These minutes were approved at the February 26, 2025 meeting.

# TOWN OF DURHAM DURHAM PLANNING BOARD MEETING

# Wednesday, January 8, 2025 Town Council Chambers, Durham Town Hall

### 7:00 pm

**MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Robert Sullivan, Gary Whittington, Heather Grant (Alternate Council Rep); Richard Kelley-arrived late, Emily Friedrichs (Council Rep)-arrived late on Zoom

**MEMBERS ABSENT:** Erika Naumann Gaillat (Alternate), Tom DeCapo (Alternate)

ALSO PRESENT: Town Planner Michael Behrendt

#### 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 called the roll and seated Heather Grant as Council Rep.

#### III. Approval of Agenda

Chair Rasmussen amended the agenda moving *IX. Public Hearing for 3 Dover Road – New Dunkin Donuts* to January 22, 2025 to complete traffic study; *XI. Public Hearing for Mill Plaza* is also postponed.

# Vice-Chair Tobias MOVED to approve the Agenda for January 8, 2024, as amended; SECONDED by Robert Sullivan; APPROVED: 6-0, Motion carries.

# IV. Town Planner's Report

Town Planner Michael Behrendt welcomed Gary Whittington as a new regular Planning Board member. Amendments coming to the Board: Conservation Commission changes to Invasive the Invasive Species portion of Site Regulations; Mike Hoffman pointed out that the term "grandfathering" has a racist background and will no longer be used by the Board; more typical term is "vesting" or "pre-existing, non-conforming use".

Mr. Behrendt said he would propose a small amendment to the Aquifer Protection Overlay District, and time is needed for PUD Ordinance for January 22. New application: Riverwoods is upcoming to add senior housing on opposite side of Stone Quarry Drive; also Ken Weston, UNH Campus Architect, will join the Board to speak on the "Edge" Project.

# (Richard Kelley arrived at the Planning Board meeting at 7:05 pm.)

#### V. Reports from Board Members who serve on Other Committee

<u>Reporting from the Town Council</u>: Councilor Grant said Council met Monday: Public Hearing and review for updated Comcast Contract; presentation by Superintendent of Oyster River Cooperative School District on FY2026 Budget re tax reduction on bill due to declining school population; approved Public Hearing on changes in definitions, and Public Hearing on Historic Overlay District, both scheduled for February 17, 2025; also discussed Todd Selig evaluation and concerns of downtown viability.

<u>Reporting from Conservation Committee</u>: Mr. Kelley said the Commission met December 23, 2024 and reviewed 4 Riverview Court application, only has oversight for criteria found met by applicant; continued work on WCOD and SPOD Zoning Amendment, discussion on plant species in Site Plan Regulations; established 2025 meeting schedule.

<u>Reporting from IWMAC</u>: Chair Rasmussen said the committee met in December and focused on setting goals for the next year prioritizing composting effort; at next meeting Zoom discussion with Brattleboro, VT on their composting program.

#### VI. Public Comments

#### VII. Review of Minutes: (old) December 11, 2024

Mr. Sullivan pointed out the one use of "grandfathering" on page 4, line 28 which was removed.

Chair Rasmussen MOVED to approve Planning Board meeting minutes of December 11, 2024 as amended; SECONDED by Vice-Chair Tobias; APPROVED: 5-0 with 2 abstentions, Motion carries.

#### (Emily Friedrichs arrived at the Planning Board meeting on Zoom at 7:13 pm.)

VIII. Public Hearing - <u>4 Riverview Court – Conditional Use Application</u>. Conditional use in the Shoreland Protection Overlay District for an existing single-family house for structures to be located within the 125-foot setback line: freestanding garage, expansion of existing driveway, retaining wall, shed, and buried electric line that currently runs overhead. Arthur McManus, property owner. Chris Guida, Fieldstone Land consultants, wetland and soil scientist. Map 214, Lot 11. Residence Coastal District. <u>Recommended action</u>: Final action if all in order.

Mr. Behrendt said the applicant can explain the changes; no longer part of your CU review as provision under "non-conforming" allows expansion of the garage; applicant revised his narrative and CU criteria accordingly.

