

**Durham Planning Board  
Meeting Minutes  
October 1<sup>st</sup> 2014  
CORRECTED 12-3-2014**

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

**Members Present:** Chairman Joseph Tomm, Vice Chairman Todd Beaulieu, Anne Torregrossa, Mindy Woerter, John Ackerman, Associate Michael Fitzpatrick.

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

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

**Public Present:** Archibald Fenton and Kathleen Sheridan 152 Grant Road; Jason Turcotte, 189 Brickyard Hill Road; Jonathan Anderson, 160 Pinkham Brook Road; David and Rea Breton, 149 Pinkham Brook Road.

**Pledge of Allegiance:** Completed.

**Amendments to Agenda:** Move Acceptance of Minutes to end of tonight's meeting.

**Acceptance of Minutes: Chairman Tomm Moves** the acceptance of the September 3<sup>rd</sup> 2014 Minutes to the end of meeting. Anne Torregrossa Second. Motion Carried.

**Informational Exchange:**

<b>Officials:</b>	None.
<b>Residents/Non Residents:</b>	None.

**Continuing Business:** Board members signed the Conditional Use Permit approved at the September 3<sup>rd</sup> 2014 meeting re: Robert and Peggy Crowley.

**New Business:**

- 1) Application of Archie Fenton & Kathleen M. Sheridan for Conditional Use Permit – Home Occupation – office in basement of home – 152 Grant Road, Map #1, Lot #96.**

Mr. Fenton presented an overview of his request for a Conditional Use Permit. He stated he is a food broker who conducts his business by telephone and through the internet.

Mr. Fenton is requesting permission to section off the front portion of the basement located by the bulkhead into an office by installing a drop ceiling, new wall, tile floor and storage area. He intends to install an additional electrical outlet and re-routing wiring to accommodate the new wall. The office will be approximately 468 square feet which is less than one-half of the approximately 1900 square feet of living space.

The Board reviewed the **Application Check List** with the applicants. Below are the Board's findings:

- A. Complete
- B. Complete
- B-1. Not Applicable. Owner did not know who submitted the plan.
- B-2. The applicants requested a Waiver
- B-3. Complete
- B-4. Complete
- B-5. Complete. Rural Residential, approximately 12.7 acres
- B-6. Complete
- B-7. Not Applicable. Home is located approximately 225 feet off the road.
- B-8. Complete
- B-9. Complete
- B-10. Complete
- B-11. The applicants request a waiver.
- B-12. The applicants request a waiver.
- B-13. The applicants request a waiver
- B-14. Complete. No signage is requested
- B-15. Not Applicable. No existing easements
- B-16. Not Applicable. No additional exterior lighting requested.
- B-17. Not Applicable. No additional approvals or permits required
- B-18. Project to be completed by October 30<sup>th</sup> 2014
- B-19. Not Applicable. None required.
- B-20. Complete. A description has been provided.

**Anne Torregrossa Moves** that the Application Check List is essentially complete and Grant Waivers requested by the Applicants for items #2, #11, #12 and #13 per applicants request. Vice Chairman Beaulieu Second. Motion Carried.

The Board next reviewed the **Approval Criteria Check List** with the applicants. Below are the Board's findings:

- A. Complies
- B. Complies

- C. Complies
- D. Complies
- E. Complies
- F. Complies
- G. Complies
- H. Complies
- I. Complies
- J. Complies
- K. Not Applicable
- L. Not Applicable
- M. Not Applicable
- N. Complies
- O. Complies
- P. Complies

**Vice Chairman Beaulieu Moves** to Approve the Conditional Use Permit Application for G. Archibald Fenton and Kathleen M. Sheridan, granting waivers requested by the applicants as follows:

1. abutter notifications;
2. the location, dimensions and ground floor elevations of all existing and proposed buildings on this site;
3. location of open drainage courses, wetlands, stands of trees and other natural features with a description of such features to be retained and of any new landscaping planned. Any buffer areas required by this Ordinance will also be shown on such plan; and,
4. the direction of drainage across the site both existing and proposed.

Mindy Woerter Second. Motion Carried with Associate Michael Fitzpatrick abstaining.

## **2) Application of Jason D. Turcotte for Conditional Use Permit – Commercial Property with Structure.**

Mr. Turcotte stated he would like to move A-1 Septic Service, from it's current site that he is renting, which has a conditional use permit, to Map #4, Lot #131-B, which is about six hundred feet from it's current location. He is requesting permission to build a heated garage , he recently purchased, to house his A-1 Septic service vehicle which would include an area to house tools for repairs, and a small office with shower bath. He stated that all fluids pumped remain self-contained in his truck and are periodically pumped out at an off site facility.

Mr. Turcotte asserted he plans to operate his septic business between the hours of 7:00 a.m., and 4:00 p.m., three days per week and plans to hire three part-time employees seasonally between May and December.

The property has not been issued an address as yet, but Mr. Turcotte represented he thinks the address, when assigned will be in the 130 address range. The driveway for the new location was installed by his grandfather forty plus years ago. Mr. Turcotte stated he already has State approval for a commercial entrance using the existing driveway. He stated that his stepfather is currently using this area to park his trucks.

Mr. Turcotte stated he paid in excess of \$700.00 fee to submit this Commercial Use application and would like clarification as to whether this amount included the building permit fee as well. Chairman Tomm suggested he work with the office on this matter.

The Board reviewed all supporting documentation provided by Mr. Turcotte which satisfied answers to all questions questions asked. It was duly noted that the proposed building envelope is well outside the resource protection area.

