

**Durham Planning Board  
Meeting Minutes  
June 3<sup>rd</sup> 2015**

**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.

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

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

**Public Present:** None.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:** Chairman Beaulieu suggested tabling the Minutes from May 6<sup>th</sup> 2015 as the Board needs to determine how the Findings of Fact and Conclusions of Law will be handled.

**Acceptance of Minutes: Michael Fitzpatrick Moves** to table the May 6<sup>th</sup> 2015 until the July, 2015 meeting. Vice Chairman Torregrossa Second. Motion Carried 4-0.

**Continuing Business – Sign Conditional Use Permits for Leclerc & Gardner:** The Codes Official distributed Conditional Use Permits for Leclerc and Gardner, approved at the May 6<sup>th</sup> 2015 meeting for the Board's review and signatures. B Mindy Woerter will not be signing as she was excused for the May 6<sup>th</sup> 2015 meeting.

Vice Chairman Torregrossa suggested the Leclerc Conditional Use Permit be amended to just list "buffering" as a condition on the permit. The remainder of the Board agreed.

A lengthy discussion ensued regarding whether a Conditional Use Permit is active from the date approved or from the date the actual Conditional Use Permit is signed. It was the general consensus of the Board to have the Codes Official draw up approved Conditional Use Permits for the Board's signatures on the actual date of the Board's approval.

**New Business – Ordinance Review Recommendation to Selectmen:** The Board met with Nicole Briand from 6:00 p.m., to 7:00 p.m, for a "meet and greet" workshop to determine how best to approach cleaning up the current Land Use Ordinance.

**Vice Chairman Torregrossa Moves** to recommend to the Selectmen to hire Nicole Briand as a temporary employee to solely support the Planning Board's effort to clean up the Ordinances under the Planning Board's jurisdiction. Michael Fitzpatrick Second. Motion Carried 4-0.

**Other Business – Discussion of Findings of Fact and Conclusions of Law:** Planning Board Secretary, Jill Toher, distributed the May 6<sup>th</sup> 2015 Minutes which are complete with the exception of the Findings of Fact and Conclusions of Law for Leclerc and Gardner. The May 6<sup>th</sup> 2015 draft Minutes included a suggestion to have Findings of Fact and Conclusions of Law be referenced as an attachment in the Minutes so that copies can be filed in the appropriate applicants Conditional Use Permit file. Secretary Toher stated she does not have the expertise or background to prepare legal documents.

A very lengthy discussion followed. Chairman Beaulieu stated he also does not have the expertise, computer savvy or time to prepare legal documents. The discussion regarding the Motion process continued.

The Codes Official expounded on both the purpose and process of preparing a Findings of Fact and Conclusions of Law. Vice Chairman Torregrossa stated that she, as an attorney for another municipality, prepares this document and is compensated for her work. The Board discussed having the applicant prepare this document. It was the consensus of the Board that the applicant, too, lacks the expertise or knowledge to properly prepare this document, however the burden of proof rests with the applicant and this should be made abundantly clear in the Ordinance.

Vice Chairman Torregrossa offered to create a Findings of Fact and Conclusions of Law form, then complete the form as the motions are made, and suggested that another Board member become back up. The discussion continued, and it was the consensus of the Board to move forward with the Vice Chairman's suggestion and review the proposed form during the next regular meeting.

Secretary Toher pointed out that the Findings of Fact and Conclusions of Law should be signed by the Board and not by the secretary. The Board agreed.

The Codes Official suggested that his office computer be used during meetings for the purpose of preparing this document and further suggested that as the document is being prepared, it be projected on a screen for all to see. Mindy Woerter offered to take down the information in writing, then later type up the information.

The conversation next revolved around adding the General Performance Standards to include specific standards, when applicable, into the application and approval process as well as providing a Findings of Fact form to any abutter or abutters to complete that opposes the approval of a proposed application. The Codes Official suggested that any information pertaining to the opposition of the approval of a Conditional Use Permit be held to the nine day submission standard so that the Board can review that information as well.

**Chairman's Comments:**

Chairman Tomm announced the following:

- a. **Land Use Ordinance WORKSHOP, Wednesday, July 8<sup>th</sup> 2015 beginning at 6:00 p.m. with Nicole Briand.**
- b. **Next Meeting – July 1<sup>st</sup> 2015 at 7:00 p.m. Should there be no applications, then the July 1<sup>st</sup> 2015 meeting be deferred.**
- c. **Applications Due (9 complete sets) due no later than Monday, June 22<sup>nd</sup> 2015 by 4:30 p.m., at Town Office**

**Adjournment: Vice Chairman Torregrossa Moves** to Adjourn at 8:00 p.m. Mindy Woerter Second. Motion Carried 4-0.

Respectfully submitted,

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Jill S. Toher, Admin/Secretary