

**Durham Planning Board
Meeting Minutes
February 4th 2015**

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

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

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

Establishment of Quorum: Vice Chairman Beaulieu announced a Quorum has been met with three (3) members present.

Public Present: Arielle LeClerc, Pound Road; Faith Baker, Pound Road; Kelly and Robert Burnham, Meadow Road; Mike Sundberg, Meadow Road, Michael A. Feldman, Esquire representing Mike Sundberg

Pledge of Allegiance: Completed.

Amendments to Agenda: Codes Official Baines requested time to talk about three items at the end of the meeting.

Acceptance of Minutes: Deferred until end of the meeting.

Continuing Business:

Robert L. and Kelly A. Burnham – Conditional Use Application – Auto Repair Business – Map #3, Lot #76 –

The Burnham's supplied the following to satisfy "H" and "I" of the Application Approval criteria checklist as requested at the January 7th 2015 meeting: Copy of Exhibit "A" from the Deed and a completed updated drawing depicting the following: parking and proposed parking, sign locations, percentage of lot coverage by buildings and impervious surfaces including elevations above sea level. The Burnhams also supplied a detailed proposed landscaping buffer plan including types and locations of trees to be added. Also supplied is a FEMA Map identifying the house, garage and parking locations are not in the flood zone area.

Anne Torregrossa noted the landscape buffer plan does not list dimensions nor how the landscape buffer will be maintained. The Burnhams stated that they will plant and maintain a twenty foot landscape buffer along the right side of the property, suggesting Arborvitae trees be planted. Ms. Burnham stated she consulted with Chad Skillins regarding a buffer plan.

Anne Torregrossa Moves to find that the application checklist is complete. Vice Chairman Beaulieu Second. Motion Carried.

Mike Sundberg, Abutter to Burnhams – Michael Feldman, Attorney for Mr. Sundberg, requested that some professional help be sought regarding noise and odor and suggested hiring a landscape architect help with the visual aspects of the buffer. Mr. Feldman asked for some additional time to evaluate the Burnham's application and to have an arborist to testify regarding the proposed landscape buffer plans. Mr. Feldman also stated his client is concerned about toxic chemicals leaching into the ground. Mr. Sundberg stated his well is shallow, located approximately 300 feet from the garage and suggested a hydrologist be consulted.

Anne Torregrossa stated the odor and noise issues were settled at the last meeting when Mr. Sundberg was represented by another attorney. The only remaining issue is the landscape buffer and to make sure the conditional use requested is in conformance with the Land Use Ordinance and Comprehensive Plan.

It was announced at the last meeting that should Mr. Sundberg want additional materials submitted by the Burnhams, they would be ready for pick up at the Town Office by 4:30 p.m., on Monday, January 26th 2015. Mr. Sundberg did not pick up nor pay for the additional materials provided by the Burnhams until during the meeting this evening.

Vice Chairman Beaulieu stated that should Mr. Sundberg have any problems with odor, diminished water quality, noise or any other condition listed in the Conditional Use Permit, then it would become a Codes issue. The Burnhams represented all of the work would be performed inside the garage and working hours would conform to the standards set in the Ordinance.

Anne Torregrossa Moves to reconsider “L” on the Application Approval Criteria which is “Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.” Mike Fitzpatrick Second. Motion Carried.

Anne Torregrossa Moves to find criteria in “L” is met so it “will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water”, however proposes to make “will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water” a condition of the permit. Mike Fitzpatrick Second. Motion Carried.

Anne Torregrossa Moves to find that the applicants submit a formal plan showing distances and additional plantings of what and where additional items will be planted. Mike Fitzpatrick Second. Motion Carried.

Anne Torregrossa suggested the Applicants and Mr. Sundberg get together to see whether they can agree on a landscape buffer plan.

Anne Torregrossa Moves to Table based on receipt of a further detailed landscape plan. Mike Fitzpatrick Second. Motion Carried.

The Burnhams agreed to an extension of the deadline to issue a Conditional Use Permit until the March 4th 2015 Planning Board Meeting.

Earl Crandall – Conditional Use Application – Subdivision Map #5, Lot #68-A -

Earl Crandall personally appeared and supplied the Board with the following documents: Figure 3 – Typical Road Cross Section with Specifications for Private Road; updated signed abutter notification; a sample Private Road Maintenance Agreement and an Amendment to the Crandall Subdivision from SiteLines, PA, Brunswick, Maine dated April 1st 2001.

During discussion and review of the information contained in the documents provided, Mr. Crandall discovered he brought the wrong survey drawing.

Anne Torregrossa Moves to table until next month pending receipt of the proper survey, which will include the signature block for the Board members to sign in order that it be recorded. Mike Fitzpatrick Second. Motion Carried.

New Business:

Arielle Leclerc – Conditional Use Application – Horse Riding Stable, Lessons & Boarding – Map #7, Lot #75 -

Arielle Leclerc personally appeared before the Board stating she would like to provide riding lessons on her property located at her residence on a small scale, and board horses in the future when she has a barn built. She currently has eleven students. Currently she only has one horse run-in shed to accommodate her personal pony and one horse and proposes adding another run-in shed on the back of the current one which would create a common wall. She would like to extend the number to having five horses for lessons. Her plans are currently rather vague. She currently has a temporary 12 ft. by 20 ft. fabric garage type building which houses hay, an 8 ft x 10 ft. garden shed which is used as a tack room and two chicken coupes. There also is an existing 60 ft by 150 ft. riding arena.

The Board raised the following concerns: traffic both number of vehicles and types of trailers that might be traveling on Pound Road, manure disposal, potential water quality issues, types of fencing, buffer area and types of trees planted in the buffer. It was noted that Pound Road is a private gravel road. She would need to have her business added to the road maintenance agreement.

Abutter Faith Baker voiced concerns regarding additional traffic and effectiveness of a buffer. As it stands now, Ms. Baker stated she has no problems viewing the neighboring property from her back porch. Ms. Baker stated she has a dog and is concerned when the dog barks how that might affect the horses.

It was generally agreed that Ms. Leclerc completely address in full detail all aspects requested in the Conditional Use Application and return when the application and supporting documentation is complete.

Approval of Minutes: Change “lift” on page #1 to “life”, amend page #4 “O”, change spelling on page #5 from “Ann” to “Anne”.

Anne Torregrossa Moves to Approve the January 7th 2015 Minutes with changes as discussed. Mike Fitzpatrick Second. Motion Carried.

Election of Chairman and Vice Chairman: Tabled until March 4th 2015 meeting.

Other Business: Codes Official: The Codes Official supplied the Board with the following: Code Official's Findings – Comprehensive Plan; letter dated December 23rd 2014 from the Department of Agriculture, Conservation and Forestry regarding changes in timber harvesting in shoreland zoning areas, and a copy of Revised Requirements from the DEP. A discussion followed and the Codes Official asked the Board to further review these documents.

Chairman's Comments:

Vice Chairman Beaulieu announced the following:

- a. **Next Meeting – Wednesday, March 4th 2015 at 7:00 p.m.**
- b. **Applications Due – Monday, February 23rd 2015 by 4:30 p.m., at Town Office**

Election of Planning Board Chairman & Vice Chairman: Deferred until March meeting.

Adjournment: **Anne Torregrossa Moves** to Adjourn at 9:25 p.m. Michael Fitzpatrick Second. Motion Carried.

Respectfully submitted,

Jill S. Toher, Admin/Secretary