

**DURHAM PLANNING BOARD**  
**REGULAR MEETING AGENDA**  
**Eureka Community Center, 606 Hallowell Rd., 6:30 p.m.**  
**Wednesday, February 15, 2023**

***NOTE: No public comment will be taken on individual applications at the meeting unless the Board schedules a formal public hearing with required notice posted. Comments on applications can be submitted in writing to the Town Planner and will be forwarded to the Planning Board and the applicants.***

1. Roll Call & Determination of a Quorum
2. Amendments to the Agenda
3. Acceptance of the Minutes of Prior Meetings (None to Accept)
4. Informational Exchange on Non-Agenda Items:
  - a) Town Officials
  - b) Residents (Public comment will be taken)
  - c) Non-Residents (Public comment will be taken)
5. Continuing Business
  - a) Review of draft State rules for implementation of LD 2003 on affordable housing requirements (Public comment will not be taken)
6. Other Business:
  - a) Public Hearing on Draft Land Use Ordinance Amendments (Public comment will be taken)
  - b) Planning Board discussion of changes to Draft Land Use Ordinance Amendments (Public comment will not be taken)

- **Continuing Business**

- a) **Review of draft State rules for implementation of LD 2003 on affordable housing requirements (Public comment will not be taken)**

- In April of last year, the Maine Legislature passed a law requiring all municipalities to change their zoning to allow multiple housing units on individual lots.
- That law goes into effect on July 1 of 2023.
- In June of 2022, the Planning Board voted to address this issue as one of the topics for draft amendments to the Land Use Ordinance.
- The 2018 Comprehensive Plan, adopted unanimously by Durham voters in April of 2019, has housing recommendations very much in line with the new law.
- The Maine Department of Economic and Community Development, working with the State Attorney General, has just released draft rules of interpretation of the new law (19-100, Chapter 5).
- This rule gives the Attorney General's interpretation of how the statute adopted by the Legislature is to be interpreted and applied by municipalities.
- The packet contains a version of the draft rule with provisions that relate to or affect Durham's draft ordinance amendments highlighted in yellow or green.
- 19-100, Chapter 5, Section 3.B.1.b) indicates that for vacant lots, the two required dwelling units could be a duplex, two single-family homes, or a single-family home with an accessory apartment.
- Part 2A of the draft amendments would allow a single-family home with two accessory apartments or a duplex with one accessory apartment. It would not allow two single family homes on the same lot.
- Part 2B would allow only two dwelling units on a vacant lot, but would follow the draft State rule and allow two single family homes.
- 19-100, Chapter 5, Section 3.B.1.c) indicates that if a lot has one dwelling unit, two additional dwellings must be allowed and could be attached to the existing structure, detached from that structure, or one of each.
- Part 2A of the draft amendments would allow the same three dwelling units, but allowable configurations would be limited to a single-family home with two accessory apartments or a duplex with one accessory apartment. A duplex could not be built on the same lot with an existing single-family dwelling, nor could two single-family homes be built with one having an accessory apartment.
- Part 2B of the draft amendments would follow the State rule.
- 19-100, Chapter 5, Section 3.B.1.d) ( green highlight) indicates that if a developed lot has two existing dwelling units, a third could not be added unless the municipality allows it. This interpretive rule treats lots with an existing accessory apartment or a duplex the same as a vacant lot and is a significant change from prior State guidance.
- Part 2A would be less restrictive than this interpretive rule.
- Part 2B would follow the rule.
- 19-100, Chapter 5, Section 3.B.1.e) states that a municipality can allow more units

than required by the State under the new law.

- Part 2A allows more units than Augusta requires, but controls housing configurations to maintain neighborhood character.
- Part 2B follows the State rule and has no provisions for controlling configurations.
- 19-100, Chapter 5, Section 3.B.2.b) addresses situations where a lot becomes vacant through demolition of existing structures and allows the municipality to “grandfather” it as a developed lot.
- 19-100, Chapter 5, Section 3.B.3. clarifies that municipalities may not impose larger dimensional requirements for the added units except that a lot area per dwelling unit can be applied.
- Part 2A and Part 2B would be consistent with this part of the draft rule.
- 19-100, Chapter 5, Section 4.B.1. requires municipalities to allow accessory apartments in the same configurations as stated above.
- 19-100, Chapter 5, Section 4.B.3.a) indicates that a municipality may not apply a lot area requirement to an accessory apartment.
- Parts 2A and 2B are consistent with this part of the draft rule.
- 19-100, Chapter 5, Section 4.B.3.b) and c) requires municipalities to be no more restrictive on dimensional requirements for accessory apartments than single-family dwellings but allows being less restrictive.
- Parts 2A and 2B are consistent with this part of the draft rule.
- 19-100, Chapter 5, Section 4.B.3.d) requires municipalities to allow accessory apartments on nonconforming lots of record.
- There are no restrictions on accessory apartments affected by existing zoning or proposed Parts 2A or 2B.
- 19-100, Chapter 5, Section 4.B.3.e) does not allow municipalities to require extra parking for accessory dwelling units.
- There are no requirements for accessory apartment parking affected by existing zoning or proposed Parts 2A or 2B.
- 19-100, Chapter 5, Section 4.B.4.b) allows municipalities to limit the size of accessory apartments.
- Existing zoning and Parts 2A and 2B limit the size of accessory apartments to 50 percent of the main dwelling unit floor area.
- The Town Planner has requested an advisory opinion from the State agencies on consistency of Part 2A with the State requirements.
- The Planning Board may want to request a review by the Town Attorney.

