

Town of Northumberland  
Planning Board  
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**Planning Board Members Present:** Melanie Eggleston, Jeff King, Lisa Black, Holly Rippon-Butler and Chair Susan Martindale

**Members Absent:** Brit Basinger and Vice Chair Heber

**Town Employees Present:** Michael Terry, Code Enforcement and Tia Kilburn, Clerk

Chair Martindale opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:00 pm. Quorum established.

Chair Martindale announced the 1<sup>st</sup> item on the agenda, public hearing for application #: 0003-23, site plan revision, new single-family construction for applicant **Two Lions Farm / John Cornell** located at 165 Beaver St, she asked Mr. Cornell if he would like to make his presentation and if there was anyone from the public in attendance regarding this application. Mr. Diehl stated he was here to hear this application.

Mr. Cornell introduced himself and explained it is an existing horse farm with an existing dwelling, prior to them purchasing the property it was a 100 acre piece of property that was subdivided, he gave the Board additional large copies of the site plan, there was an original homestead on the 100 acres, it was about 10 years ago the property was subdivided, the original homestead stayed on a 12 acre parcel and the other parcel is 76 acres, which he owns. There is a small, renovated garage into a home that sits on the property next to the highlighted area he has marked as the proposed site, behind that where it says house building, that is the small home they currently reside in now, the plan is to convert that back into a garage. Mr. Cornell said he spoke with Mr. Terry, Code Enforcement about that and the Certificate of Occupancy would have to be taken away and they would not get a Certificate of Occupancy for a new home until they did that. Part of the project is to convert that back into a garage. He stated the previous owners are the ones that apparently converted this garage into a little cottage.

Chair Martindale asked if the public had any comments on this proposal. Mr. Diehl said he lives on Homestead Rd and stated he boards the back side of Mr. Cornell's property. He stated he has no problem with them putting a house on the property, he asked if there was a time frame of when the cottage reverts back to a garage after the house is on it? Chair Martindale replied once the house is completed in order for him to get his Certificate of Occupancy the one, he is living in now will have to be converted back. Mr. Diehl stated he understood that and asked if there was a time frame to convert it to a garage because it is easy to pull the permit but still leave it as a house? Mr. Terry stated he won't get the Certificate of Occupancy for the new house until he sees the garage is a garage again.

Chair Martindale asked if anyone else wanted to speak? Mr. ? introduced himself as the contractor for Mr. Cornell, he stated they will need a little bit of time to convert the garage back because they need to live in it until they can get the Certificate of Occupancy for the new home. He asked if they could issue a Certificate of Occupancy for the new home so they could move in and then convert the garage back. Mr. Terry stated they will work it out, he can issue a temporary Certificate of Occupancy for the new house until everything is completed, he can issue the final Certificate of Occupancy when he checks the garage.

Ms. Forman stated she and her husband are the immediate neighbors to the applicant. She explained she and her attorney feel it is necessary to let the Board know they have no objection for the applicant to build his residence, and they have no objection to the location whatsoever, as long as the applicant fulfills his responsibilities under the requirements of the special permit he has already received. She continued there are several in their opinion and her attorney's opinion that have not been completed. She stated she is present tonight to bring them to the Board's

