

Town of Glenburn  
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Planning Board Minutes  
Tuesday, October 10, 2023

**Public Hearing-**To hear testimony and receive public comment on a request from Timothy Gilpin for a Land Use Permit to convert a two-car garage attached to residence into a simulator golf business. The property is located at 3028 Broadway, Glenburn Tax Map 15/Lot 002.

1. ROLL CALL

Present were regular members Brenda Moody, Theresa Porter, Wayne McClay, and Ed Goodwin. Associate member Thomas Wolf was also present, and regular member Sharon Nason was absent.

2. Approval of the August 8, 2023 Planning Board Minutes

Wayne McClay motioned to approve the August 8, 2023 minutes as written. The motion was seconded by Theresa Porter and unanimously approved with a 5-0 vote.

3. [PB023-07] Timothy Gilpin request for a Land Use Permit to convert attached two-car garage into a simulator golf business. The property is located at 3028 Broadway, Glenburn Tax Map 15/Lot 002.

Brenda Moody stated that as per the definition of “home occupation” in the Land Use Ordinance, this is a home occupation.

The applicant stated that the hours of operation will be from 10 AM to 9 PM. They will be open seven days a week. The ordinance allows home occupations to be open no earlier than 7 AM and no later than 7 PM. Mr. Gilpin requested that the Board allow this business to stay open until 9 PM. Theresa Porter motioned to extend the hours for this home occupation to be between 7 AM and 9 PM. The motion was seconded by Ed Goodwin and unanimously approved with a 5-0 vote.

Applicant Tim Gilpin stated that there will be two golf simulators in the garage. One to four people per simulator can play at a time. It takes one hour for one person to play 18 holes of golf using the simulator. If four people are playing, it takes four hours for a game of 18 holes. The fee is \$30.00 per hour. Each simulator will have a hit mat on a large screen that projects golf courses and practice ranges. Players are provided golf clubs and balls to use with the simulator.

Brenda Moody asked if the garage was finished. Does it have sheetrock, wiring, etc.? Mr. Gilpin stated that there are some things to get done but not too much. It is insulated in plastic, and it is wired. There is no sheet rock. The lighting is fluorescent, and it is heated with space heaters. Brenda Moody stated that this is a business and fire code must be followed and fire suppressant is required. The applicants live in the attached home. Mrs. Porter asked what the dimensions for each simulator are and what is the head clearance for a swinging golf club? Mr. Gilpin stated that the ceiling is

approximately 15 feet tall and a 6-foot head clearance fits comfortably. The garage is 10-feet wide and 20-feet long for each simulator.

CEO Mike Falvey stated that the ordinance does not have a specific category for a simulator golf course/driving range. This application has been classified as a home occupation, and if people working there are residents of the household, they are not considered employees. It is a retail establishment within the rural/commercial district. With the general public coming in, a fire extinguisher may be required and exit signs may be needed. The fire chief will need to do an inspection to see what is needed. Also, is there a bathroom facility available without entering the house? Mr. Gilpin stated that there is an assessable bathroom. When the commercial kitchen was built, a bathroom was also added. Route 15 is a State road and a DOT permit is required. Mr. Gilpin stated that there are two road entrances; however, one is blocked with cinder blocks and is not used. Mr. Gilpin will provide the town with a DOT driveway permit. The septic system is a 4-bedroom design replacement system.

Mr. McClay questioned the parking and whether or not 8 to 10 cars can park in the yard. Mr. Gilpin stated that 8 to 10 cars can be parked there easily. An ADA parking space will be in front of the garage. Debbie Rogers stated that the ordinance specifies the maximum dimensions for a sign is two-foot square. Mr. Gilpin wrote on his checklist as having a sign being 2-feet wide and 2-feet tall on 8-foot tall posts. The sign must be 60 feet from the edge of the pavement.

Mrs. Rogers asked if there is an entrance to the garage other than through the large garage doors, and Mr. Gilpin stated that there is a front door that goes through the kitchen to the back door to the garage. There are four stairs going up to the front door and then back down four stairs to enter the garage. The back door is ADA compliant because it is accessible without stairs.

The applicant's checklist mentioned a possible beer and wine license later this year. Does this mean selling it to take home or to serve it at the establishment? The applicant stated that they may possibly serve beer and wine on the premises, and Mr. Falvey stated that they will need a State license to do so.

Theresa Porter motioned to classify this application as a home occupation of operating a family entertainment center. The motion was seconded by Ed Goodwin and unanimously approved with a 5-0 vote.

The Board discussed the applicable Land Use Standards from Section V., Land Use Standards of the Glenburn Land Use Ordinance. Ed Goodwin motioned that all applicable Land Use Standards from the Land Use Ordinance, Section V. have been satisfied. The motion was seconded by Wayne McClay and unanimously approved with a 5-0 vote.

Ed Goodwin motioned to accept this application as complete. The motion was seconded by Theresa Porter and unanimously approved with a 5-0 vote.

Brenda Moody read the following criteria for positive findings:

1. Is a permitted use in the district in which it is proposed to be located;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Ed Goodwin and unanimously approved with a 5-0 vote.

2. Is in conformance with the applicable performance standards of Section V of this ordinance;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

3. Will not result in unsafe or unhealthful conditions;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

4. Will not result in undue land, water or air pollution;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

5. Will not result in undue erosion or sedimentation;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

6. Will avoid problems associated with development in flood hazard areas;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

7. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

8. Will conserve significant natural, archaeological and historical resources;

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

9. Will not adversely impact public infrastructure; and

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

10. Be consistent with the long-range goals of the Comprehensive Plan, other adopted plans of the town, and the goals and purposes of the established districts.

Positive Finding

Motioned for approval by Theresa Porter, seconded by Wayne McClay and unanimously approved with a 5-0 vote.

Theresa Porter motioned to grant a Land Use Permit for a home occupation of operating a family entertainment center with the conditions as listed below. The motion was seconded by Wayne McClay and unanimously approved with a 5-0 vote.

Conditions:

- (1) Life Safety Codes
- (2) Fire Chief Inspection
- (3) Bathroom Facility
- (4) Handicap Parking
- (5) DOT Permit

PLANNING BOARD ITEMS

There were no Planning Board items.

CEO ITEMS

There were no CEO items.

ADJOURNMENT

Theresa Porter motioned to adjourn. The motion was seconded by Wayne McClay and unanimously approved with a 5-0 vote, and the October 10, 2023 Planning Board Meeting was closed at 7:43 PM.