

Church Hill Woods: Some Pending Issues

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / February 18, 2022

<> **Progress with arrival of long-delayed site profile:** First, congratulations on finally receiving from the applicants a profile of the Church Hill Woods (with portrayal of the existing grade & proposed denuded/elevated grade) down to Chesley Drive (or is it to Chesley Marsh path?).

[Revised Plans 2-3-22](#), bottom half of page 7.

The arrival of this diagram is “only” 28 months after the initial requests for it. The receipt of this profile illustrates the value of public and Board member persistence and patience with applicants whose impressive mastery of the details on what they *choose* to provide contrasts so markedly with what they hope to obscure. One can see why the Toomerfs have delayed showing such a marked difference in initial grade, which is only to be increased dramatically with 15,000 cu yds of fill. And perhaps this is why the provided image is so small and has such difficult-to-read numbers.

<> **Profile refinements still needed:**

- ➔ A larger version of the profile (at least a full standard page)
- ➔ Numbers that are large enough to read without a magnifying glass
- ➔ Clarification of what the numbers stand for (above sea level? NAVD88? Other?)
- ➔ Illustration of the added height of the proposed lampposts on the parking surface
- ➔ Clarification of whether the profile is to Chesley *Drive* or to the Chesley Marsh footpath

<> **Please require “renderings” from the perspective of the “affected humans.”** The [“bird’s-eye” renderings](#) (pp. 1, 6, 7) are pretty, but virtually no one in Durham will be experiencing the lot from a helicopter. After all these months, we are still awaiting an honest sense of what such a parking edifice would look like from the Urso’s family room, the Andersen’s dining room, my front door/2nd-story windows, from those walking by on Chesley Dr., as well as a more convincing view from Mill Plaza. Lighting glare potential as well as mass need to be accurately portrayed.

<> **Please require the applicants to show an accurate rendering from Chesley DRIVE (the street), not only from the Chesley MARSH (the footpath).** Thus far (as repeatedly highlighted at PB & ZBA hearings and in a Superior Court filing) the Toomerfs have shown only one “southern rendering” of any of their plans (the retaining wall plan) and that has been from 240 feet away through the **ONLY obscured view** across the vegetation of the Chesley Marsh (where, also, there are no adjacent homes to be affected by parking lot lighting poles). Please hold the applicants to the multiple requests from our Town Planner, me, others, even Board members on Dec 15, for honest, open viewshed views, including from those walking and biking by on Chesley Drive (the street, which has an open view of the old stone wall and of Church Hill Woods).

<> **Please require “representations” that do not *misrepresent*.** On Dec 15, 2021, Mike Sievert became very defensive when it was pointed out by Board members and attending citizens that the

“renderings” submitted did not match the site plan (nor the site itself) in such things as number of parking spaces portrayed and what forest cover could reasonably be anticipated. His defense? *“Those are just representations.”* But a “representation” should be an *accurate* depiction of a plan, not a distortion (particularly not a distortion that gives the impression of a less massive and more forested site). Those renderings should be removed and replaced with accurate ones, or at least labelled clearly with their deficiencies noted. As of now, they sit as false testimony.

<> **Please give careful attention to likely glare from proposed lighting & headlights.** The Planner’s review notes that: “This reduced height [14’ vs. 16’] could still cause glare on neighboring properties.” Yes, indeed! – since the light heads will be almost 50 feet above Chesley Drive. Please address that. Also, the current plan still has a jut out with 8 parking spaces aimed toward Chesley Drive and my study. With respect to my earlier stated concern about that, Planner Behrendt said: “Regarding **headlights pointing toward residences** that would absolutely need to be addressed in my view. If those spaces remain, they would need to include some visual shield.”

<> **How large is the overall parking lot?** In the prior plans, Mike Sievert said the lot was about 1.3 acres, but in response to a query at the Jan 12, 2022 site walk, he said “I don’t know.”

<> **Inflatable at the 18-foot-of-fill elevation mark?** Please ask the applicants to place a visible marker (such as a brightly colored inflatable) at the top of the 18- foot tall wooden pole strapped to the tree (at site walk) to show the full planned elevation of grade from the Plaza, the Urso’s, and Chesley Drive. That would help, finally, to give some needed and long-withheld height perspective.

<> **Confront “advertising slogans.”** I hope that the Planner and the Board will stop accepting “advertiser slogans” as evidence of anything – such as “25% less fill” or x% fewer spaces, – less/fewer than what numbers from which plans? Resulting in what actual number? It should not be left to residents to probe for specific numbers.

<> **Please get specifics on parking space numbers.** I may be mistaken, but I recall the applicants expressing total number of proposed spaces in confusing ways, such as referring only to the changing numbers of space to be added “in the back.” Please confirm that you have specifics on number of existing spaces behind Red Tower, how many of those will remain (and whether as accessory or principal – review [Dec 7, 2021 TRG](#) on this issue), and how many would be added in the proposed filled-in area, resulting in what total.

<> **Please don’t lose the long-overdue grade-change concern thread raised on [Dec 15, 2021](#):**

Bubar and Behrendt refer to [Mower 9-7-21](#) about site-plan regs & avoiding extensive grading.

8:22:29 James Bubar: *Grading. Back on Sept 7 got a nice email from Robin Mower, site-plan regs. I struggle with things that are qualitative. But 8.4 item 6, is exceedingly quantitative, slope 15%, 4 feet change in height. Trying to protect natural resources.*

Michael Behrendt: Mr. Bubar 8.2.1 “extensive grading should be avoided” should talk about it, maybe should have already. [This attempt to raise the issue of raising the grade was immediately interrupted by the Action Chair’s desire to get to the Public Hearing and schedule a site walk.]

Lorne Parnell: Let’s get to Public Hearing, but before that when do we schedule a site walk. When can we do it. Southern boundary. All around the edges.

<> Abutter easements should be marked, and properly: The revised plans show no accurate easements. The Hall easement seems to be marked – but it’s not in the right place. The Urso easements are not only not shown, but there seems to be a brazen ignoring of the easement to Main Street with an added fence. And there persists the Urso-easement-blocking snow-storage area and the to-be-reconfigured parking area behind the Red Tower.

Even if the Town attorney has advised you to ignore easement claims in site-plan-review, does the Board truly want to embrace an application that so blatantly ignores an abutter’s easements, on the plans as if they do not exist? Recall that, after Kyle Urso’s presentation on Dec 15, Tim Murphy blurted out (thus clearly showing purposeful withholding of this information from the Board and public): **8:41:53**—“We are aware of the easements, and we intend to honor them. I don’t think anything that Mr. Urso said is correct. That land has been cleared. They could have access across the easement if they want to. Not modifying anything in that area where their easement is....”

These are applicants whose style and approach require close attention to detail by the Planning Board. Please probe for accurate and complete information and hold them to account.



What will the proposed parking edifice look like from Chesley Drive (the street), the Andersen's (below left), Urso's (below right), Meyrowitz's (bottom)??