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attention. She reiterated they do not object to the location and to him building his home. The 1<sup>st</sup> concern was brought to the Town Planning Board in March 2022 by Charlie Baker of Environmental Design Partnership review, where he indicated in his letter the existing manure pile adjacent to the 14-stall barn, he had concerns in the proximity to a drilled well on the west end of the 14-stall barn. That is a concern because if you look back in the record, he indicated that the contamination of that well was quite possible, because a manure pile leaches microbeam and nitrogen and all kinds of bacteria into the ground. That was one of his concerns about the manure pile and that's relevant and asked the question, how is it going to be managed, where is it stored, frequency of removal, you can look back in the paperwork, she stated she had copies for the Board if they needed them. She stated it is relevant to them because the manure pile is immediately on the property line, not next to it but on it and further the manure pile is less than 200' from their drilled drinking water, it is approximately 175' from their recreational backyard where they intend on building an inground pool. She stated they are out in the yard in the warm summer months the majority of the day last summer was very difficult for them, their animals and their future animals because they intend on getting a couple of horses and other farm animals as well. There are face flies, barn flies as well as the odor, they could not have the windows of the cottage open. It is 175' to 200' from a manure pile and it is not an insignificant manure pile it is a sizable one of two that the applicant has on the property. They had to have all the windows closed, they couldn't open them even on the cool summer months, they had to have those windows closed. She stated she is not talking about cow manure that farmers spread on the fields she is talking about this massive manure pile located on the property line. Mr. Baker's letter identified that as an issue as well as the drilled well next to the barn.

She stated the 2<sup>nd</sup> thing Mr. Baker noted in his letter of March 2022, was spot grade elevations and parking area by the equipment shed and the 14-stall barn because that is higher, she submitted photographs to the Board, she said it is a higher elevation and Mr. Baker's concern was stormwater runoff and what is that going to do? He even mentioned a culvert would be appropriate. She stated she has a copy of the site plan from April 2022 and the Town responded back to Mr. Baker and said spot grade elevations were added to it in this particular area, but she stated she couldn't find any. Ms. Forman stated the runoff from the melting snow and hard rain comes down the driveway and creates a trench. She left photos with the Board pointing out the manure pile, her property line and 2<sup>nd</sup> manure pile. She stated the applicant, a few months prior finally brought in a huge black dumpster and it helps but it is overflowing because he has a number of horses. She stated that is fine, that is his business but when it is overflowing it is dumped back on the ground again. She showed the Board how it began in the beginning and stated their attorney had provided the Town of Northumberland with guidance and contacted the Town on several occasions about the proper management of manure piles and had provided the Town with the minimum distances a manure pile should be from a property line, 50' - 100' minimum, drinking water 200' yet nothing was ever done. She showed the Board photos and pointed out the trench from water runoff and said pictures were never depicted to show, she said you can clearly see trenches coming down from above. Chair Martindale asked if it was the shared driveway? Ms. Forman showed the Board it was above the shared driveway and pointed out the equipment shed, parking area, the barn and stated all that needs to be done is a culvert. Chair Martindale asked where her property line was, Ms. Forman showed her the property lines, the driveway and the land she owned and stated it is part of the shared.

Ms. Forman reiterated the Board may keep the photos and she said Mr. Cornell has two manure piles that are significant, she pointed out the indoor riding arena and said it does not concern them but maybe someone else has a concern there is the 2<sup>nd</sup> manure pile, it is on the ground, he has dirt excavated by it and it is a new manure pile, that is for the barn. Chair Martindale asked if that was part of her concerns, Ms. Forman stated she said that doesn't affect them their but it could be a factor because you have that runoff coming down to the wetland area, as it was on the original site plan.

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Ms. Forman said the spot grade elevations were never put in. Mr. Baker had talked about putting in culverts, so how difficult is it if you are going to try to control the runoff. She stated they cannot get the entire common driveway repaired until that entire area is properly stormwater drained, the runoff has to be diverted and runoff onto his property, not down the common driveway where it causes trenches. She stated the applicant might say one of those trenches came from National Grid. She stated she highlighted the trench coming from the higher elevation coming down the driveway to the split, that is not where National Grid had performed work for a new junction box between Cornell and the estate of Bongard, removal of an electric meter. She stated she has a copy of the repair estimate for the driveway in which the contractor stated the whole section has to be repaired before he can totally repair the driveway, because the water is going to drain down and create another trench. Ms. Forman stated Mr. Baker had noted those two concerns in the March 2022 Environmental Design review of the site plan. In April the special permit was permitted, given to them but again there was no spot grade elevation appeared in there. Ms. Forman stated she is not an environmental engineer but that doesn't look to her like spot grade elevation.

