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2
3 **TOWN OF DURHAM**
4 **DURHAM PLANNING BOARD MEETING**

5 **Wednesday, January 8, 2025**

6 **Town Council Chambers, Durham Town Hall**

7 **7:00 pm**

8 **DRAFT MINUTES**

9
10 **MEMBERS PRESENT:** Paul Rasmussen (Chair), Sally Tobias (Vice Chair), Peyton McManus, Robert
11 Sullivan, Gary Whittington, Heather Grant (Alternate Council Rep); Richard Kelley-arrived late,
12 Emily Friedrichs (Council Rep)-arrived late on Zoom

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

14 **ALSO PRESENT:** Town Planner Michael Behrendt

15
16 **I. Call to Order**

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

18
19 **II. Roll Call and Seating of Alternates**

20 Chair Rasmussen called the roll and seated Heather Grant as Council Rep.

21
22 **III. Approval of Agenda**

23
24 Chair Rasmussen amended the agenda moving *IX. Public Hearing for 3 Dover Road – New Dunkin*
25 *Donuts* to January 22, 2025 to complete traffic study; *XI. Public Hearing for Mill Plaza* is also
26 postponed.

27
28 ***Vice-Chair Tobias MOVED to approve the Agenda for January 8, 2024, as amended;***
29 ***SECONDED by Robert Sullivan; APPROVED: 6-0, Motion carries.***

30
31 **IV. Town Planner’s Report**

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

37
38 Mr. Behrendt said he would propose a small amendment to the Aquifer Protection Overlay District,
39 and time is needed for PUD Ordinance for January 22. New application: Riverwoods is upcoming to
40 add senior housing on opposite side of Stone Quarry Drive; also Ken Weston, UNH Campus
41 Architect, will join the Board to speak on the “Edge” Project.

42

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

2

3 **V. Reports from Board Members who serve on Other Committee**

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

10

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

15

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

19

20 **VI. Public Comments**

21

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

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

24

25 ***Chair Rasmussen MOVED to approve Planning Board meeting minutes of December 11,***
26 ***2024 as amended; SECONDED by Vice-Chair Tobias; APPROVED: 5-0 with 2 abstentions,***
27 ***Motion carries.***

28

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

30

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

38

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

42

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

8
9 Mr. A. McManus said he hired Fieldstone Consultants and Chris Guida is on Zoom; he helped us
10 with a survey plan, modified catch basin with rain garden to dispose of water; will rotate the
11 Garage 90 degrees with his plan to avoid water running down the driveway and change the
12 orientation of the driveway as well with horseshoe driveway going across into rotated garage
13 and circling back up to Riverview Court; catch basin designed with drainpipe and rain garden;
14 plan to submerge power lines along driveway and add a shed, a retaining wall, and stairs to patio;
15 stone wall along horseshoe drive.

16
17 Mr. A. McManus said there were 2 questions from the Conservation Commission: (1) requested
18 a catch basin maintenance plan to be done by Chris Guida for distribution, and a 3-page outline
19 of inspecting the catch basin; (2) Design capabilities; Mr. Guida can speak to system and explain
20 the ability to handle rain and runoff volumes.

21
22 Mr. Chris Guida said he is a certified Wetland & Soil Scientist, and said our engineers worked on
23 the drainage here in conjunction with the CU Permit, as well as State shoreland permits and title
24 zone wetlands permits for work within 100 ft of Oyster River high-tide line. He said slopes and
25 grades tended to run to the house; driveway had to create a low point to drain away to catch
26 basin and has a berm curving along it to direct stormwater to basin with small sump and into
27 culvert to rain garden to south of property; designed to withstand the 100-year storm.

28
29 Mr. Kelley said the rain garden is then designed to catch that first 1 inch of contributing runoff.
30 Mr. Guida said a 1-inch rainstorm in 24 hours, which will start to discharge over the spillway with
31 more significant storms and does not overlap the berm, catch basin, or culvert. Mr. Kelley asked
32 how much volume is available and if it is constrained below the proposed spillway; part of
33 maintenance requirements because as sediment builds volume is lost. Mr. Guida said the rain
34 garden elevation after a 1-inch rain is 10.7 and discharge point 11.

