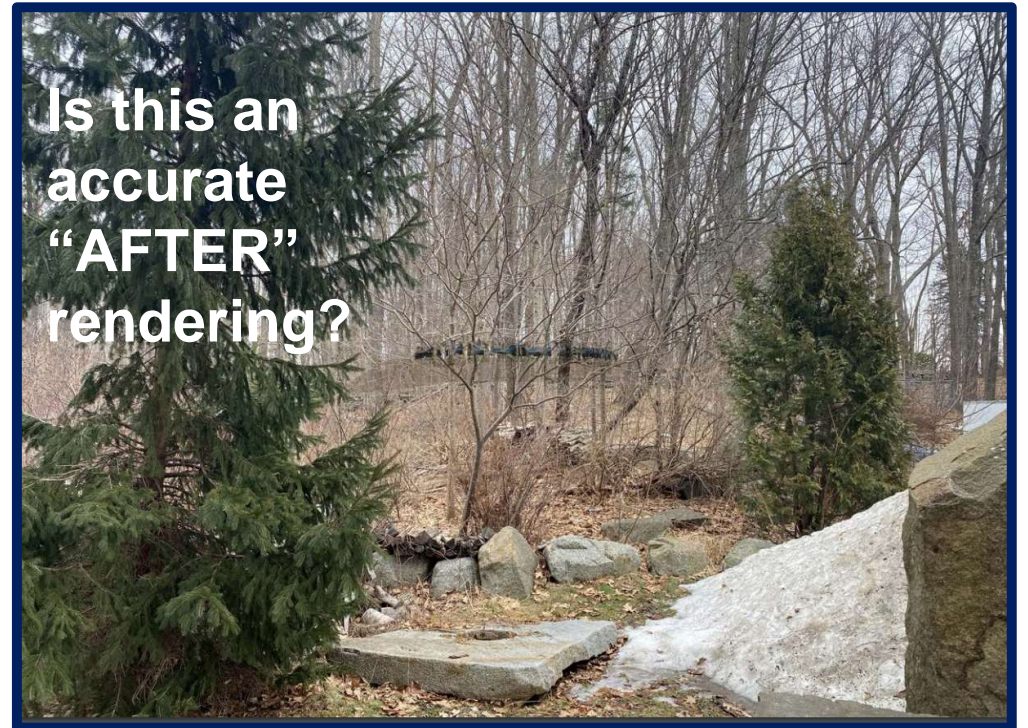


Toomerfs' Misleading Claims & Unrealistic "Renderings"

Steeply Sloped Church Hill Woods
to Parking Mound Mesa, cont'd

[Application Site](#) / [Citizen Comments](#) / [Conditional-Use Zoning](#)



Toomerfs' so-called: [View from Chesley Dr-2](#)

May 6, 2022 Submission to the Durham Planning Board

Adapted from Party-in-Interest Comment at Planning Board
March 23, 2022, 10:00-10:10pm ([video](#)) & earlier comments

Joshua Meyrowitz, 7 Chesley Drive, Durham, NH 03824 (n)

Prof.Joshua.Meyrowitz@gmail.com

Project Name Continues to Mislead Planning Board & Public

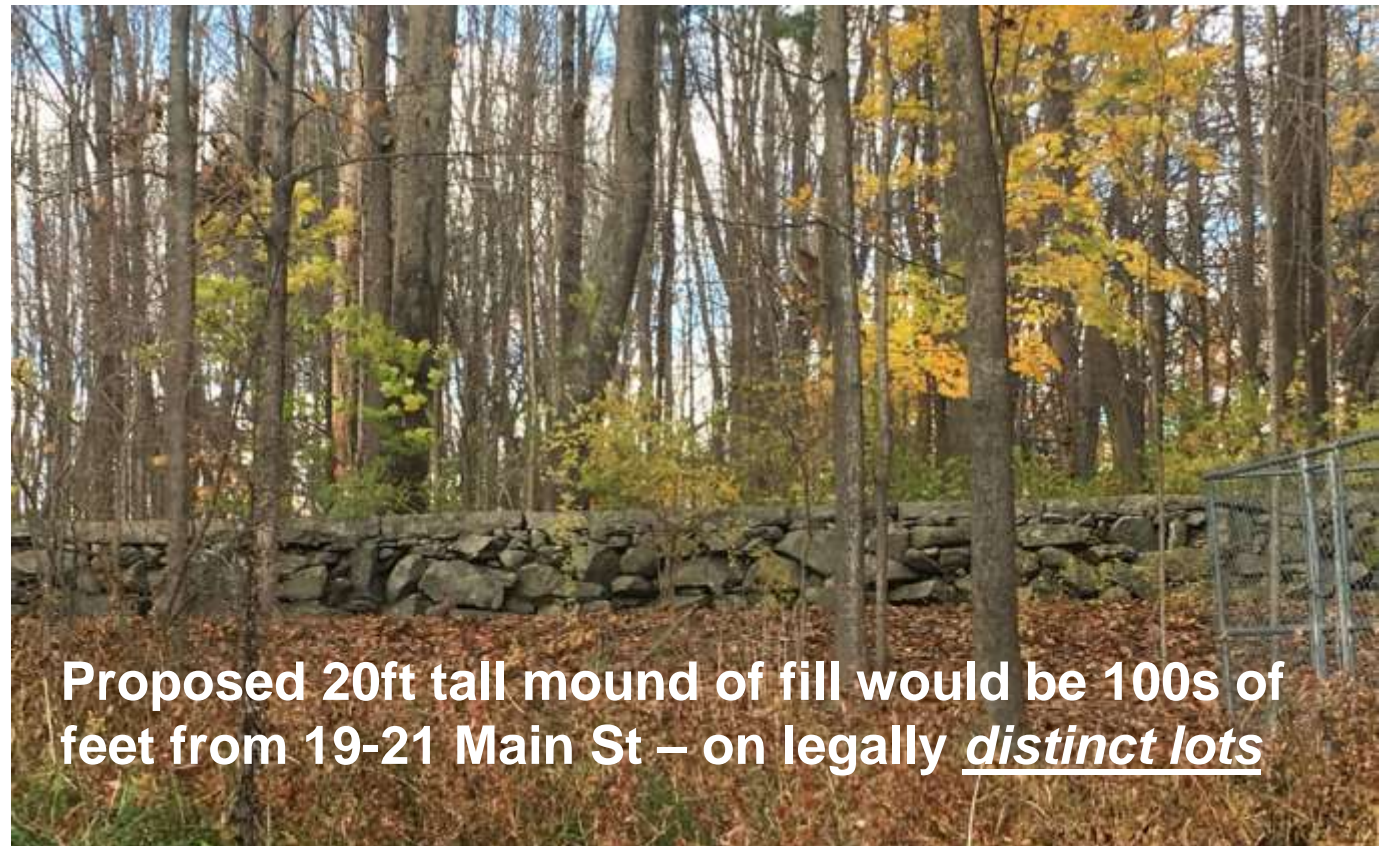
The proposed project is **NOT** located at “19-21 Main Street”

What applicants call REAR of plan (at Chesley Marsh) is FRONT for those most affected by it

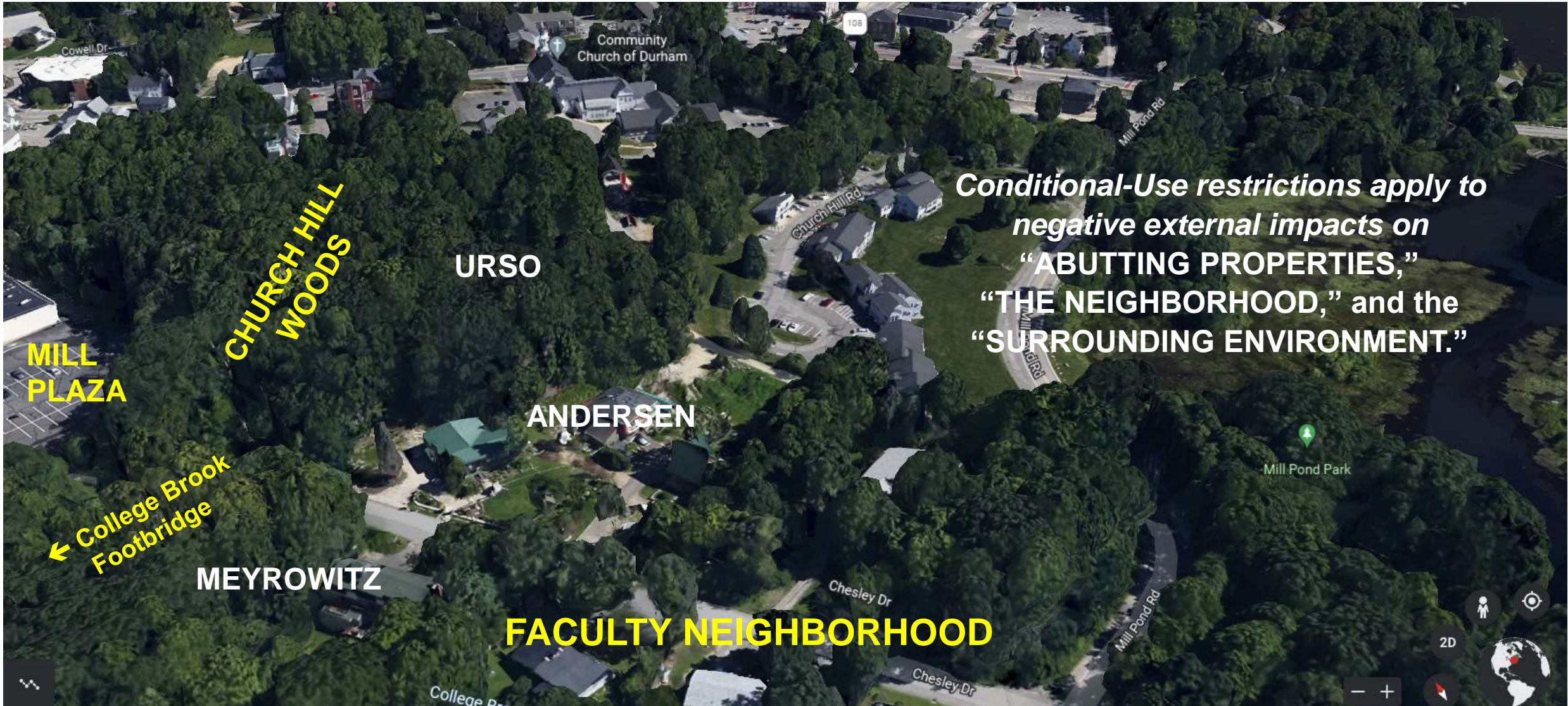
“19-21 Main” = driveway entrance/exit to Historic District lots. Parking *expansion* proposed is **on two *legally distinct* landlocked lots (not in Historic District) with no street addresses, distant from Main St.**