Ms. Rippon-Butler asked if she could summarize what Ms. Forman's concerns are; the manure pile to be moved back from the property line, a culvert and spot elevations, she asked if that was correct. Ms. Forman said no, she does not need spot grade elevations, they are not interested in making the applicant go back and have spot grade elevations to the parking lot, what they are asking for is a culvert, a properly installed culvert to be put in there to divert the stormwater runoff so it will go down his property instead of the common driveway, which causes trenches. She added they are asking the manure pile be moved to a new location, she added they are going to have to test their well, 200' from their drinking well, 175' from their backyard and the attorney provided him, they asked him to move it and he was unresponsive. She stated they contacted his attorney and asked them to talk to him to move it, unresponsive. The attorney for her contacted the Town on several occasions and said it is a health hazard, Cornell Equine Extension, their recommendations, and we all agree Cornell Equine is one of the leading standards, they stated it should be 50 – 100' from a property line and it should be no less than 200' minimum from drinking well, yet there it is on the property line. She stated they do not care about him building a new house and they didn't care about him building a new arena, they objected to the location of the arena, but they don't care about the house out there, she stated she is sure it will look beautiful. She added they want the requirements fulfilled for the special permit, and her attorney said to make sure the Board notes the roadway he built, has anyone inspected it to see it is 20' wide and every 500', you have to have according to NY State Law, a 50' long 20' wide turnout for emergency vehicles that weigh 56,000 pounds, every 500' and that driveway is 1,500', there should be three turnoffs for emergency vehicles, has anybody inspected that? She stated that driveway in most locations are maybe 12' wide and it goes over a culvert and they were concern if anybody goes off the side of the culvert in the winter time, they are going to go in to a gully. She stated it is 12' and her property line is exactly on the rocks, the rip rap that they fill in next to the culvert, so she knows the width of the roadway.

Ms. Forman summarized; they want the manure pile moved to a different location and they need a culvert installed, she stated months ago she and her husband saw the applicant, who has many, many tractors, they saw him next to where his equipment shed is, her land ends and squares off, he pushed a bunch of dirt and that is what he calls re-direction of the stormwater, but as you can see the contractor says no, it isn't good enough and they can't get anything fixed until that is taken care of.

Mr. Cornell asked if he could comment on a couple of things, Mr. King suggested they take public comments first then move on to the application, Chair Martindale agreed and said due to the comments tonight she believes they should leave the public hearing open, she asked the Board for comments the Board unanimously agreed.

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Chair Martindale stated they would move on to the other items on the agenda, as long as they were on this application for Two Lions Farm, 165 Beaver St, they will hear it next and leave the public hearing open. She stated they are addressing the regulations for a manure pile, she is unsure what they would be, she asked Mr. Terry if he had any information. Mr. Terry said Dave Brennan, Counsel to the Board went and checked it out and he is unsure what Mr. Brennan made of it, he will contact him and see, he added he can call Mr. Baker about the drainage. Chair Martindale asked what kind of regulations for management of manure piles there were. Mr. Terry said he thinks that would be Ag and Markets, the Town doesn't have anything in the Zoning, he will talk to Mr. Brennan about it and what he saw when he went there. Chair Martindale asked the Board if they agree, Mr. King said yes and assumes they have to revert to a certain standard as far as manure management, it is the first time in his experience it has come up. Chair Martindale said it should be noted in the Town Zoning, Mr. King said he didn't think it is now, but he thinks they have to establish what the standard is. Mr. Terry agreed. Mr. King said he wasn't sure if Mr. Baker, the Town Engineer, can give any information on that but Mr. Brennan could, if there is nothing in the Zoning there has got to be something they can use as guidelines. Chair Martindale stated additional information is needed, she asked Mr. Cornell if he wanted to make additional comments.

