

*These minutes were approved at the May 26, 2021 meeting.*

**DURHAM PLANNING BOARD**

**Wednesday, April 28, 2021**

**Town Council Chambers, Durham Town Hall**

*Note: Some members attended via zoom due to the Coronavirus pandemic.*

**MEMBERS PRESENT:** Paul Rasmussen (Chair), Lorne Parnell (Vice Chair), Richard Kelley (Secretary), James Bubar, Barbara Dill, Bill McGowan and Sally Tobias (Council Rep).

**ALTERNATES PRESENT:** Nicholas Germain, Heather Grant, Chuck Hotchkiss, Ellie Lonske and Ray Philpot.

**ALSO PRESENT:** Town Planner Michael Behrendt

**I. Call to Order**

Chair Rasmussen called the meeting to order at 7:00 p.m.

**II. Roll Call and Seating of Alternates**

Roll call was taken and no alternates were seated at this time.

**III. Approval of Agenda**

*Vice-Chair Parnell MOVED to approve the agenda as submitted; SECONDED by Mr. McGowan, APPROVED unanimously, 7-0, Motion carries.*

**IV. Town Planner's Report**

Mr. Behrendt said currently there are no new applications for the next meeting on May 12. Projects for 19 Main Street and 74 Main Street may be coming back to the Board. He is expecting ATO fraternity on Garrison Avenue to amend their application from three stories to two.

There are new trail maps available on the town website for town-owned properties, courtesy of the Strafford Regional Planning Commission. The maps can be found under Conservation Commission / Conservation Lands /Trail Maps.

Chair Rasmussen said he received notice from the NH Department of Transportation regarding different proposals for General Sullivan Bridge over Little Bay. There will be an upcoming public hearing, with details to be posted at Town Hall.

**V. Reports from Board Members who Serve on Other Committees**

Reporting on Town Council's April 19th Meeting. Ms. Tobias said the Council had an update from the Chief of Police, including a taser demonstration. The department deals with a lot of non-student issues. There was also a presentation from Christine Soutter on the purchase of an empty lot at 66 Main St., which will be brought to a public hearing on May 3, with a final vote expected then.

A public hearing on Council-initiated ordinances that would amend sections of the downtown code and standards in the Central Business District was continued to May 3 because there were questions about setbacks for properties not on Main Street.

Town Council looked at Ordinance 2021-01, amending sections of Chapter 68 for the fire protection code to prohibit consumers from using fireworks within Durham, unless granted a special exception by the Town Administrator.

Reporting on Integrated Waste Management's April 15th meeting. Mr. Kelley said a Spring Clean-up Bulky Waste Day will be similar to last year's, due to the pandemic. He shared dates and times for expanded hours at the Transfer Station and noted bulky waste can only be disposed of by residents with an updated resident taxpayer permit.

Reporting on the Conservation Commission's April meeting. Mr. Bubar said the Commission had an informative presentation from a UNH graduate student on the Oyster River watershed. The Commission also discussed if they should join with the Agricultural Commission to look at the use of pesticides and herbicides in town. Experts on the topics will be brought in for the June meeting and the Agricultural Commission will be invited to join them.

Reporting on the Agricultural Commission, Chair Rasmussen said there will be a public information night on May 10th regarding the RC to R proposal.

## **VI. Public Comments**

There were none at this time.

## **VII. Review of Minutes (Old)**

**VIII. Public Hearing – Subdivision off Gerrish Drive.** Parcel at 91 Bagdad Road (address). Application for conservation subdivision for single family and duplex houses (15 units total) on 16-acre lot off Gerrish Drive including conditional use for wetland crossings. Marti and Michael Mulhern, property owners. Mike Sievert, Horizons Engineering. Robbi Woodburn, Landscape Architect. Mark West, Wetland Scientist. Map 10, Lot 8-6. Residence B District. Recommended Action: Discussion and continuation to May 12 or 26.

Chair Rasmussen recused himself for this item and handed the gavel to Vice-Chair Parnell.

Mike Sievert of Horizons Engineering came forward, representing the Mulherns. He previously submitted a written response to consultant VHB's stormwater engineering review which included 28 items. Tonight he will highlight only a few of the items, particularly the impact on the wetland finger.

He said the fill in that area has been reduced to 757 square feet, to further reduce disturbance to the wetlands. Also the sediment forebay was re-designed, based on a comment from VHB. In response to the review, a number of other minor changes were made to the design and plans.