35
36 Mr. Peyton McManus asked if it was necessary to go to NHDES for septic system replacement
37 and if the closeness to the water drove engineering decisions. Mr. Guida said the property
38 location definitely drove decisions: the affluent disposal from the leach field was moved farther
39 away and septic located farther from the house to allow for stormwater treatment pipe; some
40 tree clearing had to happen to meet DES regulations. He said the septic had to be doubled in size
41 per DES regulations; did our best to meet all setbacks and regulations relative to the river in

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

3
4 ***Vice-Chair Tobias MOVED to open the Public Hearing for 4 Riverview Court; SECONDED by***
5 ***Peyton McManus; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-***
6 ***aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-***
7 ***aye; APPROVED 7-0, Motion carries.***

8
9 Public Hearing for 4 Riverview Court was opened at 7:30 pm.

10
11 Chair Rasmussen said the Board received written comments and there were some pictures of
12 other properties distributed that are not pertinent to this discussion. Vice-Chair Tobias said there
13 were concerns about removal of vegetation and trees. Mr. A. McManus said he spoke with Rich
14 Reine and Mr. Behrendt, identified trees that fit into 3 categories: dead, dangerous, diseased or
15 invasive species, and got approval to take them down.

16
17 Mr. Peyton McManus said one of the letters stated that prior to new ownership the property was
18 fully vegetated and in a completely natural state, but the Tree Warden said the property had not
19 been maintained and forested and a lot of the trees were marked to come down. Mr. Whittington
20 asked what sort of vegetation would be planted; Mr. A. McManus said native plantings and
21 evergreens.

22
23 Chair Rasmussen asked Mr. Behrendt to review what the Board is approving. Mr. Behrendt said
24 this is CU for 6 items: expansion of driveway, burying electric lines, installing the retaining wall,
25 installing a boulder wall, installing a shed, and installing drainage structure including steps. Chair
26 Rasmussen said the shed is to the NW of garage, about 100-155 ft off the highwater mark and
27 our ordinance permits 1 utility building in that zone with CU.

28
29 **Conditional Use (CU) Criteria**

30
31 1. Site Suitability: Single family property with adequate pedestrian and vehicular access to use;
32 adequate public services; environmental restraints: mitigating impact of stormwater runoff by
33 adding catch basin and rain garden; availability of adequate utilities to serve intended use:
34 significant septic system replacement.

35 2. External Impacts: No change of use.

36 3. Character of Site Development: Expanded garage as single-story structure attached to existing
37 building.

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

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

40 6. Impact on Property Values: None.

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

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

3

4 **SPOD CU Criteria:**

5

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

9

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

11 3. Location, Design, Construction, Maintenance: Mitigation and restoration activities; native
12 planting as appropriate.

13 4. Adverse Impacts: Proposed project will not have substantial adverse impacts to known rare
14 species or habitat.

15

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

23

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

29

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

31

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

33

34 ***Mr. Kelley MOVED that the Planning Board approve the CU Application at 4 Riverview***
35 ***Court, for CU in SPOD for an existing single-family house, structures to be located within***
36 ***125-foot setback line with standing garage, expansion of existing driveway, retaining***
37 ***wall, boulder wall, rain garden, shed, and buried electrical line, Map 214, Lot 11 in RC***
38 ***District ; SECONDED by Chair Rasmussen;***

39

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

42

1 **Roll Call Vote on Amended Motion: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-**
2 **aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-**
3 **aye; APPROVED as amended 7-0, Motion carries.**
4

5 **IX. Public Hearing - 3 Dover Road – New Dunkin Donuts.** Preliminary design review for new
6 Dunkin Donuts on ¼ acre lot with vacant one-story building located between the Holiday
7 Inn Express and the Mobil Station. JESP Enterprises, LLC, property owner. Jim Mitchell c/o
8 Tropic Star Development, LLC, applicant. Matt Perry, Civil Engineer, The Engineering Corp.
9 Jeffery Dirk, Traffic Engineer, Vanasse & Assoc. Courthouse District. Map 108, Lot 38.
10 Recommended action: Provide comments to applicant. Close or continue Design Review.
11 **POSTPONED TO JANUARY 22, 2025 AT APPLICANT’S REQUEST**
12