Project location more accurately: 1+ acre of iconic woods that slope steeply away from Main St & toward Chesley Marsh & College Brook flood zone. →



Church Hill Woods is a significant sound, light, heat, & stormwater buffer for Urso, Andersen, Meyrowitz homes *and* adjoining Faculty Neighborhood overall





Site for 20-ft tall parking mound

Old stone wall at Church Hill Woods →

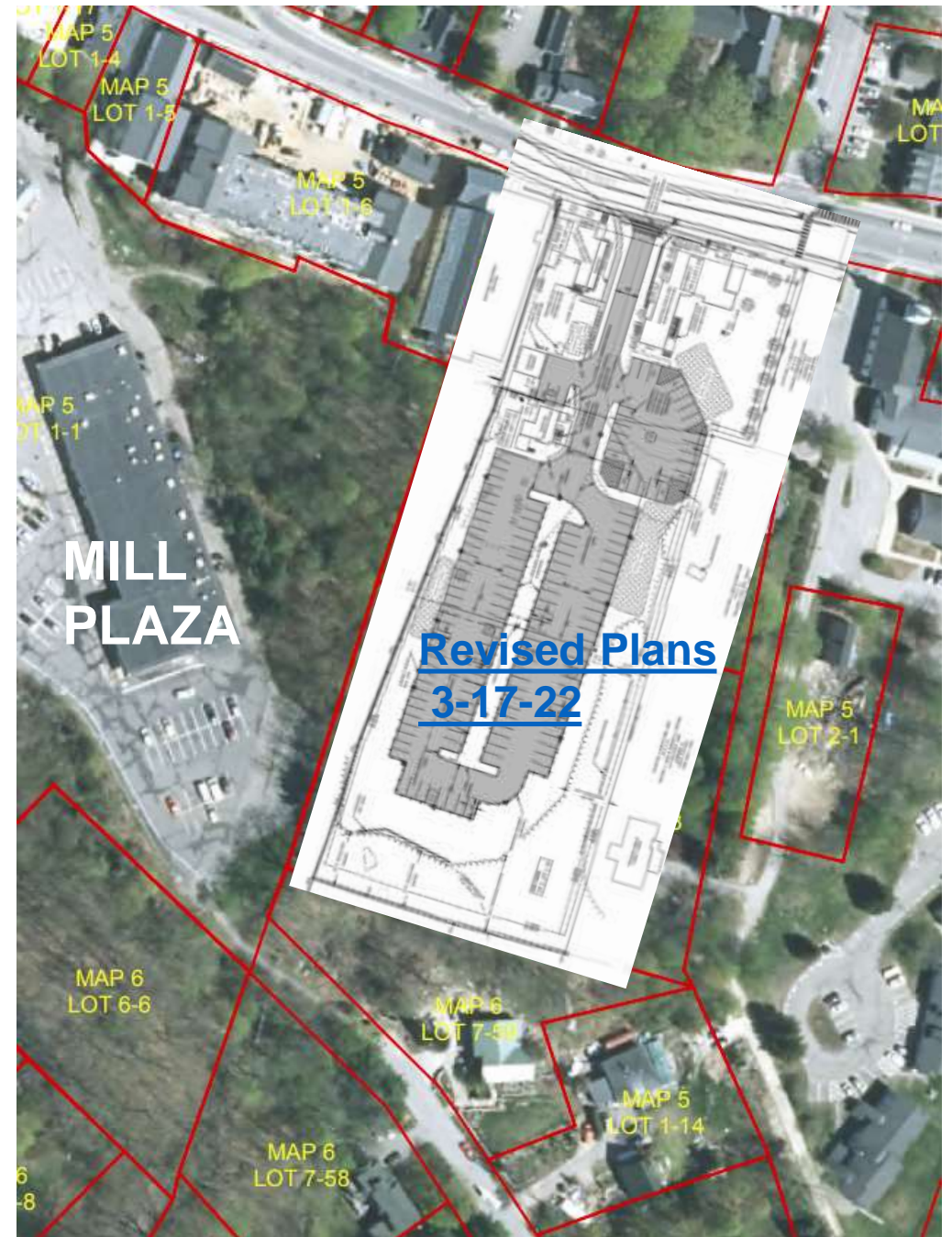
College Brook Footbridge

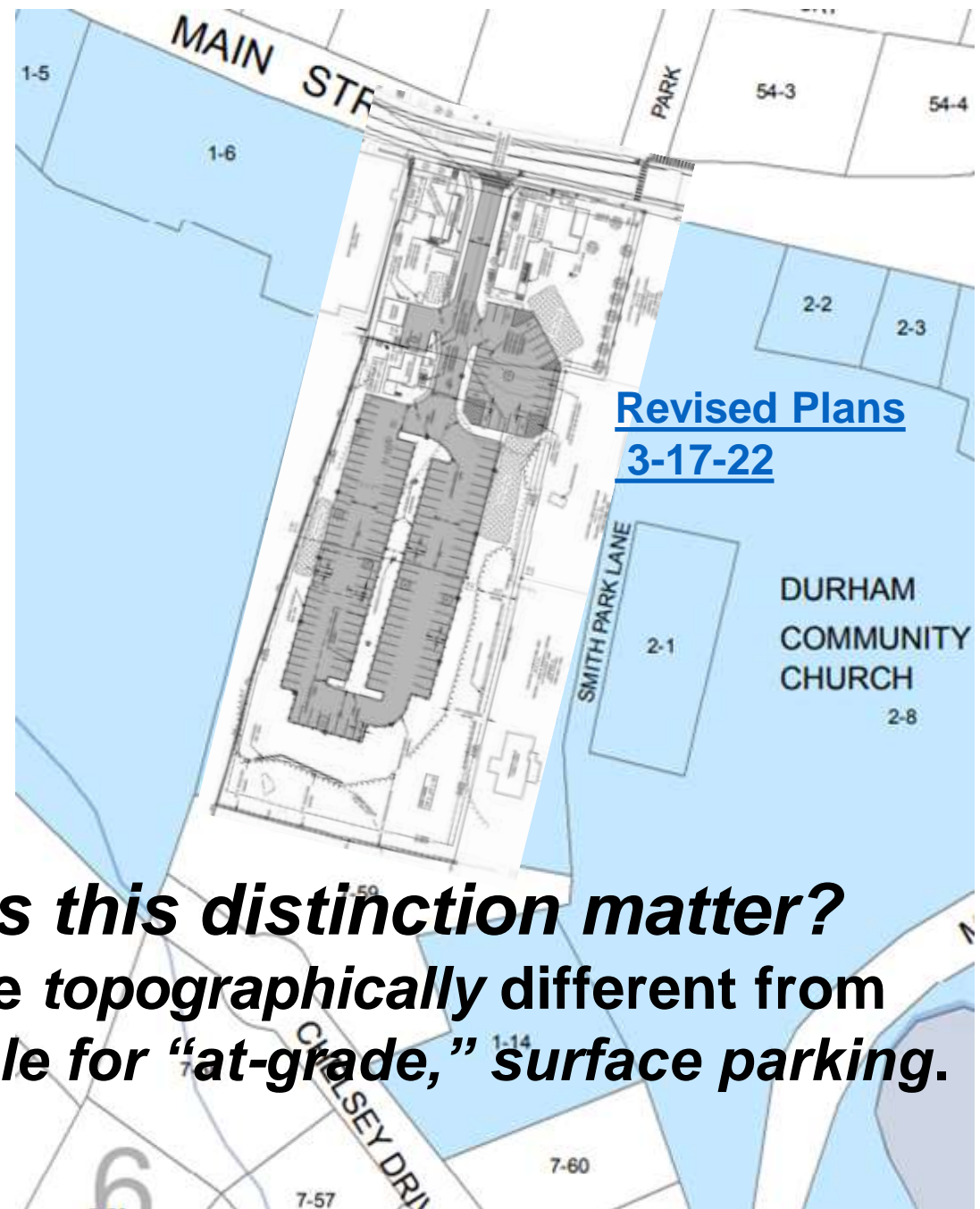
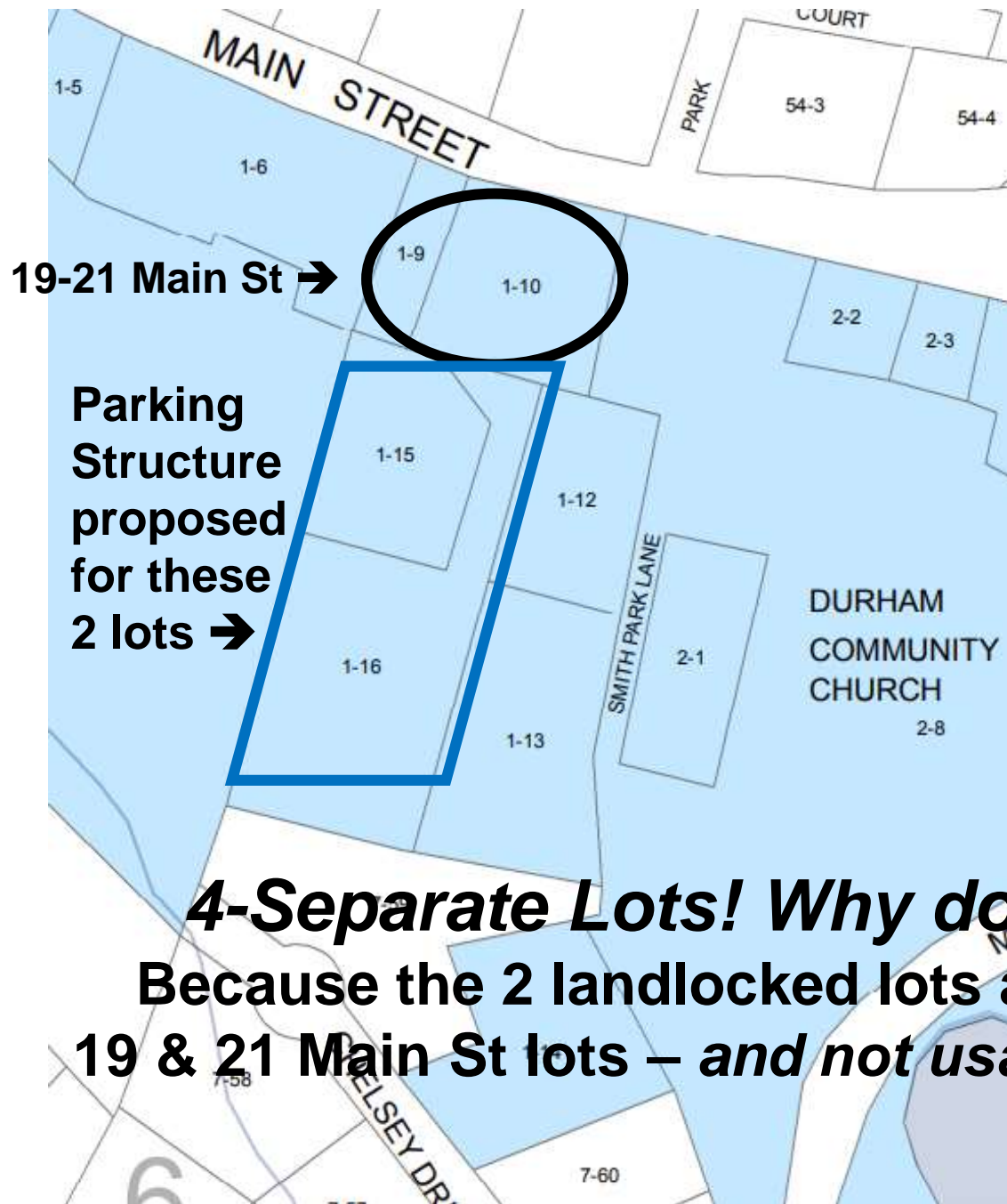
Contrary to Toomerfs' claims: their project is NOT at the "rear" for the most-affected citizens