Mr. Arthur McManus said he submitted a letter to the Board yesterday regarding concerns of some abutters, 2 direct abutters did not sign the letter. He said the property was built in 1965 and is in bad shape with a lot of water damage and he decided to rebuild. Work was started: replaced HVAC system with fossil fuel, removed 2 oil tanks and 2 furnaces, removed existing garage; all new insulation, upgraded electrical, structural work on windows, new siding, new roof, tree work, and new State approved septic. He said he tried to control the negative impact but there is a lot of work going on.

Mr. A. McManus said he hired Fieldstone Consultants and Chris Guida is on Zoom; he helped us with a survey plan, modified catch basin with rain garden to dispose of water; will rotate the Garage 90 degrees with his plan to avoid water running down the driveway and change the orientation of the driveway as well with horseshoe driveway going across into rotated garage and circling back up to Riverview Court; catch basin designed with drainpipe and rain garden; plan to submerge power lines along driveway and add a shed, a retaining wall, and stairs to patio; stone wall along horseshoe drive.

Mr. A. McManus said there were 2 questions from the Conservation Commission: (1) requested a catch basin maintenance plan to be done by Chris Guida for distribution, and a 3-page outline of inspecting the catch basin; (2) Design capabilities; Mr. Guida can speak to system and explain the ability to handle rain and runoff volumes.

Mr. Chris Guida said he is a certified Wetland & Soil Scientist, and said our engineers worked on the drainage here in conjunction with the CU Permit, as well as State shoreland permits and title zone wetlands permits for work within 100 ft of Oyster River high-tide line. He said slopes and grades tended to run to the house; driveway had to create a low point to drain away to catch basin and has a berm curving along it to direct stormwater to basin with small sump and into culvert to rain garden to south of property; designed to withstand the 100-year storm.

Mr. Kelley said the rain garden is then designed to catch that first 1 inch of contributing runoff. Mr. Guida said a 1-inch rainstorm in 24 hours, which will start to discharge over the spillway with more significant storms and does not overlap the berm, catch basin, or culvert. Mr. Kelley asked how much volume is available and if it is constrained below the proposed spillway; part of maintenance requirements because as sediment builds volume is lost. Mr. Guida said the rain garden elevation after a 1-inch rain is 10.7 and discharge point 11.

Mr. Peyton McManus asked if it was necessary to go to NHDES for septic system replacement and if the closeness to the water drove engineering decisions. Mr. Guida said the property location definitely drove decisions: the effluent disposal from the leach field was moved farther away and septic located farther from the house to allow for stormwater treatment pipe; some tree clearing had to happen to meet DES regulations. He said the septic had to be doubled in size per DES regulations; did our best to meet all setbacks and regulations relative to the river in

SPOD. Mr. A. McManus said he was not able to separate the garage due to expansion of the septic system.

Vice-Chair Tobias MOVED to open the Public Hearing for 4 Riverview Court; SECONDED by Peyton McManus; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobiasaye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittingtonaye; APPROVED 7-0, Motion carries.

#### Public Hearing for 4 Riverview Court was opened at 7:30 pm.

Chair Rasmussen said the Board received written comments and there were some pictures of other properties distributed that are not pertinent to this discussion. Vice-Chair Tobias said there were concerns about removal of vegetation and trees. Mr. A. McManus said he spoke with Rich Reine and Mr. Behrendt, identified trees that fit into 3 categories: dead, dangerous, diseased or invasive species, and got approval to take them down.

Mr. Peyton McManus said one of the letters stated that prior to new ownership the property was fully vegetated and in a completely natural state, but the Tree Warden said the property had not been maintained and forested and a lot of the trees were marked to come down. Mr. Whittington asked what sort of vegetation would be planted; Mr. A. McManus said native plantings and evergreens.

Chair Rasmussen asked Mr. Behrendt to review what the Board is approving. Mr. Behrendt said this is CU for 6 items: expansion of driveway, burying electric lines, installing the retaining wall, installing a boulder wall, installing a shed, and installing drainage structure including steps. Chair Rasmussen said the shed is to the NW of garage, about 100-155 ft off the highwater mark and our ordinance permits 1 utility building in that zone with CU.

