

Toomerfs' parking mound project site, as seen from the level of the 2<sup>nd</sup> floor master bedroom at 7 Chesley Dr



# “Discounting Reality” on Church Hill Woods

Adapted from Party-in-Interest  
Comment at Durham Planning Board

**February 23, 2022**

(at 2:22:15 in [video](#))

Joshua Meyrowitz, 7 Chesley Drive,  
Durham, NH

[Prof.Joshua.Meyrowitz@gmail.com](mailto:Prof.Joshua.Meyrowitz@gmail.com) {g}

*When will we see full-size, convincing “renderings” of what abutters & the neighborhood would see of a structure that would be, at its base, more than 2 stories above Chesley Dr?*



# ***Dec 15, 2021: Misrepresenting Plans w/ 20 spaces shown***



3-D Rendering of Plan 12-15-21



**vs. 28 spaces on site plan (28 to 20 = 27% distortion)**



[Updated Plans 12-2-21](#)

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Engineering: We've **reduced the  
fill by about 25%** by lowering this.  
–TRG, [Dec 7, 2021](#), 10:44:55a



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***REALLY?***

***Is anybody CHECKING?***

**RETAINING WALL PLAN – 3% finished grade**  
**17,000 CUBIC YARDS OF FILL**



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**FIRST RETAINING SLOPES PLAN – 5% finished grade**

**“6,000 cubic yards less” [May 12, 2021](#) (9:42p) & May 26 site walk**

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**11,000 x .75 = 8,250 cu yards – *Is this the actual plan?***



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**11,000 x .75 = 8,250 cu yards – *Is this the actual plan?***

**Beth Olshansky: How much fill? ([Dec 15, 2021](#), 9:00:25 or [YouTube](#))**

**Mike Sievert: “Yup, it’s 15,000 CUBIC YARDS”**

938 truck loads; 1-2 trucks/hr, 10 trucks/day

**FIRST RETAINING SLOPES PLAN – 5% finished grade**  
“6,000 cubic yards less” [May 12, 2021](#) (9:42p) & May 26 site walk  
**11,000 CUBIC YARDS OF FILL**

Current plan: “**the design requires 25% less fill**” ([Feb 18, letter](#))

$$11,000 \times .75 = 8,250 \text{ cu yards}$$

Sievert, Dec 15, 2021: “Yup, it’s **15,000 CUBIC YARDS**”

***MATH SHOCKER: 15,000 is NOT 25% less than 11,000!***

***15,000 is 35% MORE than 11,000!***

***15,000 is not even 25% less than 17,000 (12,750)***

# Proposal is to truck onto Church Hill 1500 times more fill than shown below





***15,000 cubic yards of fill proposed to raise the grade of Church Hill Woods up to 18.5 feet would fill every cubic inch of the Durham Town Council Chambers about 28 times over!***



**The very foundation of the Toomerfs application runs counter to the *language and intent* of our Site-Plan Regulations:**

**“8.2.7 Natural features...shall be preserved in their natural condition, wherever practicable.... steep slopes...wildlife habitats...and scenic views.”**

- **Nearly 3/4 of the site will be extensively graded and/or filled.**
- **Why have site-plan *regulations* if they are not to be followed?**
- **If not applied to this project, when? What, exactly, would be the “tipping point” if *this* project is not it?**

– Adapted from [Robin Mower 9-7-21](#)



**ENTIRE site is STEEP SLOPE that is to be “preserved” per our regs.**

Toomerfs acknowledge\* **42-FT DROP in elevation & “steep sloping grade”** from 19-21 Main St lots to Chesley Dr end of Lot 1-16.

*Requires “significant fill” & retaining structures to construct a level parking lot (vs. Site Plan Regulations)→*

\*“12. The topography of Lots 1-15 and 1-16 results in a steep sloping grade ranging from elevation 74 at the northern most portions of Lot 1-15 and 1-16 to elevation 32 at the southern most portion of Lot 1-16. Accordingly, Petitioner’s proposal included significant fill and a retaining wall to support the surface parking.” – [Toomerfs’ Superior Court Appeal](#)





**“SURFACE PARKING – A parking lot...that provides at-grade parking....” – ZO**

Two days after April 13, 2021 ZBA ruling vs. Toomerfs, applicant Tim Murphy, encouraged by PB efforts to change Zoning Definitions in a manner that would favor the Toomerfs’ plan, conceded the main point at issue in an email to the Town Planner:



Looking up to 19 Main (Red Tower)