13 **X. Public Hearing – Proposed Ordinance regarding Student Rental, Three-Unrelated Rule,**
14 **Habitable Floor Area, and Multi-Unit Residential.** A proposed ordinance prepared by the
15 Planning Board following review of a draft prepared by an ad hoc group working with the
16 Town Administrator. Recommended action: Hold public hearing and then decide how to
17 proceed.
18

19 State Representative Al Howland explained there was a bill introduced into the House last year
20 that would have set a residential occupancy floor minimum and put Durham’s 3-unrelated rule
21 in danger because it did not comply. It was narrowly defeated in the House by 4 votes and is likely
22 to come forward again next week. He said there is now a special standing committee dealing with
23 housing, zoning, and some tenants rights ordinances coming through; if passed the bill would
24 take place in 60 days.
25

26 Mr. Howland said this proposal before you would be defensible for Durham using the Fire & Life
27 Safety Code to set occupancy; this ordinance is also better than the 3-unrelated ordinance which
28 was too broad. He said a fear of student housing has been an impediment to workforce housing,
29 and by clearing defining “Student Housing” and stating where it is allowed makes it easier to
30 advance workforce housing.
31

32 Chair Rasmussen said if the State takes action the Planning Board would have only 60 days to do
33 something, or Durham would be left without any rules to who could live anywhere. Mr. Howland
34 said another benefit of the change would be no longer using “family” for occupancy in the
35 definition of student, which is far superior to what Durham already has.
36

37 **Chair Rasmussen MOVED to open the Public Hearing for Ordinance regarding Student**
38 **Rental, 3-Unrelated Rule, Habitable Floor Area, and Multi-Unit Residential; SECONDED by**
39 **Gary Whittington; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-**
40 **aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-**
41 **aye; APPROVED 7-0, Motion carries.**
42

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

3
4
5 **Steven Kimball** of 20 Strafford Avenue said his family has owned a parcel with 2 dwelling units in
6 Durham across 4 generations since 1935, and reminded the Board that the Town of Durham is a
7 welcoming community that embraces all people. He said Administrator Selig is the Human Rights
8 Commission liaison contact for concerns and he believes he is incorrect suggesting discrimination
9 can only happen against a currently defined protected class and the Planning Board is crafting a
10 discriminatory ordinance to scapegoat the problem. Mr. Kelley said he would rather see the town
11 target landlords, who are leasing within our residential districts, through enforcement.

12
13 **Jeff Berlin** said he is in support of this because it is going towards freedom, and as creator of this
14 bill he convinced a lot of people that Durham is actually discriminating against students and
15 thanked the Board for doing his work for him. He said big landlords are in favor of the 3-unrelated
16 rule because it manipulates the Housing Market by artificially increasing rental rates. He said if
17 the Planning Board wants more affordable housing, they would free the housing market by
18 getting rid of the 3-unrelated rule, and he instructed Mr. Behrendt to work with UNH.

19
20 **Joshua Meyrowitz** of 7 Chesley Drive said his focus is on the public understanding what is
21 happening here, what is being proposed, and being able to voice their concerns. He said the
22 timeframe is also concerning and the public needs time for some open sessions. He asked that
23 someone comment on the sprinkler and fire code issue, and asked that the Board discuss how
24 this would really play out in relation to the character of the neighborhood.

25
26 Chair Rasmussen said the Boad had multiple discussions last year about the 3-unrelated rule and
27 the meetings were all public sessions. Mr. McManus asked if in the absence of a change here, he
28 would rather see nothing and follow the course Representative Howland is forecasting. Mr.
29 Meyrowitz said he finds it difficult to do nothing in this context but he does not understand the
30 mechanism of the Fire Code.

31
32 **Beth Olshansky** of Packers Falls Road said she also wished the public knew what was being
33 proposed and recommended waiting until the bill comes forward in the House to better
34 understand the legislation. She said she knows nothing about installing sprinkler systems, but if
35 a landlord could go from 4 to 8 people in a house what that cost might be.

