

**Durham Planning Board  
Meeting Minutes  
June 1<sup>st</sup> 2016  
AMENDED 7-6-2016**

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

**Members Present:** Chairman Todd Beaulieu, Vice Chairman Anne Torregrossa, Mindy Woerter, Michael Fitzpatrick, John Simoneau and Alternate Juliet Caplinger

**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 and one (1) Alternate present.

**Public Present:** Michelle and Daniel Thibeault, Map #4, 119 Shiloh Road; Dori Hallman Thurston, Map #5, Lot #27, 809 Hallowell Road.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:** None.

**Approval of Minutes – May 6<sup>th</sup> 2016 – Tabled.**

**Continuing Business: Daniel & Michelle Thibeault – Permit by Rule – Map #7; 119 Shiloh Road** – Michelle and Daniel Thibeault reviewed their Conditional Use Application and supporting documentation for a Permit by Rule for delivery of fill delivered to their 119 Shiloh Road premises by A.H. Grover.

Daniel Thibeault asserts that less than 500 yards were delivered during the period from April 22<sup>nd</sup> 2016 through April 27<sup>th</sup> 2016 at the 119 Shiloh Road location, by A.H. Grover, although the slips for the period indicate 2000 yards was trucked out and delivered. He stated he did not receive all material hauled by Grover. He also stated that approximately 150 yards of crushed rock received is being removed. Mr. Thibeault stated that the material delivered was in excess of the 300 feet from the brook and that Grover returned to slope the banking, installed erosion control and hay on top of the fill at the DEP's request. Grover's records indicate that less than 500 yards of fill was delivered. The site was stabilized. There was approximately 150 yards of base material applied to the drive near the road during deliveries is being removed.

Mr. Thibeault stated that no additional fill has been hauled and there is no plan to continue.

Codes Official Baines stated that subsequent to the May 6<sup>th</sup> meeting, he received a copy of the Permit by Rule application completed by Mr. Thibeault dated May 17<sup>th</sup> 2016, a copy of the DEP Field Determination form a site visit on April 27<sup>th</sup> 2016, which Codes Official Baines, Mr. Thibeault and Jeff Kalinich from the DEP attended.

The Board discussed the materials presented this evening and asked for clarification of several items contained in the Conditional Use Application of Mr. Thibeault before a brief deliberation.

**Vice Chairman Torregrossa Moves** the Planning Board has no Jurisdiction over this project. Michael Fitzpatrick Second. Motion Carried 4-0 with Mindy Woerter Abstaining.

**New Business: Dori Hallman Thurston – Conditional Use Permit to build Studio Apt. over Garage – Map #7, Lot #27** - Dori Hallman Thurston reviewed her Conditional Use Application to convert an existing bedroom over the garage into a studio apartment. At this time she requested to strike "Aquifer" as the overlay district. She stated she is a State of Maine licensed day care provider and in order to accommodate her plans for a studio apartment she provided an updated license changed to a capacity of six children down from twelve. Her request includes a small kitchen area, entry door, cover and enclose inside stairs leading to the second floor and convert an outside dormer window to a full size door. Plans include adding two additional parking spots. She stated the existing house has one floor in addition to a 26 ft. by 58 ft. daylight basement. The Board determined that the 18 ft. by 40 ft. proposed studio apartment meets the spacial requirements.

Mindy Woerter will keep a record of the Official Application Checklist for the file.

**Mindy Woerter Moves** the Application Checklist is complete. Vice Chairman Torregrossa Second. Motion Carried 5-0.

The Board next reviewed the Approval Criteria, with Chairman Beaulieu keeping the official record for the file.

**Anne Torregrossa Moves** that Item #8 does not meet the criteria for the Southwest Growth district. Mindy Woerter Second. Motion fails – Two for, three opposed.

A lengthy discussion followed.

**Chairman Beaulieu Moves** that the Conditional Use conforms. John Simoneau Second. Motion Carried – Three for, two opposed.

**Accessory Apartment Approval Criteria:** The full Board determined, by unanimous general consensus, the following:

a. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units in permitted. No open or enclosed stairways shall be permitted above the first story. **OK.**

b. The main dwelling unit shall have at least fifteen hundred (1500) square feet of floor area and the accessory apart shall not exceed fifty (50%) percent of the floor area of the main dwelling unit Floor area measurements shall not include unfinished attic, basement or cellar spaces, not public hallways of other common areas. **OK.**

c. Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence, attached to the main residence by a fully enclosed breezeway not exceeding twenty (20) feet in length, or located in a separate building whose primary is not as a dwelling unit, such as a garage or barn. **OK.**

d. Accessory apartments shall not be permitted for any nonconforming structure or use, nonconforming dimensional requirements. **OK.**

**Anne Torregrossa Moves** to find that the Conditional Use meets the Accessory Apartment Criteria: one main entrance, size requirements, only one apartment and it is not in a non-conforming structure and will not be used for a non-conforming use. Michael Fitzpatrick Second. Motion Carried 5-0.

**General Performance Standards:** The Board next reviewed the General Performance Standards, pages 56 through page 65 of the New Ordinance and Secretary Toher kept the official record for the file.

#### **Other Business – Codes Official:**

1. **Pinkham Brook, LLC** – The Codes Official stated that the Applicants made grammatical changes to the Findings of Fact prepared by Vice Chairman Torregrossa noting that these changes did not affect the substance of her work. A short discussion followed regarding the terms of the lease between the Friends and the LLC regarding tower removal.

**Chairman Beaulieu Moves** to approve the Conditional Use Permit as drafted by Vice Chairman Anne Torregrossa. Michael Fitzpatrick Second. Motion Carried 5-0 with Alternate Juliet Caplinger voting as a full member. Mindy Woerter Abstains.

**Vice Chairman Torregrossa Moves** to Adopt the Conditional Use Performance Standards Responses for Pinkham Book, LLC Proposed Tower and Telecommunications Facility off Pinkham Brook Road (State Route #125) as presented. Chairman Beaulieu Second. Motion Carried 5-0 with Alternate Juliet Caplinger voting as a full member. Mindy Woerter Abstains.

The Codes Official briefly discussed the upcoming Ordinance Review and suggesting the following process:

Highlight problem areas during the first session in the Ordinances as well do some "brainstorming" and identify other issues then plan how to go forward. This workshop will not have a facilitator as in the past.

It was pointed out that the Appeals section of the Ordinance needs some structural changes and Vice Chairman Torregrossa suggests fixing current working after concepts are determined.

Codes Official Baines stated that GPOC charges \$70.00 per hour plus travel.

Another area of concern is Site Plan Review vs. Conditional Use and Codes Official Baines will try to get some information for the first workshop. It was the general consensus to hold the first workshop on Wednesday, June 15<sup>th</sup> 2016 at the Town Office beginning at 6:30 p.m. It was also the general consensus of the Board that since these are workshops, secretarial services will not be required.

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

- a. **Next Meeting – Wednesday, July 6<sup>th</sup> 2016 at the Town Office at 7:00 p.m.**
- b. **Applications Due – Nine (9) complete Sets on Monday, June 27<sup>th</sup> 2016 by 4:30 p.m., at Town Office.**

**Adjournment:** Vice Chairman Torregrossa Moves to Adjourn at 9:06 p.m. Chairman Beaulieu Second. Motion Carried 5-0.

Respectfully submitted,



Jill S. Toher  
Meetings Secretary