

The May 2021 Church Hill Site Plan Impressed the PB – *Then It Disappeared!*

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / March 17, 2022

In May 2021, following a ZBA ruling against them, applicants Toomerfs were eager to convince the Planning Board that they were ready to move forward with a very different [Revised Site Plan 5-6-21](#):

- <> **significantly less elevation of grade** – from 17 feet in prior plan down to 11-12 feet
- <> **dramatically less fill** – from 17,000 to 11,000 cu yds
- <> **no retaining wall “whatsoever”** – from 20-foot high concrete wall to no wall at all
- <> **retaining at least a 75-foot southern “woodland buffer”** (up to 109 feet)

“This submission is a revised design based on the ZBA decision at the April [2021] meeting. This revised site design has eliminated the proposed retaining wall at the southerly side of the parking lot and replaced the retaining wall with a fill slope to match the existing grade at the southerly side of the property.” — Mike Sievert, [Cover Letter Explaining Changes 5-6-21](#)

“Mike Sievert has redesigned the proposed parking lot for 19 Main Street pursuant to a decision by the Zoning Board of Adjustment finding that the retaining walls for the former design constituted a parking structure rather than surface parking. A parking structure is not allowed in the Church Hill zoning district.” — [Planner's Review 5-12-21](#)

On May 12, 2021, from 2:34:30 to 2:38:05 ([video](#)), **Mike Sievert** pitched the plan: “So I’m Mike Sievert, as you know.... I’m here this evening because we have to present this alternative design and the significant changes from the original design.... So the significant changes here that we have.... There’s no retaining wall whatsoever; it’s completely removed.... We’ve removed the retaining wall in its entirety, 100%.”

“There’s a significant change to the slope. The slope of the overall parking lot has increased.... It reduces the height of the fill in the back by between 5 and 6 feet. Pretty significant.”

“The amount of fill that I’ve reduced is approximately about 6,000 yards [11,000 cu yds], so that is obviously fewer trucks, less construction time, less everything, a significant reduction in that.”¹

At 10:37:49p, in 3-sec “silent determination,” PB accepted above plan as “surface parking.”²

BUT March 2022 plan is quite *different* – & remains unjudged by PB as match to “surface parking”

- <> ~~dramatically less elevation of grade (from 17’ down to 11-12’)~~ – **HIGHEST ELEVATION EVER! (18.5’)**
- <> ~~dramatically less fill (from 17,000 to 11,000)~~ – **15,000 cubic yds, per Sievert Dec 15, 2021 ([video](#))**
- <> ~~no retaining wall “whatsoever” (from 20 ft tall to zero)~~ – **a retaining wall again proposed ([2-3-22](#))**
- <> ~~at least a 75 ft southern “woodland buffer” (up to 109 feet)~~ – **Buffer reduced to just 50 ft ([9-2-21](#))**

¹ These are strong “selling-the-plan” claims: a reduction from 17,000 cu yds to 11,000 cu yds of fill and a 5-6 foot drop in proposed elevation of grade from 17 ft to only 11 or 12 ft. These are even more remarkable in the face of later repeated oral and written claims that the 2022 plan has “25% less fill” – with no specific number for fill or truck loads mentioned until queries by resident Beth Olshansky yielded this Sievert reply, [Dec 15, 2021](#), 9:00:37pm: “Yup, it’s 15,000 cu yds, 15.... 938 [truck loads]. So that means 1-2 trucks an hour, 10 trucks a day....” Moreover, the fill height is now up to 18.5 ft.

² See [Joshua Meyrowitz 9-3-21](#), pp. 5-6 regarding problematic details of this “determination.” [j]