

**Durham Planning Board
Meeting Minutes
March 4th 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: Kelly and Robert Burnham, Michael Sundberg, Meadow Road, Michael Feldman and David Truesdell, ASLA for abutter Sundberg; Earl Crandall, III, Swamp Road.

Pledge of Allegiance: Completed.

Amendments to Agenda: Table Leclerc application, withdrawn per Codes Official; Move Acceptance of Minutes to end of meeting.

Acceptance of Minutes: Moved to end of meeting.

Election of Chairman and Vice Chairman:

Anne Torregrossa Moves to nominate Todd Beaulieu as Chairman. Michael Fitzpatrick Second. Motion Carried with Todd Beaulieu Abstaining. Todd Beaulieu accepts Chairman position.

Chairman Todd Beaulieu Moves to nominate Anne Torregrossa as Vice Chairman. Michael Fitzpatrick Second. Motion Carried with Anne Torregrossa Abstaining. Anne Torregrossa accepts the Vice Chairman position.

Public Comment: Michael Feldman, Esquire representing Michael Sundberg of Meadow Road requested the Board hear from David Truesdell, ASLA , Landscape Architect/soils scientist expert, as well as to reconsider potential soil seepage issues pertaining to Mr. Sundberg's well. In the matter of the Conditional Use Application for a Repair Shop issued to Robert and Kelly Burnham and reconsider it's decision at the February 4th 2015 Planning Board meeting.

Mr. Feldman represented his client, Michael Sundberg, only learned of the request for a Conditional Use Application from the Burnham's on Christmas Eve, 2014, which did not allow him time to find or consult with an expert witness.

At the suggestion of Vice Chairman Torregrossa, this matter will be taken up later in the meeting.

Continuing Business:

a. Earl Crandall – Conditional Use Application – Subdivision – Map #5, L #68-A:

Mr. Crandall presented the Board with an updated survey plan showing actual size of the proposed lot which is now properly sized, identifying the right-of-way which is now approximately 500 feet long. as well as the appropriate deed, which contains information regarding the two front lots Deeded out from lot #1, the language of the easement/right-of-way Grant that also includes provisions for utilities which includes square footage as well as the proper size required for lot numbers two and three.

Section 6(a)(1)(G) road requirements in the Back Lot Ordinance were reviewed. A cross section was provided on the plan, although meeting the road requirements for the Back Lot Ordinance are not necessary until Mr. Crandall applies for a building permit for the new lot.

Vice Chairman Torregrossa Moves to find that the Application as presented this evening meets the the standards of the Back Lot Ordinance and **Moves to Approve** Mr. Crandall's Application contingent on the eventual transfer complying with the rest of the requirements including preserving and protecting an easement for both the Town and back lot. Michael Fitzpatrick Second. Motion Carried 4-0.

All Board members signed the Mylar plus one paper copy containing the seal this evening.

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

Attorney Feldman reiterated his comments during the Public Comment portion of this meeting.

Vice Chairman Torregrossa stated that according to Roberts Rules, new information can only be reconsidered at the second session, which occurred at the February 4th 2015 meeting. A discussion followed regarding soils. The buffer planting plan was left open at the February, 2015 meeting and is the only issue that can be brought forward tonight.

The Burnhams' proposed planting list was discussed tonight., The Burnahms represented that plantings will be done as soon as the snow melts even though the Ordinance allows a window of six months for planting.

Information regarding the soils report was received prior to tonight's meeting by Codes. This information was e-mailed to the Board members. Mr. Sundberg disputed the Board's decision regarding soils. Board members reviewed the application chronology for Mr. Sundberg from the January 7th 2015 meeting through tonight.

Vice Chairman Torregrossa stated that currently, the Burnham's application satisfies the Ordinance's requirement as it pertains to soils, and should Mr. Sundberg discover an issue with his water in the future, he will need to address his concerns with Codes.

Next discussed was buffer requirements. Article #8, section #1 of the Land Use Ordinance stated the plants must live for a minimum of one year. Following the issuance of a Conditional Use Permit, any issues would be handled through Codes Enforcement.

David Truesdell, ASLA, who works for Terrence J. DeWan and Associates, Landscape Architects and Planners of Yarmouth, Maine gave a presentation regarding the size, spacing and type of trees he recommends be planted along the buffer. He contends there needs to be thirteen trees planted along the garage area buffer line, each 20 feet to 25 feet tall in order to screen the garage, and perhaps adding a berm in order to obstruct view from the Sundberg residence. A very lengthy discussion followed regarding the 2012 Google views presented. Also discussed at length was the growth rate of the trees. Mr. Truesdell also admitted that ground shots need to be done in order to confirm his testimony tonight. The Codes Official will accompany Sundberg's surveyor when the ground shots are performed.

The Burnhams stated they will plant the four additional trees as requested to make a total of thirteen trees at a height of 10 feet each, per Skillins' recommendations, and offered adding a four foot berm which should satisfy buffering the garage up to where the roof meets the walls of the garage.

Vice Chairman Torregrossa Moves to find the buffer and landscaping plan as presented is adequate and the condition that fourteen trees are planted, with the tops of the trees are no lower than ten feet and that those trees are sufficient to screen the area of the garage up to ten feet Michael Fitzpatrick Second. Motion Carried 3-0 with Mindy Woerter Abstaining.

Vice Chairman Torregrossa Moves to find the Application be **Approved** subject to the conditions that have been discussed at all three meetings. Michael Fitzpatrick Second. Motion Carried 3-0 with Mindy Woerter Abstaining.

New Business: None.

Acceptance of February 4th 2015 Minutes: Vice Chairman Torregrossa Moves to Approve the Minutes as presented. Michael Fitzpatrick Second. Motion Carried with Mindy Woerter Abstaining.

Other Business - Codes Official Budget - Discussion/Ordinance Review: The Codes Official stated he requested the Board approve adding \$5,000.00 to the proposed Planning Board Budget in order to facilitate the Ordinance Review and presented a couple of options in order to move toward completing this process. The Board discussed at length difficulties encountered working on the Ordinance review to date.

The Codes Official stated he will arrange a joint meeting with the Selectmen to provide an overview of what can be done as well as to get proposals with the intention of having this completed by the 2016 Town Meeting for a vote.

Vice Chairman Torregrossa Moves to approve the recommended changes. Michael Fitzpatrick Second. Motion Carried 4-0.

The Codes Official next presented a proposed change to the Subdivision Ordinance which would repeal Section #8-E, paragraph #4 – Traffic, Adopting language contained in the Land Use Ordinance, verbatim. A lengthy discussion followed.

Vice Chairman Torregrossa Moves to approve the recommended changes as presented. Michael Fitzpatrick Second. Motion Carried 4-0.

Chairman's Comments:

Chairman Beaulieu announced the following:

- a. Next Regular Meeting – Wednesday, April 1st 2015 at 7:00 p.m., at the Town Office.**
- b. Applications with nine (9) sets of supporting documentation are due at the Town Office no later than Monday, March 23rd 2015 at the close of business which is 4:30 p.m.**

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

Respectfully submitted,

Jill S. Toher, Admin/Secretary