Looking up toward 5 Smith Park Ln

**“our proposal is ‘at grade’ from the front but not the back.”**

– Applicant Tim Murphy, April 15, 2021, 4:34 pm, to Michael Behrendt



## HEIGHT COMPARISONS

Height of upper  
ceiling in Durham  
Town Council

Chambers:  
**12-foot, 4 inches**

Average Height of  
Berlin Wall: **11.8 feet**

New (taller) White  
House Security  
Fence: **13 feet**



***Grade to be  
elevated  
by 18.5~ feet***

***Versus 12, 14,  
16, 17 feet in  
earlier plans***

From: **Joshua Meyrowitz** <prof.joshua.meyrowitz@gmail.com>

Date: Tue, Nov 2, 2021 at 4:00 PM ***My REPEATED offer to help with “permitted” uses plan***

Subject: Superior Moves

To: Pete Murphy (petermurphy6@comcast.net) <petermurphy6@comcast.net>, Tim Murphy [TimPatMurphy@yahoo.com](mailto:TimPatMurphy@yahoo.com)

**Dear Pete & Tim,**

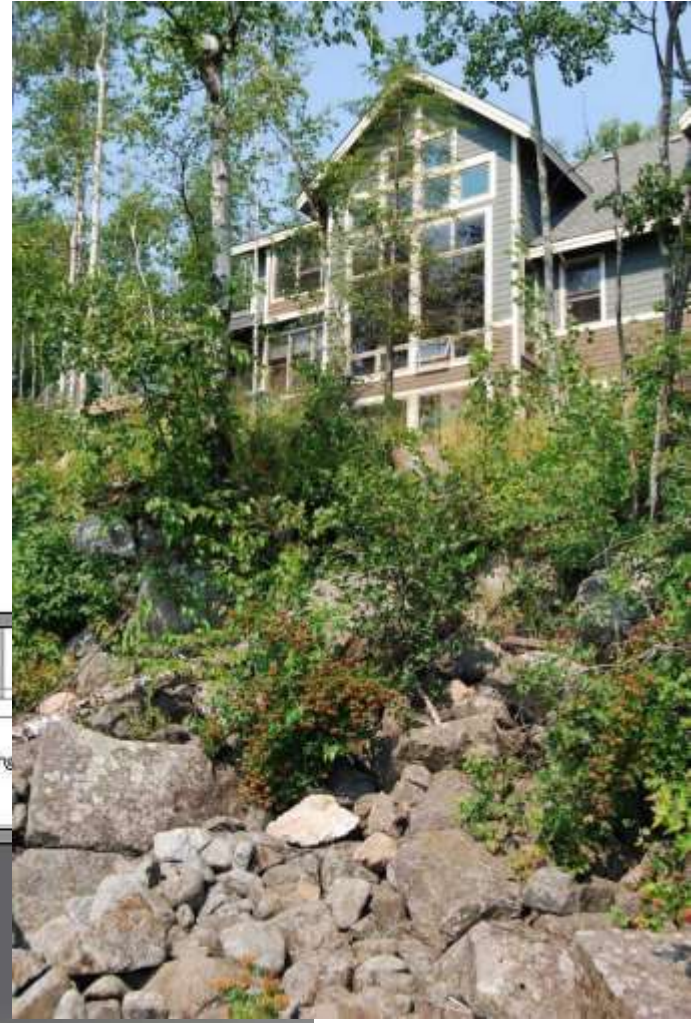
**I write in a positive spirit, echoing back to our January 8, 2020 “beer summit” at Libby’s....**

Before things continue to escalate to the next level (in several meanings of “level”), I urge you once again to consider a way either to get Lot 1-16 into conservation OR to **work with me, the Andersens and Ursos, and other residents on a “permitted” use on Church Hill, such as a beautiful luxury senior housing building built into the slope (and into the woods on three sides) with a permitted small accessory parking lot & garden in between the senior condos and Red Tower (not prominently visible from Chesley Dr or Main Street).**

The foot access to downtown and UNH, to the College Brook bridge and wooded path, and to the new bridge over the Oyster River at the other end of Thompson and into a wonderland of hiking trails would make it the finest senior living site on the Seacoast.... Best, Joshua, 7 Chesley Dr, Durham

