# City of Rochester Zoning Board of Adjustment

Wednesday April 12, 2023 31 Wakefield Street, Rochester, NH 03867

(These minutes were approved on May 10, 2023)

### Members Present

Larry Spector, *Chair*Lance Powers, *Vice Chair*James Connor
Michael King
Matthew Winders

Members Absent

Alternate Members Present
Brylye Collins
Stephen Foster
Laura Zimmerman

Staff: Shanna B. Saunders, *Director of Planning & Development* Crystal Galloway, *Planner I* 

These minutes serve as the legal record of the meeting and are in the format of an overview of the Zoning Board of Adjustment meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is on file online at <a href="https://www.rochesternh.net">www.rochesternh.net</a> for a limited time for reference purposes.

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

The recording secretary, Crystal Galloway, conducted roll call.

# 3. Seating of Alternates:

Mr. Spector said the voting members for the meeting would be Mr. King, Mr. Powers, Mr. Winders, Mr. Connor, and himself.

## 4. Approval of Minutes:

A motion was made by Mr. King and seconded by Mr. Winders to approve the minutes from the March 8, 2023 meeting. The motion carried unanimously by a voice vote.

#### 5. Continued Cases:

**Z-23-04 Aranosian Oil Company, Inc & Aranco Realty, Inc.** Seeks a *Variance* from Section 30.3 to permit the expansion of a non-conforming use (a gas station) and seeks a variance from Table 19-A lot coverage where 35% is allowed and they are proposing 70.7%.

**Location:** 160 & 162 Charles Street, Map 128 Lots 214 & 215 in the Residential-2 and Neighborhood Mixed Use Zones.

Mr. Spector let the Board know the applicant had asked for a continuance for this case however, they would like to discuss the third-party real estate review requested from the last meeting.

Ms. Saunders said the Board had asked for a traffic review and a real estate review at the last meeting. She said there was a misunderstanding between what the Board wanted and what the applicant thought was asked. Ms. Saunders said the Board had asked for independent third-party reviews and the applicant had questions about whether or not they could provide information themselves in relation to the reviews. She explained she had a discussion with the applicant's representative and they have agreed to move forward requesting a scope and a fee for the traffic third party review but there was some disagreement regarding the real estate third party review.

Representative FX Bruton of Brunton and Berube explained the Board had questions and wanted more information on traffic and property values. He explained the project engineer prepared a report which was submitted to the Planning Department a few days before the meeting. Mr. Bruton said they also had an appraiser provide an opinion in regard to diminished property values. He said normally traffic situations are looked at closely by the Planning Board during the Site Plan Review process.

Mr. Bruton respectively asked the Board to take the submitted peer review of property values instead of a third-party review as required during the previous meeting.

Mr. Spector said this is a unique situation because of the location of the property. He explained the two reviews were required in order to get all information to help each member of the Board make their decision. Ms. Zimmerman said she doesn't feel she could make an informed decision regarding what is best for that area, the city, or the applicant without knowing what the impact is going to be.

Mr. Spector asked if any of the five regular members have an issue with the material the applicant will be supplying regarding property values. No one had an issue.

A motion was made by Mr. King and seconded by Mr. Connor the real estate information provided to the Board by the applicant to date is sufficient enough to make an informed decision. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Winders and seconded by Mr. Connor to continue case Z-23-04 to the June 14, 2023 meeting as requested by the applicant. The motion carried unanimously by a voice vote.

#### 6. New Cases:

**Z-23-07 Matthew Roy** Seeks a *Special Exception* from Section 24.1(I) to allow a Home Occupation II in a multifamily dwelling.

Location: 255 North Main Street, Map 115 Lot 94 in the Residential-1.

Applicant Matthew Roy explained he is retired and has an in-home business selling electric bicycles that he wishes to operate. He said his residence is a four-unit multifamily building which he shares with other family members, and it will remain unchanged. Mr. Roy explained he will be using half of the existing barn for his workshop to assemble the electric bicycles. He said many of the sales are directly shipped from the manufacturer to the customers however, he does receive shipments occasionally for assembly and sale from his residence.