# Conditional Use (CU) Criteria

<u>1. Site Suitability</u>: Single family property with adequate pedestrian and vehicular access to use; adequate public services; environmental restraints: mitigating impact of stormwater runoff by adding catch basin and rain garden; availability of adequate utilities to serve intended use: significant septic system replacement.

2. External Impacts: No change of use.

<u>3. Character of Site Development</u>: Expanded garage as single-story structure attached to existing building.

4. Character of Buildings & Structures: Shed, rain garden, steps and boulder wall.

5. Preservation of Resources: All work was appropriate and went through the proper processes.

6. Impact on Property Values: None.

7. Availability of Public Services and Utilities: Criteria met.

8. Fiscal Impacts: In favor of the Town and will increase property taxes.

#### SPOD CU Criteria:

<u>1. No Alternative Design Location</u> on parcel outside SPOD that is practical for proposed use; less impact on WCOD, workable and reasonable; shed reasonably close to new driveway, location taking advantage of old fuel accessway: quite reasonable use of existing conditions.

2. Minimum Soil Disturbance: Plans in place to minimize impacts.

<u>3.</u> Location, Design, Construction, Maintenance: Mitigation and restoration activities; native planting as appropriate.

<u>4. Adverse Impacts</u>: Proposed project will not have substantial adverse impacts to known rare species or habitat.

<u>Questions</u>: Mr. Kelley said he has no issue with proposal itself but some of the documentation may be missing: drainage calculation report from engineer. Mr. Behrendt said it is not necessary on a CU for single family. Mr. Guida said he is not doing any work in an undisturbed area in the Shoreland Zone but will add erosion control (ground cover) for Shoreland Permit to protect river. Mr. Kelley said this can be a condition subsequent to approval. Councilor Friedrichs said it is important to note that no lawn could be established on this property due to its proximity to the river.

Mr. Kelley MOVED to close the Public Hearing for 4 Riverview Court, there being no members of the public wishing to speak on this matter; SECONDED by Vice-Chair Tobias; Roll Call Vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-aye; APPROVED 7-0, Motion carries.

# Public Hearing for 4 Riverview Court was closed at 8:00 pm.

Mr. Sullivan said in Finding of Facts, line d should say: 4 special criteria are "adequately met".

Mr. Kelley MOVED that the Planning Board approve the CU Application at 4 Riverview Court, for CU in SPOD for an existing single-family house, structures to be located within 125-foot setback line with standing garage, expansion of existing driveway, retaining wall, boulder wall, rain garden, shed, and buried electrical line, Map 214, Lot 11 in RC District; SECONDED by Chair Rasmussen;

Chair Rasmussen amended the motion to remove reference to the garage as an attached garage permitted by use.

Roll Call Vote on Amended Motion: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobiasaye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittingtonaye; APPROVED as amended 7-0, Motion carries.

- IX. Public Hearing <u>3 Dover Road New Dunkin Donuts</u>. Preliminary design review for new Dunkin Donuts on ¼ acre lot with vacant one-story building located between the Holiday Inn Express and the Mobil Station. JESP Enterprises, LLC, property owner. Jim Mitchell c/o Tropic Star Development, LLC, applicant. Matt Perry, Civil Engineer, The Engineering Corp. Jeffery Dirk, Traffic Engineer, Vanasse & Assoc. Courthouse District. Map 108, Lot 38. <u>Recommended action</u>: Provide comments to applicant. Close or continue Design Review. POSTPONED TO JANUARY 22, 2025 AT APPLICANT'S REQUEST
- X. Public Hearing Proposed Ordinance regarding Student Rental, Three-Unrelated Rule, Habitable Floor Area, and Multi-Unit Residential. A proposed ordinance prepared by the Planning Board following review of a draft prepared by an ad hoc group working with the Town Administrator. <u>Recommended action</u>: Hold public hearing and then decide how to proceed.

