

**Durham Planning Board  
Meeting Minutes  
April 6<sup>th</sup> 2016**

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

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

**Quorum:** Chairman Beaulieu announced a quorum is met with five (5) members present.

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

**Establishment of Quorum:** Vice Chairman Beaulieu announced a Quorum has been met with five (5) members present.

**Public Present:** Juliet Caplinger, Charles Brown, Bob Muller, Brian Moore, Skip Bordleau, William (Judd) Grimes.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:** Approve Minutes from February 3<sup>rd</sup> LUO Hearing.

**Vice chairman Torregrossa Moves** to Approve the Minutes from the February 3<sup>rd</sup> 2016 Land Use Ordinance Haring. Chairman Beaulieu Second. Motion Carried 5-0.

**Continuing Business:** None.

**New Business:**

**a. William (Judd) Grimes et. al. d/b/a East Branch Farm, LLC – Update of Conditional Use Application – Map #1, Lot #23 – 1741 Royalsborough Road** – Judd Grimes stated that he would like to expand the parameters of the existing Conditional Use Permit to operate a farm stand to sell produce and flowers grown on the property as well as to sell eggs, home baked goods, maple syrup and similar products. He would also like to be able to sell farm shares. In addition, he would like to open the existing barn as an area of assembly for special occasions with an anticipated of up to one hundred person capacity. His plans include providing fifty parking spaces, for which he advised there is more than adequate room. He stated the barn will not be heated and there will be no plumbing in the building. He stated he will install composting toilets on the site in accordance with State and local regulations.

A general discussion followed during which the Codes Official suggested Mr. Grimes hire a design professional, as it's difficult for the Board to define use until plans are clear.

It was generally agreed the big issues include plumbing, septic and water usage meet State Wast Water Code requirements. Codes Official Baines also advised that Mr. Grimes will need to follow the International Building Code, and NFPA. Mr. Grimes also needs to confirm his setbacks, and may need to apply for a variance on his property line contiguous with his parents property.

It was generally agreed that Mr. Grimes should take the following steps: 1) seek a Variance from the Board of Appeals on the set backs; and, 2) return to the Planning Board if the Variance request is approved.

**b. Pinkham Brook, LLC – Conditional Use Application - Map #2, Lot #28 – Pinkham Brook Road – Erect a small Telecommunications Tower less than 200 feet –** Charles Brown provided an overview of the project and provided a site plan. He stated access would be gained from an existing tote road. The Tower will be 195 Feet, have a double gate, 800 AMP board with electricity run underground via conduits. The tower will not be lighted and will be constructed on a concrete pad. A 12-inch culvert will be installed to stabilize the saddle in the property and covered with an ice bridge. It is anticipated that no large trees will need to be cut.

Mr. Brown stated the property is owned by Durham Friends and is on Meeting House property.

A very lengthy discussion followed as to the identity of the actual applicant. Mr. Brown stated the LLC is owned by Northern Pride Communications and George Krause is President of the Pinkham Brook, LLC and Northern LLC. The Church is the initial landlord and the land is being leased by Pinkham Brook, LLC.

Planning Board members stated the Board would require a signed lease showing the applicant has right title, and that George Krause needs to sign over to the LLC. Additionally, financial capacity has not been submitted.

Other items that needs to be addressed is what happens at the end of the five year lease, is it renewed; if the tower is not used will Pinkham Brook, LLC take down the tower at it's own expense, is the area in the tree growth and does it comply with the Forestry Management Plan, which entity will be in control of buffering.

Brian Moore, who lives across the road, stated his land valuation will go down between 10 to 20 percent and that the tower will have an adverse visual affect above the tree line as viewed from his property.

Skip Bordleau stated that if the tower is installed he will see the tower upon opening his front door, as the tower will be erected about 300 feet from his door yard. He is also concerned about the diminished valuation of his property.

Mr. Brown stated that the landowner will not allow the tower to be moved further back from the road.

The Board agreed that Mindy Woerter will keep the official record of the findings as the check list is reviewed. Upon completion, the Board determined the following will need to be addressed: 1) add driveways on plans; 2) submit financial capacity; 3) show location of vegetation in buffer; 4) provide lease agreement; 5) provide current Google street view of the proposed tower area on Route #125; 6) provide DOT Permit; 7) provide information regarding the Propane tank as it will be a condition.

**Vice Chairman Torregrossa Moves** to find that the Application is incomplete and the applicant has to submit additional information as previously requested. Michael Fitzpatrick Second. Motion Carried 5-0.

**Other Business – Codes Official: Runaround Pond Park Privy:** Codes Official Baines stated that the proposed pump tank privy is considered an alternative toilet under State Waste Water Rules. He further stated that as Durham's Code Official, he is authorized to complete the paperwork. He stated he reviewed Durham's Ordinance and thinks there may be some gray areas as to whether he, as Durham's Codes Official, needs to come before the Planning Board. He stated the new privy will be placed where the existing one is located and will follow the same footprint. The 1,000 gallon tank will be buried as in other State Parks.

Codes Official Baines asked for a determination from the Board as to whether he needs to complete an application for the Town.

After some discussion, it was determined via consensus of all Board members that the use is not changing, the new one is a replacement and will follow the same footprint as the existing privy. It was also the consensus of the full Board after reviewing Durham's Ordinance, that the Board did not need to consider an application.

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

- a. **Next Meeting – Wednesday, May 4<sup>th</sup> 2016 at the Town Office at 7:00 p.m.**
- b. **Applications (nine sets) - Due Monday, 28<sup>th</sup> 2016 by 4:30 p.m., at Town Office.**

**Adjournment:** **Vice Chairman Torregrossa Moves** to Adjourn at 9:15 p.m. Michael Fitzpatrick Second. Motion Carried 5-0.

Respectfully submitted,

  
Jill S. Toher  
Meetings Secretary