Targeted Woods

College Brook Footbridge from Thompson Ln at Faculty Rd to Chesley Marsh at base of Church Hill Woods





4-Separate Lots! Why does this distinction matter?

Because the 2 landlocked lots are *topographically* different from 19 & 21 Main St lots – and not usable for “at-grade,” surface parking.



“The topography of Lots 1-15 and 1-16 results in a steep sloping grade....”

– Toomerfs’ own words in their (withdrawn)

[Superior Court Appeal](#)

“Section 8.2 General Provisions 8.2.1 Buildings, parking areas, travel ways, and other site elements shall be located and designed in such a manner as to preserve natural resources and maintain natural topography to the extent practicable. **Extensive grading and filling shall be avoided.**” –page 58 (emphasis added)

“8.2.7 Natural features and systems shall be preserved in their natural condition, wherever practicable. Such areas include watercourses, waterbodies, floodplains, wetland areas, **steep slopes**, aquifer recharge areas, wildlife habitats, large or unique trees, and scenic views.” –page 59 (emphasis added)

[Durham, NH, Site Plan Regulations](#)

See also: [Robin Mower 9-7-21](#) & [Malcolm Sandberg 4-7-22](#)

15,000 cubic yards of fill (as proposed on Dec 15, 2021) to raise the grade of Church Hill Woods to 19.5+ ft (with pavement) would fill every cubic inch of the Durham Town Council Chambers about 28 times over!

With March 17, 2022 new estimate of 13,702 CY, the Chambers would be filled about 25 times over.



12.3 feet to upper CEILING, 29.25 feet wide by 40.7 feet long = 543.4 Cubic Yards (CY)

**Proposal is to truck onto Church Hill
1,400 to 1,500 times more fill than shown below**



in 900 to 1,000 10-wheeler truck runs

Toomerfs' Admission of NON-PERMITTED USE

Their proposals are not – by current Zoning definitions – “at-grade” parking

On April 15, 2021, a day after the formation of a Planning Board subcommittee to revise parking zoning definitions in Toomerfs' favor, Toomerfs' Timothy Murphy suggested an additional zoning revision that would *(if it had been made)* help the Toomerfs override the negative April 13 ZBA decision.

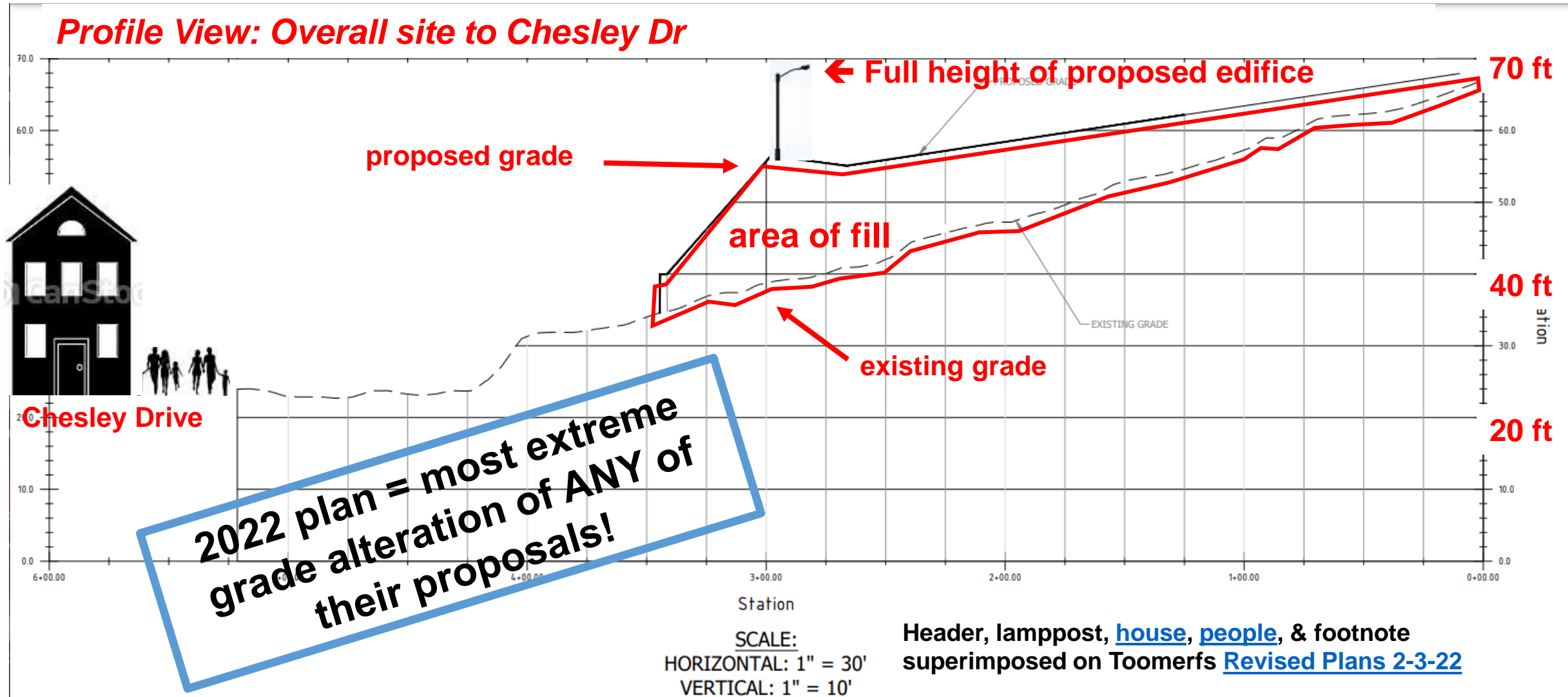
From: Timothy Murphy [<mailto:timpatmurphy@yahoo.com>]
Sent: Thursday, April 15, 2021 4:34 PM
To: Michael Behrendt
Subject: Re: Planning Board recap and preliminary agendas ***

Email acquired via RTK
request; typos original

“At grad” needs some work too--for example, our proposal is “at grade” from the front, but not the back, and any lot with a retaining wall around any of it’s border potentially could be called not at grade.

The Zoning redefinition effort was paused (details [here](#)) and, as this Toomerfs' email confirms:
None of their parking plans is permitted in the Church Hill District. Only “at-grade” Surface Parking is allowed for principal-use lots (and only by Conditional Use).

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



"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."

*I have raised concerns about Toomerfs' vague & misleading claims
(e.g., [Feb 23, 2022 Public Hearing](#) & my 3-18-22 submission, "[Discounting Reality on Church Hill](#)")*

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

MIKE SIEVERT: “So in summary, **we've got less fill, approximately 25%.**” – PB Hearing,
[Dec 15, 2021](#) 29:31

“In summary, **the design requires 25% less fill...**and reduces the impervious surfaces by 10%.” – Attorneys [Phoenix & Kieser 2-18-22](#)



REALLY?

