

As-yet unanswered queries to Planner Behrendt on Church Hill parking plan

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / March 22, 2022

Given how responsive Michael Behrendt usually is, I've been surprised not to have received any response to the two emails below as of March 22, 2022, despite several reminders and my stated need to have the information to provide written input to the PB by the now-passed March 17 deadline for weekend packets. In any case, the Planning Board would certainly want to know the answers before closing the Public Hearing.

----- Forwarded message -----

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

Date: Thu, Mar 10, 2022 at 6:34 PM

Subject: So much on the Hill missing still

To: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Dear Michael,

Thank you again for responding to my last query (with the email to me and the Board). Also, I appreciate your mentioning when we last spoke "**Yes, we need to get a lot more information from Mike Sievert.**" But that refrain has been repeated for over two years, without much actual meaningful detail being provided. I'm sure you can appreciate my frustration and that of other neighbors.

More specifically, there is still a lot in what I and Jan Aviza (quoting you!) wrote that the Board and public have not yet seen, [Joshua Meyrowitz 2-18-22](#) & [Janice Aviza 2-18-22](#).

I appreciated this from you: "To the Planning Board and the applicant, Mr. Meyrowitz raises a number of issues in the attached letter. Whether you agree with him on each issue or not, it would be very helpful for the board to review the letter carefully and for the applicant to speak to each issue."

But that didn't happen. That it took so long to get a tiny elevation rendering (on half a page) that is almost impossible to see clearly and difficult to interpret should send a loud signal to the Board about how much (or how little) Toomerfs want the Board to know about the project.

And there has yet to be the preliminary CU discussion that you recommended some time ago (for before the hearing is closed so that the public can assess and add more input before hearing close).

And the Board never picked up on, as I thought you said it would, the dramatic change of grade issues that you and James Bubar tried to raise on Dec 15, even saying that it should have been dealt with long ago. "A long time ago" was certainly before Feb 23, when it got lost again. As I mentioned on Feb 23, the entire lot 1-16 is a steep slope, more than 15%, with the 40+ foot drop in elevation.

Moreover, my point in showing various views of the old stone wall from my 2nd story windows is that the proposed project starts at more than two stories up from Chesley Dr., so that added grade elevation and lighting brings it up much higher, close to a 5-story elevation in height (as I've estimated all along). [See subsequent submission on "Discounting Reality": [Joshua Meyrowitz 3-18-22 #3](#).]

SPECIFIC QUERY: For the moment, can you point me to where the Toomerfs have any details and renderings of the new **retaining wall/retaining slope plan** (that is a close-up of what that would look like, wall holding back the base of the slope). That is quite distinct from the plan proposed on May 12,

2021 [see subsequently submitted: [Joshua Meyrowitz 3-18-22](#)] with “no retaining walls” and “6,000 less cubic yards of fill.” **Did I hear 60 feet long, or was it 80 feet long, or something else? And six feet tall?** That “retaining wall/slope” combo would be the view seen most closely by the Andersens and the Ursos, and I’m sure that I would see it easily from my windows as well. WHERE is a clear image of it, preferably with some people and animals against it for scale? And, of course, with cars and lighting poles above it, and NOT the trees that would be removed to make room for it.

Anyone walking by on Chesley Dr or over the College Brook footbridge knows that the Church Hill Woods provide a viewscape that dominates the scene.

I hope that the Board is appropriately insulted by such claimed “renderings” (even now that they are “full screen” when Sievert showed them as tiny partial screen images on Feb 23). **How can a plan that involves taking out all the trees now there be portrayed with the trees still in place?**

[View from Chesley Drive – 1](#) (316 KB)

[View from Chesley Drive – 2](#) (306 KB)

Such distorted views and misrepresentation diagrams (with wrong number of parking spaces, and no longer even planned trees on southern edge should be apologized for and taken down, to be replaced by accurate renderings.

And how can the Board accept advertising slogans (“25% less!”) without asking for explicit specific numbers? How could the Board accept Mike Sievert forgetting the numbers (cubic yds. of fill, truck loads) he mentioned in response to Beth Olshansky on Dec 15 [see 01:19 YouTube [video](#)] and then claiming on Feb 23 that he didn’t know?

Is not this whole misadventure absurd at this point?

Has ANYthing been provided that captures the essence of about 28-30 Town Council Chambers’ worth of trucked-in fill, or that the latest plan has the MOST elevation of grade of any Toomerfs plan dating back to 2019 preliminary design review (previously 14, 15, 16, 17 feet, now 18.5 feet change of grade). That brings it up to close to the height of the Atrium entrance ceiling at Town Hall, which I believe is 19.5’ high (one can measure to the “balcony” and then up to the ceiling from there). I’d guess that final compaction for asphalt topping would get 18.5’ of fill up to 19’ or 19.5’, right?

Again, the *entire lot 1-16* is a steep slope, more than 15%, with the 40+ foot drop in elevation.

Best, Joshua

Joshua Meyrowitz, Ph.D.