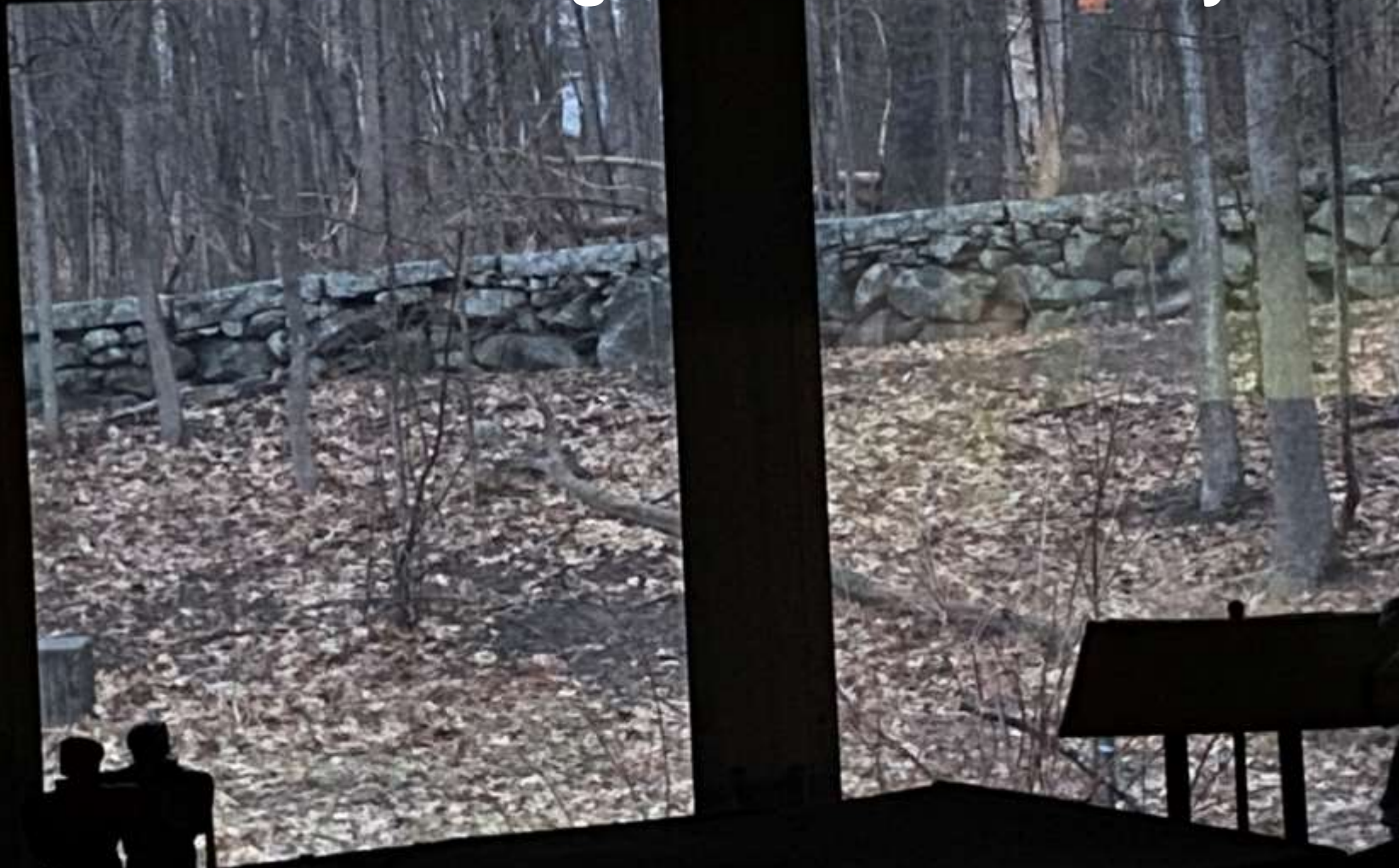


“Work with me....on a “permitted use”... such as a beautiful luxury senior housing building built into the slope (and into the woods on three sides)”  
– Meyrowitz to Toomerfs, Nov 2 2021





**Toomerfs' parking mound project site, as seen from Andersens' Dining Room at 8 Chesley Dr**



**Contrary to Toomerfs' claims: project NOT at "rear" for the most affected homes**



**Despite multiple requests from residents & Planner Behrendt, Toomerfs have NOT provided parking-structure renderings from abutting 5 Smith Park Ln Urso home**