To clarify, he said the access road at the curve from Ambler/Gerrish to the intersection is about 20 feet of pavement with three-foot shoulders. The loop road is 18-feet paved with one-foot shoulders.

Answering a question from Vice-Chair Parnell, Mr. Sievert said his firm prepared an annual BMP (Best Management Practices) maintenance plan for the stormwater systems, which would be maintained by the homeowners association. The plan will be required by the Alteration of Terrain permit. Mr. Parnell said he believes it should be a condition of any Planning Board approval.

Mr. Sievert then went through the eight criteria for a Conditional Use Permit within a Wetlands Conservation Overlay District, explaining briefly how the Gerrish Drive subdivision proposal meets those criteria.

He was then given permission by Acting Chair Parnell to respond to what he termed “incorrect information” in a letter from Attorney [Kelsey] Peterson, representing a number of abutters to the project. In summary:

- The letter states the “geometry of the existing road and the proposed access will create a hazardous intersection...” *Mr. Sievert said the road comes in at a 90-degree angle and is in keeping with standard practice for roadway design. It will be a stop-sign controlled intersection.*
- Conditions for the driveway at 11 Gerrish Drive will become unsafe. *Mr. Sievert said the driveway will be squared to allow 90-degree access and there is a 28-foot roadway allowing for turning.*
- Attorney Peterson states the applicant has failed to plan sufficient mitigation to address flooding in the area. *Mr. Sievert said the Drainage Report shows the culvert is adequate for a 100-year flood and will not over-top the road. All hydrology was considered and reviewed by a wetlands scientist.*
- The letter maintains the subdivision would negatively impact water flow on the north side of the property. *Mr. Sievert replied there will be no increase in runoff to the north with this project. Water going to the culvert from snowmelt and rain remains the same.*
- Attorney Peterson states the applicant has made a half-hearted attempt to control runoff from the new road with retaining walls that will serve to direct water flow to a culvert dumping directly into a stream. *Mr. Sievert said the elevated road is designed to take all runoff from new impervious surfaces into a gutter system and treatment swale through a wooded area.*
- The proposed cement retaining walls and guardrails will create an eyesore, according to Attorney Peterson. *Mr. Sievert said it will be a small block wall with a nice face to it and a color.*

Vice-Chair Parnell appointed Alternate Heather Grant to sit in for Chair Rasmussen for this item, which he'd forgotten to do earlier.

Mr. Kelley asked Mr. Sievert a few questions about culverts, the size of pipes and swales in a specific area on the site. Mr. Sievert explained that pipes in the area are undersized and were disregarded when doing a 100-year-flood analysis. He has discussed different options with DPW.

Vice-Chair Parnell then opened the Public Hearing.

**Public Comments (summarized)**

**Timothy Horrigan, 7 Faculty Road:** questioned what would happen if homeowners don't adequately maintain the private road. Would it then fall to the town to maintain it? He believes the current proposal needs a lot of work before it's acceptable to all parties.

Acting Chair Parnell recognized Planning Board member Ellie Lonske. She read from prepared observations (which she had previously submitted to Mr. Behrendt for comment) and said she questions the impact the board's decisions could have on the health and safety of the 15 residents in the proposed subdivision. She said their homes would be inaccessible by fire and emergency vehicles during extreme weather events.

Mr. Behrendt responded (in a prior email) the sense of the Board has clearly been to require it to be a private road, but since there has not been a vote, a Board member can raise the issue again, if they wish.

Ms. Lonske asked if the town foresees an inordinate amount of future maintenance for the road, how can we expect a residents association of 15 households to maintain it. She advocates for the Board to bring in DPW Director Rich Reine to discuss his position on making it a private road.

**John Lewis:** said his main concern is the Board's decision not to review Bagdad Road as an access to the proposed subdivision. Conditional use criteria requires the Board to consider if a different access (other than the one proposed) would minimize harm to the wetlands. He said the Board could reduce controversy by analyzing the full 16-acre area to determine the best access point.

**Diana Carroll, Canney Road:** thanked Councilor Tobias for walking the Bagdad access recently. She encouraged Board members who have not done so to walk that access point. She said their knowledge is incomplete without walking it, as "lines on paper" do not give the true picture.

**Gail Kelley, 11 Gerrish Drive:** said she is the closest abutter to the wetland being proposed for a road. She spoke at length and showed videos and maps of the area. She does not understand the legality of moving her driveway from a public road 90-feet away onto a private road. Ms. Kelley showed a December 2019 video taken after a rainstorm and said it depicted what a 100-year flood would look like.