Mr. Roy read the five criteria. He said the site is an appropriate location for the proposed use because it posses no detriment to the neighborhood. The proposal is not detrimental, injurious, obnoxious, or offensive to

the neighborhood. There will be no undue nuisance or serious hazard to pedestrians or vehicular traffic because there will be virtually no additional traffic, only occasional customer pick up and there will be no chemicals or added noise. There is adequate and appropriate facilities and utilities provided to ensure the proper operation of the proposed use. The proposed use is consistent with the spirit of the ordinance and the intent of the master plan because there will be no negative impact to the surrounding area.

Mr. King asked if there is a sign for the business. Mr. Roy said there isn't one currently, but he would like to have one. Ms. Saunders explained signage would be an administrative permit however, there is a size requirement for home occupation signs. She added there shall only be one sign visible from the street, it is to be non-illuminated, and shall not exceed three square feet.

Mr. Spector asked if he plans to have a showroom and sell bicycles directly to customers from the home. Mr. Roy said no, he went on to explain most of his sales are to out of state customers. Mr. Spector asked if he services the bicycles. Mr. Roy said aside from the warranty of the electrical components he urges people to support their local bike shop.

Mr. Spector opened the public hearing. There was no one from the public present to speak; Mr. Spector brough the discussion back to the Board.

The Board deliberated the criteria. Mr. King said he felt Mr. Roy has met the criteria and he supports the home occupation. Mr. Winders and Mr. Connor both agreed.

A motion was made by Mr. King and seconded by Mr. Connor to approve case Z-23-07 citing all the criteria has been met. The motion carried unanimously by a roll call vote.

**Z-23-10 GNM Solar 17, LLC** Seeks a *Variance* from Table 18-D to permit Power Generation Utility in the agricultural zone by constructing sixty (60) solar trackers.

Location: 60 Shaw Drive, Map 240 Lot 49, in the Agricultural Zone.

BX Bruton of Bruton and Berube explained the applicant is seeking an additional ten solar trackers for the parcel located on Shaw Drive. He explained the applicant had a disagreement with City Officials in regard to the number of trackers the Zoning Board approved. He said the City's position is that fifty trackers were approved and the applicant is saying sixty trackers were approved.

Mr. Bruton explained at the time of submittal the application stated fifty trackers but on the night of the meeting they submitted a plan showing sixty trackers. He said the plan the Board received with this application shows sixty trackers. The purpose of the meeting tonight is to gain approval for the 60 trackers.

Mr. Bruton explained the property is unique in many ways. He said it is located in the woods along a class VI road, it is in an area that is wooded and screened from abutters, the parcel abuts a large industrial use parcel, and it is located next to the airport. Mr. Bruton said the parcel also has a high voltage electric corridor and is encumbered with utilities meant for the corridor and has the needed infrastructure for a solar farm and group hosted solar community project.

Mr. Bruton read the five variance criteria. He said the variance will not be contrary to the public interest because the parcel has a lot of wetlands located on it so it would not be usable for agricultural purposes. The spirit of the ordinance is observed because the project represents a reasonable use of the property when balanced with the location, zone, and historic use of the property. Substantial justice is done because it allows the applicant's property to be reasonably utilized and does not burden the public in any way, and substantially benefits the applicant by allowing him to reasonably use his property with no detrimental effect to surrounding properties. The values of surrounding properties are not diminished because it is located on a class VI road, no one is going to the property, and it is in an industrial area. There is no fair and substantial relationship between the public purpose of the Ordinance's provision – prohibiting solar panels on the property and the

specific application of this provision to the property because the use specifically promotes agriculture, and the property abuts the industrial zone where surplus power may be easily off-loaded.

Mr. King asked what the hardship is of not having the extra ten trackers. Mr. Bruton explained they wouldn't be able to increase the amount of green energy to the community and do it in a way, so they are under the threshold of what the State defines as "net metering".

Mr. Spector said this was originally fifty solar trackers set up for a blueberry farm. He said he doesn't see a hardship for an additional ten trackers.

Applicant Packy Campbell explained when he originally applied fifty trackers were mistakenly noted in the application narrative. He said the Board approved a one-megawatt A/C project which requires a certain number of solar panels to make the project work.

Mr. Spector opened the public hearing. No one from the public was present to speak; Mr. Spector brought the discussion back to the Board.