Mr. Cornell said no because he knows his attorney and Mr. Brennan have been in contact about this and the Town Supervisor came out to the property when this was first raised and did not feel there was an issue. He added they did go ahead and get a dumpster for the manure; in context this has been a horse farm for 40 years, there has always been manure on this property, it is adjacent to the barn, they clean out the barn, put the manure on the ground, he takes the tractor and puts the manure in the dumpster, does it become overflowing, yes until the dumpster company can come pick it up, they deliver a new dumpster and they fill it back up. Chair Martindale asked how often that happened, Mr. Cornell replied in the winter more often maybe every two weeks, he stated they just got the dumpster service about a month ago, less in the summer because the horses are out in the fields where the manure stays, they don't pick it up in the field. He said the manure pile near the barn is also being addressed, the big pile there is mostly sand, it is excavation, a big pile of dirt and there is manure next to it. The same thing about a month ago they had it picked up and trucked away, they will continue to do that.

Chair Martindale asked if the older pile has always been located there, Mr. Cornell stated it has been all over the property according to the prior owners. Chair Martindale asked if it was there when he took possession of it, Mr. Cornell replied when they took possession there was no manure there because it was vacant, there were no horses there. He added they had it in one location across the parking lot which made no sense, where it is now makes the most sense from a farming standpoint for efficiency. Mr. Cornell stated the property line was not clear so now they have made sure it is off the property line at least 5' – could be 50' but he knows it is not on the property line and they have a dumpster that is also not on the property line. He stated they clean out the barn wheelbarrow it out and dump it on the ground then every two or three days he takes the tractor and puts it in the dumpster and now the weather is better they are putting a concrete slab that was a recommendation from Mr. Baker, a concrete slab with walls we can push manure in and put it in the dumpster. Mr. King asked Mr. Cornell to show them on the map, Mr. Cornell said he had some pictures.

Ms. Black asked how far the manure piles were from Mr. Cornell's drinking water. Mr. Cornell indicated on the map where the well is located, he also indicated where the well is located that has been abandoned, Ms. Black asked how far his well was from the pile and would he feel comfortable with his family drinking from a well 100' feet from the manure. Mr. Cornell stated nobody drinks from that well, Ms. Forman indicated where her well and property line were, she stated there is a huge pile of manure. Mr. Cornell stated there is a hill in between. Ms. Forman stated underground veins of water can be shared between two immediate neighbors. Mr. Cornell stated it has been a cow farm for 100 years, there has been manure on this property forever.

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Mr. Cornell stated he took all the advice from Mr. Baker, he listened to his neighbors' concerns to get the dumpster, he put it on a concrete slab, have it taken away every two weeks and that well is abandoned. Ms. Forman interjected that well he is saying is abandoned is a source of litigation, she added they have a legal easement. Chair Martindale reminded the room the public comment period is over for tonight on this application. Ms. Forman stated she is just pointing out that it is a legal easement, and they were told by the former Code Enforcement Officer as well, they were never provided with any documentation they have asked for a year now, documentation proving their claims it was abandoned and never were any produced. Mr. Cornell stated for the last 10 years that well has not been used, and per Mr. Bakers recommendation they welded a cap on top to ensure surface water cannot rise and go into that well. Chair Martindale asked if there was a pump down in the pipe, Mr. Cornell stated there is a pump with zero power, the power is all on his property. Ms. Forman stated the pressure tank is on her property in her basement. Mr. King interjected and stated that is beyond this Boards scope of business, Mr. King stated if the Town Supervisor and the Town Attorney have been out there to see the site, he said they need to get some input from them before this Board takes the next steps. Discussion ensued what was in the Town Code, right to farm law and what may need to be addressed by the Town Attorney. Ms. Eggleston stated they need to see if there is a distance requirement from all the surrounding wells that are in use and is there a setback for the property line and manure pile.

Mr. Cornell stated he knows this Board will do their due diligence and they will come back and comply with whatever the Town is asking him to do.

