

From: [Matt Brown](#)
To: [Michael Behrendt](#); [Karen Edwards](#)
Subject: Grade concerns
Date: Friday, April 16, 2021 4:50:33 PM

Mr. Behrendt and members of the Planning Board-

As a professional engineer, I am completely baffled by the interpretation by the ZBA on April 13 that the term "at grade" can only be applied to elevations of an undeveloped site, not the finished, graded site. I don't see how surface parking is possible in Durham without the understanding that every developed lot is shaped and graded to provide drainage and safe ingress and egress. For the sake of residents, business owners, property managers and developers, I hope this definition is corrected quickly so we understand how Zoning applies to our properties.

Further, it's my hope that if the Town decides to turn down the application for the proposed parking at 19-21 Main it does so on the basis of the applicant failing to meet the Conditional Use requirements and not some specious interpretation of 'structured parking' because a retaining wall is used to minimize site disturbance and reduce imported fill. The consequence of classifying retaining walls in this manner would be larger, more destructive developments, as the project engineer stated during the ZBA hearing.

Lastly, I am interested to hear about restrictions, if any apply, to cut and fill (grading) heights on the 19-21 Main site, as that seems to be one core issue. Has the applicant violated some code or ordinance by the proposed fill heights, over 20 feet in one corner? One PB member stated at the meeting on April 14 that he would consider even an earthen slope to be a "structure" if it appeared to someone as a "wall". As far as slopes go, this one is starting to seem slippery!

I look forward to hearing what you and PB members plan to do to clear up this confusion.

Regards,
Matthew Brown, P.E.
Durham