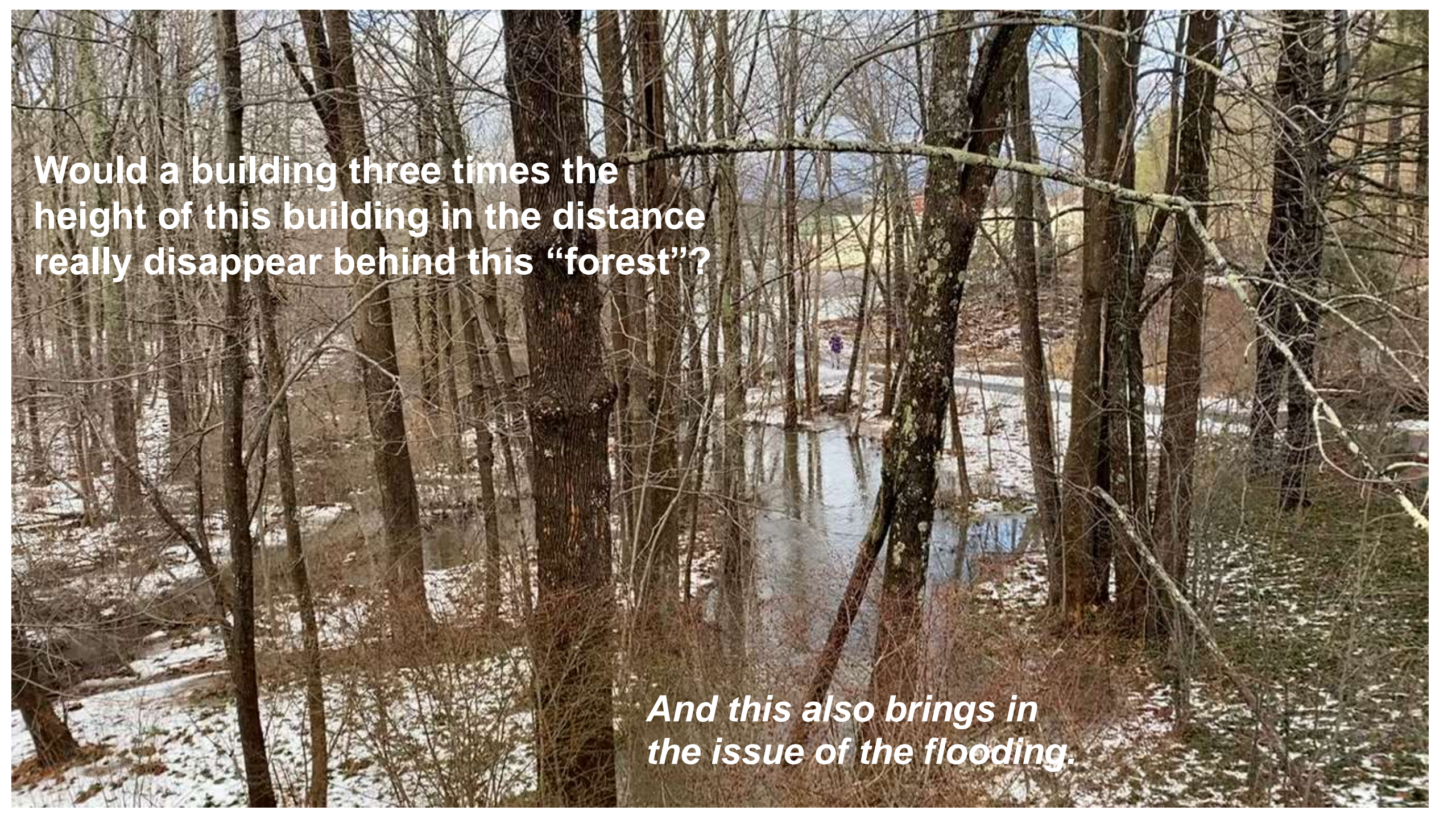


**I'm sure that you are sick of seeing, as we all are, this fantasy image by CDA (below) of buildings disappearing behind the woods that are not there at the end of Chesley Drive.**