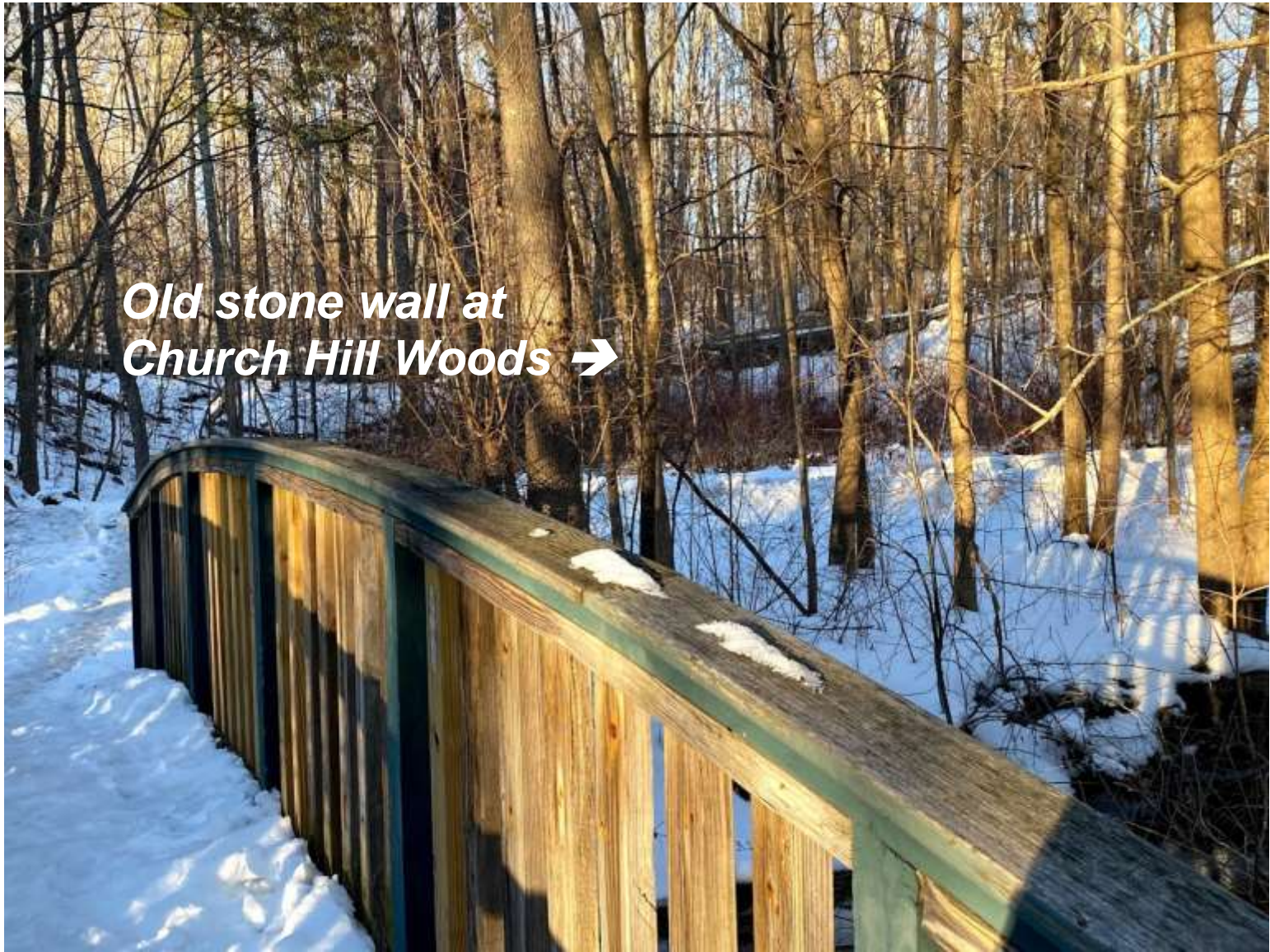


**Retaining-slope crest line would be *aimed directly at the Urso house*, with large mound of fill/asphalt & 24-hr lighting replacing steeply sloped woods.**









*Old stone wall at  
Church Hill Woods →*

*Mike Sievert: “scale is respectful of what is out there because it’s **set back onto our property....**”*

What engineer Mike Sievert refers to as the “back” of the property is **FRONT** of property to **Red Tower Development & Faculty Neighborhood**, Durham’s largest family neighborhood (about 300 households).

**College Brook Footbridge on the Faculty Neighborhood’s cherished “magic path” extending Thompson Lane through woods to the Chesley Marsh.**



**Toomerfs' parking mound project site, as seen from  
2<sup>nd</sup> floor\* master bedroom at 7 Chesley Dr**

**Contrary to Toomerfs  
claims: project NOT at  
"rear" for the most  
affected homes**

**\*Starting over 2 stories up, the Toomerfs towering 18.5-ft mound & 14-ft lighting  
would reach 5+ stories height above Chesley Dr street level.**





← Chesley Dr – the STREET!





