

*These minutes were approved at the July 27, 2022 meeting.*

**TOWN OF DURHAM  
DURHAM PLANNING BOARD**

**Wednesday June 8, 2022  
Town Council Chambers, Durham Town Hall  
7:00 pm**

**MEMBERS PRESENT:** Paul Rasmussen (Chair), Heather Grant (Vice-Chair), Lorne Parnell, Sally Tobias (Council Rep), James Bubar, Chuck Hotchkiss (Alternate Council Rep), Emily Friedrichs (Alternate); Barbara Dill (Alternate-remote, arrived at 7:02 pm), Nicholas Germain (Alternate-remote, arrived late)

**ABSENT:** William McGowan, Richard Kelley

**ALSO PRESENT:** Town Planner Michael Berendt

**I. Call to Order**

Chair Paul Rasmussen called the meeting to order at 7:00 pm.

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

Chair Rasmussen took roll call: Seated Emily Friedrichs for Richard Kelley with 6 members.

**III. Approval of Agenda**

***Mr. Bubar MOVED to approve the Agenda as distributed, noting Item IX has been postponed; SECONDED by Mx. Friedrichs; APPROVED by a vote of 6-0, Motion carries.***

Barbara Dill arrived on Zoom at 7:02 pm and Chair Rasmussen seated her for Bill McGowan.

**IV. Town Planner's Report**

Michael Behrendt said Item IX - 74 Main Street is postponed to June 22 at applicant's request; all Durham tax map numbers have been changed. Subdivision approved for Gerrish Drive was appealed by Gail Kelley and remanded back to the Planning Board due to Subdivision Regulations requiring a HISS map be prepared (it was) and also be verified by the Strafford County Conservation District, which it was not. Once verification is obtained the project will come back to the Planning Board to go through the process again with a very narrow scope of review.

Mr. Behrendt said the Planning Board held a Site Walk across the street for the Tideline Public House; in July bringing back the Solar Ordinance and will schedule a Public Hearing.

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

Chair Rasmussen said regarding the proposed Solar Ordinance he wished to schedule a tour of the Middle School prior to seeing the energy amendment.

Reporting from the Town Council: Councilor Tobias said the Council met Monday and scheduled a Public Hearing for June 20 on a resolution to authorize acceptance of any expenditures on the American Rescue Plan Act (ARPA) Grant for partial funding up to \$284,000 for restoration of Oyster River Dam removal; report from Conservation Commission on some Conditional Use (CU) criteria needing clarification; report from HDC regarding diversity in history; held Public Hearing and adopted resolution to accept grant funding for Littlehale Creek.

Reporting from the Conservation Commission: Mr. Bubar said the Conservation Commission had a presentation by intern Kathy Fletcher on a proposed climate action plan she is working on with administration looking to reduce carbon footprint by 30% over next 15 years.

Mr. Behrendt said there are actually two different plans: (1) Climate Action Master Plan (CAMP) with Strafford Regional Planning Commission coordinating with Town staff through Town Administrator; (2) Climate Action Plan with goals for the Town sustainability.

Reporting from the Energy Committee: Mx. Friedrichs said the Energy Committee met last night and is gearing up for Community Power Public Information sessions June 15 and July 6 at 7:00 pm; Nell Neal from Integrated Waste Management Advisory Committee introduced idea of sustainable Durham branding with one slogan to coordinate efforts between different committees.

Reporting from Integrated Waste Management Advisory Committee: Ms. Dill said the chairman of IWMAC spoke on that idea of how to develop synergy with the Ag Commission, Conservation Commission and their own committee. She said it is about sustainability, and the name Sustainable Durham was approved by the Town Administrator and will go forward; main thrust of meeting was to prepare for Durham Day last Saturday.

## **VI. Public Comments**

**Beth Olshansky** commented that the Allen Farm did have the required HISS maps. Mr. Behrendt said it is done for all subdivisions but verification by the Strafford County Conservation District was not done. Chair Rasmussen said that is step 1 and verification is step 2.

