

DURHAM PLANNING BOARD
Minutes
November 6, 2019

Site Walk – Heather Roy daycare, 777 Hollowell Road

1. Call to Order
2. Quorum – 4 members present (Anne Torregrossa, Brian Lanoie, Juliet Caplinger, Allison Goodridge)
3. Pledge of Allegiance – done
4. Continuing Business:

The Planning Board met on September 4, 2019 to consider an application by Heather Roy to amend the conditional use permit that the Board granted her on March 11, 2019 to operate a daycare out of her home at 777 Hollowell Road. The Board determined that it required a site walk to adequately evaluate the amendment request.

After consideration of the materials submitted by the applicant, public comment, and a site walk, the Planning Board finds as follows:

The amendment before the Board of the landscaping plan does not impact the Board's previous decision that this is a residential use and is not a commercial or industrial use. **Anne Torregrossa Moved to not reconsider the finding that was #16 in original decision. Brian Lanoie Seconds. Motion Carries 3-0.**

Anne Torregrossa Moves to find that the amendment impacts only criteria #14 in its Conditional Use approval criteria. That section specifically placed the condition of a 20' vegetative buffer, and that criteria also formed the basis for the NOV. The Board finds that with respect to criteria #14, the only factor to be reconsidered is whether the use "will not cause . . . glare . . . to disturb the peaceful enjoyment of adjacent property." Brian Lanoie Seconds. Motion Carries 3-0.

Anne Torregrossa Moves to find that the condition originally imposed in the Board's March decision in connection with criteria #14 shall no longer be a condition of approval. Allison Goodrich Seconds. Motion Carries 3-0.

Anne Torregrossa Moves that the Board impose the following condition: The planted trees shown on the planting plan shall be maintained for a period of at least five years. The potted spruce, shown as number 22 on the planting plan, and the potted pine shown as number 11 on the planting plan shall maintained in their current location for at least five years. An additional potted spruce or other evergreen of similar density shall be placed in the general area of plantings 11 and 22 and shall be maintained for a period of five years. Brian Lanoie Seconds. Motion Carries 3-0.

Anne Torregrossa Moves to find that with the additional plantings, which shall be reasonable full within five years; the conditions imposed to require temporary additional trees until the planted trees can reach maturity; the fact that cars are only entering the driveway in the dark (and therefore necessitating headlights that could cause glare) during limited hours and only during a portion of the year; and the fact that the hours of pick up and drop off are neither unreasonably early nor unreasonably late and are only during week days, the use will not cause glare that is severe enough to disturb the peaceful enjoyment of adjacent properties. Brian Lanoie Seconds. Motion Carries 3-0.

Anne Torregrossa Moves to grant the conditional use, as amended and with the conditions previously stated. Allison Goodrich Seconds. Motion Carries 3-0.