

20220727 verbatim Planning Board minutes

Verbatim transcription by Robin Mower, keeping as close as possible (omitting the occasional “um”), to the DCAT videorecording. The transcription does not cover the entire agenda item and was submitted on August 10, 2022.

- /.../ indicates a break in the meeting
- ...indicates a speaker “trailing off.”
- XXX indicates either unintelligible or not captured speech
- [text] is explanation added by the transcriber
- Speaker’s comments were broken into paragraphs for legibility but may not represent accurately the speaker’s intentional break.
- recording markers are used, i.e., number of minutes into the meeting, rather than clock times

July 27, 2022 Planning Board

DCAT recording: <<https://durham.vod.castus.tv/vod/?video=3ef94298-f548-4b91-b7bd-121f923ff966&nav=playlists%2Fplaylists%2FPlanning%20Board%202019%20-%202022.m3u8>>

Durham Planning Board, July 27, 2022—19 Main Street CUP and site plan permit applications

19-21 Main Street –Parking Lot. Preliminary discussion about conditional use criteria related to the project and discussion with Steve Pernaw, traffic engineer who prepared traffic report. Formal application for site plan and conditional use for parking lot on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, property owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 5, Lots 1-9, 1-10, 1-15, and 1-16. Church Hill District.

Note: Attendance from transcriber’s observations of the meeting.

MEMBERS PRESENT: Paul Rasmussen (Chair), Heather Grant (Vice Chair); Lorne Parnell, Bill McGowan, James Bubar, Sally Tobias (Council Rep.),

ALTERNATES PRESENT: Chuck Hotchkiss (Alt. Council Rep.), Barbara Dill (on Zoom), Emily Friedrichs

Members absent: Richard Kelley

Alternates absent: Nicholas Germain

Also present: Town Planner Michael Behrendt

*

NOTE: The 19-21 Main Street agenda item was discussed following a recess that ended at 9:34pm, starting below:

Grant: ...We are seating Emily in place of Paul. The Chair has recused himself from the 19-21 Main Street parking lot site plan and Conditional Use application for a parking lot as principal use on four lots [continues to read from agenda description]...

We are in the public hearing in adjourned status. We are in discussions with public comments only in written form at this point. We also did have, as everybody is probably aware, we had, Mr. Behrendt sent out a communication regarding, you know, adjustment in what we were going to do for the next, this meeting as well as subsequent meetings. So it might kind of, let Michael explain a little bit to us the challenges we're facing with trying to adjust to these new processes and what we're going to do going forward.

[recording marker about 2:54:53]

Behrendt: Thank you. So I trust most people have seen the email that I sent out yesterday afternoon [i.e., July 26, 2022] about, what I would recommend the Board discuss tonight, and if you agree to follow as a process from this point on for 19 Main Street.

A little bit of background: The vast majority of projects that come to the Planning Board are not that complicated, they don't take, you know, month after month, and, you know, getting to the end state is not really that complicated. But where we have projects where there is a great deal of public input, when the Board gets to their deliberation stage, it's helpful to put a pause on the public hearing, because if the public hearing continues on with a great deal of public input every evening, it doesn't give the Board sufficient time to do its deliberations. It might get to deliberations at 10:30 at night, and it's not effective.

So, what I think we have all realized is that, during the deliberations stage for these kinds of projects, it would be helpful if there's a way to pause the public hearing in a way that we don't need to do for the smaller, more straightforward projects because they get to the end stage pretty readily.

So we tried something recently, which was adjourning the public hearing, and we did that, I think, at the June meeting, to, we adjourned the public hearing to July 27th, which meant that there would be no public input, verbal input, at the meeting so the Board could deliberate. And I thought that we would also not be accepting written comments, but the Town Attorney advised me that, even though we're not accepting verbal comments, because the hearing is not actually "closed," we have to accept written comments during that period.

So we've been in this strange period the last couple meetings where we're not getting any verbal input from residents nor the applicant for 19 Main Street while the Board has started deliberations, but we are continuing to get a lot of written input, from all parties. And so that's been a little difficult.

And so Heather Grant and I talked with the Town Attorney yesterday, asking, you know, what's a better way to kind of move from here, and she suggested that what we can do—and I think what we should do for projects similar to this in the future—is, you know, have the public hearing reopen or reconvene, reconvene the public hearing at the next meeting on August 10th, as we had planned to do, but then to close the public hearing after that, so people could submit written comments up until August 10th, the Board, if the Board agrees with this process.