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

**VIII. Great Bay Animal Hospital Addition.** 31 Newmarket Road. Site plan and conditional use application for 575 square foot addition behind existing animal hospital. James McKiernan, DVM, applicant and property owner. Mike Sievert, engineer. Map 108, Lot 81. Residence Coastal Zone. Recommended action: Accept as complete and set public hearing for June 22.

Mike Sievert, Horizons Engineering, representing Great Bay Animal Hospital and Dr. Jim McKiernan, for a lot line adjustment plan at 27-31 Newmarket Road. There was a recent lot-line adjustment done leaving a new lot of 7.34 acres. Site includes a daycare building and outdoor play area, and kennel with newer parking lot. A small addition is proposed to be added to the back of the Vet Clinic, 12.5 ft wide and 46 ft long (575 sq ft), for new exam rooms, surgery room, and expansion of pharmacy; no other real changes to the site plan. There are 2 wells on the property, one just for the Vet Clinic and one in front of the daycare to serve the dog care and kennel; 2 leach fields, one 15 years old and another just for the Vet Clinic.

Mr. Sievert said this is a commercial project in a Residence Coastal Zone and requires conditional use (CU) even for a small addition. Erosion control will be put in during construction because of leach field; increase to impervious area is insignificant. Mx. Friedrichs asked what happens to dog waste, and Mr. Sievert said it is picked up in bins and taken off the property. The concrete Kennel floors are washed down and there is a wastewater treatment system and an aeration system that drains to the leach field.

Mr. Bubar asked if Public Works had completed their review and Mr. Behrendt said they had not. Mr. Parnell asked about prior issues with noise on the site and Mr. Behrendt said has been under new ownership for 8-9 years by Dr. McKiernan and there have been no further complaints

Chair Rasmussen asked if the application was complete, and Mr. Behrendt said it was. The Board did not see the need for a Site Walk.

***Mr. Parnell MOVED to accept the Site Plan and CU application at Map 108, Lot 81 and schedule a Public Hearing for June 22, 2022; SECONDED by Vice-Chair Grant; Roll Call Vote: Lorne Parnell-aye, James Bubar-aye, Paul Rasmussen-aye, Heather Grant-aye, Sally Tobias-aye, Emily Friedrichs-aye, Barbara Dill-aye; APPROVED by a vote of 7-0; Motion carries.***

**IX. Public Hearing - 74 Main Street – Mixed-Use Building.** Site plan and conditional use application for demolition of current wood frame building and construction of a 4-story mixed-use building with nonresidential uses, 12 residential units, and 5 parking spaces. Minor site changes are also proposed for the adjacent lot at 72 Main Street. Doug Clark, applicant. Jerry Pucillo, representing Foundation for Civic Leadership/Democracy House, applicant. Mike Sievert, Horizons Engineering. Zach Smith, Winter-Holben Architects. Map 106, Lot 59. Central Business Zone.

**POSTPONED TO JUNE 22 AT THE APPLICANT'S REQUEST**

**X. Public Hearing - 15 Newmarket Road – Tideline Public House.** Site plan application to create a tap room (serving beer and wine), store and food truck court with 8 food trucks, covered pavilions, a landscaped community gathering space, and other site changes behind the old Durham Town Offices. Scott and Karen Letourneau, applicants and property owners.

Mike Sievert, Horizons Engineering. Map 108, Lot 69. Recommended action: Continue review and public hearing.

Mr. Sievert said there have not been any significant changes to the plans, and minor changes that may come as a result of the Historic District were discussed at the Site Walk; got drainage calculations and ideas about treatment not yet reviewed by DPW. Mr. Bubar asked if using compacted stone and stone dust was pervious or impervious. Mr. Sievert said in his professional opinion some construction under the patio area with stone dust can be made pervious, but the change from pavement to compacted gravel is not.