Mr. Spector asked for the City's position. Ms. Saunders reminded the Board that they are looking at the use and whether or not sixty trackers will have any more of an impact than the fifty trackers originally approved. She went on to say the written application does not do a good job outlining the hardship criteria however, the testimony regarding the airport, the railroad tracks, the wetlands, and the class VI road provide information about the lot that speaks to unique characteristics that create a hardship. She said based on the testimony she believes the applicant meets the hardship criteria.

Mr. Winders asked if the project could go forward with fifty trackers. Mr. Campbell said he would have a hard time making the investment without sixty trackers.

Mr. Connor asked where the wetlands are located in regard to the project. Mr. Campbell explained where the wetlands are located on the site plan. He said the site had some previous wetland impacts, and some were potentially done during the timber harvest they did. .

Mr. Spector closed the public hearing.

The Board deliberated the criteria.

Mr. King explained he believes the application meets the criteria and should be approved.

Mr. Winders said the road, wetlands, power lines, and the railroad all contribute to the applicant meeting the hardship criteria. He spoke to the other criteria as well and explained how the application meets them.

Ms. Zimmerman agreed that she feels it is not contrary to the public interest.

A motion was made by Mr. Winders and seconded by Mr. Connor to approve case Z-23-10 based on the testimony given during the meeting because they meet all the variance criteria. The motion carried unanimously by a roll call vote.

**Z-23-11 Knox Marsh Development** Seeks a *Variance* from Section 20.2.L(3)(a &b) to permit residential use to be the primary use, located on the first floor of the proposed structures and to be 100% of the sites use with no commercial component.

Location: 20 Flat Rock Bridge Road, Map 210 Lot 64, in the Residential-1/Highway Commercial Zone.

Christopher Berry of Berry Surveying and Engineering gave a brief history of the property. He explained the former owner had owned this parcel along with the former Family Dollar parcel and a vacant lot along Milton

Road. Mr. Berry went on to explain the lots along Milton Road were developed as commercial lots and the lot on Flat Rock Bridge Road was approved in 2016 for 16 multi-family unit development. Mr. Berry said the lot is split by two zones, the residential-1 zone and the highway commercial zone. He said the former owner never developed the parcel so the vesting rights for the property expired.

Mr. Berry said the current owner, Knox Marsh Development intends to move forward with development so the site plan will need to be re-approved. He explained the zoning requirements for the highway commercial zone have changed and now require a commercial use.

Mr. Berry explained there will be a small private road into the site from Flat Rock Bridge Road with all of the residential units located in the highway commercial zone where it is permitted. He said they are asking the Board to allow them to construct the project without the need for a commercial component within the project. Mr. Berry said a commercial component is not appropriate for this site because of its proximity to other surrounding land uses, its many special features including having wetlands in the center of it, its oddly shaped, its split by two zones, it is nestled in between many residential uses.

Mr. Berry told the Board at the time the project was designed there were many abutters that had concerns about the site being developed. He explained the project has been scaled back from 32 units to 16. He said requiring a commercial component will only intensify the use. Mr. Berry said if the Board were to deny the variance request it would force the applicant to have to design a more intense project which they do not want to do.

Mr. Berry read the criteria. He said granting the variance would not be contrary to the public interest because in this case the public interest is in balancing the commercial growth needs in line with the residential growth needs. Rochester needs this balance to ensure it does not become a bedroom community and to ensure that a diverse set of commercial uses are available to the residents. The spirit of the ordinance would be observed because the former approval and design of the project was in keeping with the current zoning regulations, in that the commercial spaces were subdivided and developed along NH Route 125/Milton Road and kept the residential use to the rear of the site adjacent to the other residential uses. Substantial justice would be done because allowing the productive development of a site in a less intense format than is required and permitted on a parcel of land that is in the middle of a residential neighborhood and gains its access from the same. The values of the surrounding properties would not be diminished because the development would allow for a less intense use of the site than would be permitted and required by the underlying zone. Denial of the variance would result in an unnecessary hardship because outside the special condition related to its history, this lot is special in the context of the surrounding lots in that it is the only lot that is split by the zone line and contains an appreciable amount of land in the highway commercial zone. The location of zones is a special condition that creates an unnecessary hardship to the applicant if denied. The proposed use is a reasonable one because it allows for the development of the parcel of land while respecting the needs of the general neighborhood, provides for a less intense use and is in keeping with the zoning requirements of the city.

Mr. Spector opened the public hearing.