Is anybody CHECKING?
*No PB/TRG member asked for actual
Cubic Yard (CY) numbers.*

After being challenged, Toomerfs scrambled to make their “numbers work”

March 17, 2022: To try to justify repeated “25% less fill” claims, Toomerfs ***increased fill # for Oct 2020 plan from 17,000 to never-before-stated 18,525 CY and lowered the March 2022 fill # from 15,000 CY stated on Dec 15, 2021 to never-before-heard 13,702.***

Most significantly, they pretended that their scaled-down May 12, 2021 “ZBA-compliant plan” never existed.

Comparison of cull/fill for currently proposed- and previously proposed development plans			
Proj. number: 18-041	Created by: M. Schrader		
Date issued: 2022-03-17	Checked by: M. Sievert		
Site location: 19-21 Main Street, Durham NH			
	2020-10-28 plan	2022-03-17 plan	
Area of pavement	50394 ft2	37533 ft2	
Depth of wearing course	1 in	1 in	
Depth of binding course	2 in	2 in	
Depth of crushed gravel (NHDOT 304.3)	6 in	6 in	
Depth of bank run gravel (NHDOT 304.2)	12 in	12 in	
Volume asphalt	12599 ft3	9384 ft3	
Volume crushed gravel (NHDOT 304.3)	25197 ft3	18767 ft3	
Volum bank run gravel (NHDOT 304.2)	50394 ft3	37533 ft3	
Volume asphalt	467 CY	348 CY	
Volume crushed gravel (NHDOT 304.3)	934 CY	696 CY	
Volum bank run gravel (NHDOT 304.2)	1867 CY	1391 CY	
Soil stripping (assume 6")	1115 CY	1027 CY	
Overall net fill	21392 CY	15925 CY	25.6% reduction
Pavement and select materials	1867 CY	1391 CY	
MC-3500 chambers	1000 CY	279 CY	26.0% reduction
MC-3500 chamber stone		553 CY	
Net fill - chambers and pavement mat.	18525 CY	13702 CY	
*did not remove volume for pipes/drainage structures			
Truck trips required	1158 trucks	857 trucks	
*Assume 16 CY/trip trucks			

[Cover Letter 3-17-22, p. 3](#)

 Approximate value

Let's do some "Fact Checks"!

Plan One: 17,000 CY Fill, Retaining Wall, 17-ft Elevation of Grade

Toomerfs' Oct 2020 to April 2021 plan (with a 20ft tall retaining wall) proposed 17,000 CY of fill, about 1,000 dump truck runs and raising the grade of the site by up to about 17 feet

Town Planner's Review, Wednesday, February 17, 2021

11) Construction. There would be around 17,000 cubic yards of fill requiring about 1,100 dump trucks, depending on size

Town Planner's Review, Wednesday, March 10, 2021

13) Construction Management. A construction plan is needed. There would be around 17,000 cubic yards of fill requiring about 1,100 dump trucks, depending on size.

This plan was rejected by the ZBA on April 13, 2021 as not meeting the definition for at-grade "surface parking" – the only permitted principal-use parking on Church Hill. Details at: [J Meyrowitz 4-5-22](#) & [J Meyrowitz 4-12-22](#)

May 12, 2021 – Post-ZBA plan: no retaining wall, much less fill, lower mound.

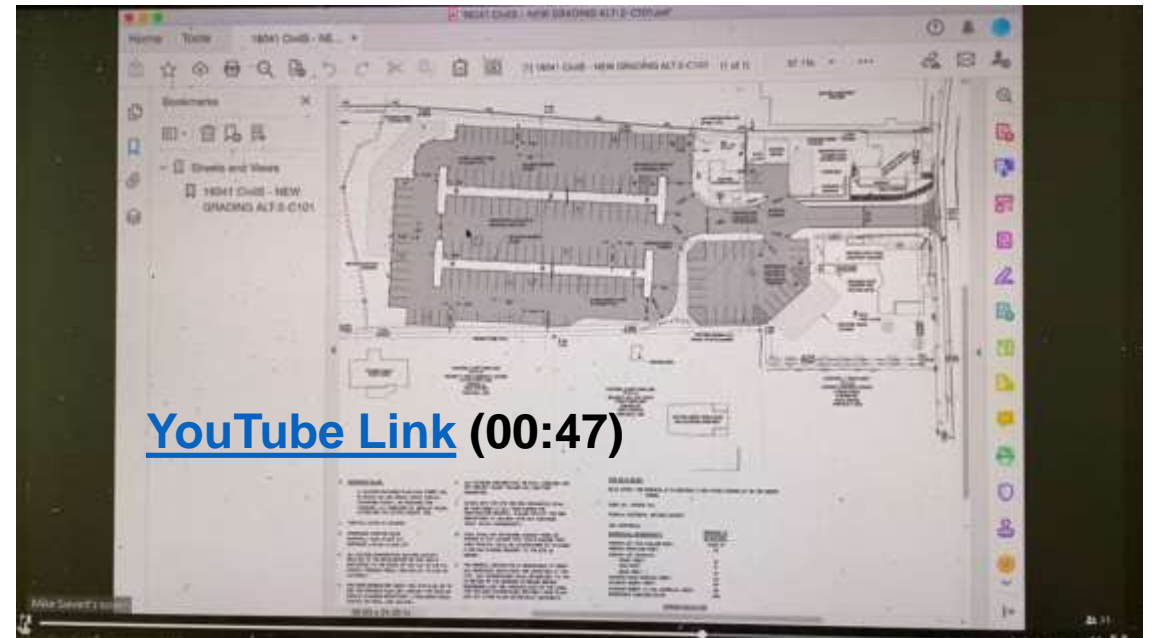
The “FORGOTTEN” Plan Two – but check the video link!

This was the “pitch” that sold PB on a new plan being ZBA-compliant, at-grade surface parking”

Peter Murphy (PM) & Mike Sievert (MS)

confirm: 6,000 CY **less** fill (vs. prior 17,000 CY = 11,000 CY); 5-6 ft **lower elevation** (vs. 17-ft prior = 11-12 ft elevation), and **no retaining wall at all** (vs. 20ft tall concrete wall topped with 30” black aluminum fence).

See also: [Joshua Meyrowitz 3-18-22](#)

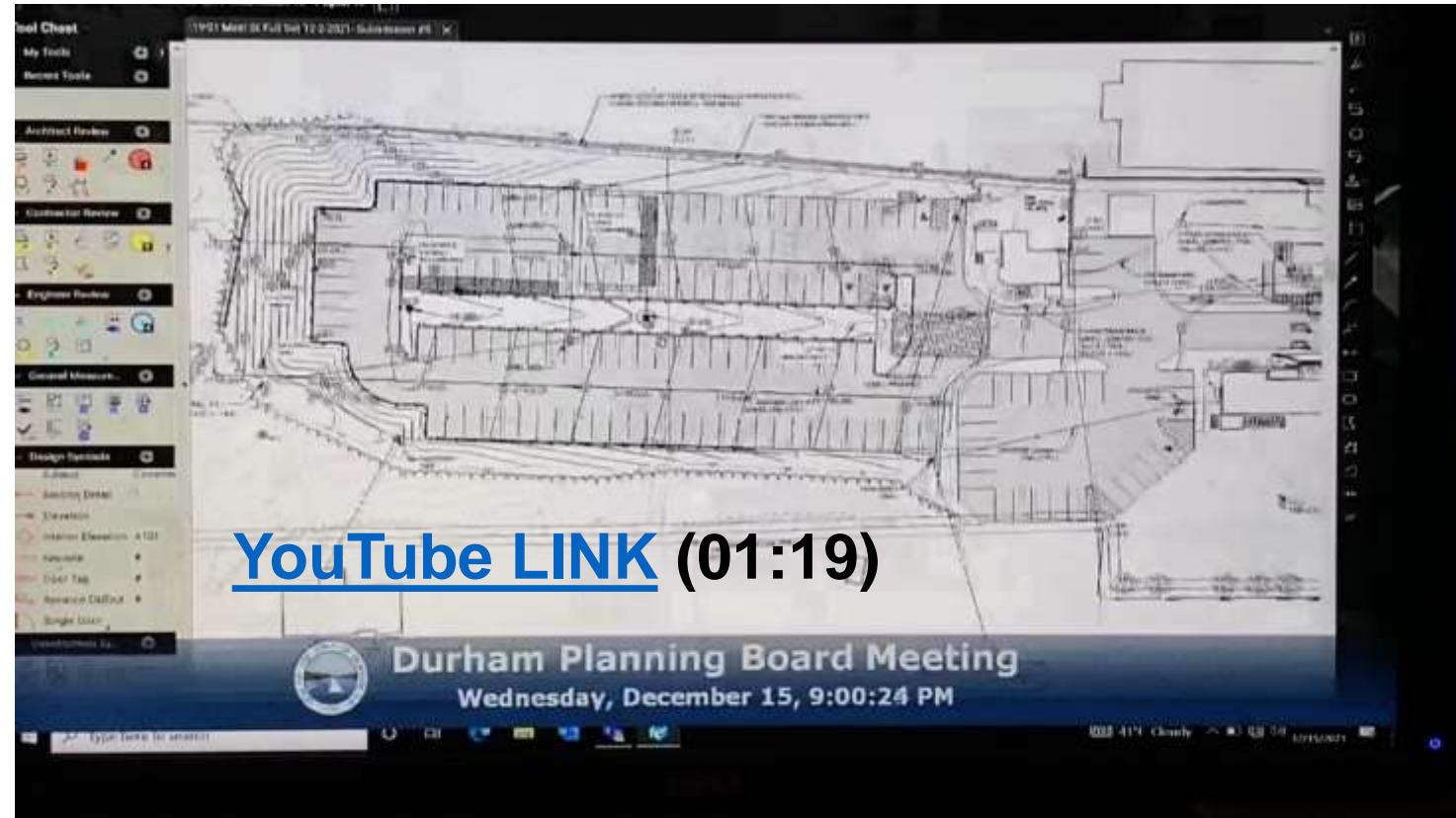


9:41:15 pm. PM: Hey, Mike, can I jump in for a second? **MS:** Yeah. **PM:** So just as I’m listening to you, and I don’t have my notes in front of me. But I’m just trying to summarize some of the bigger points that we’re saying here, right? And so did you kind of bring the whole lot down, is that kind of what happened, Mike? **MS:** Yeah, I said that that the, uh, you know, eh, we reduced fill in the back between 5 and 6 feet. **PM:** And we reduced the fill; is it approximately like 30% less fill? Is that what’s happening? **MS:** Yes, 6,000 yards less. **PM:** Okay. And the retaining wall is gone down from whatever it was, 24 feet plus the guardrail down to nothing, correct? **MS:** Uh, there’s still guardrail, but no retaining wall at all. **PM:** Okay....