***Councilor Tobias MOVED to open the Public Hearing for 15 Newmarket Road-Tideline Public House; SECONDED by Mr. Parnell; Roll Call Vote: Lorne Parnell-aye, James Bubar-aye, Paul Rasmussen-aye, Heather Grant-aye, Sally Tobias-aye, Emily Friedrichs-aye, Barbara Dill-aye; APPROVED by a vote of 7-0; Motion carries.***

Chair Rasmussen opened the Public Hearing at 7:41 pm.

**Janet Aviza** of 2 Garden Lane, asked what the plan is for the upper floors in this proposal. Mr. Scott Letourneau said both floors of the north half of the building will be the Public House; second floor of southern half is currently office space but without restrooms which poses a problem with the Liquor Commission; adding plumbing to that half of the building is being investigated with upper stories as office space or potentially overnight stays.

**Robin Mower** of 6 Britton Lane said the last time she spoke she suggested architectural design standards might be ripe for review. She said the Tideline Public House speaks to the strength of our community and, as a primary gateway to our downtown, invites visitors to our Historic District and has the community behind it. She said she fully supports this proposal and asked the Planning Board to review Site Plan Regulations and build on Durham's strengths.

**Beth Olshansky** of Packers Falls Road noted the contrast of a project like this, designed to enhance our community, as opposed to some of the projects that have come before the Board where the sole purpose seems to be making money for the developer. She said she welcomes this sort of development by someone local who has the community at heart.

**Kevin Baum** said he is an Attorney representing Lisa Pinkton and Bill Mathes who live on Schoolhouse Lane and have raised some concerns about impact on their property. He said there is no opposition to the project as a whole, but there are concerns about pedestrian and vehicular traffic on a narrow road. Attorney Baum asked that the Board carefully consider and include clear conditions on any approval regarding: (1) hours of operation, limiting outdoor music to possibly only weekend nights; (2) impact of parking on Schoolhouse Lane as spots are used by resident's visitors; (3) consider a traffic pattern within proposed parking area.

Attorney Baum said this is a good location provided adequate steps are taken to direct traffic through Route 108/Route 4 roadways and avoid cut throughs and take patrons out to Route 108 with signage. He said he plans to present to the Traffic Safety Committee on June 30 with potentially some other speed restrictions to discourage patrons from cutting through the area. He asked that the Board put in some protective conditions and asked that they keep the Public Hearing open until the July 13, 2022 meeting.

Discussion:

Chair Rasmussen said this is a good time to bring up some of the things discussed at the Site Walk. He said there were a few questions about the small retaining walls behind the 4 inline food trucks, changes to the parking lot, changes to signage on Schoolhouse Lane, where to find extra parking, and going to Traffic Safety Committee to review Town signs, pointing out the one-way zone at the top of Schoolhouse as a serious problem. He asked that discussion of Schoolhouse Lane and signage be held until after the Traffic Safety Committee Meeting.

Mr. Letourneau asked about a sign on Route 108 coming south to north for a right-hand turn which sometimes directs people to turn onto Schoolhouse Lane. Chair Rasmussen said it was a NHDOT sign and would be something for Mr. Behrendt and Mr. Selig to take an action on. He said GPS uses State maps and it is possible to get certain routes blacklisted. Vice-Chair Grant said it makes sense to move as it has long been a problem.

Discussion of Site Plan:

Mr. Bubar said there was a discussion on lighting based on a presentation to the Conservation Commission in an attempt to protect the insect population, and suggested speaking to someone at UNH. Chair Rasmussen said our site regulations only focus on luminosity, but the Historic District may have purview over things like that.

Mr. Parnell said he would not be too keen on evening music except on weekends until 9:00 or 10:00 pm. Mr. Letourneau said it is not our intent for this to be a primarily outdoor music venue, and music would be acoustic. He said he was surprised there was not a more robust noise ordinance in Durham, and he was not opposed to reasonable, practical limitations on outdoor music. The Board discussed the issue and agreed they did not want the rules to be manipulative. Mr. Letourneau asked that rules be consistent with Three Chimneys. Mr. Parnell suggested Thursday, Friday, Saturday, Sunday, and holidays for outdoor music at night.