Ms. Saunders read the following email submitted by an abutter:

City of Rochester Zoning Board of Adjustment,

I am writing to you today as a property abutter to the project being brought forth tonight which is the application for changing zoning for the project by Knox Marsh Development on Flat Rock Bridge Rd. I request that the board does not allow any changes to ordinances, nor do they allow for the development of the wetlands in that parcel. This project had been attempted by a previous owner of the property and was met with a lot of push back from the residential abutters and for good reasons.

I have lived at my home on Kodiak Court (Lot 39-9) for almost 20 years, and when my property was purchased, we were informed that development of the land bordering ours to the back would never be able to happen because of the extensive wetlands on the property. By knowing that, the purchase was made knowing we would have the privacy of the woods and wildlife. When the previous owner had a large portion of the forest removed a while ago in attempt to develop the land, we lost a lot of that buffer we once had. However,

the wetland / water area was much more visible. And now that "We Dig It Excavating" has done the same thing by cutting trees and dug up tons of dirt and made dirt piles back there, the water has been shifting around and creeping up to the border of my property. It looks like a full-on lake back there, and I encourage the board to take a site visit to see what I'm talking about. There are ducks and geese living back there in the water and I hear and see them every day. That to me does not signify appropriate land that should be filled in and built on or close to.

If the land on the opposite side of the wetland area behind the PIP Storage Facility or We Dig It Excavating property is developed with any buildings, they will be dealing with the same high-water table and wetlands. If you fill in the land in attempt to build, the water will either seep into the lower levels of the buildings and / or migrate into the surrounding land. My home, shortly after we bought it, dealt with severe flooding in the basement after a particularly rough spring and numerous storms and snow melt. The water table has always been very high and extremely poor drainage. A sump pump is installed now and is always running nonstop in the spring to keep water out. Every winter my house is the last in the neighborhood to melt all the snow because it holds the moisture even in full sun. I have numerous small buildings / sheds in my yard that were built and over the years that have sunk significantly into the ground because of the saturation. My driveway was full of frost heaves and cracked and warped due to the poor drainage and water saturation and had to be dug out and re-paved years ago. It has repeated that same issue and will need to be re-done again.

My fear is that any development of the wetlands and areas surrounding them, adjacent to my property will force the water into mine or my neighbor's land and make the issues we have had for years get way worse. When there are snowstorms, all the snow that is plowed in the new development will end up getting dumped into the wetlands out back and flood everyone around it. Any developer can say "We won't do that" – but you know as well as I do that the companies that are hired to do snow removal won't care where they put it. I can only imagine what adding septic tanks into unstable ground like that will cause as well.

The other matters are the cutting down of all the trees, losing privacy to our residential neighborhood, the noise of the build and the new families that would be moving in, increase of traffic on an already busy road of Flat Rock Bridge, more transients or trespassers coming into my property trying to get to Milton Rd, and the loss of land for the wildlife that lives in there. No amount of "natural buffers, fences, or retention ponds" will make adding this large development into our backyards any more tolerable. Kodiak Court and Denali Drive have a retention pond that is never treated or serviced by the city and there is no more drainage going into it because it is so full of trees and overgrowth, all the pipes are blocked. Retention ponds are a developer's way of trying to solve the run-off concerns, but they get neglected and overgrown and don't solve a thing.

I encourage the Board to deny commercial OR residential development due to the Wetlands and the problems that it will create.

Thank you.

There were no other comments from the public; Mr. Spector brought the discussion back to the Board.

Mr. Berry explained they will not be developing the wetland or the buffer. He said one of the abutting land owners on Milton Road had gone into the wetland on the site and mined it. He said they are working with NHDES and the Planning Department to mediate a problem they did not create. Ms. Saunders clarified it was a trespass issue with the abutting land owner trespassing on this property.

Mr. King asked if further development of the property would exacerbate the water problem. Mr. Berry explained the proposed development is over fifty feet from the wetland buffer and is designed to drain into an infiltration system to the front of the property, and there is no proposed fill within fifty feet of the wetlands boundaries.

Mr. Spector asked for the City's position. Ms. Saunders said Staff supports the application, in addition, the unique characteristic is the highway commercial zone which is intended to be along the major corridors in the city is located to the rear of this parcel.

Mr. Spector closed the public hearing.