**You should be checking the facts of what these buildings would actually look like.**





**Would a building three times the height of this building in the distance really disappear behind this “forest”?**

***And this also brings in the issue of the flooding.***



*Again, check the facts!*

**Per Oct 2021 Stormwater Peer Review:**  
**“higher peak flow rates into College Brook  
than the previous design iteration”**

Peak Rate of Stormwater Discharge in Cubic Feet per Second (CFS)

Storm	Pre-Development	May 2020 Post-Development	October 2021 Post-Development
1-inch	3.34	2.09	2.29
2-year	24.93	8.67	9.22
10-year	40.69	24.02	29.44
25-year	52.99	41.30	48.82
50-year	64.44	54.41	62.31

Stormwater Peer Review by Horsely Witten Group 10-27-21

# Per Oct 2021 Stormwater Peer Review

**Projected stormwater discharge volume worse than current site (no stormwater system) at every storm level**

Peak Volume of Stormwater Discharge in Acre-feet (af)

Storm	Pre-Development	May 2020 Post-Development	October 2021 Post-Development
1-inch	0.280	0.363	0.359
2-year	2.066	2.167	2.138
10-year	3.459	3.552	3.519
25-year	4.577	4.663	4.629
50-year	5.632	5.712	5.679

- [Stormwater Peer Review by Horsely Witten Group 10-27-21](#)



*Look at the flooding that we have.*



**January 17, 2022**





In terms of the DES [Jan 14, 2022] report....DES tells me that they can't project to what *logically* has occurred. If they see a pile of snow like this, that is not a natural formation, and half of it is on the ground and it *seems* that there was more that went into the Brook, they can't project to that.

They have to be there when it happens. And they can't project to what *would* happen, contrasting with the small snowstorms and the results of the plowing that they were looking at, what happens when you keep pushing snow in and it gets higher and higher, and how steep the bank is.

So they can only look at what they see there.



# Other CDA Promises vs. Reality

## 2016 CDA promises:

“[CDA engineer] Mr. Persechino said there would be a **REDUCTION in impervious area with this project**, which would REDUCE RUNOFF. He also said **he would look at [the flooding on Chesley Drive that] Mr. Behrendt described.**” – Excerpts from Jan 27, 2016, [PB Mins](#)

## 2020 & 2021 revelations:

*“The **Applicant has proposed an INCREASE in impervious area....**”*\* [Horsley Witten Group First Peer Review 5-4-20](#)

\*of approximately 17,415 sq ft in 2020 review. At Dec 8, 2021 Public Hearing, the peer reviewer cited improvement in Oct 2021 plan, but still 2,164 sf *increase* over current site ([video](#), 7:27:37p, [minutes](#)). Yet, with 9,000~ sf 2002 bulldozing, *impervious increase* would be 11,264~ sf.

**Contract Planner Rick Taintor:** “Well, just following up on Professor Ballestero’s [Streamworks] recommendations.... the one I think would have probably the most impact on the plan would be p. 6, talking about laying back the slope or using reinforced earth at the steep slopes. – January 27, 2021

### STREAMWORKS RECOMMENDATIONS

- Continuous curbing
- Remove trash and debris from stream
- Remove an unused footbridge
- Repair drainage features on the embankment
- Remove invasive species
- Lay back slope or use reinforced earth at steep slopes
- Remove rip rap at toe of slope and replace with a planted coir or soil pillow system
- Restore upstream portion to a step pool system

*Only 5 items in blue to be done by CDA*

CDA finally admits that laying back slope is NOT something they plan to do.

