



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
January 3, 2024

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Tyler Hutchison, Brian Lanoie, and George Theborge (Town Planner).

Guest(s): Alan Plummer (Code Enforcement Officer), Jess Costa (Chair, Conservation Commission) and Michael Friendly (Conservation Commission Member).

Absent: Anne Torregrossa

2. Annual Election of Chairman and Vice Chairman

Allan Purinton moved to nominate John Talbot as Chairperson. **Brian Lanoie** seconded the motion. John Talbot abstained; vote carried **4 – 0 – 1 abstention**.

John Talbot moved to nominate Juliet Caplinger as Vice Chairperson. **Allan Purinton** seconded the motion. Motion carried 5 – 0.

3. Amendments to the Agenda

4. Acceptance of the Minutes of prior meeting (December 6, 2023)

Allan Purinton moved to accept the December 6th, 2023 meeting minutes, **Juliet Caplinger** seconded, motion carried **5 – 0**.

5. Informational Exchange on Non-Agenda Items:

a.) Town Officials:

George Theborge

- Code Enforcement Officer's report for the end of the year indicated there were 20 new single-family housing starts in the 2023 calendar year.
- Met with the Town Manager, Code Officer, John Talbot and the consultant proposing the digital codification of the Land Use Ordinance and all the ordinances of the Town. This will create a digital code parallel to the tax maps that we digitized a couple of years ago.
- Language Scrub and Legal Scrub – the digital codification will help to flag everything that is not consistent with state law, scrubbing the language, showing simple wording changes to get consistency.

b.) Residents

- Nate Ledger – Expressed dissatisfaction that the Planning Board had not given him full opportunity to speak and ask questions at the Public Informational Meeting on housing policy in November 2023.

c.) Non-residents – None

6. New Business: No new or continuing applications

7. Other Business:

a.) Board Review of Draft Land Use Ordinance Amendments for Housing Diversity & Density (Public comment will not be taken)

- On November 15, the Planning Board conducted a public information meeting on the draft housing density amendments.
- On December 6, the Planning Board voted to proceed with the proposed draft of amendments to implement recommendations of the Comprehensive Plan for housing diversity and comply with State requirements for housing density.
- Based on public input, the Board approved a change to clarify the density provisions as they apply to nonconforming lots.
- The draft warrant article for Part 1 of the Land Use Ordinance amendments were included in the packet along with the final draft of amendments.
- Board members reviewed the drafts for accuracy and the wording of summaries and explanations to ensure objectivity.
- No further action on the draft amendments was taken.

b.) Board Review & Discussion of Draft Land Use Ordinance Amendments for Solar Energy Systems (Public comment will not be taken)

- In June of 2023, the Planning Board delegated to the Conservation Commission the task of preparing amendments to address solar energy systems.
- On December 7, the Conservation Commission conducted a public information meeting on the draft solar energy systems amendments.
- On December 20, the Commission voted to proceed with the proposed draft amendments to add provisions to classify solar energy systems, adopt submission requirements, and establish performance standards to address potential impacts.
- Based on public input, the Commission voted to change the threshold for “medium scale” systems from 2000 sq. ft. of surface area to 8000 sq. ft.
- Large-scale systems (> 20,000 sq. ft./half-acre) go through both conditional use review and site plan review, while medium-scale (8000 sq. ft. to 20,000 sq. ft.) projects only need site plan approval.
- Small-scale systems (<8000 sq. ft.) are intended to serve individual homes, subdivisions, and businesses and will be reviewed by the Code Officer for compliance with building and electrical codes.

- Medium-scale systems are intended for connection and generation for the electrical grid and will be reviewed by the Planning Board for safety, visual impacts, and decommissioning plans.
- Large-scale systems are also intended for commercial generation of electricity and will have an additional conditional use review to determine if the proposed size and intensity of the project is compatible with surrounding uses.

Jess Costa and Michael Friendly - Conservation Commission

- The process of developing the draft ordinance was approximately six (6) months, where we did some initial research and reviewed other ordinances from other towns in Maine.
- Reviewed the Maine Audubon Guidance for the best practices for Solar Development.
- Met with representatives from the Topsham Conservation Commission and the Topsham Energy Commission to learn about their experience developing the Topsham Solar Ordinance.
- The Commission discussed other issues that they decided to table until the following year:
 - Mitigation fee - based on, if large solar arrays are put on land that has conservation issues.
 - Encourage solar arrays not to be put on prime farmland.
- The Planning Board reviewed and discussed the draft ordinance for solar energy and made some updates to the draft.

John Talbot moved to change the definition of solar energy system surface area to be the total surface area of all solar energy panels. **Allan Purinton seconded** for discussion. Motion carried **4 – 1**.

John Talbot moved that paragraph 11 will say, all noise generating equipment must be at least 400 feet from any residence within a 400-foot radius indicator from the noise generating equipment shown on the site plan. **Juliet Caplinger seconded**. Motion carried **5 – 0**.

Tyler Hutchison moved to change the definition of solar energy system roof mounted or building integrated to remove “toward the south at an optimal angle” from the first sentence. **Allan Purinton seconded**. Motion carried **5 – 0**.

Juliet Caplinger moved to change C1 to say all solar equipment shall be placed at least 100 feet from any property line. **Tyler Hutchison seconded**. Motion carried **5 – 0**.

John Talbot moved to add under line 44 of land uses in Column RRA add an ampersand and site plan review (SPR) and on the table define SPR means Planning Board Site Plan Review. **Tyler Hutchison seconded**. Motion carried **5 – 0**.

John Talbot moved to recommend to the Select Board to approve the solar draft amendment as presented with the Planning Board changes for consideration at the April Town Meeting. Tyler Hutchison seconded. Motion carried **5 – 0**.

c.) Board Review & Discussion of Draft Land Use Ordinance Amendments for Codification of New Fees (Public comment will be taken)

- In April of 2022, voters approved delegation of authority for setting fee to the Select Board.
- The Town Attorney has advised that enactment of new fees must still be approved by the Town Meeting before the Select Board can set the fee for that service.
- The draft amendments will list all fees in Article 18 for which fees can be collected and add the following new fees to those previously approved by the voters at Town Meeting:
 - Occupancy permits
 - After the fact permits
 - Subdivision sketch plan
 - Amended subdivision
 - Shoreland zoning permits
 - Solar energy systems
 - Entrance/driveway permits
 - E-911 addressing permits
- The Board discussed whether the fees should be contained in a single list in Article 18 or scattered throughout the Ordinance in the applicable individual articles and sections.

Allan Purinton moved that the Planning Board accept 18.4 permit application submission requirements as presented. **Juliet Caplinger seconded**. Motion carried **5 – 0**.

8. Adjourn

Tyler Hutchison moved to adjourn the meeting. **Brian Lanoie seconded**, motion carried **5 – 0**. Meeting adjourned at 8:49 pm.