She said Mr. Sievert had a lot of misinformation in his presentation and said homeowners have asked for assurances that the retaining wall would not create an adverse impact on flood conditions where the culvert empties. Currently, the culvert has more than 100-feet of wetland to flow into; with the proposed changes, it would be constricted to about 30 feet. Their driveway would be dangerous for trucks trying to back in and the trees proposed opposite the driveway, which can grow to 60-feet, would obscure the view. Further she said Engineer

Mike Sievert and Wetland Scientist Mark West have never walked down their driveway to see where the drainage is coming from.

Ms. Kelley then read verbatim from the Conservation Commission meeting of April 27, 2021 – highlighting questions from Commissioners and responses from Mr. Sievert about the alternate access. She said despite assurances it would be looked at, the wetland scientist never confirmed or denied the [feasibility] of the other access point.

**Joshua Meyrowitz** said he lives miles from the site, but agrees with procedural issues raised by John Lewis. He advocates for a site walk at the Bagdad access. He also pointed out questions from Kim Sweetman raised at previous meetings went unanswered, specifically – can the Board take into account the cost of an alternative route as a reason not to consider it and what are the implications of putting a private road on a public right-of-way? He said if the Board wants to avoid lawsuits, they should have all the data before moving forward.

**Mike White:** said he agrees with Mr. Sievert and Mr. Kelley that the culverts going under Ambler Way to their property are undersized. He encouraged the Planning Board to bring this up at their May 12th meeting as he would like to address it as an abutter; He's being deployed later in May and won't have a chance to speak if it's deferred. Also he encourages any plantings on their property or in the wetland buffer, as recommended by the applicant or Conservation Commission.

With no more public comments, Vice-Chair Parnell said before looking at Conditional Use criteria, he first wants to address the issue raised by Ellie Lonske – about a public vs. private road. The Planning Board previously discussed this but has not voted on it. He invited further discussion from Board members and some of the points raised were:

- The Conservation Commission supports it being a private road since this would be less invasive to the wetlands. One Conservation Commissioner has advocated for the road to be even narrower than proposed. [Mr. Bubar]
- If the road is public, would maintenance of the stormwater management systems become a public maintenance function? [Mr. Bubar]
- In general, Mr. Kelley said he's not in favor of private roads. He asked for clarification on construction standards necessary to make it a public road. Mr. Behrendt said the minimum pavement needs to be 20-feet and shoulders need to be 4-feet for public roads. A waiver can be applied for, however.
- At a minimum, the first section of the road should be public [Mr. Kelley]
- If one section is public and the other is private, this could make snow plowing difficult. [Ms. Tobias]

Board members reached consensus to invite DPW Director Rich Reine to their May 12th meeting to discuss his reasons for recommending a private road over a public road.

Vice-Chair Parnell invited other points of discussion and Mr. Kelley asked for clarification on the Bagdad Road access which has been the subject of much public opposition. Has it been determined that access isn't possible?

Ms. Tobias said she walked the Bagdad entrance on her own and wondered if the entire Board should do a site walk and “put the issue to bed.” Mr. Parnell said he can see from the maps that a road would be possible there.

Ms. Grant said the Board examined the Bagdad access in detail months and months ago and determined it would be a difficult way to go due to legal challenges. She believes it’s their job to review the application before them.

Mr. Parnell agreed. He said the Board has received a number of legal opinions on the matter and the conclusion was the applicant may or may not have access from Bagdad, but in either case -- they would face a legal challenge if they chose that route. The Bagdad access also crosses a wetlands. He said the Board cannot direct an applicant to submit a different application.

Ms. Lonske said since the Conditional Use application requires them to look at alternative access points, she would like to do a site walk.

Mr. Kelley asked for confirmation on his understanding: When the subdivision application began, the Mulherns still owned a lot with access from Bagdad Road. They subsequently sold that lot and the new owner has said he will not grant an access easement to the subdivision. It was confirmed this is correct.

Ms. Grant said this entire issue has been addressed, as well as the issue of disturbance to the wetlands. In her view, the Board has had extensive discussions and input from qualified experts and she maintains they have done due diligence.

At this point, resident Gail Kelley spoke and said Board Member Richard Kelley conveyed misinformation a few minutes ago; She said the town attorney confirmed the Mulherns *do* have legal access to their property.

Vice Chair Parnell refuted this and said the Town Attorney stated the Mulherns *might* have legal access to the property, but would need to go to court to confirm it. Ms. Kelley again objected, saying that’s not true.