36
37 Mr. Sullivan said he did a simple analysis of 3,000, 2,000, and 1,500 sq ft, throwing out 30% for
38 hallways, to find the cost for a residential sprinkler and adding renters based on house size. He
39 said a sprinkler system in a 2,100 sq ft house divided by 200 sq ft per person equals 10 potential
40 renters; with the 4-unrelated rule in place would be paying \$750/month equaling \$4,500/month
41 more revenue; a sprinkler system costing \$15,000 for a house would see rapid payback.

1 Ms. Olshansky said in that case she does not find this reassuring and would like to look at the
2 unintended consequence of grabbing this solution quickly. She agreed that something needs to
3 be on the books and recommended waiting to see what the legislation looks like.
4

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

10
11 **State Representative Al Howland** said what came up was using occupancy to deal with a
12 nuisance ordinance which really should not be done; nuisance ordinances are supposed to be
13 handled with RSA. He said if you do not impose occupancy limits grounded in the State Fire Code
14 and life safety you will have a problem defending it, and Durham has clearly shown they have
15 built enough student housing, this ordinance clearly defines what “student housing” is and shows
16 where it can be, and shows there is ample opportunity to add student housing.

17
18 Chair Rasmussen explained that the minute you go over 4 undergraduates you become “student
19 housing” which is only allowed in four core zones. Councilor Friedrichs pointed out that they
20 could also be dealt with separately and do not need to be the same.

21
22 **Jeff Berlin** said Durham does not need to wait until the legislation comes out; whatever you come
23 up with to discriminate against students is what we are trying to outlaw at the State level. He
24 said because Durham has not been willing to change the 3-unrelated rule and let the housing
25 market do what it will and allow rental rates to come down and stabilize.

26
27 Mr. Behrendt said he invited Fire Marshall Brendan O’Sullivan and Town Code Enforcement
28 Officer Audry Cline to share their insights and asked them to come up to speak.

29
30 **Fire Marshall Brendan O’Sullivan** stated that Life Safety Code NFPA 10 was adopted by law and
31 defines occupancy. He said if you have 16 or more people you are a dormitory, 5 or more people
32 you are Lodging and Rooming, less than 5 a single family. He said 5 or more people living together
33 is written as “no more than 3 outsiders” bringing you down to 4, and if you add another you are
34 a “new lodging and rooming” and have to install a fire sprinkler system, fire alarm, automatic
35 room door closures, and separate the floors; sprinklers are the most expensive and are easier in
36 a new build.

37
38 Ms. Olshansky asked about the costs provided by Mr. Sullivan; Fire Marshall O’Sullivan said
39 people have told him it is difficult to find someone to do the work, and one person recently paid
40 \$15,000 just to do the underground part.

41

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

8
9 Mr. Kelley said the Board received some correspondence that there was approximately a 20%
10 vacancy rate in the off-campus market for the past 2 years; Mr. Murphy said that is accurate. Mr.
11 McManus asked the Fire Marshall to comment on door closures. Mr. O'Sullivan said they are all
12 there to keep residents safe from fire, and whatever definitions are used, if they do not align with
13 Fire Safety Code definitions, it will come into play. Mr. Behrendt said Fire Safety is using related
14 and unrelated for occupancy. Councilor Grant said we already do not allow lodging houses or
15 dormitories in residential.

16
17 **Audrey Cline**, Town Code Enforcement Officer, said one of the difficulties of defining any group
18 of people to separate them is you are likely to step into impacting formulas by accident. As far as
19 the economics of whether a neighborhood will be segueing from family to rental, our authority
20 is from the State and there is a list of zoning purposes we have authority for and manipulating
21 economics is not a part of zoning; differing lifestyles are difficult to address with regulation. One
22 of the authorities of zoning on a State level is putting similar impacts together in zones, and said
23 the State is looking at potentially defining "student" for the purpose of increasing the possibilities
24 for people to build workforce housing.