Chair Martindale asked the Clerk if she had the questions to give to Mr. Baker and Mr. Brennan, regarding the concerns brought up today, the Clerk replied yes. Chair Martindale stated they will table this application and the Clerk will relay the concerns to Mr. Baker and Mr. Brennan so they can research it so the Board can address it next month.

Mr. Cornell stated to be clear and so he understands there is no objection to the home, it is the wells and manure pile affecting the public hearing for building the home. He added he realizes there are other issues that need to be resolved. Mr. King asked if Mr. Terry has seen the house plans and if there were anything he has seen so far with issues with the structure. Mr. Terry stated he hasn't seen any plans, he said he spoke with Mr. Brennan, and he suggested it get into the public hearing and get approved before Mr. Cornell spends money to have the plans drawn up. Mr. King agreed and stated the house will be built to code, as long as they are decommissioning the cottage to a garage, Mr. Terry agreed and said there may be a time period he will issue a temporary CO for them to convert the cottage to the garage. Mr. Terry stated on the original site plan there was a house in the front and to keep the cottage they would have had to subdivide the property. Ms. Eggleston stated with a normal site plan they would be looking at the plan, the driveway making sure there is a turn around and all that. Chair Martindale interjected he still has access to the shared driveway. Ms. Eggleston stated he will still need a turn around for the driveway to the house. Mr. Terry stated Mr. Colozza and himself went there with the fire department when the driveway was being built for the arena, because there is mutual aid, they went with Schuyler Hose Chief and the Chief said it was suitable. Ms. Eggleston asked if they had to see anything for the house because the driveway will be in a different spot. Mr. Cornell replied no, the driveway will be the same, it is right next to where that garage is so they have two driveways, they have the shared easement and the new driveway they built, and it goes right up to where they are living now. Chair Martindale asked if there were any other comments, Mr. King said he would ask that Mr. Baker address the drainage question, to make sure whatever stormwater runoff is addressed properly.

Chair Martindale announced application # 0002-23, **Site Plan, Special Use Permit for Church, Tracy Mauran.**

Mr. Mauran explained he had the survey completed, Mr. Terry asked if the Board had a copy of the original site

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plan for the theater. Mr. Terry stated he would give a quick background summary, a while ago it was turned into a theater, James Pentaudi turned it into a theater from a church, he had it setup for parking, he had a deal with the Town for overflow parking in the municipal building parking lot as long as he carried insurance for it, somewhere along the line the theater fell off and around 2021 Mr. Mauran started church services there. Technically holding church in a theater even though it is a church. Mr. Terry explained one of the neighbors said it should go through a change in use so he talked to Mr. Brennan, and he said they should get it back to a church if they are holding services there. He explained they had to wait for the survey, on the original plan there is to be screening for the parking lot, fence or hedges and that is where the issue arose, the original plan the screening was approved but never installed. Mr. Mauran started doing services there without knowledge of that. Mr. Terry stated he could not tell him to install the screening until he got a new survey because the lots are small, they want to make sure of the property lines. Chair Martindale reiterated Mr. Mauran is willing to put up screening. Mr. Terry agreed, Chair Martindale asked if it had to be a fence or if it could be evergreens. Mr. Terry stated it can be either or in the Zoning, it says a 6' buffer. He explained in the Zoning it says landscape trees and so many square feet, the Dollar General was allowed to put up a 6' fence. He added for time he thinks it would be better if he could put up a fence because it would appease the neighbor, it is just where the Board feels the fence should be in the 6' buffer zone, he gave the Board pictures to visualize it. Discussion ensued on the buffer zone and placement of a fence. Mr. Terry stated between commercial and non-commercial there needs to be the 6' buffer zone. Discussion ensued on part of the neighbor's driveway on the applicant's property. Mr. Terry stated the asphalt is the neighbors and gravel was put in for the parking lot. Mr. Mauran interjected it was surveyed, the surveyor marked the property, and he has been doing what Mr. Terry tells him, he said he really doesn't want to lose 6' because he doesn't have much parking there, he doesn't understand giving up 6'. Chair Martindale said that is so you can maintain the fence on the other side.

