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July 13, 2022

Michael Behrendt, Town Planner
Durham Planning Board
8 Newmarket Road
Durham, NH 03824

**Re: 19-21 Main Street (the "Property")
Conditional Use Permit Application & Site Plan Application**

Dear Mr. Behrendt, Vice Chair Grant, and Members of the Planning Board:

We have reviewed Attorney Fennessy's letter dated July 12, 2022, which we reject in its entirety. The letter raises no new arguments and continues to mischaracterize the evidence, Toomerf's arguments, and procedural history. In the interests of time, we decline to address each point.

On June 8, 2022, this Board sought to begin deliberations and said that it did not want to receive additional comment or new evidence during its deliberations. (**DCAT 6/8/2022 3:59:00-4:04:45; 6/8/2022 Minutes, p. 10-11**). Despite this decision, administrative staff have received approximately 24 pieces of correspondence from the opposition, including "expert" evidence received in the last week. Each item has been accepted, contemporaneously forwarded to the Planning Board, and posted to the Town's web page for the Project. These actions are contrary to the June 8, 2022 decision of the Board, contrary to the Planning Board Rules of Procedure regarding public hearings (§5.3) and deliberations (§6.6), and fundamentally unfair to Toomerfs.

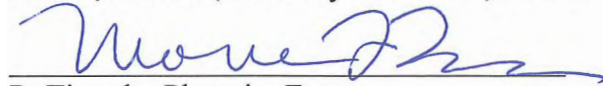
The Applications for this Project were submitted on October 28, 2020 accompanied by evidence demonstrating compliance with all yard setbacks and wetland/riparian buffers. Evidence demonstrating the Project would not negatively affect surrounding properties was submitted 18 months ago. The opposition has had ample opportunity to introduce expert evidence over the last 21 months. Aside from a couple letters from foresters, no expert evidence was submitted on these issues prior to commencement of deliberations. Accordingly, we respectfully object to the Planning Board's consideration of such evidence.

Respectfully submitted,

TOOMERFS, LLC

By and through their Attorneys

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