There was an exchange between Ms. Kelley and Board Member Richard Kelley. She asserted the Mulherns have an easement to the property, which was granted to them in the deed when they sold it to Mr. Imbrie. She acknowledged Mr. Imbrie might take it to court if this access is pursued. She referred Mr. Kelley to the deed, recorded in Book 4605, Page 0287.

Turning back to the idea of a site walk, ***Ms. Tobias MOVED that the Planning Board consider a site walk at the Bagdad entrance at the soonest available time; SECONDED by Mr. Kelley; Motion FAILED, 2-5.***

[Voting Yes: Ms. Tobias and Mr. Kelley]

[Voting No: Mr. Bubar, Ms. Dill, Ms. Grant, Mr. McGowan and Mr. Parnell]

The Public Hearing on the Gerrish Drive subdivision was continued to May 12th. Vice-Chair Parnell said the Board will discuss the private road vs. public road issue with DPW Director Rich Reine prior to re-opening the public hearing.

Mr. Rasmussen then resumed chairing the meeting.

**IX. Public Hearing – Mill Plaza Redevelopment.** 7 Mill Road. Continued review of application for site plan and conditional use for mixed-use redevelopment project, drive-through facility for bank, and activity within the wetland and shoreland overlay districts. Colonial Durham Associates, property owner. Sean McCauley, agent. Joe Persechino, Tighe & Bond, engineer. Emily Innes and Sharon Ames, Harriman, project designer. Rick Taintor is serving as the Town's Contract Planner. Central Business District. Map 5, Lot 1-1. *Recommended action:* Discussion and continuation to May 12 or 26.

Christopher Granatini of Tighe & Bond came forward to address a peer review of the Traffic Impact Study, conducted by Erica Wygonik of RSG. Ms. Wygonik was also present.

The peer review included recommendations for additional mitigation measures, including:

- Providing funds to update signal timings at the Main Street/Newmarket/Dover Road intersection. Tighe & Bond response: *The proposed development will generate only a small number of new trips (21 during peak hours) to the intersection and therefore the developer should not be required to make modifications to the signaling.*  
Ms. Wygonik replied that RSG concurs and considers this issue resolved.
- Providing additional bike racks; Tighe & Bond response: *The developer will look at additional sites to add bike racks.*
- Relocating the Mill Road/Plaza Drive crosswalk to the south side of the driveway entrance. Tighe & Bond response: *The applicant is willing to make that modification, if the Planning Board agrees this is the best location for the crosswalk.*
- Implement the shift of the crosswalk at Main Street/Madbury Road.  
Tighe & Bond response: *They support this recommendation.*

The Board then discussed the recommendation to move the Mill Road/Plaza Drive crosswalk to the south side of the driveway. Mr. Kelley said doing that would require pedestrians to cross the entrance driveway before accessing the crosswalk. Northbound traffic on Mill Road would need to yield to pedestrians in the crosswalk before turning into the plaza.

It was noted there are many more southbound trips into the Plaza than northbound. Planner Rick Taintor said in an evening peak hour, there are about 181 trips from the north and 95 entering from the south. There was discussion about student use of the crosswalks and the sidewalk. Mr. Granatini then addressed all 15 items raised in RSG's peer review of the Traffic Impact Study; many of them minor calculation adjustments. *[All documents are available on the town website under Planning Board / Current Information & Applications / Mill Plaza.]*

The Board also discussed the Route 108 intersection with traffic engineers present, just as a point of information. At what threshold would it need to be upgraded or re-signalized? Mr. Granatini said in general, if there were 100 new trips added or an additional 50 left-hand turns, improvements would be recommended. The intersection currently operates at Levels C and D, which are acceptable.

***Chair Rasmussen then MOVED to open the Public Hearing, SECONDED by Ms. Tobias, APPROVED unanimously, 7-0. Motion carries.***

**Public Comments (summarized):**

**Carol Birch:** said she's concerned about what would happen if the crosswalk is shifted to the south. She sees it as a "recipe for chaos and disaster."

**Diane Chen:** said the traffic study seems to be overcounting cars and undercounting pedestrians. She said the report may reflect all the illegally parked cars in the Plaza that are moved on Saturdays. She believes traffic engineers should have determined peak times at Madbury Commons, which she says are between 8:00-9:30 a.m. and 11:00 p.m. to 1:00 a.m. She also supports the comments in John Hart's letter.