State Representative AI Howland explained there was a bill introduced into the House last year that would have set a residential occupancy floor minimum and put Durham's 3-unrelated rule in danger because it did not comply. It was narrowly defeated in the House by 4 votes and is likely to come forward again next week. He said there is now a special standing committee dealing with housing, zoning, and some tenants rights ordinances coming through; if passed the bill would take place in 60 days.

Mr. Howland said this proposal before you would be defensible for Durham using the Fire & Life Safety Code to set occupancy; this ordinance is also better than the 3-unrelated ordinance which was too broad. He said a fear of student housing has been an impediment to workforce housing, and by clearing defining "Student Housing" and stating where it is allowed makes it easier to advance workforce housing.

Chair Rasmussen said if the State takes action the Planning Board would have only 60 days to do something, or Durham would be left without any rules to who could live anywhere. Mr. Howland said another benefit of the change would be no longer using "family" for occupancy in the definition of student, which is far superior to what Durham already has.

Chair Rasmussen MOVED to open the Public Hearing for Ordinance regarding Student Rental, 3-Unrelated Rule, Habitable Floor Area, and Multi-Unit Residential; SECONDED by Gary Whittington; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobiasaye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittingtonaye; APPROVED 7-0, Motion carries.

# Public Hearing for Ordinance regarding 3-Unrelated, Habitable Floor Area, and Multi-Unit Residential was opened at 8:12 pm.

**Steven Kimball** of 20 Strafford Avenue said his family has owned a parcel with 2 dwelling units in Durham across 4 generations since 1935, and reminded the Board that the Town of Durham is a welcoming community that embraces all people. He said Administrator Selig is the Human Rights Commission liaison contact for concerns and he believes he is incorrect suggesting discrimination can only happen against a currently defined protected class and the Planning Board is crafting a discriminatory ordinance to scapegoat the problem. Mr. Kelley said he would rather see the town target landlords, who are leasing within our residential districts, through enforcement.

**Jeff Berlin** said he is in support of this because it is going towards freedom, and as creator of this bill he convinced a lot of people that Durham is actually discriminating against students and thanked the Board for doing his work for him. He said big landlords are in favor of the 3-unrelated rule because it manipulates the Housing Market by artificially increasing rental rates. He said if the Planning Board wants more affordable housing, they would free the housing market by getting rid of the 3-unrelated rule, and he instructed Mr. Behrendt to work with UNH.

**Joshua Meyrowitz** of 7 Chesley Drive said his focus is on the public understanding what is happening here, what is being proposed, and being able to voice their concerns. He said the timeframe is also concerning and the public needs time for some open sessions. He asked that someone comment on the sprinkler and fire code issue, and asked that the Board discuss how this would really play out in relation to the character of the neighborhood.

Chair Rasmussen said the Boad had multiple discussions last year about the 3-unrelated rule and the meetings were all public sessions. Mr. McManus asked if in the absence of a change here, he would rather see nothing and follow the course Representative Howland is forecasting. Mr. Meyrowitz said he finds it difficult to do nothing in this context but he does not understand the mechanism of the Fire Code.

**Beth Olshansky** of Packers Falls Road said she also wished the public knew what was being proposed and recommended waiting until the bill comes forward in the House to better understand the legislation. She said she knows nothing about installing sprinkler systems, but if a landlord could go from 4 to 8 people in a house what that cost might be.

Mr. Sullivan said he did a simple analysis of 3,000, 2,000, and 1,500 sq ft, throwing out 30% for hallways, to find the cost for a residential sprinkler and adding renters based on house size. He said a sprinkler system in a 2,100 sq ft house divided by 200 sq ft per person equals 10 potential renters; with the 4-unrelated rule in place would be paying \$750/month equaling \$4,500/month more revenue; a sprinkler system costing \$15,000 for a house would see rapid payback.

Ms. Olshansky said in that case she does not find this reassuring and would like to look at the unintended consequence of grabbing this solution quickly. She agreed that something needs to be on the books and recommended waiting to see what the legislation looks like.