25
26 Ms. Olshansky asked if Mr. Kelley would expand on his earlier comments. Chair Rasmussen asked
27 her to keep in mind it has nothing to do with zoning and is not something the Planning Board
28 could implement here and would need to go to Town Council. Mr. Kelley said years ago he took
29 an interest in Radnor Township, PA with their municipal code and approach to controlling student
30 housing through registration of their landlords with strict provisions and terms of density of
31 student housing allowed.

32
33 Chair Rasmussen said the Board needs to decide what direction they are going to head; this is
34 not the most important thing in front of us at the moment and PUD should be getting more of
35 our focus and said our time is the most critical thing we have right now and we need to spend it
36 wisely. Mr. McManus said he was inclined to move forward on this now and call a vote.

37
38 **Town Administrator Todd Selig** said to the extent legislation will be brought forward, it will likely
39 challenge Durham's definition of family, rooted in a 1950 vision of what family is, and it will not
40 be defensible and will be challenging to defend; adopting this change to match the Fire Code
41 provides a strong rationale for defense. He said if what we have on the books is struck down and
42 we have nothing it will create challenges and increase the business of student housing. He said

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

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

10
11 Vice-Chair Tobias said this definition is workable and felt there was a pressing need to move this
12 forward to the Town Council where there will be another process for review and public input.
13 Mr. McManus said he agrees totally that the Board should take the opportunity to get ahead of
14 this while we can and put something in place we can defend. Councilor Friedrichs said ze is
15 comfortable moving this forward to the Town Council who can look a little more into defining
16 Boarding and Rooming House.

17
18 Mr. Whittington said he is in favor of moving this forward because he is persuaded that the 3-
19 unrelated rule is truly indefensible. He said it seems we are mixing a lot of legislative purposes
20 together; he does not believe it is discrimination, rather trying to regulate student housing and
21 there is some urgency to it. Chair Rasmussen said it seems the Board has come to a consensus.

22
23 Mr. Behrendt said there is another element in this draft not related to student housing which is
24 Residence, Multi-Unit, currently not allowed anywhere and this proposal would allow it to be all
25 5 core commercial zones plus MUDOR; the Board may want to hold off. The Board agreed that
26 Residence, Multi-Unit will not be changed at all at this time, and the Board will just be adding a
27 row for student rental to the Table of Uses.

28
29 Mr. Meyrowitz said he agrees with Todd and Al on this and was just concerned about the process
30 and recommended that the work of Fire Marshall O'Sullivan be included somewhere in the draft.

31
32 ***Vice-Chair Tobias MOVED to close the Public Hearing for the Ordinance regarding 3-
33 Unrelated, Habitable Floor Area, and Multi-Unit Residential; SECONDED by Peyton
34 McManus; Roll Call vote: Emily Friedrichs-aye, Robert Sullivan-aye, Sally Tobias-aye,
35 Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary Whittington-aye;
36 APPROVED 7-0, Motion carries.***

37
38 Public Hearing for Ordinance regarding 3-Unrelated, Habitable Floor Area, and Multi-Unit
39 Residential was closed.

40
41 ***Richard Kelley MOVED that the Planning Board advance this Proposed Zoning***
42 ***Amendment for Student Rental, 3-Unrelated, and Habitable Floor Area, as amended this***

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

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

14 **POSTPONED TO JANUARY 22, 2025 AT APPLICANT'S REQUEST**

15
16 **XI. Other Business**

17
18 **XII. Review of Minutes (new):**

19
20 **XV. Adjournment**

21
22 **Richard Kelley MOVED to adjourn the Planning Board meeting of January 8, 2025;**
23 **SECONDED by Vice-Chair Tobias; Roll Call Vote: Emily Friedrichs-aye, Robert Sullivan-aye,**
24 **Sally Tobias-aye, Peyton McManus-aye, Paul Rasmussen-aye, Richard Kelley-aye, Gary**
25 **Whittington-aye; APPROVED: 7-0, Motion carries.**

26
27 Chair Rasmussen adjourned the meeting at 9:56 pm.

28
29 Respectfully submitted,

30 Patricia Denmark, Minute Taker
31 Durham Planning Board