

**Durham Planning Board  
Meeting Minutes  
November 5<sup>th</sup> 2014  
CORRECTED 12-3-2014**

**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, Mindy Woerter, Associate Michael Fitzpatrick. Chairman Joseph Tomm excused.

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

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

**Public Present:** Robert Crowley, Peggy Crowley, David Crowley, William Judd Grimes d/b/a East Branch Farms, Earl Crandall, 98 Swamp Road.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:**

**1. Accept Resignation of John Ackerman, effective October 31<sup>st</sup> 2014**

**Anne Torregrossa Moves** to accept John Ackerman's resignation due to health reasons with regret. Mindy Woerter Second. Motion Carried.

**2. Appoint Michael Fitzpatrick from Associate Member to Full Member to Complete John Ackerman's term.**

**Vice Chairman Todd Beaulieu Moves** to elevate Associate Michael Fitzpatrick to a full member to complete the term of John Ackerman. Mindy Woerter Second. Motion Carried with Michael Fitzpatrick Abstaining.

**Acceptance of Minutes: September 3<sup>rd</sup> 2014 and October 1<sup>st</sup> Minutes**

Tabled until December 2014 meeting.

**New Business:**

**a. Conditional Use – Robert Crowley et al., Map #9 – Lot #23 (storage and office)**

Bob Crowley is requesting a Conditional Use Permit for indoor and outdoor storage as well as a home office at the Crowley residence at 491 Auburn-Pownal Road.

The Planning Board reviewed the Application Checklist. Below are their findings:

- A. Complete
- B. Complete
- B- 1. Complete
- B- 2. Complete
- B- 3. Complete
- B- 4. Complete
- B- 5. Complete; marked Rural Residential on application.
- B- 6. Complete; Exhibit "A" from Deed attached.
- B- 7. Incomplete; need to add footage from barn to property line.
- B- 8. Complete
- B- 9. Complete
- B-10. Complete
- B-11 Not Applicable
- B-12. Complete
- B-13. Complete
- B-14. Not Applicable.
- B-15. Complete
- B-16. Not Applicable.
- B-17. Not Applicable.
- B-18. Not Applicable.
- B-19. Complete; vehicles will have fuel tanks empty, propane tanks removed and batteries detached.
- B-20. Complete

**Anne Torregrossa Moves** to find the Conditional Use Application to be complete. Vice Chairman Todd Beaulieu Second. Motion Carried.

The Planning Board reviewed the Application Approval Criteria. Below are their findings:

A. **Mindy Woerter Moves** that the Conditional Use requested will not result in undue water or air pollution because the request is for a vehicle storage facility. Anne Torregrossa Second. Motion Carried.

B. **Anne Torregrossa Moves** there will be sufficient water available for the reasonably foreseeable needs of the proposed use including fire protection as there are two fire ponds available to provide sufficient water supply. Vice Chairman Beaulieu Second. Motion Carried.

C. **Anne Torregrossa Moves** this is not applicable as there will be no use for water.

Vice Chairman Beaulieu Second. Motion Carried.

D. **Vice Chairman Beaulieu Moves** this is not applicable as there is no cause for soil erosion. Anne Torregrossa Second. Motion Carried.

E. **Anne Torregrossa Moves** that the Conditional Use requested will not cause highway or road congestion or unsafe conditions due to minimal traffic. Mindy Woerter Second. Motion Carried.

F. **Vice Chairman Beaulieu Moves** this is non applicable as no need for sewage is required Anne Torregrossa Second. Motion Carried.

G. **Vice Chairman Beaulieu Moves** no solid waste and/or sewage will be created. Michael Fitzpatrick Second. Motion Carried.

H. **Anne Torregrossa Moves** the proposed Conditional Use will have no adverse effect on the scenic or natural beauty of the area as it is not visible from the Road. Mindy Woerter Second. Motion Carried.