**OLD STONE WALL →**

**URSO**

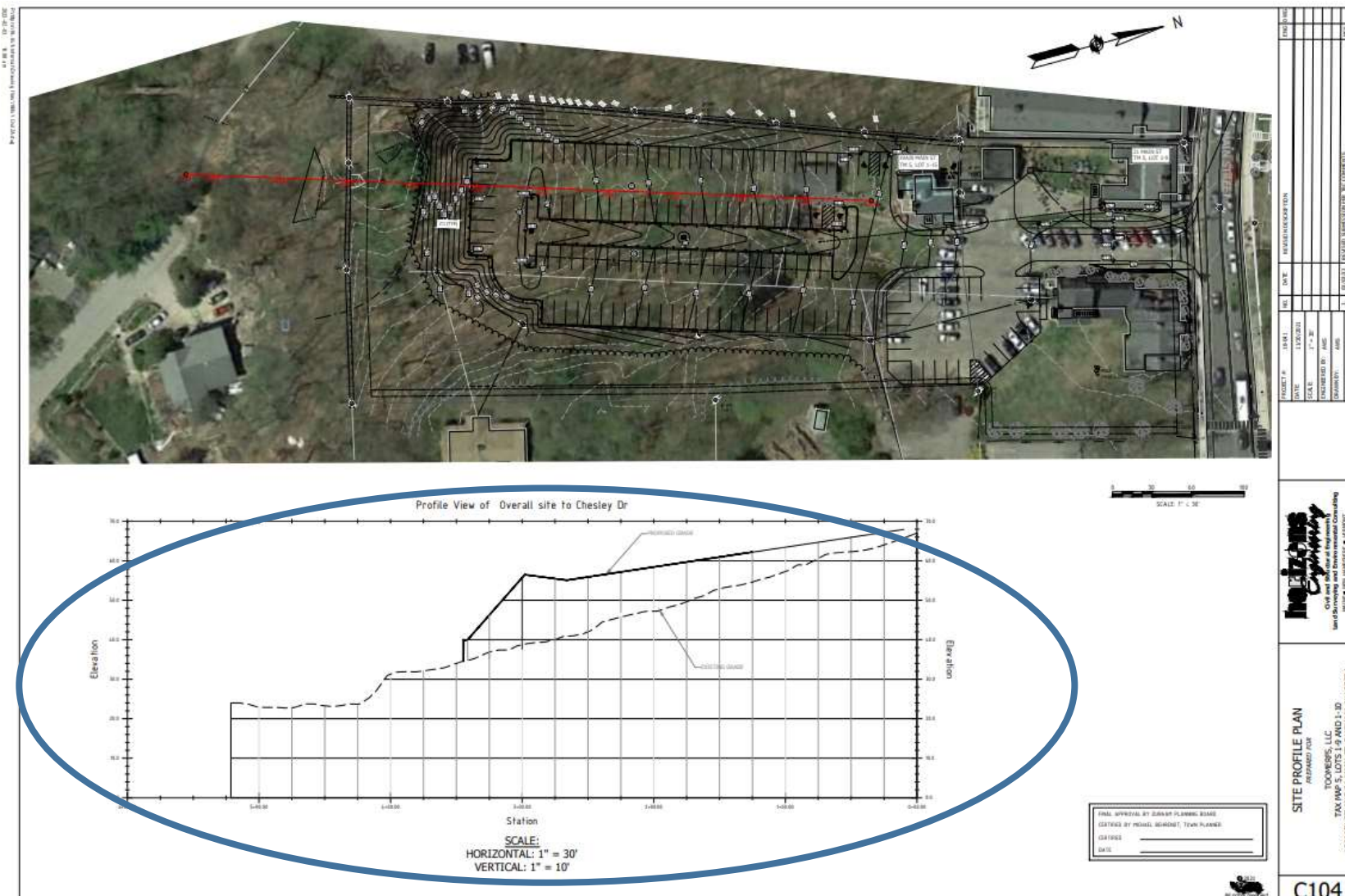
**ANDERSEN SIDE YARD**



# Revealing, or still obscuring?

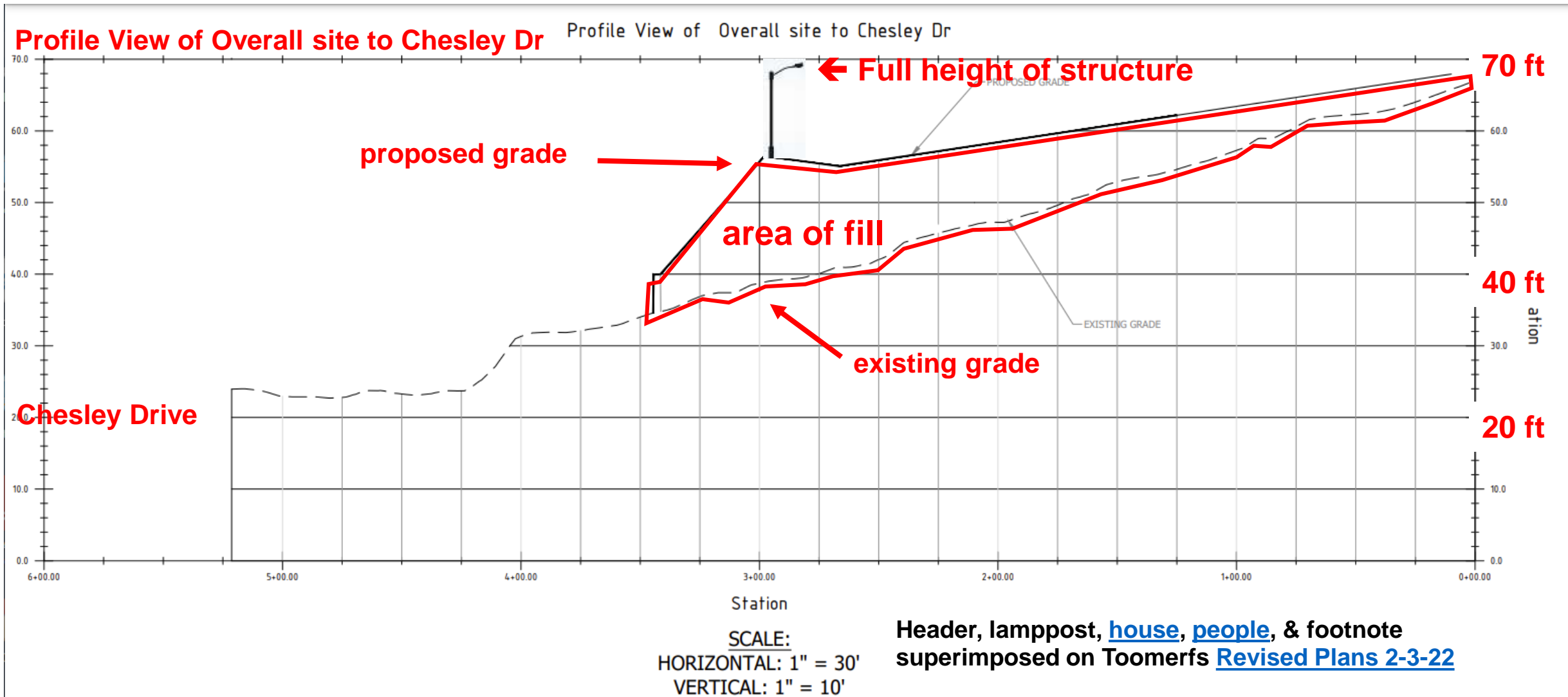
**Finally: Arrival of long-delayed site profile:**  
After 28 months of requests for it, Toomerfs finally submitted a profile of the Church Hill Woods.

But it's a tiny image, occupying only the bottom half of a page, [Revised Plans 2-3-22](#), page 7, with nearly invisible elevation numbers and almost no explanation.



*Portrayal of the existing grade & proposed denuded/elevated grade) down to Chesley Dr.*