So, we would have the public hearing as planned on August 10th. That would end whenever the comments end—you know, 9:30, 10:00, whatever, at that meeting. The public hearing would then be closed, and the Board would continue its deliberations,

maybe the 10th, probably subsequent meetings in August, possibly into September, if need be. And so we would not be accepting any input from residents or the applicant during those deliberations.

But because it is always useful to get input on the draft Notice of Decision—at least when it's for an approval—it is very helpful to get input, because there are so many terms and conditions, we need to hear at least from the applicant if any of these terms and conditions are problematic or should be changed or improved in some way. And if we're taking input from the applicant, we have to take input from the public. So it seems that a good way to do this, again, we close, and, in general, for projects like this, at the appropriate time, when the Board has a very good handle on where we are with the project, we're moving into the final stages, that we would close the public hearing—not adjourn it, but close it—so there would be no public comments from anybody while Board adjourns, and then, when the Board is pretty much done with their deliberations, we, we would, the Board would direct me as best they can to prepare a draft Notice of Decision for an approval or a denial.

We would schedule that for a subsequent meeting, and then we would also reopen the public hearing at that same time, so that the applicant and residents could comment on the draft Notice. And, since this is a second public hearing, the Town would pay for those notices. We couldn't ask an applicant, because their requirement is to pay notices for one hearing.

So, I think for projects like this, that's a good thing, going forward. Frankly, we've been wrestling for many, many months how to deal with this situation, where we have lots of input: How do we have deliberations while we also have input? And I think that this is a good approach.

So, to segue into that for 19 Main Street, my recommendation—and the Town Attorney's recommendation—is, again, closing the hearing on the 10th, continuing deliberations. The Board can give me direction, as best you can, to draft a Notice. We would send new notices for a new hearing, get input on the draft Notice, and then the Board would take its final action, and in this case, that would involve final votes—not one vote, but several votes at the final meeting: on the Conditional Use, on the Site Plan, and then on the draft Notice.

And the reason that I say “the Board would direct me as best they can,” is because we may be nearing the end, and at a meeting, I wanna know what kind of Notice I have to write, but we won't know for sure until the final meeting, because Site Plan requires four affirmative votes, Conditional Use requires five, and sometimes the people that are at a meeting can change—somebody can't make it, they're absent, different alternates might be seated, so it's possible we could be at one meeting where the sense of the Board is, say, favorable, and then we come to the next meeting, I have a draft Notice and the sense of the Board is not favorable.

[recording marker about 2:42]

So that's where we are, and that's the process I would recommend, and it's just the nature of this business that it's complicated. Every community wrestles with this. There's no bible. The State provides general parameters, and we do the best we can, and I think Durham generally does very, very well, but where you have big projects, it's always a challenge. So, that's where we are.

[recording marker about 2:42:54]

Parnell: OK, I have some views on that. I don't agree at all. I think this public hearing should have been closed whenever we did this adjournment, but we didn't do it that way, so be it. I think the fact that we're getting written comments but not verbal comments is just making it, making the whole public hearing process not good.

But I think, my suggestion, what I was going to suggest we do tonight, because we finished our deliberations on the conditional use criteria, I was going to suggest that we hold a vote on that this evening, 'cause I don't see how you can even consider this Notice of Decision without a vote from the members.

I'm not going to suggest that now, only because two of the people who've been involved in deliberations are not here tonight, so that would not be appropriate, I don't think, to have that vote now, but I, certainly that was my intention to, to call for this vote, and I'd like the other people on the Board to say why they wouldn't do it, if they didn't want to do it.

But I think that, going forward, I think that at our next meeting we should, since we've adjourned the public hearing til August 10th, we have to go through the public hearing at that time, but I think that as soon as we get that done, we should start taking votes on the conditional use criteria, because that will determine what happens beyond that, and then after that, we then do the deliberations on site plan and take the vote on that.

And I think that this thing about the Notice of Decision is paperwork, basically, it's...

Behrendt: It's what?

Parnell: It's paperwork. The decisions have to be made by the Board and then we discuss conditions and, you know, things that have to be part of that thing, but... Anyway, that's my view, and I would like to hear what other people think.

McGowan: I don't recall in the past voting on the Notice of Decision, I mean, particularly there's the conditional use and then the site plan.

Parnell: Right, right.

Bubar: It's kinda wrapped in the approval of the project, where the Notice is there.