Mr. King asked for clarification of the orange line and orange cones in the picture is the property line. Mr. Mauran agreed. Mr. Mauran said he thinks Mr. Pentaudi let the neighbor put the driveway there and never said anything. Mr. King asked Mr. Terry to explain the 6' buffer. Mr. Terry explained section #6 for parking in the Zoning Ordinance on page 43 in part as; *Screening shall consist of a landscaped area at least six (6) feet wide, densely planted with a mixture of deciduous and evergreen trees.* Mr. Mauran stated he does not understand losing 6' of his land because someone else wants it, 6' to him is a lot because there is only so much parking. He stated he is at the Board's mercy but maybe they could shrink it a little, maybe he could get a variance for maybe 3', that would be enough to get behind it and weed whack or take care of it. Chair Martindale stated that would be for Zoning to determine. Mr. Terry agreed. Ms. Eggleston asked if trees had to be planted 6' off the line, if it is not specified. Mr. Terry said it can be either or, but he would think a fence would be better, more economical. Mr. King said if he is concerned about space a fence would be less to occupy the space than shrubs and trees. Mr. Terry added as the trees grow, they may become an issue with the neighbor, if he puts a fence, it is there, it could be natural wood color and that could make most of the trouble go away.

Chair Martindale read more of section 6 on page 43 of the Zoning Ordinance; *Parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces, with each tree being surrounded by no less than 40 sq ft of permeable, unpaved area.* Mr. Terry interjected, as you see with the Dollar General, they put up a fence, for something like this it would probably be the better way to go because it would be quick. Chair Martindale stated it says landscape being 6' wide, she read on from the next section carried over to page 44 of the Zoning; *Suitable types of screening include natural colored wood fences and dense evergreen hedges of five (5) feet or more in height.* She added it also says; *In locations where potential health or safety hazards may arise a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the area.* Ms. Eggleston said 5 feet is the minimum for a fence. Mr. Mauran stated he has no problem putting up a fence to take up less room. Ms. Eggleston stated they can't do anything about the variance he would have to go to the Zoning

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Board. Discussion ensued on the fence at the Dollar General, size and placement.

Mr. King said the way he reads it, it says the parking area shall be screened along lot lines bordering residential uses, it says screening shall consist of it doesn't say may consist, it says shall consist of a landscaped area 6' wide, densely planted and he said it gives the dimensions of the trees, it does not give the option for a fence. Chair Martindale said the fence is mentioned on the next page. Mr. Terry said he understands what Mr. King is saying, Mr. King said the fences are under the next section under Buffers / Screenings. Mr. King said it is talking about the parking and he thinks that is what they are talking about here, he read the buffer and screening section in part; *adequate buffer and screening of all commercial and business uses ... as appropriate, as part of its site plan review. Open storage areas, exposed machinery, and outdoor areas used for storage, .... Must be visually screened from roads and surrounding land uses.* He stated that is not what they are talking about with parking, he stated they go on to talk about suitable types of screening which is where they talk about fencing. He said from his quick review it reverts back to item #6 (Parking). Mr. King said that is not what the applicant wants to hear but that is what the book says, Mr. Mauran said he doesn't know what that means. Ms. Rippon-Butler stated the way she would interpret it is not that he has to go 6' and then plant a tree but the tree could be 2' off the property border and would need to take up 6' of space. She added it is the limit of where the front of the vehicle is to be 6' from the property line, Mr. Mauran stated they did mark it. Mr. King said they are saying within the strip, landscape it and put trees within the strip. Mr. Terry said that is what the book says but with the Dollar General it is the same thing residential and non-residential for some reason they were allowed a fence, he stated he just wants to make sure they are being fair to everybody. Mr. King asked if anybody has spoken to the neighbor to let him know he is likely going to lose some of his driveway. Mr. Terry stated he talks to him about once a week, and he said he told him he can attend this meeting because he is unhappy with how the Town is handling it, Mr. Terry said he told him he can come talk to this Board.