I. **Anne Torregrossa Moves** the Home Office will not increase any existing non-conformity and that a permit be granted subject to the condition that and outside storage must remain 100 feet from property line. Michael Fitzpatrick Second. Motion Carried.

J. **Vice Chairman Beaulieu Moves** the Applicant has adequate financial and technical capacity to meet the standards required by this Ordinance. Mindy Woerter Second. Motion Carried.

K. **Vice Chairman Beaulieu Moves** the proposed Conditional Use is in conformity and will not adversely affect the quality of any body of water or unreasonably affect the shoreline of such body of water. Anne Torregrossa Second. Motion Carried.

L. **Vice Chairman Beaulieu Moves** this is not applicable. Mindy Woerter Second. Motion Carried.

M. **Anne Torregrossa Moves** this does not apply as it has no affect on spawning fish and no affect on wildlife. Anne Torregrossa Second. Motion Carried.

N. **Michael Fitzpatrick Moves** the proposed Conditional Use will cause no noise, odor or glare from the property. Vice Chairman Beaulieu Second. Motion Carried.

O. **Vice Chairman Beaulieu Moves** the proposed Conditional Use will cause no excess burden

on the Town. Anne Torregrossa Second. Motion Carried.

A discussion followed regarding the required 100 foot setback for the storage arena could cause a possible condition, as the building already exists.

**Anne Torregrossa Moves** to Approve the Conditional Use with the 100 foot setback condition. Michael Fitzpatrick Second. Motion Carried.

**b. Conditional Use – East Branch LLC – Map #1 – Lot #23 (farm stand)**

Mr. Grimes stated he received a Conditional Use Permit for the Farm Store in June, 2013, and is asking permission to move the Farm Store from it's existing location in the old garage to the front bay of the new three bay building. The proposed change will make the farm stand closest to Royalsborough Road and will be accessed by the existing driveway added when the Conditional Use was granted in 2013. The plan is to open the Farm Store in the spring of 2015, when the construction of the new building is completed.

Codes Official Baines stated the applicant is asking for an Amendment to move the Farm Store location previously granted conditional use.

Mr. Grimes represented that he currently does not intend to move forward with his original request to update the existing garage in order to accommodate the Farm Stand requested and Granted in his original Conditional Use Application, but would like to keep this option open.

Vice Chairman Beaulieu called for public comment and seeing none, requested a Motion.

**Anne Torregrossa Moves** to find that the relocation of the Farm Store will have no adverse impact to the prior Conditional Use previously approved and therefore the Amended Conditional Use request is approved. Mindy Woerter Second. Motion Carried.

A brief discussion followed regarding the Application Criteria Checklist and the Approval Checklist. C.O. Baines is making a list of proposed housekeeping changes.

**Continuing Business:** None.

**Other Business: Earl Crandall, 98 Swamp Road-Informational Exchange-Subdivide Lot.**

Mr. Crandall requested guidance as to how to be placed on the Planning Board Agenda. C.O., Baines stated that Mr. Crandall should first meet with him to go over the information he has to present in order to insure his application is essentially complete. C.O. Baines stated he will help him through this process.

**Vice Chairman's Comments:**

Vice Chairman Beaulieu announced the following:

- a. Next Regular Meeting will be held on Wednesday, December 3<sup>rd</sup> 2014 at 7:00 p.m.**
- b. Applications (9 sets) due on Monday, November 24<sup>th</sup> 2014 by 4:30 p.m.**

**Action Items Review:**

- a. Approve September 3<sup>rd</sup> 2014 Regular Meeting Minutes
- b. Approve October 1<sup>st</sup> 2014 Regular Meeting Minutes

A brief discussion followed regarding the possibility of re-visiting both pending and completed ordinances.

**Adjournment:**

**Anne Torregrossa Moves** to Adjourn at 8:25 p.m. Michael Fitzpatrick Second. Motion Carried.

Respectfully submitted,

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Jill S. Toher  
Admin/Secretary