Dec 15, 2021 – 7 mos after 11,000 CY plan pitched in May 2021

After writing & saying “25% less fill” (with no query from TRG or PB members about specific #s), Mike Sievert (MS) firmly states – in response to resident Beth Olshansky (BO): **15,000 CY of fill.**

That is **35% MORE fill** than the prior, May 12 plan. The early 2022 plan calls for 8-ft *higher* elevation *AND* again has a (quietly added) **retaining wall.**



9:00:25pm. BO: Okay, and also, I know at the beginning of the project, you had mentioned how much fill was gonna be required. But now the project has changed, so can you update us on that figure? MS: Yeah, it's 15,000 cubic yards, 15. BO: How many truck loads is that? MS: 938 BO: Say that again, please. MS: 938 BO: Okay MS: So that means it's 1-2 trucks/hr, 10 trucks a day [continues with precise traffic count claims]... [On Feb 23, 2022, 8:18p, Sievert says he can't remember exact amount of fill, but that it's 12,000+/- CY.]

Bringing back “forgotten” Post-ZBA May 2021 Plan to insert some TRUTHS

OCT 2020

MAY 2021

MARCH 2022

Proj. number: 18-041
 Date issued: 2022-03-17
 Site location: 19-21 Main Street, Durham NH

Created by: M. Schrader
 Checked by: M. Sievert

11-12 ft grade elevation

19-20 ft grade elevation

70% INCREASE

	2020-10-28 plan
Area of pavement	50394 ft2
Depth of wearing course	1 in
Depth of binding course	2 in
Depth of crushed gravel (NHDOT 304.3)	6 in
Depth of bank run gravel (NHDOT 304.2)	12 in
Volume asphalt	12599 ft3
Volume crushed gravel (NHDOT 304.3)	25197 ft3
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Overall net fill	21392 CY
Pavement and select materials	1867 CY
MC-3500 chambers	1000 CY
MC-3500 chamber stone	
Net fill - chambers and pavement mat.	18525 CY
*did not remove volume for pipes/drainage structures	
Truck trips required	1158 trucks
*Assume 16 CY/trip trucks	

REJECTED BY ZBA

May 2021 Plan

2022-03-17 plan

“NO RETAINING WALL WHATSOEVER”

RETAINING WALL STEALTHILY RETURNED

37533 ft2
1 in
2 in
6 in
12 in
9384 ft3
18767 ft3
37533 ft3
348 CY
696 CY
1391 CY
1027 CY
15925 CY
1391 CY
279 CY
553 CY
13702 CY
857 trucks

11,000 CY

700

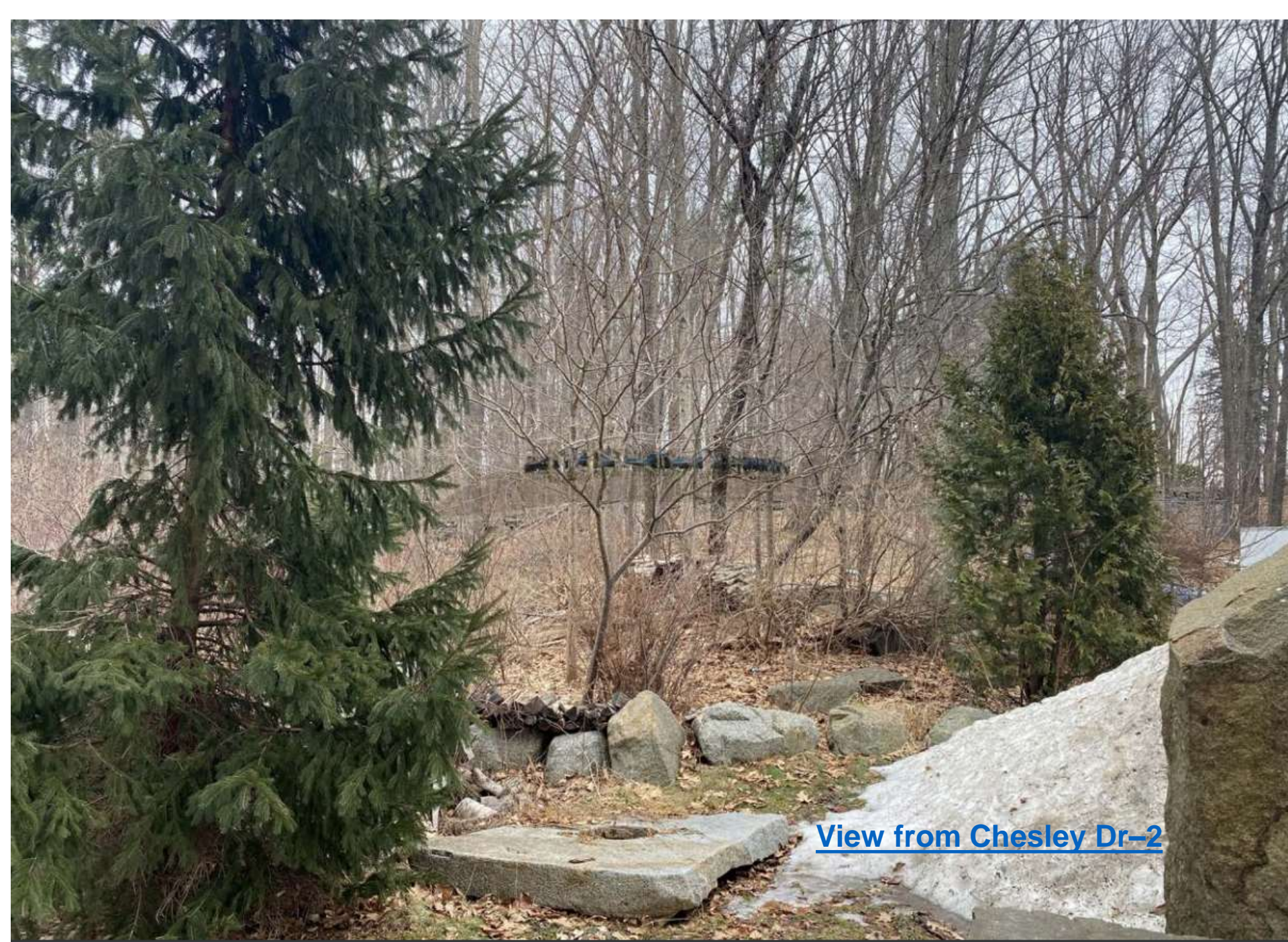
25.6%
reduct

25% INCREASE

26.0%
reduct

22% INCREASE

Approximate value



[View from Chesley Dr-2](#)

Do such Toomerfs' "renderings" in any way capture the scale & visual impact of what is proposed?

*Is this what a **6-ft tall retaining wall with a steep 20-ft tall "retaining slope" behind it + guardrail + vehicles + 14-ft tall lighting poles** would look like from Chesley Dr?*

How visible would a 6-foot tall retaining wall (against a 19.5+ ft retaining slope with guardrail, cars, & light poles above it) be from the Church-Hill-Woods-abutting Andersen home & Chesley Dr ?



Six-foot tall Anton Andersen at Sievert's 100-ft~ setback marker from May 26, 2021 Site Walk (setback buffer has now been halved)

