

**Durham Planning Board
Meeting Minutes
September 3rd 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 and one (1) associate member present.

Public Present: Robert and Margaret Crowley, Auburn Pownal Road.

Pledge of Allegiance: Completed.

Amendments to Agenda: None.

Acceptance of Minutes:

Anne Torregrossa Moves to Approve the Regular Meeting Minutes of June 4th 2014 as presented. Michael Fitzpatrick Second. Motion Carried with Vice Chairman Beaulieu and Mindy Woerter Abstaining.

Anne Torregrossa Moves to Approve the Workshop Minutes of June 4th 2014 as presented. Michael Fitzpatrick Second. Motion Carried with Vice Chairman Beaulieu and Mindy Woerter Abstaining.

Mindy Woerter Moves to Approve the Regular Meeting Minutes of August 6th 2014 as Amended. Vice Chairman Beaulieu Second. Motion Carried with Anne Torregrossa and Michael Fitzpatrick Abstaining.

Informational Exchange:

Officials:	None.
Residents/Non Residents:	None.

Continuing Business – Update From Codes Officer on Kerry Larochelle Submissions:

Codes Official Baines reported that he received a copy of Ms. Larochelle's State License as well as the remaining paperwork requested by the Planning Board and prepared two Conditional Use Permits dated September 3rd 2014 for signatures, without conditions.

Codes Official Baines stated that Ms. Larochelle received a Conditional Use Permit in the interim with the condition she provide her State License.

A discussion between the Planning Board Chairman and the Codes Official ensued regarding the list of documentation requested of Ms. Larochelle by the Planning Board at the August 6th 2014 meeting.

The Codes Official stated that according to MUBEC, the only item Ms. Larochelle was required to supply by law is her State License. He further advised that Ms. Larochelle did furnish the all of the other information requested that was not completed in her application by the Planning Board at the August 6th 2014 meeting.

A spirited discussion followed. Selectman Blake interjected and stated that some of the information the Planning Board requested was irrelevant according to MUBEC and suggested that this debate be continued "off-line" at another time.

The following members who were present at the August 6th 2014 meeting have signed two originals tonight: Chairman Joe Tomm, Vice Chairman Todd Beaulieu, Mindy Woerter and John Ackerman.

The Codes Official advised he will place one original signed by Planning Board members tonight in the Larochelle file and give the other original to the applicant.

New Business – Amendment to Conditional Use Permit issued to Robert and Margaret Crowley - Change to Year Round Operation:

Chairman Tomm stated that since Mr. Crowley could not attend the August 6th 2014 Planning Board Meeting in person, he agreed to move this matter to tonight's meeting.

Mr. Crowley stated that the Codes Official brought it to his attention that when the original Conditional Use Permit was issued, the Crowleys only requested usage from September through May.

Mr. Crowley stated that he thought the summer would be too buggy to attract renters, yurt rental would not be popular in the summer and that he and his wife, Peggy, originally wanted to take the summer months off.

The Crowleys have submitted an amended application in order to run Maine Forest Yurts year round and Mr. Crowley submitted the final signed abutter notification letter this evening.

Mr. Crowley stated he and his wife simply forgot that the Conditional Use Permit only covered the months of September through May. Mr Crowley also represented the remaining parameters of their original request for a conditional use remain the same.

The Conditional Use Permit was approved on April 4th 2012.

Codes Official Baines advised the only item the Board needs to act upon is changing the Conditional Use Permit to year round operation as the remainder of the conditions of the original Conditional Use Permit remains unchanged.

Vice Chairman Beaulieu Moves to allow Bob and Peg Crowley to run their business year round. John Ackerman Second. Motion Carried Unanimously.

Mr. Crowley said he had several other questions to ask and upon the advice of the Codes Official, held off asking for an informational exchange until after the Amended Conditional Use Permit issue had been moved upon.

Mr. Crowley stated that the log cabin was originally intended for use as an office but has not been used as an office as it has no electric, water or plumbing. The Crowleys have since purchased the home across the road and would like to rent the cabin out on a by the night basis.