Mr. Behrendt said the applicant needs a waiver on the number of parking spaces, a small waiver on number of bikes, and a waiver for overhead lines. Mx. Friedrichs asked about a waiver for impervious surface and Mr. Behrendt said it is grandfathered; Mr. Bubar said it is not grandfathered for our Site Plan Regulations. Mr. Behrendt said the Planning Board may require non-conforming conditions be brought into compliance or reduced/mitigated and is a judgement for the Board given the scope of the project. Chair Rasmussen said it does not hurt to grant the waiver, so it is acknowledged.

Chair Rasmussen said he would like the Board to briefly talk about parking but wanted to get to the next item on the agenda. Mr. Bubar felt the board should hold parking until after the Traffic Safety Committee meeting. Mr. Parnell asked Mr. Behrendt if there will be some resolution about the 10 Town parking spots. Mr. Behrendt said the contract being executed between the Town Administrator and the applicant with possibility of their Town Hall spaces is to be worked out.

Mr. Letourneau said his understanding of the 10 spaces is that he will get a license agreement to use current easement area of angled parking and hopefully move those spaces temporarily to the rear of the parking lot for the Town. The spaces will not be marked or enforced unless applicant is notified by the Town that Courthouse access is unavailable. He said in the meantime his goal is to work with area landowners to try to find a way to relieve this property of the easement once and for all.

Mr. Bubar said parking in the Town Planner's review was calculated based on square footage of interior of restaurant/tavern not exterior seating and without consideration for 8 food trucks. Vice-Chair Grant said her observation at the Site walk was that the spaces are generously sized. Chair Rasmussen asked Mr. Behrendt to explain about the lighting waiver. Mr. Sievert said he did not do a lighting intensity plan, but the intent is to have string lights around outdoor seating area and goose-neck lighting for signage and on buildings.

After discussion by the Board, Chair Rasmussen continued the Public Hearing for 15 Newmarket Road – Tideline Public House until July 13, 2022.

**XI. *Public Hearing - 19-21 Main Street – Parking Lot.*** Formal site plan and conditional use application for parking lot as principal use on four lots and reconfiguration of the entrance. Toomerfs, LLC c/o Pete Murphy and Tim Murphy, owners. Mike Sievert, engineer. Robbi Woodburn, Landscape Architect. Map 108, Lots 13, 12, 11, and 10. Church Hill District. *Recommended action:* Start deliberations when ready.

Chair Rasmussen recused himself, passed the gavel to Heather Grant, and called a 5-minute break at 8:44 pm.

Attorney Tim Phoenix of Hoefle Phoenix Roberts, accompanied by Attorney Monica Kieser from his office, first addressed specific things the Board requested: (1) Renderings produced by Tangram 3DS; (2) presence of Landscape Architect Vicki Martel. He requested that the Board take public testimony and then allow rebuttal to close everything out.

Attorney Monica Kieser said in terms of renderings, an aerial view was submitted 12/15/21 by Architect Nick Isaak and the process used by Tangram 3DS to create the renderings will be described. Mr. Sievert said the overall aerial view shows the layout of the whole neighborhood area with the 4 Toomerfs lots outlined.

Attorney Kieser said the rendering from Chesley Drive started with a pre-parking lot view using CAD information, then everything is stripped away to a moonscape showing a sense of the topography around the site; then start to fill things in with lots of trees; 50-70 ft buffer between Andersen property and parking lot site undisturbed. For the Urso property a similar situation with the pre-photo all trees; post you see a fence and some grading; moonscape shows topography, look of plantings, shows slope; then with the lawn and trees back in. Attorney Phoenix said the original rendering shows the healthy tree line around the property and the moonscape helps show perspective then fills it back in.

Mr. Sievert said at the last meeting the seeding mix was discussed, and on the detail sheet with the plan several different types of seed mix are listed. He said for the parking lot on the south side NE Roadside Matrix Upland Seed Mix will now be used with original mix on smaller slopes.