McGowan: XXXX

Parnell: Most of the projects we've done it's been obvious, but, what the decision was going to be, so, the Notice of Decision was prepared and it all was done at the same time, but in a project, the bigger projects that we've done, I think, it's the vote that's the important, and the Notice of Decision is just, is just sort of the conditions under which the, if it's approved, the conditions under which the approval is done, and I think, I agree that at that time you have to have a public hearing, because you have to be able to speak with the applicant about what those conditions are. So, anyway, but I think that in this particular case, I think we've just dragged this on long enough.

[recording marker about 2:45:45]

Tobias: Yeah, I have to agree with that. It has felt odd, and being, discussing the conditional use criteria and then getting comments back pertaining to the discussion of the conditional use criteria, where I'm used to a point where we have gotten to the conditional use criteria, we have closed the public hearing, now we're discussing, and we're really pulling our thoughts together around the table for where we would be leaning, and then we would vote.

It was tough enough that we split the discussion of the conditional use criteria...

Parnell: Right.

Tobias: ...into two weeks difference, which I thought was, you know, the time happened, but—'cause it was quite late when we left—but it still felt odd. So, for me, it does feel like, you know, we're a jury—and in essence, we are—that has adjourned. The trial is over, we have gone to the jury room, but the defendants and the prosecuting attorney get to come with us, with their witnesses, and still get to talk about what we're saying. And it, I think it adds to a lot of confusion. I think it's obvious the public have been confused about it.

I think it's alright for us to have a defined procedure that we use no matter what 'cause, you know, we shouldn't be changing and making a subjective decision about one application as being more contentious or more involved. These, this procedure should fit all, and if it goes on for a long time, where at a process of a couple of years, going through, which we have been, then so be it.

We give the community ample time to, to respond to everything, but at some point we have to stop, okay, we're now gonna stop, and we're gonna take everything you're said, and we're gonna pull it all together, but we know when we've heard enough from the applicant, 'cause he's got nothing more to say, and once that happens, we've heard it all from the public.

[recording marker about 2:48:14]

Friedrichs: I agree with what Sally said, and that it's really important to have consistency, and whatever works has to work for all applications, and it also needs to be, in the name of transparency, it needs to be predictable.

And I think the Town Attorney's recommendations: I can understand if you are a trial lawyer that you kind of change strategy as things evolve, but we are administrative, you know, it's bureaucracy, and people expect predictability, because that feels like it's fair. And I am really concerned that, you know, we've had accusations of bias from the applicant, from the abutters' attorney, and now I have heard three different conspiracy theories going on around town about bias on this board, in Town government, in Town staff, from different sources that don't know each other, that didn't even know I was on the Planning Board, just meeting new neighbors.

For people to be espousing that to people they don't even know was really disconcerting to me, that, you know, that, you know, it's really important that we maintain that faith and that trust, and I think that changing approaches in the middle of an application is less than ideal, that if we're gonna try and experiment, you know, with—there is reason to try new approaches—but I think not doing it in the middle of an application, an application that's open, but maybe waiting til the next one, and then

see how that works, because, I think it's really important that people, you know, see how much work we put into to really hearing all of the evidence before us.

I do also caution, I think we have to be really careful. Lorne, what you said about, you know, "waiting until people who are participating in deliberations earlier are here": That sort of thing sounds like it's introducing bias into the system.

We shouldn't be planning votes around who is present and who is not. Everyone who is on this board should be up to speed if they are participating in the deliberations, and—I lost my train of thought; hold one one second—and also, this, obviously each of us on this board may have different interests and ask different questions and so forth, but we're not making decisions based on our personal opinions.

The ordinance is the same. We are all judging this application to the ordinance. It is the language of the ordinance that is going to rule this decision, and so there shouldn't be, you know, huge differences of interpretation of that. There will be some nuances, of course, there will be "how do you weigh different expert evidence?" But the quasi-judicial role of the Planning Board is not like the quasi-legislative role where there's a lot more kind of opinion put in about what the, you know, what our regulations should be and how we want our town to look and what's good for our town.

Those are not questions before the Board in this role.

Grant: Yeah, and I think just...

[recording marker about 2:51:50]

Dill: I agree. I'm gonna speak for once. I agree, I agree with, actually what everybody said so far, in the sense that...I, too, lost my train, and that happens as you get older. It gets harder.

Grant: Emily's having that problem, too.