Board members discussed at length the definitions of hotel/motel/campground in the Land Use Ordinance.

It was the general consensus of the Board not to change the Conditional Use because the Crowleys would like to add the cabin as a by the night rental. Mr. Crowley stated the campground falls into the rural residential zone and is situated well in excess to their land located in the resource protection zone.

Mike Fitzpatrick stated that the KOA campground has cabins without utilities for rent, which creates a precedent and sees no problems with the Crowleys renting out their cabin. The remainder of the Board with the exception of Anne Torregrossa concurred.

Board members discussed at some length the definitions of hotel/motel/campground in the Land Use Ordinance and plan to re-visit and further clarify these definitions

Chairman Tomm asked whether the Crowleys will have an office at their recently purchased home located across the road. Mrs. Crowley stated that most all of the contacts and advertising is done on-line and they now use their lap top computer in a room at home as well as the campground location to check renters in and out.

Chairman Tomm raised the question as to whether the Crowleys would need an additional

Conditional Use Permit for a home office. Mr. Crowley stated that after they moved from South Portland, the address of Maine Forest Yurts was changed from their address in South Portland to their 430 Auburn Pownal Road address.

Mrs. Crowley stated that she now customarily does work on her lap top at their campground in her car.

Vice Chairman Beaulieu stated that the prior owners had a Conditional Use Permit for their business, Noble Dreams. He further stated that should their use at home increase, the Crowleys would need to return to change the type of home occupation currently permitted at the 430 Auburn Pownal Road address.

Mr. Crowley stated their fund raiser this year attracted about one hundred people, and had attendees park across the road at the Crowley home. Mr. Crowley added the Fire Department was very good about providing both fire/rescue and EMT's for this past event. He anticipates future events will attract more people and asked whether special permitting for these events would be required.

Chairman Tomm stated that the main concerns would include noise, visual impact and traffic management. Chairman Tomm and Vice Chairman Beaulieu both suggested Mr. Crowley should talk to the Road Commissioner, the Codes Official, the Fire Chief/EMA Director, the State Police and Sheriff's Department prior to an event for guidance.

Chairman Tomm also stated that the Crowley's Conditional Use Permit includes a maximum number of vehicles going to and from the campground. Mr. Crowley stated that he had vehicles park for this summer's event across the road at the Crowley home and not at the campground.

Codes Official Baines advised Mr. Crowley to look at the Land Use Ordinance on-line for the answers to his questions.

The Codes Official stated he would update the Conditional Use Permit to add year round use and will have it ready at the next Planning Board meeting for the Board's signatures.

Other Business:

Vice Chairman Beaulieu asked Selectman Blake how much time does the Board have left with AVCOG and suggested the Board consider sending what has been done on Ordinance Review to GPOG.

Anne Torregrossa stated that there are a number of pending action items to ask John Maloney from AVCOG about. Chairman Tomm advised that he held off sending these action items along to AVCOG due to the Town's negotiations with GPCOG.

Selectman Blake stated there is a limited amount of resource monies left available with AVCOG. Selectman Blake advised he will get a copy of the Change of Venue from AA/TA Smith.

Chairman Tomm stated he would like to have a meet and greet session scheduled with GPCOG as soon as possible.

a. Chairman's Report: None.

b. Ordinance Review: Following a brief discussion, Chairman Tomm announced there will be a Land Use Ordinance Workshop on Wednesday, October 15th 2014 beginning at 6:30 p.m.

c. Next Meeting: Chairman Tomm announced the next Regular Planning Board Meeting is scheduled for Wednesday, October 1st 2014 beginning at 7:00 p.m.

d. Application Due Date: Chairman Tomm announced nine (9) sets of Applications with supporting documentation must be received at the Town Office no later than Monday, September 22nd 2014 by 4:30 p.m., in order to be placed on the October 1st 2014 Regular Meeting Agenda.

Adjournment:

Anne Torregrossa Moves to Adjourn at 8:20 p.m. Vice Chairman Beaulieu Second. Motion Carried.

Respectfully submitted,

Jill S. Toher, Admin/Secretary