Ms. Eggleston asked what the neighbor was unhappy about, Mr. Mauran stated he wanted the parking lot fixed, so he put gravel down, because it was dusty and muddy. Ms. Eggleston stated it looks better than it has in the past. Mr. Terry stated the neighbor wanted to talk to Mr. Peck, Supervisor and he invited him to the Town Board meeting and this meeting. Ms. Eggleston stated she doesn't know what the neighbor wants to happen, the Clerk explained he complained about the gravel up to the property line, Ms. Eggleston stated his driveway is on somebody else's property. Mr. Mauran agreed. Mr. King stated unfortunately there is a property line, and they have regulations that clearly state you have to have a 6' buffer, that is how he is reading it. Mr. Mauran asked if they are telling him to do trees? Mr. King said in his opinion they should have him design what the buffer area will look like and they are going to have to go through a public hearing phase. Mr. Mauran asked what that means? Mr. Terry explained where the public comes in and comments. Mr. King said sometimes nobody comes and sometimes people come in and say they are concerned about this or that, it gives the public an opportunity to voice concerns. Discussion ensued on planting trees or building a fence.

Mr. King said he and Ms. Rippon-Butler were discussing it and the other question in the regulations is all of these commercial businesses in the hamlet district should follow these guidelines whenever feasible, so they wonders if it gives them the ability to change, he added it could be a question for Mr. Brennan. He added that they wonder if a fence in the middle of the 6' buffer zone, he said he heard some say they would rather see a fence and others would rather see trees. Ms. Black asked if they knew what the neighbor wants, Ms. Eggleston replied she thinks he wants more of a fence, because it is near his windows. Mr. Terry agreed for privacy. Mr. Mauran said he would like to ask is a church considered a business, Mr. King said it will still have to fall under the guidelines, it says uses and businesses. Mr. Terry said another question for Mr. Brennan is there is a section for existing substandard lots, the church is an existing substandard lot, because it should be an acre. So when lots are smaller than our standard regulation lots the setbacks shrink, he stated he did not know if that has anything to do with being able to

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shrink the buffer. Mr. King stated perhaps that will give them a little purview to adjust this, he suggested asking Mr. Brennan. Mr. Terry agreed and said as long as they are making progress he can talk to the neighbor and address other concerns he has about the curb cut, Mr. Terry said he has State DOT going to look at it, he is trying to cover everything and be a thorough as possible. Discussion ensued on the existing curb cut that is a State road.

Mr. Terry stated he has looked at the inside of the church and has told Mr. Mauran what he has to do for life safety issues, so it is the buffer they have to work on. Chair Martindale said when Mr. Mauran gets that taken care of they can move on to the public hearing but it wont happen next month. Chair Martindale asked if the buffer has to be approved by the Board prior to scheduling the public hearing. Ms. Eggleston stated he didn't know what he wants to do, Mr. King agreed they need a design to look at before they schedule a public hearing, the Board agreed. Ms. Eggleston stated the neighbor wants privacy, so he is going to prefer a fence over the trees.

It was determined Mr. Mauran will come back with a plan for a buffer / and / or fence. The Board will consult with Mr. Brennan for answers if the substandard lot pertains to the buffer zone.

Chair Martindale announced Ms. McGarrahan has resigned and stated she will be missed, she said she understands her decision due to conflicts but if Ms. McGarrahan would like to return to the Board, she would also support that.

Chair Martindale asked if there was any other business for the Board, none was noted.

Mr. King made a motion to adjourn the meeting at 8:09 pm,  
Ms. Eggleston 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Respectfully submitted,  
Tia Kilburn  
Planning Board Clerk