Mr. Turcotte represented that he has all green cards and turned them over to C.O. Baines. He stated he did not have a copy of the notification letter with him but will provide one tomorrow.

Chairman Tomm invited the abutters to voice their concerns.

David Breton stated his home located at 149 Pinkham Brook Road is on the south side of the property and is on a back lot. He has resided there for twenty-two years and stated that Mr. Turcotte has been using this parcel to store construction equipment as well as the septic truck for the last two years and asked whether a Conditional Use Permit was requested and/or issued.

Codes Official Baines stated that no Conditional Use Permit was issued.

Mr. Turcotte asserted that only the excavator and septic truck belong to him and the remaining equipment and trailer belong to his stepfather.

Mr. Breton stated that he has concerns regarding the wetlands per Article #4, Section #3, as the property is bordered by two major ravines that lead to the brook. He also voiced his concerns as to what type of heating system Mr. Turcotte is considering for the garage. Mr. Turcotte stated he is currently unsure as to what type of heating system he will install. Mr. Breton also had some concerns regarding the driveway site as it is adjacent to his driveway.

Mr. Breton asked where Mr. Turcotte proposes to put the sign for his business. Vice Chairman Beaulieu noted that Mr. Turcotte shows the sign placement on the side of the driveway farthest from the Breton property. Chairman Tomm advised that the Board will discuss the placement and size of the sign during the Approval Criteria Checklist process.

Mr. Breton also asked about the pile of stone and pile of loam currently on the property as well as a large pile of logs there too. Mr. Turcotte represented he has a lease agreement with his father-in-law and Chairman Tomm stated the Board will need a copy of the Leasing Agreement.

Mr. Breton also voiced his concerns regarding safety issues with the backing in of a trailer from Route #125 onto the property. He stated it would be helpful if there was an on-site inspection.

Chairman Tomm stated the Planning Board cannot address current alleged violations and referred Mr. Breton to the Codes Official with his concerns. Codes Official Baines stated that the application before the Board and alleged violations are two separate issues and invited Mr. Breton to discuss these issues further with him.

The Board reviewed the **Application Checklist** with the applicant. Below are the Board's findings:

- A. Complies
- B. Complies
- C. Complies
- D. Complies
- E. Complies
- F. Complies
- G. Complies
- H. Complies
- I. Complies
- J. Complies
- K. Complies
- L. Complies
- M. Not Applicable.
- N. Complies
- O. Complies
- P. Complies

**Anne Torregrossa Moves** the the Application Criteria checklist is essentially complete, subject to signage so as not to block the site distance of the abutters. Vice Chairman Beaulieu Second. Motion Carried.

The Board next reviewed the **Approval Criteria Check List** with the Applicant. Below are the Board's findings:

- A. Complete
- B. Complete
- B-1 Complete
- B-2. Complete
- B-3. Complete
- B-4. Complete (not applicable)
- B-5. Complete. Building Envelope outside of Resource Protection Area.
- B-6. Complete
- B-7. Incomplete. Codes Official Baines will check pins.
- B-8. Incomplete. To be completed by Codes Official
- B-9. Complete
- B-10. Complete
- B-11. Complete.
- B-12. Incomplete Codes Official will make sure information is drawn on plan including 40 Foot Buffer Zone around building.
- B-13. Complete.
- B-14. Complete
- B-15. Complete
- B-16. Complete
- B-17. Complete
- B-18. Complete Construction to start immediately after approval.
- B-19. Not Applicable. No plans for fuel storage.
- B-20. Complete. With Condition-Needs Turnaround.

Supplemental Information – Section IV – Not applicable per Codes Official Baines.

**Anne Torregrossa Moves** to Approve the Conditional Use Permit Application of Jason Turcotte subject to the Codes Official supplementing information regarding the following conditions:

1. Building Envelope be established with forty foot buffer zone showing vegetation;
2. Building elevations be added; and,
3. Copy of letter to the abutters be provided.

Vice Chairman Beaulieu Second. Motion Carried with Associate Michael Fitzpatrick abstaining.

A brief discussion followed regarding the possibility of future violations. Codes Official Baines stated that any potential or future violations of Durham's codes will be handled by his office. The Codes Official further stated he will ensure that the sign placement will not encroach or hinder existing site distances.

Mr. Turcotte continued the discussion regarding the \$700.00 plus he was charged for his conditional use permit. Chairman Tomm stated the Town sets the fee structure and not the Planning Board. Questions were raised as to what exactly Commercial use fees pertain to. There is potential that the Interim Codes Official may have quoted an incorrect fee due to his interpretation of the existing fee schedule. This matter will be investigated further by the Codes Official and will be remedied by refund if necessary.

**Other Business:** None.

**Chairman's Comments:**

Chairman Tomm announced the following:

- a. **Land Use Ordinance WORKSHOP, Wednesday, October 15th 2014 at 6:30 p.m.**
- b. **Next Meeting – Wednesday, November 5th 7:00 p.m.**
- c. **Applications Due – Monday, October 27<sup>th</sup> 14 by 4:30 p.m., at Town Office**

**Chairman Tomm Moves** the Approval of the September 3<sup>rd</sup> 2014 Regular Meeting Minutes be tabled until the November 5<sup>th</sup> 2014 meeting. Mindy Woerter Second. Motion Carried.

**Adjournment:**

**Anne Torregrossa Moves** to Adjourn at 9:45 p.m. Vice Chairman Beaulieu Second. Motion Carried,.

Respectfully submitted,

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Jill S. Toher, Admin/Secretary