**David** \_\_\_\_\_(?) said he is not for or against this but came to the meeting to learn. He said he moved to this Town in 2005 because it is inclusive and forward-thinking, and said this is a very difficult balancing act while being pressed by the State at the same time. He said family neighborhoods are why most people move to Durham; need to truly value everyone, hear from the public, and need an approach on how to handle this hybrid.

**State Representative Al Howland** said what came up was using occupancy to deal with a nuisance ordinance which really should not be done; nuisance ordinances are supposed to be handled with RSA. He said if you do not impose occupancy limits grounded in the State Fire Code and life safety you will have a problem defending it, and Durham has clearly shown they have built enough student housing, this ordinance clearly defines what "student housing" is and shows where it can be, and shows there is ample opportunity to add student housing.

Chair Rasmussen explained that the minute you go over 4 undergraduates you become "student housing" which is only allowed in four core zones. Councilor Friedrichs pointed out that they could also be dealt with separately and do not need to be the same.

**Jeff Berlin** said Durham does not need to wait until the legislation comes out; whatever you come up with to discriminate against students is what we are trying to outlaw at the State level. He said because Durham has not been willing to change the 3-unrelated rule and let the housing market do what it will and allow rental rates to come down and stabilize.

Mr. Behrendt said he invited Fire Marshall Brendan O'Sullivan and Town Code Enforcement Officer Audry Cline to share their insights and asked them to come up to speak.

**Fire Marshall Brendan O'Sullivan** stated that Life Safety Code NFPA 10 was adopted by law and defines occupancy. He said if you have 16 or more people you are a dormitory, 5 or more people you are Lodging and Rooming, less than 5 a single family. He said 5 or more people living together is written as "no more than 3 outsiders" bringing you down to 4, and if you add another your are a "new lodging and rooming" and have to install a fire sprinkler system, fire alarm, automatic room door closures, and separate the floors; sprinklers are the most expensive and are easier in a new build.

Ms. Olshansky asked about the costs provided by Mr. Sullivan; Fire Marshall O'Sullivan said people have told him it is difficult to find someone to do the work, and one person recently paid \$15,000 just to do the underground part.

**Pete Murphy** said he owned a 2,000 sq ft house years ago and the cost to do a sprinkler system was over \$30,000 with a good chunk being just to bring the water from the street to the house; trying to retrofit a house today would be much higher. He said also, as a landlord, he is looking at a macro environment of student housing now in Durham; the University has said all sophomores must now live on campus which is probably 400-600 who would have lived off-campus; student enrollment is going down and not one student now wants to share a room. He said he has 3 pieces of land but will not be building student housing.

Mr. Kelley said the Board received some correspondence that there was approximately a 20% vacancy rate in the off-campus market for the past 2 years; Mr. Murphy said that is accurate. Mr. McManus asked the Fire Marshall to comment on door closures. Mr. O'Sullivan said they are all there to keep residents safe from fire, and whatever definitions are used, if they do not align with Fire Safety Code definitions, it will come into play. Mr. Behrendt said Fire Safety is using related and unrelated for occupancy. Councilor Grant said we already do not allow lodging houses or dormitories in residential.

**Audrey Cline**, Town Code Enforcement Officer, said one of the difficulties of defining any group of people to separate them is you are likely to step into impacting formulas by accident. As far as the economics of whether a neighborhood will be segueing from family to rental, our authority is from the State and there is a list of zoning purposes we have authority for and manipulating economics is not a part of zoning; differing lifestyles are difficult to address with regulation. One of the authorities of zoning on a State level is putting similar impacts together in zones, and said the State is looking at potentially defining "student" for the purpose of increasing the possibilities for people to build workforce housing.

Ms. Olshansky asked if Mr. Kelley would expand on his earlier comments. Chair Rasmussen asked her to keep in mind it has nothing to do with zoning and is not something the Planning Board could implement here and would need to go to Town Council. Mr. Kelley said years ago he took an interest in Radnor Township, PA with their municipal code and approach to controlling student housing through registration of their landlords with strict provisions and terms of density of student housing allowed.