Landscape Architect Vicki Martel said 5 trees were added facing the Urso residence. She said with the seed mix the concern is to stabilize the slope quickly and efficiently, and the seed mix being used is a combination of 4 native seed mixes, grasses and a mix of shrubs in seed form to naturalize the slope; over time pollinators will establish and then shrubs will take over to kick-start forestation on the slope. Owner will monitor slope for invasive species.

Councilor Tobias asked the tree species in decline on that slope and if they would be removed; Ms. Martel said the Ash tree is in decline but will be left in place as part of the natural progression of the forest, unless a danger. Mr. Bubar expressed concern with stabilization of planted trees on the steep slope; Ms. Martel said the concern is in planting mature nursery stock. The Board discussed the progression of seeded plantings and Ms. Martel said it will take several years for the shrubs and 4-6 years for woody growth, but wildflowers will establish immediately, and the majority are perennial.

The Board discussed snow storage and Ms. Martel said it would not go over the slope because of the fence. Mr. Sievert said where the trees were dropped back on the site will be the new snow storage area on the westerly slope and 2 farther down. Ms. Dill asked the location of the retaining wall, and Ms. Martel said the angled double line shows the location of a small retaining wall; angled point is at 6 ft and goes down on either side.

Mx. Friedrichs asked the construction plan for getting the retaining wall in without disturbing the woodland buffer. Mr. Sievert said plan is to use the Main Steet access: Phase I is to build the access road; Phase II clear land and build from the back up. He said fill is put in 1-foot lifts and compacted, building from the toe of the slope northward; precast block retaining wall with a stone base footing in a deep trench.

Mx. Friedrichs asked how the plan for the landscaping will act as riparian buffer, providing filtering. Ms. Martel said a lot hinges on stormwater and how that is being managed; no stormwater going down over that slope. There is about 200 ft of buffer, intact and in its present state, between College Brook and where there will be any disturbance. The slope comes in onto

the vegetated part of the parcel and serves the important purpose of erosion control, enhancing the buffer in that way.

Mr. Sievert said the parking lot is graded north from the back side and only rainwater will flow down through the wooded area; the State of New Hampshire requires Shoreland Protection of 250 ft; stormwater system is reducing the volume and flow as it can significantly infiltrate due to fill. Mr. Bubar said petroleum products and salt not removed from the water are still passing through. Mr. Sievert said the first flush takes petroleum and silts in the first row of each of the systems; isolator row allows that all to settle out.

Ms. Dill asked questions about the Tangram work and said the time when trees are in full-leaf is short and a lot more of the structure will then be visible. She said the applicant is showing the proposed view to look much like the original and asked what they were trying to show with the moonscape. Mr. Sievert said they are trying to show a relative distance built from the CAD model. Ms. Dill asked about Exhibit E, Urso residence both existing and proposed; much closer to the parking lot and a lot of foliage will not be there in fall and Ursos will see much more than a little bit of fence. She said it is really important that people know that.

Mr. Sievert said he agreed and said they planted 5 extra trees to try to screen that better. Ms. Martel explained those extra trees would be a mix of Norway Spruce (potential to reach 70 ft) and Western Red Cedar (potential to reach 30-40 ft), going in at 7-8 ft and will fill in quickly. Mr. Bubar asked about replacement of failed trees and Ms. Martel said they would most likely fail early on and there are provisions in the plan for replacement.

Vice-Chair Grant said everything the Board asked for has been presented and said she would like to get through Public Hearing and the summary from the applicant. Attorney Phoenix requested the Board turn over to the public now, and time permitting will make final comments and hopefully get to deliberations.

Mr. Behrendt said before that the Board needs to address the grading question and the development of regional impact. The Board discussed the number of trucks for fill during construction and traffic. Mr. Parnell said in his opinion this is not a regional impact project. Mr. Sievert said trucks will mostly come Route 4 or Route 108 but there will be 2 phases; majority of trucks in second phase would come through Newmarket. It was a consensus of the Board that the project is not of regional impact.