**How visible
would a 6ft tall
retaining wall
be behind the
old rock wall?**

**Judging by the
6-ft tall Anton
Andersen,
VERY visible.**

**But not
according to
Toomerfs'
"renderings."**



Andersens at 8 Chesley Drive

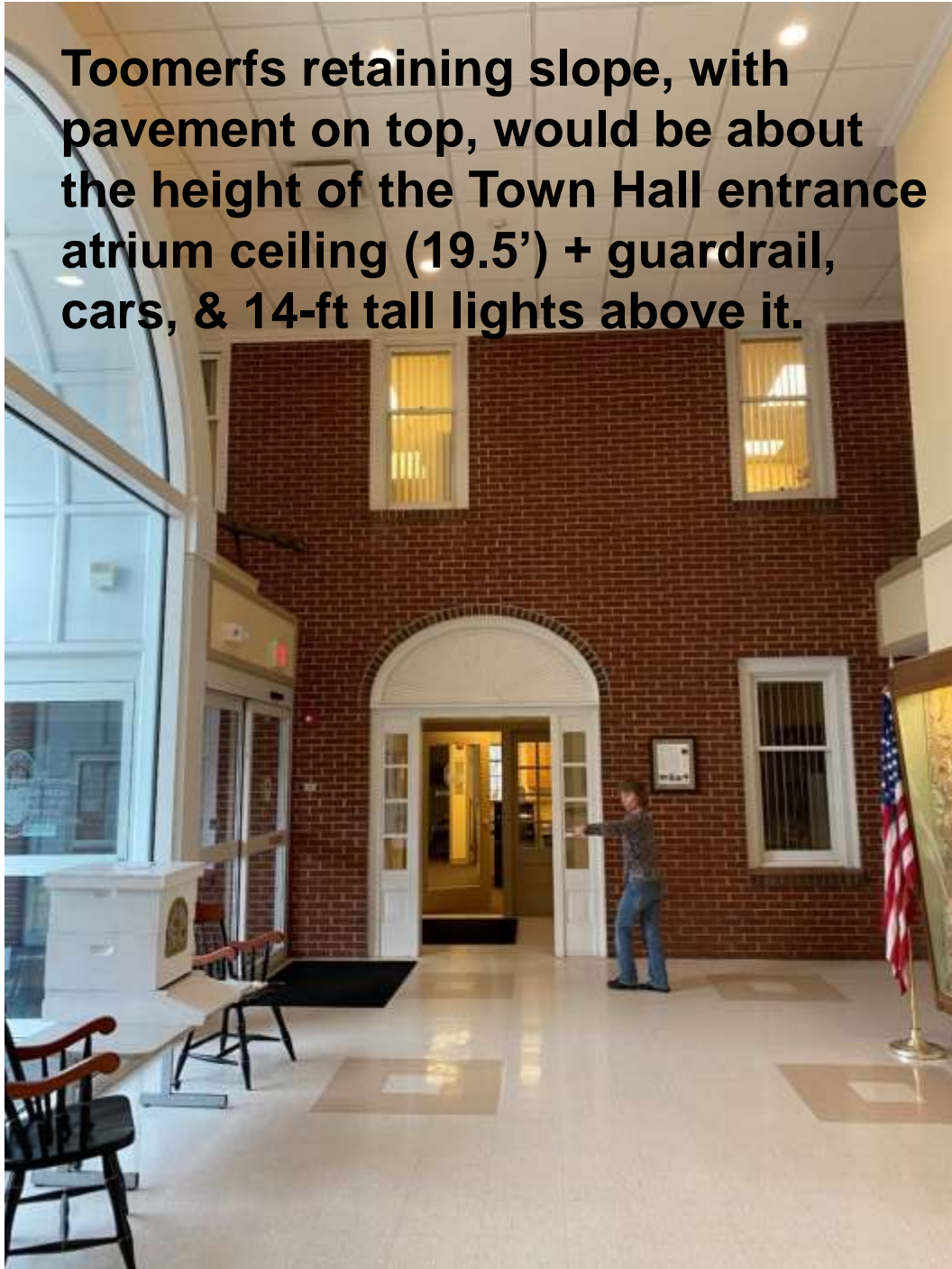
**For starters,
shouldn't we
be seeing
something
more like
this?**

**And, then,
with a steep
20-ft high
"retaining
slope"
behind it?**





Toomerfs retaining slope, with pavement on top, would be about the height of the Town Hall entrance atrium ceiling (19.5') + guardrail, cars, & 14-ft tall lights above it.



When will we see some honest Toomerfs renderings?



Toomerfs retaining slope, with pavement on top, would be about the height of the Town Hall entrance atrium ceiling (19.5') + guardrail, cars, and 14-ft tall lights above it.



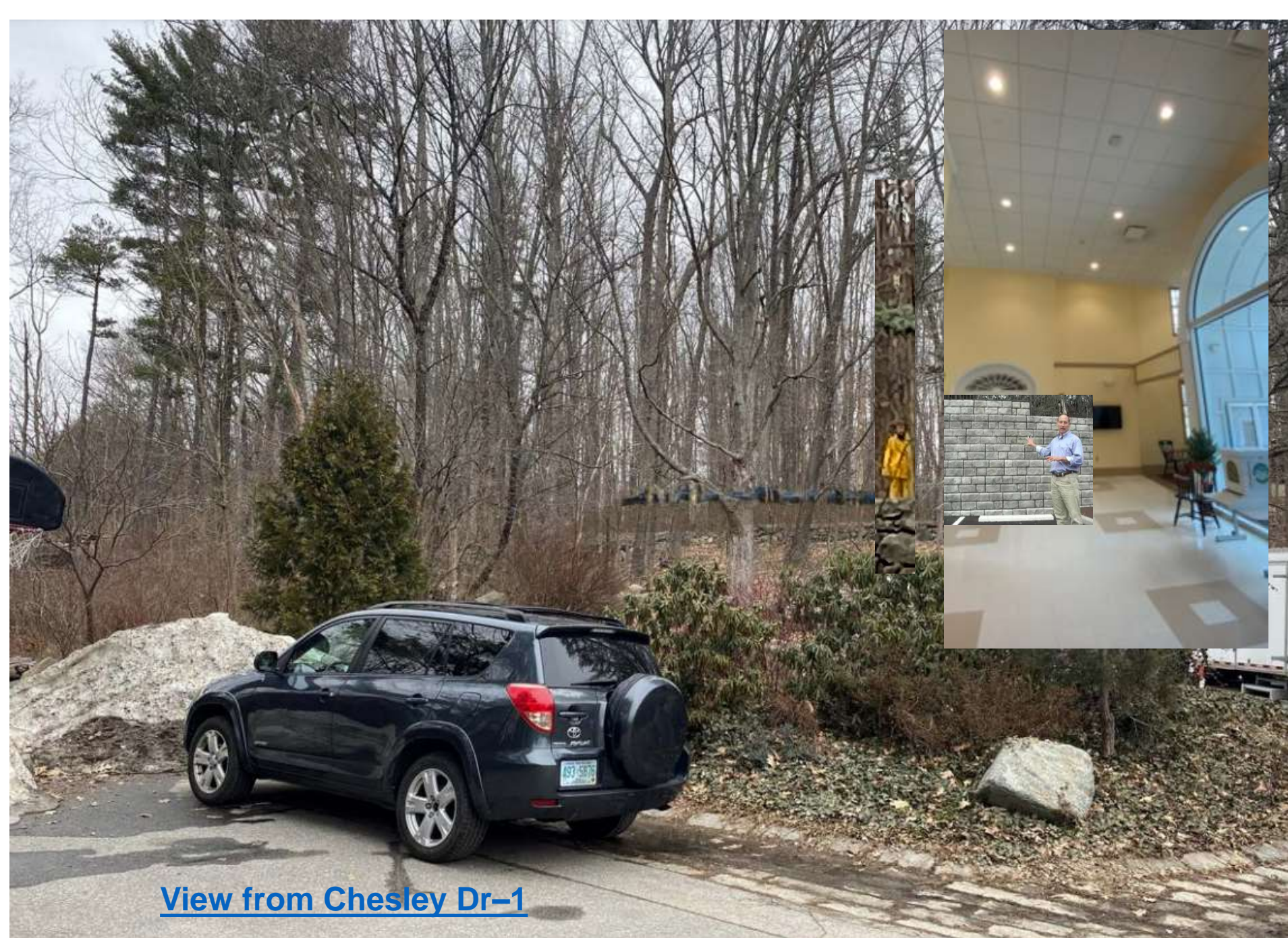
When will we see some honest Toomerfs renderings?





At about 20 feet high, the proposed steep slope* would reach up about 14 feet above the proposed 6-ft retaining wall (for an edifice about the height of the Town Hall Atrium entrance).

*The proposal is for a 2:1, or 50%, slope, that is: 1 foot of rise/drop for every 2 feet of run



[View from Chesley Dr-1](#)

Surely, the proposed 2-story tall retaining wall/retaining slope edifice, topped with a guardrail, vehicles, and lighting poles – *and a big void where the trees now are* – would be more visible from Chesley Dr than Toomerfs' images suggest.

Absurdly, Toomerfs continue to show WOODS they hope to destory



[View from Chesley Dr-2](#)

A supposed
“AFTER” picture
should illustrate
the visual impact
of the planned
deforestation.

*Analogy to
injury photos....*

If lawyers defending a client who knocked out someone's teeth showed this picture of the victim, they'd be laughed out of court

The Toomerfs "rendering" at right, with trees to be removed still portrayed, is also laughable



Where are the honest pictures of deforestation by Toomerfs?

We should be seeing a glaring open-sky gap beyond light poles, vehicles, guardrail, massive slope, & retaining wall



I have no Photoshop skills, but I will try to illustrate further, if crudely, why the Toomerfs' photoshopped images are so misleading.

Toomerfs should be showing: *a visible retaining wall, massive retaining slope, guardrail, vehicles, lighting poles & OPEN SKY!*



[View from Chesley Dr-2](#)



The image at left is rough, but at least it has the **actual elements** of the proposed structure.

Why aren't Toomerfs showing us realistic and convincing renderings?

AND CONVEYING THE SCALE....









The proposed structure with a 6-ft tall retaining wall and almost 20ft tall retaining slope, topped by asphalt, guardrail, vehicles & 14-ft tall lighting poles would look a lot more like the image at left than Toomerfs' "renderings," such as BELOW.



[View from Chesley Dr-2](#)

**The Board must demand
honest renderings!**

“renderings,”