Dill: I think the real point that I wanna make here hasn't been said. I think that it's bad practice to be doing deliberations so late at night. I mean, even now we're approaching it once again.

Grant: Mmm-hmmm.

Dill: I think it's really hard to be, to keep your thoughts in order and to not get sleepy, and I also think that we need to be a little more tolerant of each other and not so prickly in our deliberations. [low laughter by a female member] The last time I just felt pounded, by, not really deliberating but arguing. I don't like that. I don't do well with that, and I think we shouldn't do it this way.

[recording marker about 2:52:25]

Grant: OK, no, no, well, I don't. Obviously, it's been difficult to try and maneuver it. And I think it does make sense, if we had know this many weeks ago, we did try it, if we had just closed the public hearing, I think we'd all be farther along, and not having to spend basically the entire time we were going to talk about the actual plans.

Bubar: I think it's a mistake not to have a robust discussion around differences of nuance, or opinion, or interpretation.

Grant: You have to have do that. [someone else speakin g

Bubar: That can, quite frankly, change my argument, where I maybe

Grant: I think Richard brought that...

Bubar: ...missed something.

Friedrichs: It has for me as well. I mean, I've changed how I've thought about things from that, and I think that's crucial.

Bubar: And in other cases, I've solidified my position, even if I'm a minority position.

Tobias: But it also adds transparency, because there's not mistaking where you stand, and why you see the, you know, a condition a certain way. That's...

Grant: Well, that gets to our decision anyway, because we have to state those things when we make our votes, but...

Tobias: Our conditional use criteria is very, can be a bit convoluted, so I think we have to, it's good to ...

Grant: Yeah.

Tobias: ...hash it out.

[recording marker about 2:55]

Grant: That's why it always takes so long to hash it out. But I think that we need to think about what we, I think Lorne's comment about waiting, not, you know, he thought we should vote now, is because Richard isn't here. He was here last time. We're having a dialogue about process that he's missed out on. So, certainly, I don't think we would want to progress, because we're talking about process, and do we change [someone talks over]

Tobias: We're in the middle of a process.

McGowan: I'm not sure we could, because, I mean XX, we've adjourned the public hearing until August [unintelligible date: 6th?] And, actually, I think we could, open the public hearing, listen to the comment, close it and then, based on the time, start voting then.

[agreement from Grant and Tobias]

Grant: I think also we've been reluctant to close the public hearing sometimes and continue to kind of talk about it. I remember Richard saying one time, "well, you know, just in case I want to ask a question." And we've reopened it during, you know, some of the quicker deliberations—we've been able to reopen the public hearing to ask a question and then close it again.

So we have to be really ready. And we've said that before: Are we done? Are we gonna hear anything more from the public, you know, that we haven't heard that will help us, and then we've made that decision: No, we're going to close the public hearing.

So, I think that as a process, that makes sense, and I think right now we're going to patch that up, discuss what we want to til the end of this meeting, and then, like you said, we'll open the public hearing on the 10th.

[recording marker about 2:56:11]

Behrendt: We've also learned more with time, because as, I believe the Planning Board always used to close the public hearing, but then in finalizing the Notice of Decision would talk with the applicant but not the public, which, people thought that that was OK to do, because it's the applicant that knows the conditions, and you wanna talk with them. But the Town Attorney then advised us recently that if we're talking with the applicant, we have to also have the hearing open and talk to the public. So that was one sort of wrench that we had to adjust to.

Bubar: It's also possible in a two- or seven-year process that something has been discussed and SEEMS to have been agreed to by the applicant or by the Planning Board and that in the Notice of Decision it's not there, and the public might bring some of those things up, that, "Wait a minute, this was supposed to be part of this." So...

Grant: [murmurs agreement]

Bubar: I wouldn't count the public's oversight.

Parnell: But I think I'd like, just take up on what Sally said about the length of time we spend on deliberations. That was my issue about people not being here, that we had deliberations with the voting members taking part in those deliberations, and they are, two of them are not here tonight.

Anyway. But I think that it's something we should try not to do in the future, 'cause once we start, we should, if we have to set a time for it, we should do that, but once we start deliberations, particularly on conditional use criteria, we should go through them and vote. 'Cause I think, I think any other system is not...

Grant [talking over Parnell]

Parnell: ...is not going to work.

Friedrichs: Maybe that needs to be an agenda difference, that we... if there's an item that's...