Mr. Behrendt said the Board should review grading and language in Site Regulations Article 8, Natural Resources standards and provisions: 8.2.1, 8.2.2, and 8.2.3 as well as 8.2.7. Mr. Parnell asked if the applicant ever considered tiered parking; Mr. Sievert said they did but the slope is too steep and there is too much grade change. Mr. Parnell asked about a smaller design which would reduce the fill, and Mr. Sievert said that would expand the footprint.



Attorney Phoenix said for this section you have to start with a purpose, to protect natural resources, while accommodating appropriate growth and development. He said Section 8.2.1, buildings, parking areas, travel ways and other site elements designed and located to preserve natural resources and maintain natural topography to extent practicable; extensive grading and fill shall be avoided, but not prohibited or eliminated. He said any development here would need fill and said this is a pretty low impact compared to other possible permitted uses. For Section 8.2.3 natural features and systems shall be preserved in natural condition wherever practicable, and what can be done has been done here regarding steep slopes.

Mr. Sievert added that he believes he has used the topography by tying everything in on the side. He said he did drop the roadway going down through to leave the upper area as it is then drop down in; slope of parking lot maximized at 5%. He said ideally this site is free of a lot of environmental constraints, with no runoff to the sides of the property at all. The Board discussed grading and the extensive fill needed for the project and agreed by consensus to review this as part of the Site Plan Review and during deliberations of CU criteria.

Vice-Chair Grant opened the Public Hearing at 10:13 pm and asked that speakers limit their comments to new information.

**William Hall** said traffic for this job would be less than 1% of traffic through town on a typical day, and will drop 40% once students leave, and did not feel it was unusual for a job like this. He said the entrance is a narrow road next to a 3-story wooden building and more space will be safer for emergencies.

**Joshua Meyrowitz** of 7 Chesley Drive said the aerial view of Church Hill Woods is adjacent to other houses but not near parking lots, and CU restrictions apply to negative external impacts on abutting properties, neighborhood, and surrounding environment. He said Toomerfs implausibly show existing and proposed views from Chesley Drive as essentially the same, with the stonewall the dividing line, and new photo from Urso property claims the project to be almost invisible. He asked the Board to press for better imagery and noted changes in current project: (1) return of retaining wall; (2) greatest proposed increase in grade elevation; (3) significant projected increase in amount of fill.

**Attorney Mark Puffer** of Preti Flaherty said Nathan Fennessey of our firm has been here on prior occasions. Vice-Chair Grant asked that he not repeat things the Board already received feedback on. Attorney Puffer said he represents a number of Durham residents concerned about this project and its effect on neighboring properties. He discussed legal issues the Board would need to wrestle with: (1) issue of steep slopes and extensive grading; (2) issue of structured versus surface parking and binding ZBA decision; (3) purpose of Church Hill District to preserve historic character of area.

Attorney Puffer asked that the Board make a specific finding during deliberations as to structured versus surface parking, and if Board decides it is surface parking to separately deliberate and vote

on each conditional use criteria. Vice-Chair Grant said the Board does have a clear and defined process to go through CU criteria. Attorney Puffer asked that the Board make a specific finding on structured versus surface parking and set forth reasons. Vice-Chair Grant asked that Attorney Puffer put that in writing to the Board as public comments.

**Robin Mower** of 6 Britton Lane said it was gratifying to see landscape architect Robbi Woodburn respond so affirmatively to the Board and public, but it does not alter my opposition to this project. She said she would like to head off any potential waiver for the Site Plan regulations regarding extensive grading and filling and asked the Board to consider what the impact of the construction process on the proposed vegetative buffers. She said continued use of woodland buffers is not realistic as screening because width of 50-75-ft buffer is not that large. She urged the Board to be precise with use of words and said the Site Plan Regulations speak for themselves in protecting community interests, natural resources, and topography

**Beth Olshansky** said she agrees that words matter and “extensive grading and fill is to be avoided” is not a conditional statement. She said it is upon the Planning Board to stick to the letter of the law and not make interpretations based on desires.