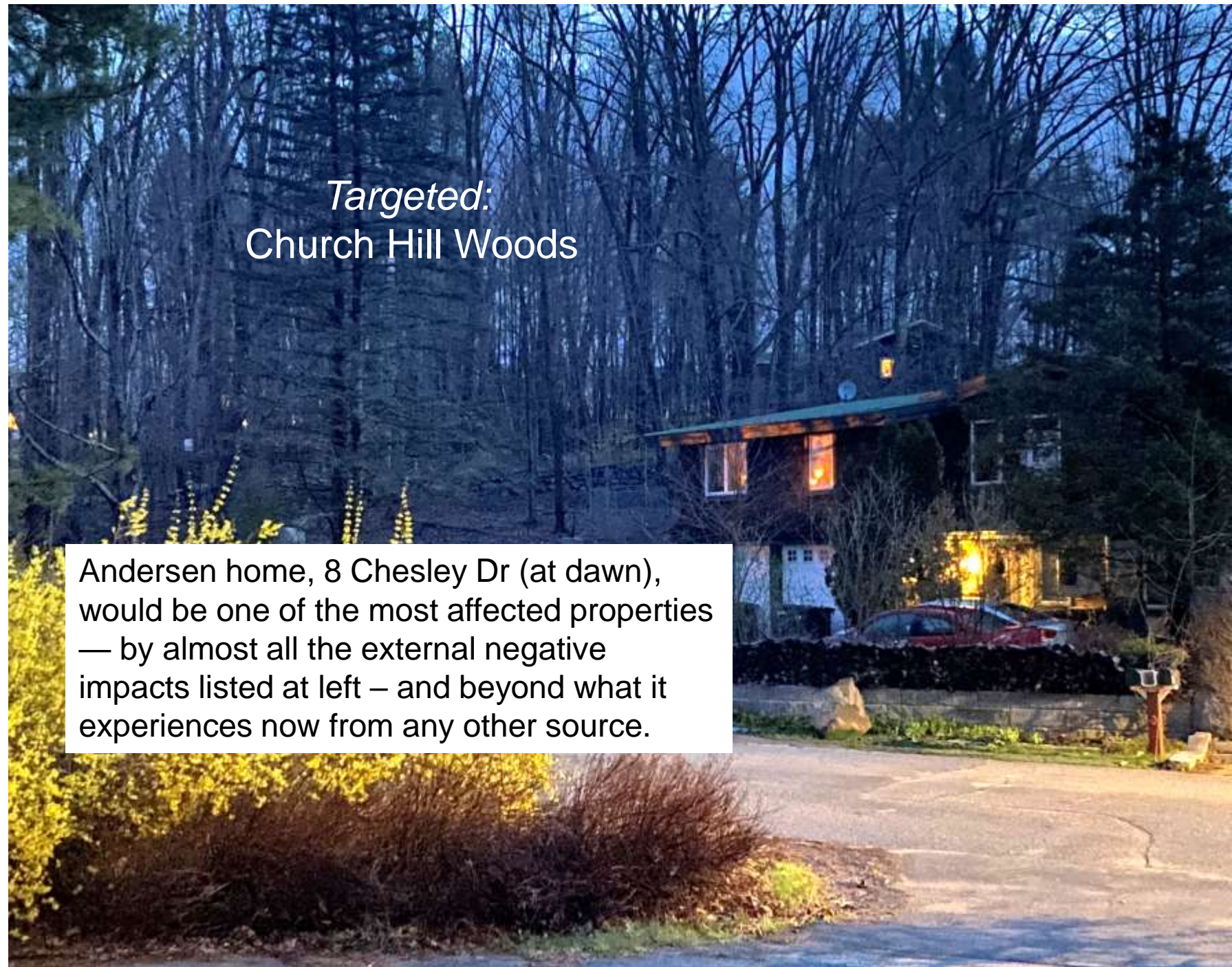
← **OLD ROCK WALL**



Toomerfs' project must be denied if it does NOT meet these strict conditions, among others: *"The external impacts of the proposed use on abutting properties and the neighborhood shall be no greater than the impacts of adjacent existing uses or other uses permitted in the zone. This shall include, but not be limited to, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, 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 nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood."*

Targeted: Church Hill Woods

Andersen home, 8 Chesley Dr (at dawn), would be one of the most affected properties — by almost all the external negative impacts listed at left – and beyond what it experiences now from any other source.



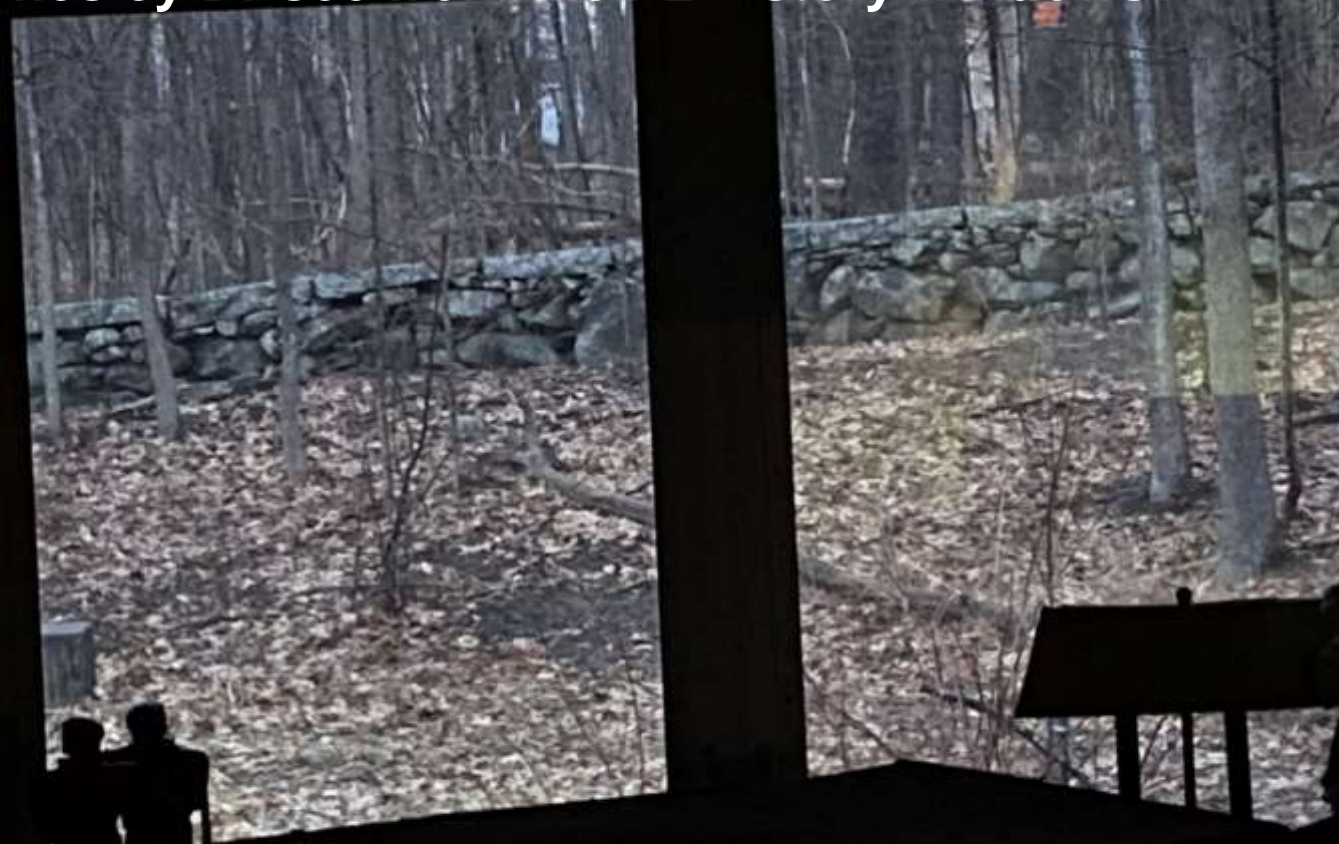
The primary structure Toomerfs propose: *combination of retaining wall & 2-story tall “retaining slope”*

That’s the main “artifact” – & it’s the most difficult for the Board, Town staff, expert consultants, abutters, & the public at large to imagine.

We all know what a paved parking surface looks like, what lamp poles look like, what vehicles and trees look like, yet Toomerfs have focused on displaying those *familiar* items and hiding what we need to see.

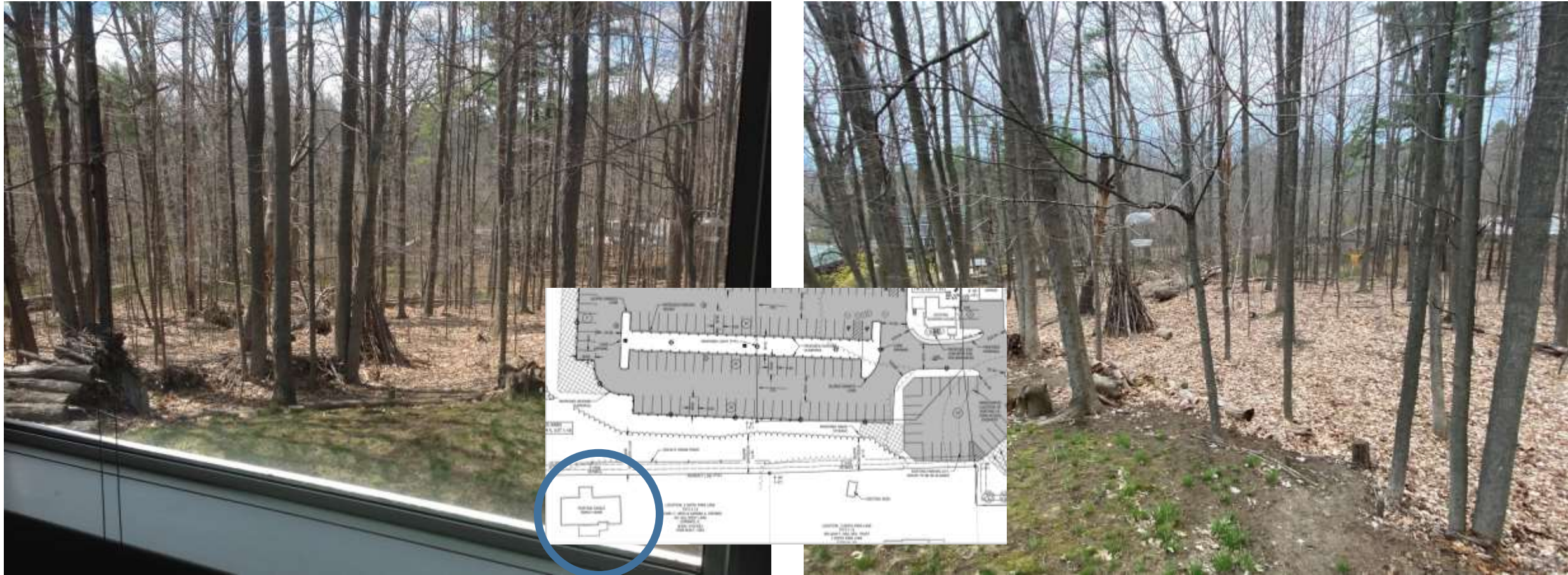
They played the same shell game with the large retaining wall plan -- never showing the wall!

What would the abutting Andersens at 8 Chesley Dr see from their 2nd-story windows?