**Andrew Kuhn, 22 Faculty Road:** said he's distributed signs around town in opposition to the current Mill Plaza plan. He's talked informally with a number of people who said they are in favor of development. There is public concern, however, that environmental protections might be negotiated away. He raised the issue of declining student enrollments and said new student housing might have a negative financial impact on existing housing.

**Eric Lund, 31 Faculty Road:** said in response to the idea to move the crosswalk south, there are advantages and disadvantages. One disadvantage is pedestrians from campus would need to cross the vehicle access, exposing them to more danger. It would, however, simplify a left turn out of the Plaza. He supports adding more bike racks.

**Lea Macheras, 13 Oyster River Road:** said she lives in the faculty neighborhood and agrees with John Hart's letter that the proposal violates the wetlands. She said it contradicts conditional use criteria. She believes the proposal won't pass because it violates wetlands protections in place and makes no sense from a legal standpoint.

**Nancy Sandberg, 15 Langley Road:** urged the Board to respect the 75-foot wetland setback by removing all the parking spaces and stormwater systems currently shown in the buffer on the site plan. Shifting the onsite roadway to the north would increase the wetlands buffer and protect College Brook. She also urged the Board not to allow removal of the forested west side of Church Hill, which serves as a noise and visual barrier between two distinct zoning areas and also acts as a natural stormwater filter for College Brook.

**Timothy Horrigan:** said the traffic study seems to have under-estimated the importance of pedestrians in this area. This project has been discussed year after year and doesn't seem to be any closer to meeting community needs.

**Nate Swanson, 51 Mill Road:** said the Board is not hearing comments from residents in their 30s, 40s and 50s, who often aren't free to attend nighttime meetings. He's concerned the only views being heard are from a small group of older residents and suggested the Board conduct a survey to get more perspectives. He mentioned the collaborative work that took place on the town's Master Plan.

Chair Rasmussen said he would like to respond to an apparent disconnect in the public's understanding about what they think the Board should be doing and what the Board is allowed to do. He said the Planning Board has to review the application before it, from the perspective of zoning and conditional use requirements. They are not charged with conducting public opinion surveys or revisiting the Master Plan.

**Robin Mower:** said the public might forget Mill Plaza is on private property. She referenced the wetland setbacks and referred Board members to her letter dated April 23rd. She believes many residents are frustrated about not having the opportunity to speak until late in the meeting, due to full agendas.

**Joshua Meyrowitz:** showed a video of pedestrians in Madbury Commons around 11:30 pm to midnight, which showed a high number of pedestrians, as well as Uber and Lyft cars. He said traffic engineers didn't study how pedestrian traffic affects homeowners in the area. He maintains the Board has not required the applicant to have properly noticed public hearings and would like the Board to provide a realistic assessment of what they are allowed to evaluate in the site plan.

**Noelle Khelif, 11 Garden Lane:** said Durham has become a student town, with longtime residents being squeezed out. She does not believe a four-story building in the center of town should be devoted to student housing. More student housing will lead to more trash, broken glass, noise and pollution. Lots of younger children walk Chesley Drive to get to school and will be exposed to loud music, beer bottles, etc.

**Deborah Hirsch Mayer:** agreed with Nate Swanson that many people in opposition can't participate in public meetings. She doesn't believe the Planning Board has followed the recommendations of the Conservation Commission and is frustrated to see the project moving forward. In her view, comments about wetland buffers and conditional use are being ignored or not taken seriously.

**Janet Aviza:** Concurred with Ms. Hirsch Mayer's remarks.

Chair Rasmussen clarified that no decisions on conditional use have been made yet. The Board is still gathering information and won't make a decision until all in the information is in front of them.

***Chair Rasmussen then MOVED to adjourn the Public Hearing; SECONDED by Ms. Tobias, APPROVED unanimously, 7-0, Motion carries.***

Board members then discussed the traffic report further, including if the recommendation to move two crosswalks should be sent to the Traffic Safety Committee for their opinion. Chair Rasmussen and Contract Planner Rick Taintor pointed out moving the crosswalks is contingent on approving the plan, which includes construction of a new sidewalk.

Mr. Bubar raised the issue brought up in public comments about pedestrians being undercounted in the Traffic Study and asked Ms. Wygonik of RSG to comment. She replied it was helpful to see video documentation of nighttime pedestrian traffic, but said pedestrian activity is more of a noise and personal safety concern.

It was also noted pedestrian traffic is largely influenced by class changes at the University. Chair Rasmussen said typically a large number of pedestrians gather in the crosswalks at the same time, creating a bottleneck.