Grant [talking over Friedrichs; unintelligible]

Friedrichs: ...going to be voted on, that needs to go first on the agenda, so that we can try and finish that in one session, and that, you know, as opposed to making opening deliberations at 9:30 or 10 at night.

McGowan: I think that's in the Rules of Procedure.

[note: CURRENT PB RULES OF PROCEDURE: IV - MEETINGS:
4.9 Required Adjournment. No new item of business shall be taken up after
10:00 p.m. unless approved by a majority vote.]

/.../

[recording marker about 3:02:50]

Bubar: ...I did notice early that the applicant provided a HISS map, and I remember—I think it was from the TRG meeting—that while we don't really have a wetland on the south end (it's less than 3,000 square feet). I found out Monday night [presumably at the Conservation Commission meeting] that, no, that's not the case: It is greater than 3,000 square feet. Therefore it is a wetland, south, I guess it's south, of the lot.

And so my question is: Do we have a situation where we need to get a consultant to review the HISS map?

Behrendt: No, the, I mean the...

Bubar: ...like we've had in the past? [difficult to hear]

Behrendt: ...the wetland that's shown on the separate lot to the south is larger than 3,000 square feet, so that's a, you know [brief unintelligible], but the

Bubar: [talking over Behrendt; unintelligible]

Behrendt: ...buffer is 75 feet, and my understanding is that the retaining wall is, I don't know, 75, 76—at any rate, they would not be able to, you know, if this were approved, then we would need to confirm the wall is at least 75 feet away, and they could not do grading in the buffer. And if they needed to do grading in the buffer, then they either have to move the retaining wall or get a permitted use B [??] But according to the applicant's engineer Mike Sievert, if I remember correctly, they believe they can put in a retaining wall, install it without going into the 75-foot buffer.

Grant: I think there was actually a discussion on that at one point. They said they were not going to build within the buffer, they were going to start at this point [gesturing] and work back. [vocal agreement] They weren't going to interfere in that area, and he confirmed that.

Friedrichs: I asked about that. I still don't understand how, construction-wise, but that's they have a plan.

Grant: That's their expertise. Yeah.

[recording marker about 3:04:55]

/.../

[Friedrichs wants to discuss a traffic issue]

[recording marker about 3:05:19, i.e., about 10:00 P.M.]

Tobias: So are we discussing the site plan now?

Grant: Do we want to deliberate on the site plan? Do you want to start at the beginning, based on here [holds up an unidentified printed document] or just talk around with any concerns?

[silence]

Grant: Agreement?

[various: Sure]

/.../

[Friedrichs questions suggestion to change the yield sign by the Post Office to a stop sign. Tobias explains that the Town decided to put in a stop sign for "very specific reasons, to slow traffic down so it wouldn't whip around" (etc.) Board agrees not to revisit that issue, or a traffic light, since it has nothing to do with this project.]

/.../

[recording marker about 3:08:32]

Grant: And I think that what we're looking at for the traffic is using the traffic study that we have submitted for this particular plan and making sure that we're just tying it to the fact that the plan is based on the long-term...

Tobias: Long-term parking

Grant: ...parking.

Tobias: ...versus hour-to-hour.

McGowan: Because, based on that, it was minimal impact.

Grant and Tobias: Yes.

Bubar (?): Correct.

Grant: ...because minimal travel.

Tobias: Because that was the intent stated by the applicant, that it would be long-term parking.

/.../

[recording marker about 3:09:12]

Bubar: I thought that I read a public comment in the last week or so that was suggesting that the parking lot will not be open 24/7? Does anybody remember that?

[several] No.

Tobias: Well, it's long-term parking. So...I'm not sure. Long-term parking: You drive in, you leave your car, you go away, five days later you come back, get your car again, maybe. There's no...

Bubar: No, but the implication in the...I'll have to go back and see where it came from, but the implication was that the parking lot would be closed. Doesn't matter whether you want to come or go.

Behrendt: I don't remember that, but I know there was a discussion about having the lights on motion detectors.

Bubar: No, this had to do with...

Behrendt: Was that from the applicant?

Bubar: No, it wasn't from the applicant, it was the public comment, which, one of the ones we got in this hiatus period.

Tobias: I don't recall anything like that [unintelligible] brought forth by the applicant, so, therefore...

Bubar: No. Give me something to do tomorrow, is read the last two weeks'...

[discussion whether there would be a lot line adjustment if the application were approved; Behrendt answers in the affirmative.]