The Board deliberated the criteria. Mr. Winders said he feels it is not contrary to the public interest because no evidence has been presented that it would be. Mr. Winders said he feels based on the information submitted by the applicant all the criteria has been met.

A motion was made by Mr. Winders and seconded by Mr. Powers to approve case Z-23-11 as presented, citing all criteria has been met. The motion carried unanimously by a roll call vote.

**Z-23-08 Lagasse Family Revocable Trust** Seeks an *Appeal of Administrative Decision* to construct a new detached garage with an additional dwelling unit above located on the same lot as an existing multi-family building.

Location: 10 Shelby Lane, Map 138 Lot 11, in the Residential-2 Zone.

Brett Allard of Shaughnessy Raiche explained the parcel is made up by a multi-family unit and a detached garage. He said they are proposing to remove the existing garage to construct a new garage with an additional residential unit above making it five residential units in two separate buildings.

Mr. Allard explained during the Minor Site Plan Review the Senior Planner, Ryan O'Connor made the determination that the proposed unit above the garage would be considered a single-family dwelling which is not permitted on a lot with multi-family dwellings.

Mr. Allard said their position is they are not proposing a single-family dwelling, they are proposing a multi-family development which is an allowable use under the zoning ordinance.

Mr. Allard said they are asking the Board to grant the Administrative Appeal and say a variance is not required because what is proposed meets the definition of a multi-family development that is permitted by right.

Mr. Spector opened the public hearing. There was no one from the public present to speak; Mr. Spector brought the discussion back to the Board.

Mr. Spector asked for the City's position. Ms. Saunders said the City stands by it's definition of a "single family dwelling". She said she believes the applicant is trying to interpret the two definitions that don't coincide, to the favor of the "multi-family dwelling" definition.

Ms. Saunders explained the City needs to maintain a strong consistent definition for single-family dwellings as it is something that comes up often.

Mr. Powers said he agreed with the applicant, stating even though it is a single structure, they are simply adding a fifth unit to the property.

Mr. Allard suggested an amendment to the zoning ordinance to change the definition of a multi-family development to clarify the number of units per building.

Ms. Saunders said the City has been solid in its definition of a single family home. She explained it's detached, it contains one residential unit, it's not attached to any other dwelling or residential units, and it occupies it's own individual lot on which there is no other dwelling or principal use.

Mr. Powers said he believes the definition does not apply to this case because the proposed structure is not located on it's own lot. Mr. Connor and Ms. Zimmerman agreed.

Ms. Saunders asked the Board to think through the long term impacts if they overturn this administrative decision. She said this situation is a multi-family development and they are proposing to add a single family structure to the parcel would be considered multi-family even though it is a single dwelling unit that needs to be applied across the city therefore applying multi-family criteria to single family structures if they reside on the same lot with other structures.

Mr. Allard said the remedy to the situation is not to deny the appeal but rather an amendment to the zoning ordinance to change the definitions.

Ms. Saunders suggested continuing the case in order for the Board to meet with the City Attorney to answer their questions.

Property owner and applicant Lynn Lagasse told the Board they had originally wanted to attach the extra unit to the existing building, however they are unable to because of the setback. She said the new garage and dwelling unit will be their personal living space.

Mr. Spector closed the public hearing.

A motion was made by Mr. Powers and seconded by Mr. Connor to approve the Appeal of Administrative Decision. The motion failed by a 2 to 3 roll call vote.

Mr. Winders said he would like to get the City's legal counsel's opinion on this case.

A motion was made by Mr. Winders and seconded by Mr. King to continue case Z-23-08 to the May 10, 2023 meeting to allow the Board time to meet with the City Attorney. The motion carried unanimously by a roll call vote.

**Z-23-09 Lagasse Family Revocable Trust** Seeks a *Variance* from Section 2.2 to allow the construction of a detached garage with a single-family unit on the same lot as an existing multi-family building.

**Location:** 10 Shelby Lane, Map 138 Lot 11, in the Residential-2 Zone.

Brett Allard of Shaughnessy Raiche said they are seeking a variance from the definition in Section 2.1 of the zoning ordinance to allow the additional dwelling unit on the lot that also contains and existing multi-family dwelling.