Contrary to Toomerfs’ claims: the project is NOT at “rear” for the most affected homes

Despite months of multiple requests from residents & Planner Behrendt, Toomerfs have yet to provide 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

And where are realistic renderings of interaction of the plan's stormwater output with the Chesley Marsh & College Brook Flood Zone?



The current wooded Church Hill lot is steeply sloped toward a wetland and the College Book flood zone.

CHURCH HILL WOODS

Stone wall lot boundary →

Chesley Marsh

Chesley Dr →

← Mill Plaza

← College Brook
Footbridge

Culvert into
College Brook

Church Hill flow into
College Brook Flood Zone
Jan 16 2021, 12:12p (00:24)
[VIDEO LINK](#) or [related vid](#)



Rear of Mill Plaza →

Church Hill Woods →

[College Brook Flooding](#)
YouTube Channel

5 Chesley Drive, diagonally across from Church Hill Woods

Sunny, Dry Day



Chesley Dr. backyard

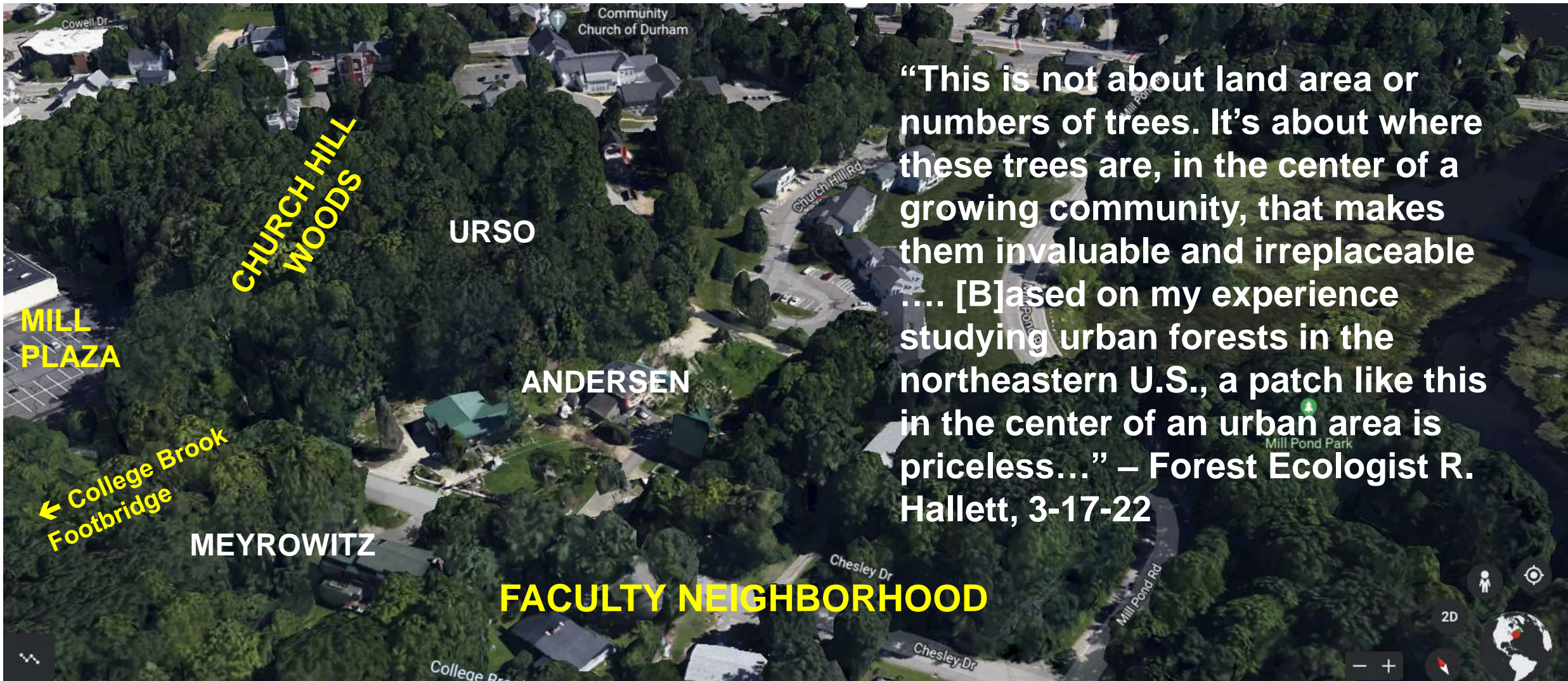
After Rain



Chesley Dr. backyard, after rain

“The flooding is a major concern. In the short 6 months we have lived at 5 Chesley, we have noticed a lot of flooding and standing water on our property. It makes it difficult to mow regularly and disrupts the peaceful enjoyment of our property.” – New owners, January 2022

“[I]t 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.” – [Hallett](#)

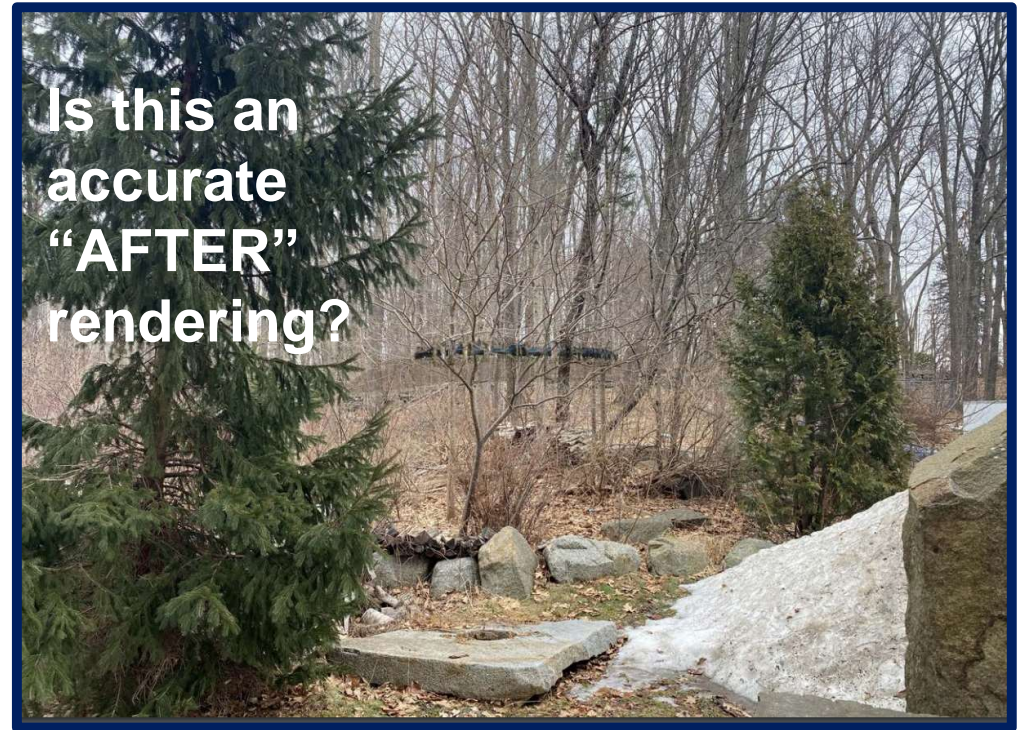


“This is not about land area or numbers of trees. It’s about where these trees are, in the center of a growing community, that makes them invaluable and irreplaceable [B]ased on my experience studying urban forests in the northeastern U.S., a patch like this in the center of an urban area is priceless...” – Forest Ecologist R. Hallett, 3-17-22

Toomerfs' Misleading Claims & Unrealistic "Renderings"

Steeply Sloped Church Hill Woods
to Parking Mound Mesa, cont'd

[Application Site](#) / [Citizen Comments](#) / [Conditional-Use Zoning](#)



Toomerfs' so-called: [View from Chesley Dr-2](#)

May 6, 2022 Submission to the Durham Planning Board

Adapted from Party-in-Interest Comment at Planning Board

March 23, 2022, 10:00-10:10pm ([video](#)) & other comments

Joshua Meyrowitz, 7 Chesley Drive, Durham, NH 03824 (n)

Prof.Joshua.Meyrowitz@gmail.com

Further Details

“Skirting the Conditions of Use?” [Joshua Meyrowitz 3-5-21](#) (text 3.5 pp + 2 pics)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_3-5-21.pdf

“Once again: absence of informative images from Toomerfs,” [Joshua Meyrowitz 12-15-21](#) (text, one page)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_12-15-21.pdf

“Church Hill Woods: Some Pending Issues,” [Joshua Meyrowitz 2-18-22](#) (text, one page)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_2-18-22.pdf

“The May 2021 Church Hill Site Plan Impressed the PB – *Then It Disappeared!* [Joshua Meyrowitz 3-18-22](#) (one-page)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_3-18-22.pdf

“Lighting Pole Heights, Depth of Hood, Glare, & Light Pollution,” [Joshua Meyrowitz 3-18-22 #2](#)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_3-18-22_2.pdf

“Discounting Reality on Church Hill Woods, [Joshua Meyrowitz 3-18-22 #3](#) (44-slide PPT)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_3-18-22_3.pdf

“Selected Church Hill Oversights & Omissions,” [Joshua Meyrowitz 3-23-22 #2](#) (one-page text; one page with 4 Atrium pics)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_3-23-22_2.pdf

“Details on Successful Andersen/Meyrowitz ZBA Appeal, April 13, 2021,” [Joshua Meyrowitz 4-5-22](#) (PPT, 43 slides)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_4-5-22.pdf

“Attempts to Override April 13, 2021 ZBA Ruling Against PB & Toomerfs,” [Joshua Meyrowitz 4-12-22](#) (text 30 pages)

https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning_board/page/60771/joshua_meyrowitz_4-12-22.pdf

[Letter from Attorney Nathan R. Fennessy 3-23-22](#) & [Letter from Attorney Nathan R. Fennessy #2 3-23-22](#)