[recording marker about 3:10:50]

Parnell: One of the issues that's been discussed a bit is this wording under 8.2.1. "extensive grading and filling shall be avoided." We have not really discussed that. In my view, I think it, if we did not allow this project because of that, I think we'd be saying that this particular site cannot be developed, and I think that would be a dangerous thing to say. That's my view on that.

McGowan: [unintelligible first words] there's a lot of permitted uses you cannot do if you follow it.

Tobias: Most of the, you couldn't build on that without doing some, because it is a sloped piece of property.

Hotchkiss: You don't think there's terraced options that could run down that hillside?

Tobias: Well, I mean, you have to look at what somebody would, it's commercial uses there, and you have to look at, I mean, I don't know what somebody would do. I don't know what an applicant would bring forward, myself. I can't answer that, but I think that there has to be, in any, in any, you know, development of land there is opening up the land, filling in the land, you know: It's just part of a construction process, so...

[recording marker about 3:12:16]

Bubar: Sounds like we're retreading the Conditional Use discussion.

Tobias: And I don't want to get into thinking what could possibly be done...

[Hotchkiss and Parnell speak. Unintelligible, but Parnell says something like “it’s in here” and touches a document on the table.]

[multiple speakers; unintelligible]: It’s one of those areas / it’s in here

Bubar: I realize that, and I’m consistent in saying it’s “extensive.”

Parnell: I agree.

Tobias: And they’re permitted uses. Most of those permitted uses would have parking lots.

Hotchkiss: But as...

Grant: As an accessory, yeah.

Hotchkiss: As an accessory, not as a primary use.

Tobias: As an accessory, but you know, I think that, I think that, just to simplify it is that, as a Planning Board, I agree with Lorne, if we said that you can’t, then we are in danger of saying that’s not buildable, because how could we not allow it here but allow it there, and I don’t think it’s our place to say, “It’s OK—if you design a certain type of building.” I don’t know.”

Bubar: Well, we shouldn’t have allowed it there if it was “extensive.”

Friedrichs: I mean, I...

Bubar: You know, “two wrongs don’t make a right.”

Tobias: Yeah.

Friedrichs: I think it is our job to follow the regulations and the ordinance.

Bubar: Exactly.

Friedrichs: And it’s possible that we don’t see the logic of it, or even that we may believe that it could be challenged in court and found to be inappropriate, but we’re held to the regulations and the ordinances. It’s not our job to interpret for the Court. We have to follow the ordinances as they are written, and that word “extensive” is there, and so we can’t ignore it.

Grant: I’m not saying we ignore it, I’m saying, “How do we define what it is?”

Tobias: “Extent practicable.”

[recording marker about 3:13:40]

Hotchkiss: Well, if this isn’t an instance where 8.2.1 comes into play, it’s hard to imagine what...

Bubar: Where it ever would.

Hotchkiss: ...it ever would affect.

Parnell: I agree.

Tobias: Well, and 8.2.1 says “extent practicable,” so maintain

Bubar: Not for that sentence, it doesn’t.

Dill and Grant: It doesn’t say that.

Tobias: 8.2.1?

Grant: CU says that, I think.

Parnell: It just says, “shall be avoided.”

Tobias: [unintelligible] Site Plan Regulations...

Bubar: And you know, if you look at the print...

Tobias: ...on page 7 [??]

Bubar: CHECK THIS...there is about a 30,000 square foot increase in impervious surface, at least that’s what it says on the most recent print I have. And, you know, if you’re talking about 12, I’ve heard so many different cubic yards of fill, I get confused, so let’s just say it’s 12,000? 12,000 cubic yards of fill over 34,000 of an urban surface is about nine and a half feet. I think that’s pretty “extensive.” I don’t have a problem defining “extensive” as being at least nine and a half feet. I think it’s more than “extensive.”

Now, if you go to 15,000 cubic yards, now you’re talking well over 12 feet—on average

Friedrichs: You also, there was some discussion of, you know, you fill in a valley

[discussion about grading and filling here]

/.../

[recording marker about 3:18]

Bubar: ...because there were

Friedrichs: I mean, there is also the possibility that if we were, you know, if there’s concern that the site regulations or the ordinance couldn’t be met, I mean, that’s why there’s a waiver, and you can request a waiver.

Grant: That’s in Section 5 you can do it, do a waiver on it.

Friedrichs: So...

Grant: That’s true.

Friedrichs: I mean that may be necessary for this site, to develop it.

Tobias: Yeah.

Grant: Yeah.