

**Durham Planning Board  
Meeting Minutes  
April 1<sup>st</sup> 2015**

**Call to Order:** Chairman Beaulieu called the meeting to Order at 7:00 p.m.

**Members Present:** Chairman Todd Beaulieu, Anne Torregrossa, Mindy Woerter, Michael Fitzpatrick.

**Also Present:** Jill Toher, Admin/Secretary; Paul Baines, Codes Official.

**Establishment of Quorum:** Chairman Beaulieu announced a Quorum has been met with four (4) members present.

**Public Present:** Arielle Leclerc, Sebastian Leclerc, Bob Smith, Christina Sklarz-Libby, Christopher Field.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:** None.

**Acceptance of Minutes:** Move to end of meeting.

**Continuing Business:** None.

**New Business:** Arielle and Sebastian Leclerc – Conditional Use Application – Horse Stable, Riding Lessons, Horse Boarding: Map \$7 – Lot #75E (7.65 acres) – 12 Pound Road.

Arielle Leclerc stated she owns two horses and will have a client base of eleven riders weekly and is requesting a maximum of fifteen to twenty riders per week on a seasonal basis. She is requesting to be able to board up to five horses year round in the future. Plans include adding a three sided run-in shed approximately 8 by 16 feet. She is also requesting having one to two cars at a time using Pound Road to get to her site for dropping off and/or picking up riding students.

The Planning Board next reviewed the Application Check List making determinations as follows:

Complete: A, B-1, B-2, B-3, B-5, B-9, B-12, B-13, B-14, B-15, and B-20.

Waiver Requested: B-6 for purpose of scale, B-7, B-8. Vice Chairman Torregrossa Votes to Waive these items.

Non-Applicable: B-4, B-10, B-11, B-14, B-16, B-17, B-18, B-19.

Incomplete: B-1 – needs to provide one copy of a site plan with date, scale, north point drawn at a scale sufficient to allow review of items listed under the Approval Criteria, but at not more than 100 feet to the inch scale for that portion of the total tract of land being proposed for development. When practical, a standard sheet 24" x 36" shall be used for all plans.

**Vice Chairman Torregrossa Moves** to find that the Application is complete, waiving 6-B for the purpose of scale with other waivers as discussed. Mindy Woerter Second. Motion Carried 4-0.

**Abutters Faith Baker and Robert Smith – Lot #75-D:** The abutters raised concerns regarding wetland/swampy area which drains through a culvert under the road which may impact the quality of their water (due to leaching of manure) obtained from a drilled well. They also are concerned about the Leclerc's 665 ft. right of way contiguous to their property which will be used for riding lessons as there is an insufficient buffer and riders can clearly view their deck and yard while in the saddle. The abutters also are concerned for riders' safety including their liability when their dogs bark at the horses should a horse to rear up and throw a rider. They stated that when horses are currently ridden along this 665 ft right of way, it stresses their dogs which results in excessive barking that does not occur when horses are not being ridden or walked. This adversely disturbs their peace and quiet as well as their neighbors quality of life. The abutters also raised questions regarding excessive road dust and vehicle pollution from increased traffic. Ms. Baker also stated that there is an additional 101 ft. that abuts the Leclerc property along the southern perimeter line.

Mr. Baker pointed out that Pound Road is a private road. Maintenance costs are borne by three of the residents and noted, when asked, that the Leclercs did not want to participate.

Ms. Baker and Mr. Smith suggested the Leclercs install a 56 ft. stockade fence to shield their yard and deck. They priced the materials and advised that the cost to do this is approximately \$400.00, per a quote from Home Depot, and requested the fence be installed by the end of June, 2015. They are also requesting a maximum speed of 5 MPH to help keep dust and stones kicked up into the air at a minimum. They are requesting a maximum number of trips each week be limited to no more than 270 trips per week. The Abutters are requesting that manure be stored away from their property line.

**Abutter Christopher Field – Lot #75-C:** Mr. Field shares the liability concerns previously addressed and suggests that an Indemnification Agreement be executed between the Leclercs and the abutters. He also stated his lot is in a low lying area and needed to bring in additional material in order to build his home with a basement. Mr. Field stated his interpretation of a right of way is for gaining access and not for conducting business and would be more comfortable if the business was limited to the main portion of their lot.

**Pound Road Resident Christina Sklarz-Libby:** Ms. Libby stated that her home is located at the end of Pound Road, with no property contiguous with the Leclercs and that the Libbys are one of the contributors along with the Durham Rod and Gun Club plus another resident to the maintenance of Pound Road. She stated that it is her understanding from Arielle Leclerc that the 665 ft. right of way in question will only be used as a cooling off area for the horses. She stated she is not making light of the concerns, but is in favor of using this area the way it was intended, agricultural. It is her intention to be a voice of reason when it comes to addressing and working through the other abutters' concerns without it becoming too financial onerous on the Leclercs.

**Leclerc Rebuttal:** It is not her intention to give lessons on the driveway but to be able to provide a small trail ride for her students. Lessons would be given in the arena. The Leclercs are opposed to installing a 56 ft. section of stockade fencing but rather offered to plant some buffer trees.

After a long discussion Chairman Beaulieu suggested the Planning Board make a site visit so that members get the needed information in order to evaluate the application.

**Vice Chairman Torregrossa Moves** to table this and to request a site visit. Michael Fitzpatrick Second. Motion Carried 4-0.

It was decided to make the site visit at 12 pound on May 6<sup>th</sup> 2015, at 6:30 p.m., prior to the regular Planning Board meeting.

**Other Business – Codes Official:** The Codes Official distributed copies of the Growth Ordinance and advised that this Ordinance should be updated every three years. He suggested that it can be eliminated by Town vote as it is covered under State Statute.

The Codes Official stated that Findings of Fact and Conclusions of Law is a State requirement. A discussion followed as to how to and who will prepare. Vice Chairman Torregrossa suggested that the Codes Official prepare this document based on the criteria's findings moved upon for each applicant's file.

The Codes Official provided copies of additional information including photos received pertaining to the Burnham Conditional Use Application received from David Truesdell representing Michael Sundberg, an abutter. During discussion, the Codes Official pointed out that he is aware that some photos are missing. It was the consensus of the Board to have the Codes Official request all photos from Mr. Truesdell. The Codes Official stated that Mr. Sundberg has filed an Intent to Appeal.

The Codes Official distributed copies of the 2005 Land Use Ordinance amended October 28<sup>th</sup> 2014. A general discussion followed.

**Acceptance of Minutes:** **Vice Chairman Torregrossa Moves** to Approve the March 4<sup>th</sup> 2015 Minutes as presented. Michael Fitzpatrick Second. Motion Carried 4-0.

**Chairman's Comments:** Chairman Beaulieu announced the following:

- a. **Next Meeting – June 3<sup>rd</sup> 2015 at 7:00 p.m., preceded by a site walk at 12 Pound Road**
- b. **Applications – Nine (9) Sets Due – Monday, April 28<sup>th</sup> 2015 by 4:30 p.m., at Town Office.**

**Adjournment:** **Vice Chairman Torregrossa Moves** to Adjourn at 9:10 p.m. Michael Fitzpatrick Second. Motion Carried 4-0.

Respectfully submitted,

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Jill S. Toher  
Admin/Secretary