Mr. Allard read the criteria. He said granting the variance will not be contrary to the public interest because the proposal has to conflict with the ordinance so much that it violates the ordinance's basic zoning objectives. It will not alter the essential character of the neighborhood because the property will remain consistent with the residential nature of the area. It will be consistent with the spirit of the ordinance because it will not result in any overcrowding or congested development because there is plenty of parking area to support the new and existing unit. Substantial justice would be done because when balancing public and private rights, the loss to the applicant if the variance is denied outweighs any loss or injury to the public if the variance is granted. The values of the surrounding properties will not be diminished because the lot will remain consistent with the residential character of the other lots in the neighborhood such that there will be no adverse effect on surrounding property values. The applicant's property is distinguishable from other properties in the area because it is situated at the end of Shelby Lane with the pavement of the street feeding into a large parking area in front of the existing multi-family building and garage. The property is also situated along the Cocheco River and has a unique shape, including a peninsula within the river itself. Other lots in the area do not share all of these unique features.

Mr. Allard read a letter he received from Robert and Paula Downing of 9 Shelby Lane which states "we will most likely be unable to attend the hearing but would appreciate the opportunity to submit our comments. Our property is a 9 Shelby Lane, the properties abut at the end of the dead end street, our windows directly face the front of 10 Shelby Lane. After reviewing the application and having conversations with the applicants, the planned project will only improve the neighborhood. The new building will be more attractive than the old garage and there will be increased parking for the existing apartments. They already have invested to improve the appearance of the property, including trimming trees, paving, and cosmetics on the existing building. We ask that you approve the variance".

Mr. Spector opened the public hearing. No one from the public was present to speak; Mr. Spector brought the discussion back to the Board.

Mr. Spector asked for the City's position. Ms. Saunders said staff agrees with the applicant's explanation of how they meet the criteria, specifically the hardship for the proposal. She said the property is oddly shaped and bounded by river which means the 250 foot shoreland buffer applies to this lot, and there are a lot of slopes on this property. Ms. Saunders said because of the limited buildable area on this lot if the variance is granted there should be a condition limiting the additional buildout of any other multi-family structures to limit impacts to the natural resources that are being used as part of the hardship.

Mr. Spector closed the public hearing.

The Board deliberated the criteria.

A motion was made by Mr. King and seconded by Mr. Powers to approve the variance in case Z-23-09 as submitted citing all criteria has been met with the condition there is to be no further density allowed on the property. The motion carried unanimously by a roll call vote.

**Z-23-12 Peter Rizzo** Seeks a *Special Exception* from Table 18-A to permit an Accessory Dwelling Unit.

Location: 152 Milton Road, Map 205 Lot 109-1, in the Residential -1 Zone.

Applicant Peter Rizzo explained the proposed accessory dwelling unit will be in the basement of a newly constructed raised ranch and will consist of a small bedroom, a ¾ bath, a living room, and a kitchen. Mr. Rizzo read the criteria. He said the site is an appropriate location for the proposed use because it is not disturbing any more land that the original plan. It is not detrimental, injurious, obnoxious, or offensive to the neighborhood because the extra apartment in the house will only add one more car to the driveway. There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic because there will only be a shared driveway with a turn around. There are adequate and appropriate facilities and utilities because they are installing a five-bedroom septic system. The proposed use is consistent with the spirit of the ordinance because adding an extra living space will help lower the monthly cost for both parties that reside there.

Mr. Spector opened the public hearing. No one from the public was present to speak; Mr. Spector brought the discussion back to the Board.

Mr. Spector asked for the City's position. Ms. Saunders said staff feels the special exception criteria has been met and supports the special exception being granted.

Mr. Spector closed the public hearing.

The Board deliberated the criteria.

A motion was made by Mr. Winders and seconded by Mr. Powers to approve the Special Exception for case Z-23-12 as presented citing all criteria has been met. The motion carried unanimously by a roll call vote.

# 7. Other Business/Non-Scheduled Items:

There was a brief discussion regarding the City Attorney meeting with the Board ahead of the May meeting in order to get clarification regarding the Administrative Appeal case.

## 8. Adjournment:

A motion was made by Mr. Winders and seconded by Mr. Connor to adjourn at 9:05 p.m. The motion carried unanimously.

Respectfully Submitted,

Crystal Galloway, *Planner I* 

and

Shanna B. Saunders, Director of Planning & Development