

To: Durham Planning Board / From: Joshua Meyrowitz, 7 Chesley Dr / June 1, 2022 / **Re: Negative Impacts**

“Chloride is a difficult beast.... You cannot treat for it, you cannot remove it, there’s no effective BMP treatment to physically remove it from the water.”

– Town Engineer, April Talon, TRG Meeting, [Dec 7, 2021](#), 10:14:45 am

Blowing the snow in the air: At the November 25, 2019 site walk for Toomerfs Church Hill Woods Preliminary Design Review, engineer Mike Sievert expressed uncertainty about how snow removal on the parking lot would be handled. “I’m going to blow it in the air,” was his temporary answer.

Plan A: Use a snow-melting machine: For several months into formal Application Review, starting in late 2020, Mike Sievert indicated that the Toomerfs would use either a snow-melting system embedded in the parking surface or, as Sievert later described, loading the snow into the hopper of a large mobile snow-melting machine and allowing the water from melted snow to flow into the site’s stormwater treatment system.¹

Plan B: No melting machine, but also NO salt. By March 2021, the applicant had dropped the snow-melting machine idea, but promised NOT to use salt. [Planner's Review 3-10-21](#) echoed citizen queries about what exactly other than salt would be used: **“We should clarify whether any deicing materials would be used.”** In the meantime, the applicants offered no plan for stopping parking-spot-renters from using salt they kept in their trunks to melt ice/snow around their vehicles.

Plan C: We must use salt! “But I mean we’ve talked about this before.... We’ve agreed to abide by those regulations using the new [reduced salt] snow-removal procedures.... But Michael [Behrendt], we definitely don’t want to be restricted from using salt....” –**Michael Sievert**, TRG Meeting, [Dec 7, 2021](#), 10:17am [*Sievert leaves the Zoom call, and his Horizons Engineering colleague, Max Schrader, takes over.*]....

Planner Michael Behrendt: “So, there’s no way to capture it [salt] down gradient or buffering it or anything?”

April Talon: “Uh, well, there is a wooded buffer, but, no, there really isn’t unfortunately [laughs], so.”

Max Schrader: “No it pretty much stays in the water.... There are places that capture, and try to reduce, but that’s very rare....”

Michael Behrendt: “So even if there was an earthen berm below, it moves through that?”

Max Schrader: “It’s suspended, it’s really salt in the water. So even if you have settling, it doesn’t come out of the water, it will just go where water goes. So if it goes into groundwater, it goes into groundwater. If it makes it into the stream, it’s in the stream. So really you can just limit how much [salt] is applied.”...

Code Enforcement Officer Audrey Cline: “So does it have an impact if it makes its way to Great Bay, or is it, at that point, the proportions are negligible? Or only if you’re going into a freshwater system?”

April Talon: “Yeah, College Brook is impaired for chloride, so that’s where our additional regulations come in for the MS4 program.”

Chloride watershed pollution is a significant NEGATIVE EXTERNAL IMPACT of the proposed large commercial parking lot upland of a wetland & College Brook. (“By-right” uses would have significantly less snow-removal needs.) The Conditional Use ordinance provides a “non-exclusive” list of criteria. As [Attorney Spector-Morgan writes](#): “The board might also consider other things that are not specified in the ordinance or on the checklist but are relevant given a specific application. We know this from the language “this includes but is not limited to.””

¹ For mentions of snow-melting machines, see [Site Walk Minutes 12-2-20](#), [Planner's Review 1-27-21](#), [Planner's Review 2-17-21](#), and, for critical questions from a scientist about these snow-melting plans, see [Eric Lund 12-11-20](#) & [Eric Lund 1-21-21](#). (9)