Joe Persechino,  
PB, [March 24, 2021](#), 9:12 pm



# Joshua Meyrowitz Submissions on Mill Plaza

## Check MY Claims!

- “Please don’t proceed with Mill Plaza without a ‘Post-Agreement Plan,’”** [Joshua Meyrowitz 11-14-18](#) (TEXT: one page)
- “No Confirmed Plaza Site Plan Yet to Review,”** [Joshua Meyrowitz 11-8-19](#) (TEXT: 2 pages)
- “‘Laughable’ Landscaping at the Heart of Durham,”** [Joshua Meyrowitz 3-5-20](#) (TEXT: 1-p cover note; 5 pp outline history; 2/12/20 transcript)
- “Destroying Pervious Land & Deceiving on College Brook Flooding,”** [Joshua Meyrowitz 6-12-20](#) (PPT: 39 slides)
- “Mill Plaza: As Long-Required vs. As Has Been – and As Still *Could Be*,”** [Joshua Meyrowitz 6-18-20](#) (PPT: 48 slides)
- “CDA’s White Appraisal: Quotes, Questions, & Corrections,”** [Joshua Meyrowitz 7-2-20](#) (PPT: 45 slides)
- “How CDA’s Site Plan Fails to Meet Durham’s Architectural Design Standards,”** [Joshua Meyrowitz 8-5-20](#) (PPT: 36 slides)
- “Summary to Conservation Commission on Mill Plaza WCOD CUP Application,”** [Joshua Meyrowitz 10-23-20](#) (TEXT: 14 pages)
- “CDA’s Magical Projections,”** [Joshua Meyrowitz 11-12-20](#) (PPT: 21 Slides)
- “Will CDA Be Permitted to Violate CU Zoning & Further Degrade a Flood-Zone Ecosystem?,”** [Joshua Meyrowitz 11-19-20](#) (PPT: 56 slides)
- “Colonial Durham Associates’ (CDA’s) ‘Alleged Outcroppings,’”** [Joshua Meyrowitz 12-4-20](#) (PPT: 31 slides)
- “UNH Stormwater Mitigation Efforts over Last 10 years,”** [Joshua Meyrowitz 12-22-20](#) (one cover page + 2pp illustrations = 3 pages)
- “Flowing Water into Plaza, within Plaza, & out of Plaza,”** [Joshua Meyrowitz 12-23-20](#) (Cover note w/ links to 80 secs of YouTube videos)
- “CDA’s abuse of Plaza site has continued throughout the site-plan review process,”** [Joshua Meyrowitz 12-31-20](#) (Text + Photos: 2 pages)
- “Summary of Critiques of CDA’s Mill Plaza Fiscal-Impact Analysis (FIA),”** [Joshua Meyrowitz 1-22-21 #1](#) (TEXT: one-page)



**“Critique Summary of CDA’s White Appraisal ‘Opinion Letter,’”** [Joshua Meyrowitz 1-22-21 #2](#) (TEXT: one-page)

**“Planning Board Member Calls for Independent FIA (+ FIA vote),”** [Joshua Meyrowitz 1-27-21](#) (TEXT: 1 cover page + 10-page transcript/notes)

**“TEN Planning Board Confusions on Jan 27, 2021 over ConCom Recommendation During a “Public Hearing” with Stifled Public Input,”** [Joshua Meyrowitz 2-23-21](#) (TEXT; 3 pages + five endnotes = 4 pages)

**“Settling the ‘Planning Board Role’ Regarding the 2015 Legal Settlement,”** [Joshua Meyrowitz 3-19-21](#) (TEXT; 2.5 pp. overview + 5.5 pp. 2020 email thread = 8 pages)

**“Unedited Transcript of Attorney Laura Spector-Morgan explaining the December 14, 2015, legal Settlement between the Town of Durham and Colonial Durham Associates, January 27, 2016, Planning Board Meeting,”** [Joshua Meyrowitz 4-22-21](#) (TEXT; 4 pages)