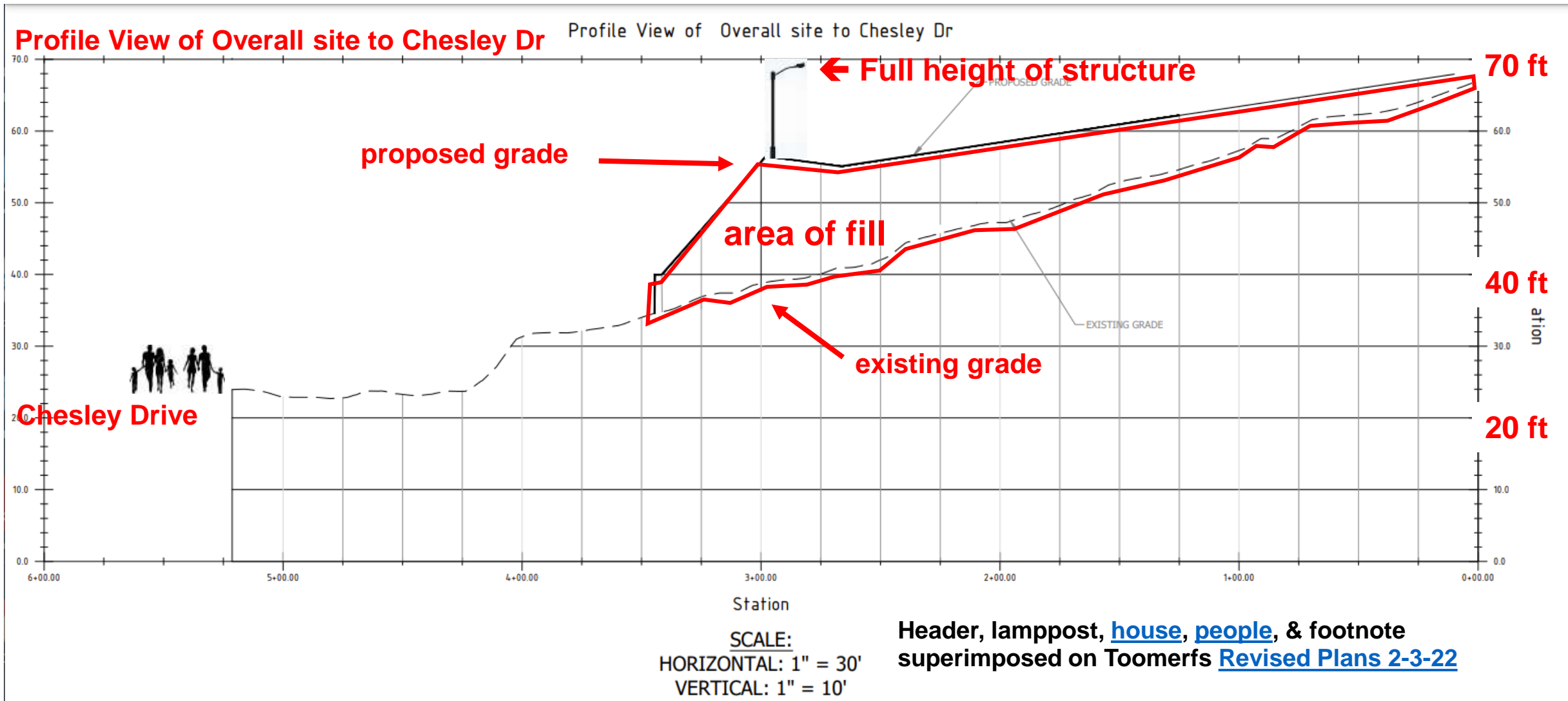
**After deforesting Church Hill Woods: Up to 18.5 ft of vertical fill + asphalt topping + 14-ft lighting poles will sit atop hillside that is already about 16 ft above Chesley Dr street level ( $16 + 18.5 = 34.5 + 14 = 48.5+$  ft)**



"In [general](#), the height of a story of traditional building or house is roughly 10 feet. That includes 1 to 2 feet of infrastructure thickness and 8 to 9 feet of ceiling height."



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**Tim Murphy brought MP into discussion on Jan 8, 2020 & May 12, 2021**

Town of Durham, NH

# 2015 Master Plan



<b>Issue</b>	<b><i>Forests, which are a significant component of Durham's water quality and overall quality of life, continue to be lost to new development.</i></b>
<b>Goal</b>	<i>Reduce the trend of continued loss of forestland and other natural areas, and increase the quantity and quality of existing forest cover in developed areas.</i>
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. Promote a conservation ethic in the planning and establishment of new development by setting a clear expectation for developers to protect natural resources and use low impact development (LID) techniques.</li><li>2. Increase the planting, protection, and maintenance of trees, vegetation, and other natural resources on public properties and rights-of-way in the urban areas of the community. Review the Zoning Ordinance, Site Plan and Subdivision Regulations to identify opportunities to encourage the planting of native shade trees along walking paths and sidewalks in neighborhoods and downtown.</li><li>3. Use green infrastructure principles in the downtown core to guide reduction of the percent of impervious surfaces, manage stormwater flows, and improve water quality (among other environmental benefits).</li></ol>

See also: [Email from Town Planner, Michael Behrendt 5-17-21](#)



“This parking lot is a blueprint right out of the Durham Master Plan.”

– *Tim Murphy, May 12, 2021, 2:58:12, [video](#)*

Town of Durham, NH

# 2015 Master Plan



**“Goal: Reduce the trend of continued loss of forestland and other natural areas, and increase the quantity and quality of existing forest cover in developed areas.”**

See also: [Email from Town Planner, Michael Behrendt 5-17-21](#)



**Environmentally ruinous plan is claimed to “preserve...natural resources” by not being as ruinous as their earlier plan!**

“By designing the long and **narrower** parking lot more centered within the lot, it meets the requirements to protect, enhance and preserve the varied natural resources....” – [Phoenix & Kieser 2-18-22](#), p. 6

**In short, although the current site plan is inherently destructive of natural resources, it supposedly meets this critical CUP criterion by being somewhat less destructive than the applicant’s even *more* destructive earlier plan!**