Chair Rasmussen said the Board needs to decide what direction they are going to head; this is not the most important thing in front of us at the moment and PUD should be getting more of our focus and said our time is the most critical thing we have right now and we need to spend it wisely. Mr. McManus said he was inclined to move forward on this now and call a vote.

**Town Administrator Todd Selig** said to the extent legislation will be brought forward, it will likely challenge Durham's definition of family, rooted in a 1950 vision of what family is, and it will not be defensible and will be challenging to defend; adopting this change to match the Fire Code provides a strong rationale for defense. He said if what we have on the books is struck down and we have nothing it will create challenges and increase the business of student housing. He said

this ordinance recognizes that student housing is a business and needs to be managed and zoned as a business.

Town Administrator Selig said students can live wherever they want but not in groups of more than 4 without it being recognized for what it is, a business. He said he has no desire to go to the legislature to defend our ordinance as we will lose. He said the world has changed and towns are having a housing crisis, and to the extent Durham can be more flexible is a good thing. He said the goal is to strike down 3-unrelated and whatever Durham puts in place to regulate student housing, and believes this approach is defensible.

Vice-Chair Tobias said this definition is workable and felt there was a pressing need to move this forward to the Town Council where there will be another process for review and public input. Mr. McManus said he agrees totally that the Board should take the opportunity to get ahead of this while we can and put something in place we can defend. Councilor Friedrichs said ze is comfortable moving this forward to the Town Council who can look a little more into defining Boarding and Rooming House.

Mr. Whittington said he is in favor of moving this forward because he is persuaded that the 3unrelated rule is truly indefensible. He said it seems we are mixing a lot of legislative purposes together; he does not believe it is discrimination, rather trying to regulate student housing and there is some urgency to it. Chair Rasmussen said it seems the Board has come to a consensus.

Mr. Behrendt said there is another element in this draft not related to student housing which is Residence, Multi-Unit, currently not allowed anywhere and this proposal would allow it to be all 5 core commercial zones plus MUDOR; the Board may want to hold off. The Board agreed that Residence, Multi-Unit will not be changed at all at this time, and the Board will just be adding a row for student rental to the Table of Uses.

Mr. Meyrowitz said he agrees with Todd and Al on this and was just concerned about the process and recommended that the work of Fire Marshall O'Sullivan be included somewhere in the draft.

Vice-Chair Tobias MOVED to close the Public Hearing for the Ordinance regarding 3-Unrelated, Habitable Floor Area, and Multi-Unit Residential; SECONDED by Peyton McManus; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-aye; APPROVED 7-0, Motion carries.

Public Hearing for Ordinance regarding 3-Unrelated, Habitable Floor Area, and Multi-Unit Residential was closed.

Richard Kelley MOVED that the Planning Board advance this Proposed Zoning Amendment for Student Rental, 3-Unrelated, and Habitable Floor Area, as amended this

> evening, to the Town Council for action; SECONDED by Peyton McManus; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-aye; APPROVED 7-0, Motion carries.

XI. Public Hearing - Mill Plaza – Façade Improvements and Site Enhancements. Site plan application for Phase 1 – façade improvement to rear building and Phase 2 – site enhancement around rear building. Conceptual application for Phase 3 – hardscape enhancements between front building and Mill Road, Phase 4 – façade improvement to front building, and Phase 5 – improvements to parking lot and installation of walking path along College Brook. Pete Doucet c/o Torrington Properties, property owner. Steve Mayer c/o Allen & Major, engineer. Jeff Gannon c/o PCA, Inc., architect. Central Business District. Map 109, Lot 3.

#### POSTPONED TO JANUARY 22, 2025 AT APPLICANT'S REQUEST

#### XI. Other Business

- XII. Review of Minutes (new):
- XV. Adjournment

Richard Kelley MOVED to adjourn the Planning Board meeting of January 8, 2025; SECONDED by Vice-Chair Tobias; Roll Call Vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-aye; APPROVED: 7-0, Motion carries.

Chair Rasmussen adjourned the meeting at 9:56 pm.

Respectfully submitted,

Patricia Denmark, Minute Taker Durham Planning Board