**“The CDA-Durham Legal Settlement is Clear: ‘The Revised [Mill Plaza] Application will provide for proposed buildings and vehicular roads outside of the shoreland and wetland buffers....,’”** [Joshua Meyrowitz 4-23-21](#) (Text; 2 pages)

**“Disheartening Traffic Omissions,”** [Joshua Meyrowitz 4-30-21](#) (text; 1-page)

**“Colonial Durham Associates’ (CDA’s) ‘Trafficking Fantasies,’”** [Joshua Meyrowitz 5-14-21](#) (PPT, 16 slides)

**Geographer Blake Gumprecht on the “Residential Mosaic” Essential for Successful College Town** [Joshua Meyrowitz 8-17-21](#) (Text; 4 pages)

**“Crucial Conditional-Use Zoning Variables: Buffers, Distance, Scale, Hours of Activity, and *Type of Tenants*,”** [Joshua Meyrowitz 8-19-21](#) (PPT, 40 slides. Links to YouTube vids)

**“Inattention to Mill Plaza intent to violate NH RSA 261:75-b (and ignoring the public),”** [Joshua Meyrowitz 10-1-21](#)

**“Reminder – 4 key documents on Setback already formally submitted & posted for the legal record,”** [Joshua Meyrowitz 10-6-21](#) (Text; 1-page)

**“Interconnected threads of input on Mill Plaza proposal’s impact on the Neighborhood,”** [Joshua Meyrowitz 12-29-21](#) (Text, two pages)

**“Downtown Durham Soundscape: Mill Plaza vs. Main Street & Beyond. Are the noise differences really only Subtle and Subjective?”** [Joshua Meyrowitz 12-30-21](#) (PPT, 20 slides, with hot links to sources and short YouTube videos)

**“Conditional Use Review – Durham Town Attorney Guidance,”** [Joshua Meyrowitz 1-3-22](#), (text 1-page cover, plus 7 pages of forwarded emails)

**“College Brook Degradation & Flooding: 20 Years of Mill Plaza Violations & Deceptions,” [Joshua Meyrowitz 1-4-22](#) (PPT 40 slides; I sent to PB, ConCom)**

**“‘Traffic Impact’: What’s Been Ignored?” [Joshua Meyrowitz 1-6-22](#)**

**“Verbatim Transcript of the Durham Planning Board’s Initial Deliberations on the Durham Conservation Commission’s Recommendation Regarding Wetland Setbacks at Mill Plaza,” January 27, 2021, [Joshua Meyrowitz 1-21-22](#) (Potent Updates at end!)**

**“TEN Planning Board Confusions on Jan 27, 2021 over ConCom Recommendation During a “Public Hearing” with Stifled Public Input Slightly revised from posted Citizen Comment version: Joshua Meyrowitz 2-23-21.” [Joshua Meyrowitz 1-21-22 #2](#)**

**“Limited Sight Site Walk,” [Joshua Meyrowitz 2-3-22](#) (PPT, 34 slides)**

**“Late attention to months of resident concern over Plaza’s ‘License-Plate Tracker’ proposal,” [Joshua Meyrowitz 2-7-22](#)**

**“‘Alternate Reality’ at the Planning Board on Oct 20, 2021,’ [Joshua Meyrowitz 2-7-22 #3](#)**

**“Months of Durham, NH, Planning Department Deviation from Long-Held (Written) Policy Regarding Forwarding Hard-Copy Citizen Input Along with Applicant Materials,” [Joshua Meyrowitz 2-8-22](#).**

**“CDA offers NO meaningful ‘Degrees of Control’ on Plaza NOISE,” [Joshua Meyrowitz 2-8-22 #2](#)**

**“Regarding Improperly Posted June 2021 PB Chair Email to the Board: “misuse\_of\_conditional\_use\_criteria.pdf,” [Joshua Meyrowitz 2-9-22](#)**

**“Report from community attendees at one of community meetings,” [Joshua Meyrowitz 2-9-22 #2](#)**

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