**In short, Toomerfs 2022 will preserve natural resources by protecting us from Toomerfs 2020!**

**John Parry, Urban & Community Forestry Expert, US Forest Service**

“This is a nice small woodlot for an urban area. Trees are larger than in the northwest. There are less invasive species present than are found in many Durham forests. Ash is the most common species, but there is a mix of other species. As was mentioned in the other report Emerald Ash Borer (EAB) and diseases that affect ash are present in NH and there has been some decline of ash in this woodlot over the past few years... but I feel there is **adequate presence of other species in the understory and overstory which will fill in the open space as the ash decline.**”

—USDA Urban Forest Expert: [John Parry 12-11-20](#)



## **John Parry, Urban & Community Forestry Expert, US Forest Service**

- ◆ **Help reduce the volume of storm water & improve water quality.**
- ◆ *Improve air quality, store carbon and combat climate change.*
- ◆ *Conserve energy in buildings – Reduce air conditioning by 56% & heating costs by up to 25%.*
- ◆ **Increase property values by as much as 10%.**
- ◆ *Provide a buffer to increase privacy and reduce noise.*
- ◆ *Improve wildlife habitat....*

***“The woodlot has significant value in reducing stormwater volume and in delaying the peak flow. Trees help reduce storm water flow in 3 ways; 1) water is stored on the leaf and tree surfaces, 2) tree roots help water percolate into the top 2–3 feet of soil and 3) trees have a wicking effect – through transpiration they pull water out of the soil, through the tree and it is evaporated out through the leaves. This keeps the top few feet of soil from becoming saturated and enables it to absorb more rainwater.*”** —USDA Urban Forest Expert: [John Parry 12-11-20](#)

## Forest Ecologist, Dr. Richard Hallett

“The trees growing on Church Hill, some of them over 80 years old, don’t occupy very much land area, only 1.3 acres. This is not about land area or numbers of trees. It’s about where these trees are, in the center of a growing community, that makes them invaluable and irreplaceable. It’s the benefits these trees provide and will continue to provide for the next 100 years or more. These benefits aren’t in the form of the board feet of lumber they can provide.

“In this particular case, it is worth elaborating on the ability of trees and greenspace to mitigate stormwater. Currently cities across the country are spending billions of dollars to install green stormwater infrastructure. Durham has the gift of a small, forested ecosystem that is currently functioning as green stormwater infrastructure perfectly placed in its center. Its current functionality can’t be replicated after the site is altered and paved. Losing this ability to mitigate and filter runoff has implications for downstream water quality including Great Bay (see [AP story](#) on EPA’s effort to clean up Great Bay). Is this our town’s contribution to this effort?” [Richard Hallett 12-9-20](#)



## This proposal is a model for what is forbidden under Conditional Use:

Yes, there are existing *normal* parking lots on Church Hill, but

- The normal lots are **further from family homes** & from the Faculty Neighborhood
- **The other lots are at ground level, not atop towering, retaining slopes**
- The major area lots are for senior housing, houses of worship, & shopping center
- The other Church Hill Zone parking lots have NO lighting poles
- No other parking lot in the area has the potential for as many cars moving 24 hrs/day

*Out of scale & overly intense use:* “**the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment....”**

**Proposal is precisely what is forbidden by these Conditional-Use clauses!**

An aerial photograph of a campus. In the center is a large, paved parking lot filled with many cars. To the left of the parking lot are several buildings, including a large, multi-story brick building and several smaller, single-story structures. The campus is surrounded by a thick canopy of trees, with some trees showing autumn foliage. The overall scene suggests a well-established, green campus environment.

**Will the tree cover ever be *this thick and full*?**





**Feb 23,  
2022: new  
plan has  
NO trees on  
Southern  
slope!**

***Please CHECK all Toomerfs' CLAIMS!***

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**Mike Sievert, Dec 15, 2021: “Yup, it's 15,000 Cubic Yards”**



***REALLY?***



**External impacts on adjacent properties/neighborhood far beyond any from existing/permitted uses in the Zone.**

**CHURCH HILL WOODS  
Targeted for Removal**

**URSO  
5 Smith Pk Ln**

**MEYROWITZ  
7 Chesley Dr**

**SITE OF PROPOSED  
18.5-FT TALL MOUND**

*old stone wall →*

**ANDERSEN  
8 Chesley Dr**

*To repeat, a massive parking mound here, displacing trees with up to 18.5 feet of fill, + asphalt base & blacktop, and 14-ft lighting, would obviously add more traffic, noise, fumes/odors, heat, light/glare, College Brook pollution, out-of-scale structures, and other negative external impacts far beyond what is experienced by abutters and the neighborhood from other existing & permitted uses in the zone.*



Toomerfs' parking mound project site, as seen from the level of the 2<sup>nd</sup> floor master bedroom at 7 Chesley Dr



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