Professor Emeritus

Department of Communication

Horton Social Science Center

University of New Hampshire

Durham NH 03824-2616

603-862-3031 – 24-hr voice mail; 603-868-5090 – Home

Prof.Joshua.Meyrowitz@gmail.com

<https://unh.academia.edu/JoshuaMeyrowitz>

----- Forwarded message -----

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

Date: Mon, Mar 14, 2022 at 5:51 PM

Subject: Michael--Follow-Up: So much on the Hill missing still

To: Michael Behrendt <mbehrendt@ci.durham.nh.us>

Hi Michael,

Given your usual speedy responses to my queries, I'm surprised to not yet see a response to the email below that I sent at 6:34pm on Thursday. Did you miss my email, or did I miss your reply?

In the meantime, I thought of a few additional items over the weekend:

1) Really Low-Glare at those heights? On Feb 23, Mike Sievert advised that if you wanted to see the "low-glare" lighting that was now planned in 14-ft tall poles (or the lighting head at 14-ft?) on the Hill, you could see them at Emery Farm. Have you looked at those? Measured their height for comparison to the Church Hill site plan? Looked from an angle beneath as one would from the Andersens and my house and Chesley Drive & path and Footbridge across from the Chesley Marsh? Analyzed them in terms of the illumination cone described in our site plan regulations?

From a cursory look that I took, the light poles at Emery appear to be significantly shorter than those planned for the Hill (just a few feet over my head) and on flat ground, not looming on the equivalent of the roof of a 5-story building, which would spread their light much wider and further downward. Even so, the Emery Farm lights seem to be quite glary, particularly from the angle that I and others would actually see them from. [See subsequent submission on those lights: [Joshua Meyrowitz 3-18-22 #2.](#)]

2) Off-street parking screening: As you know, Conditional Use Zoning refers to the significance of "screening of off-street parking." "3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood. This shall include, but not be limited to, the relationship of the building to the street, **the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties....**"

Can you point me to any discussion in your Planner's Reviews of the change from the 100 ft setback in an earlier plan to the current 50-ft setback? Also, is not the "woodland buffer" noted on the diagrams now no longer planned, per Feb 23 Sievert talk about grass in place of other plantings?

3) From fanfare about removing wall to near-silence about its return: In the absence of your response to my Thursday evening query, I started trying to find in applicant cover notes and your Planner's reviews the announcement of the return of a retaining wall. Unlike the early and mid-May fanfare about the removal of the wall in Sievert cover letter, your Planner's review, and in Sievert's May 12 statement ("There's no retaining wall whatsoever"), I could find no clear announcements of its return:

[Updated Site Plan 9-2-21](#) – "sediment fence"? is that the retaining wall or something else? – no accompanying cover letter

[Updated Plans 12-2-21](#) – "sediment fence" shows up here again, but NOT mentioned in cover letter

[Cover Letter for Updated Plans 12-2-21](#) – first mention of BS about 25% less fill: “In summary, this design requires less fill, approximately 25% [less fill than what plan?, Resulting in how much fill exactly?], provides a much greater setback for our neighbors, provides shade trees along a much wider island, reduces the impervious surface by 10% [from the 1.3~ acre prior? To exactly what size? 1.2-acre? Should the Board know this number?] and still includes the new entrance design which eliminates parked cars adjacent to Main Street while significantly increasing safety.”

[Planner's Review 12-15-21](#) – a one-pager; no mention of “sediment fence” nor much else

[Site Walk Minutes 1-12-22](#) – no mention of retaining wall

[Revised Plans 2-3-22](#) – first labeling on “proposed ret. wall” on the site plans (what was previously called a “sediment fence”?)

[Revised Plans 2-16-22](#) – repeat labeling of “proposed ret. wall” on the site plans

[Planner's Review 2-23-22](#) – no mention of a retaining wall

Surely, I must have missed something. Can you set me straight on this major change being highlighted somewhere by you or the applicant?

Also, can you point me to where/when Mike Sievert discussed the return of a retaining wall at a Public Hearing or the site walk? And, again, can you point me to the technical specifications for the retaining wall and any sketches/images/renderings of it with a sense of the appearance of the combined wall/mound configuration? To repeat, the so-called "renderings from Chesley Dr" do not capture the scale of a retaining wall and up to 18.5' of grade-raising fill.

If there is, in fact, little that I missed, surely, you and the Board will not accept such continued applicant shell games.

Best, Joshua

*Joshua Meyrowitz, Ph.D.
Professor Emeritus
Department of Communication
Horton Social Science Center
University of New Hampshire
Durham NH 03824-2616
603-862-3031 – 24-hr voice mail; 603-868-5090 – Home
Prof.Joshua.Meyrowitz@gmail.com
<https://unh.academia.edu/JoshuaMeyrowitz>
NOTE: I rarely check "Messenger" or Facebook*

Unanswered d queries to Planner Behrendt on Church Hill parking plan