**Carol Birch** said she was struck by Toomerfs talking about need and said no one needs this project. She said she is bothered by not seeing a 3D drawing of what this will really look like, felt it was only fair to show one, and felt as if she were being deceived if she cannot see one.

Attorney Phoenix said our first memorandum was submitted on February 18 with all these things viewed, with another on May 6 dealing with easements, and obligation to weigh evidence of public versus experts; then Tangram renderings were provided. He said the weight the Board gives public testimony should be according to how they are affected by the project and written comments should be specific when maintaining the project will adversely affect personal and legal interests.

Attorney Phoenix said with regard to saving the forest, two foresters presented illegal evidence tantamount to a taking; this land is private, and owners are entitled to develop it. He said a small retaining wall and a slope up to a parking lot is part of the topography and the site cannot be developed without fill. If the Board denies this, they are essentially saying this property cannot be developed. Regarding structured versus surface parking, it is our opinion that the Planning Board has already determined this is not structured parking and has made the decision. Attorney Kieser said the Planning Board’s role is to act reasonably in applying the statutory and municipal regulations and work with applicant in permitting process.

***Mr. Parnell MOVED to adjourn the Public Hearing for 19-21 Main Street Parking lot to July 27, 2022; SECONDED by Mr. Bubar; Roll Call Vote: Lorne Parnell-aye, James Bubar-aye, Heather Grant-aye, Sally Tobias-aye, Emily Friedrichs-aye, Barbara Dill-aye; APPROVED by a vote of 6-0; Motion carries.***

Mr. Behrendt said the Public Hearing is adjourned to a date specific and can be reopened per Town Attorney, and Planning Board will do its deliberations with no input from public, abutter, or applicant. He stated that during this time Planning Board will likely make a decision to direct a drafting of a Notice of Decision for approval or denial, which will be presented back to the Board July 27 unless extended.

Mr. Bubar asked if the Board will still accept public comment by email during this adjournment, and Mr. Behrendt said they can be submitted in writing or verbally starting July 27, 2022. Vice-Chair Grant said she felt it was important as the Board has to be able to stop somewhere. Mr. Behrendt said there will be no public comment on July 27 unless the Public Hearing is reopened. *Paul Rasmussen returned to the table at 11:04 pm.*

## **XII. Review of Minutes (new): May 11, 2022, May 18, 2022**

### **Meeting Minutes of May 11, 2022**

Changes/Corrections:

Chair Rasmussen said that James Bubar was not listed as being present, and on page 4, line 15 states motion was approved but it failed; also as a minor error on page 2 line 1. Mr. Bubar said he sent his changes to Karen.

***Mr. Parnell MOVED to approve the minutes of May 11, 2022 as amended; SECONDED by Mx. Friedrichs; Roll Call Vote: Lorne Parnell-aye, James Bubar-aye, Paul Rasmussen-aye, Heather Grant-aye, Sally Tobias-aye, Emily Friedrichs-aye, Barbara Dill-aye; APPROVED by a vote of 7-0; Motion carries.***

### **Meeting Minutes of May 18, 2022**

Changes/Corrections:

Mr. Parnell said that he was in attendance at the meeting, but it wasn't noted.

***Mr. Parnell MOVED to approve the minutes of May 18, 2022 as amended; SECONDED by Vice-Chair Grant; Roll Call Vote: Lorne Parnell-aye, James Bubar-aye, Paul Rasmussen-aye, Heather Grant-aye, Sally Tobias-aye, Emily Friedrichs-aye, Barbara Dill-aye; APPROVED by a vote of 7-0; Motion carries.***

## **XIII. Adjournment**

***Mr. Parnell MOVED to adjourn the meeting; SECONDED by Councilor Tobias; APPROVED 7-0, Motion carries.***

Chair Rasmussen adjourned the meeting at 11:09 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker

Durham Planning Board

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James Bubar, Secretary