Contract Planner Rick Taintor added traffic engineers were tasked with examining the effects of increased pedestrian traffic on vehicular traffic only. The main focus was on downtown vehicular traffic congestion.

The Board reached consensus to accept the Traffic Impact Study as submitted, contingent on the Traffic Safety Committee's review of two mitigation suggestions to move crosswalks.

Reviewing the status of the application, Mr. Taintor noted there are a number of waivers still to be considered, including one for site plan landscaping; The Board still needs to look at the criteria for a conditional use permit. He advised the Board to raise any areas of concern with the applicant now, before further revisions are made to the site plan.

Mr. Kelley said the issue of encroachment into the wetland buffer is one he can't support and a topic that has taken a back seat to lesser issues, in his opinion. He believes the applicant's adjustments to parking and the access road were tokens only and he would like to see this addressed more fully.

Mr. Bubar questioned the proposed number of parking spaces and said guidelines call for 336 spaces, but the number proposed is much larger. Chair Rasmussen agreed and noted the Planning Board is not satisfied with answers they've received on this in the past. It will be a topic for discussion at the next meeting.

***Ms. Tobias MOVED to schedule a special meeting of the Planning Board for May 19th to discuss the Mill Plaza application; SECONDED by Mr. Parnell, APPROVED unanimously, 7-0, Motion carries.***

#### **X. Other Business**

- Clarification whether to establish a committee to discuss definitions related to parking and other miscellaneous zoning amendments.
- Discussion whether to hold a special meeting on May 19 (Resolved in Item IX.)

Following a conversation in which Town Administrator Todd Selig asked the Board to delay its discussion on parking definitions, Chair Rasmussen said he and Mr. Behrendt decided not to schedule a Sub-Committee meeting until the Board could re-visit the issue.

Mr. Rasmussen said he wished to clarify his position on this. At an April meeting, multiple zoning board members stated the definitions between structured parking and surface parking were confusing and overlapping. Because of that, a majority on the ZBA decided if it's a structure and it supports parking, then it's structured parking. By that logic, Mr. Rasmussen said, every residential garage is structured parking and non-conforming.

He said town staff disagrees with him on this, but his concern remains that if it's not addressed, it opens the door for "any disgruntled neighbor to object to a garage addition."

It was clarified that Administrator Selig would like the Board to wait a month or so to clarify its definitions until the Toomerfs appeal goes through the ZBA.

The Board discussed whether a Sub-Committee should begin work now on revising the definition of structured parking (along with other definitions that need clarification) or if that work should be delayed until after the Toomerfs application is resolved.

Ms. Tobias said she's bothered there's a definition being interpreted contrary to the Planning Board's original intent. This has nothing to do with a specific project, but is about the sanctity of the code.

Board members agreed even if a Sub-Committee were formed now, it would be many weeks before changes would be brought forward.

Mr. Behrendt said while he welcomes feedback, he's troubled by some of the comments made to him on this topic. He said many were surprised by the ZBA's decision on the 19 Main Street project – but he respects the ZBA's decision because it was well thought out.

He disagrees with the view the ZBA decision could have significant broad impacts on both commercial and residential properties and also disagrees with the perception there's something insidious about the Planning Board's reaction to a ZBA decision. In his experience, it's appropriate for the Planning Board to examine a definition that caused confusion.

Mr. Behrendt said he met with Town Administrator Selig and Zoning Administrator Audrey Cline and they believe the ZBA ruling was a one-off decision and not one that would set new precedents. It's his view it would be best to delay discussing the definition for now and let the ZBA work through the next steps in the 19 Main Street application process.

Following discussion, the Planning Board decided to appoint a Sub-Committee to look at a number of definitions that need revision, with the understanding the process is likely to take many weeks, if not months. The Sub-Committee consists of Chair Rasmussen, Mr. Hotchkiss, Ms. Dill and Mr. Behrendt.

**XI. Review of Minutes** (new): April 14, 2021 - *TABLED*

**XII. Adjournment**

*Chair Rasmussen MOVED to adjourn at 11:41 p.m., SECONDED by Ms. Tobias, APPROVED unanimously, 7-0. Motion carries.*

Respectfully submitted,  
Lucie Bryar, Minute Taker  
Durham Planning Board

*Note: These written minutes are intended as a general summary of the meeting. For more complete information, please refer to the DCAT22 On Demand videotape of the entire proceedings on the town of Durham website*