**19-100 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT****Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE**

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**Summary:** This Chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

**Note:** This Chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

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**SECTION 1. PURPOSE AND DEFINITIONS****A. PURPOSE**

1. This Chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted. Municipalities must adopt ordinances that are consistent with and no more restrictive than the requirements of P.L. 2021, ch. 672, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B, and this Chapter.
2. These rules do not:
  - a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
  - b) Exempt a subdivider from the requirements in Title 30-A, Chapter 187, subchapter 4;
  - c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38, Chapter 3 and municipal shoreland zoning ordinances; or
  - d) Abrogate or annul minimum lot size requirements under Title 12, Chapter 423-A.

**B. DEFINITIONS**

All terms used but not defined in this Chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the Maine Revised Statutes, as amended. Municipalities must adopt definitions that are consistent with and no more restrictive, than the definitions outlined below. The following terms shall have the definitions hereinafter set forth:

**Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

**Affordable housing development.** "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, "majority" means more than half.
4. For purposes of this definition, "housing costs" means:
  - a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**Area median income.** "Area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

**Attached.** "Attached" means connected by a shared wall to the principal structure.

**Base density.** "Base density" means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance.

**Certificate of occupancy.** "Certificate of occupancy" means the municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

**Comprehensive plan.** "Comprehensive plan" means a document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A, Chapter 187, Subchapter II.

**Density requirements.** "Density requirements" mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

**Designated growth area.** "Designated growth area" means an area that is designated in a municipality's or multimunicipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

**Dimensional requirements.** "Dimensional requirements" mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

**Dwelling unit.** "Dwelling unit" means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

**Land use ordinance.** "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

**Lot.** "Lot" means a single parcel of developed or undeveloped land described in a deed or other legal instrument.

**Multifamily dwelling.** "Multifamily dwelling" means a building containing three (3) or more dwelling units.

**Potable.** "Potable" means safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

**Principal structure.** "Principal structure" means a building or structure in which the main or primary use of the structure is conducted.

**Restrictive covenant.** "Restrictive covenant" means a provision in a deed restricting the use of the land.

**Setback requirements.** "Setback requirements" mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure.

**Single-family dwelling unit.** "Single-family dwelling unit" means a building containing one (1) dwelling unit.

**Structure.** "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. § 436-A(12).

**Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

## SECTION 2. AFFORDABLE HOUSING DENSITY

## SECTION 3. DWELLING UNIT ALLOWANCE

### A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where housing is allowed beginning on July 1, 2023, subject to the requirements below.

### B. REQUIREMENTS

#### 1. Dwelling Unit Allowance

- a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. ch. 423-A, and is:
  - i. Located within a designated growth area consistent with 30-A M.R.S. § 4349 A(1)(A)-(B); or
  - ii. Served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.
- b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. ch. 4230-A (minimum lot size law) are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.

- c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units. The additional dwelling unit(s) may be:
  - i. Within the existing structure or attached to the existing structure;
  - ii. Detached from the existing structure; or
  - iii. One of each.
- d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.
- e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

## 2. Zoning

With respect to dwelling units allowed under this Section, municipal zoning ordinances must comply with the following:

- a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section or Section 4, the lot is not eligible for any additional increases in density requirements except as allowed by the municipality.
- b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023, is torn down and an empty lot results.

## 3. Dimensional and Setback Requirements

- a) A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements or setback requirements for single-family housing units.
- b) A municipality may establish requirements for a lot area per dwelling unit as long as the additional dwelling units do not require more land area per unit than the first unit.

## 4. Water and Wastewater

- a) The municipality must require an owner of a housing structure to provide written verification that each structure is connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
  - i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules.

- iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

## C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

1. Establish an application and permitting process for dwelling units;
2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and
3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. § 4353(4)(A), (B), or (C).

## SECTION 4. ACCESSORY DWELLING UNITS

### A. GENERAL

A municipality must allow, effective July 1, 2023, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements outlined below.

### B. REQUIREMENTS

#### 1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;
- b) Attached to or sharing a wall with a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

#### 2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

- (a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and
- (b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section or Section 3, the lot is not eligible for any additional increases in density, except as allowed by the municipality.

#### 3. Other



With respect to accessory dwelling units, municipalities must comply with the following conditions:

- a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;
- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;
  - i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements apply.
- c) A municipality may establish more permissive dimensional requirements for an accessory dwelling unit.
- d) An accessory dwelling unit must be allowed on a lot regardless of whether the lot conforms to existing dimensional requirements of the municipality. Any new structure constructed on the lot to be an accessory dwelling unit must meet the existing dimensional requirements as required by the municipality for an accessory structure.
- e) An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

#### 4. Size

- a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies.
- b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

#### 5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that each unit of the accessory dwelling unit is connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. § 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. ch. 241, Subsurface Wastewater Disposal Rules;
- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

- d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

### **C. MUNICIPAL IMPLEMENTATION**

In adopting an ordinance under this Section, a municipality may:

1. Establish an application and permitting process for accessory dwelling units;
2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. § 4353(4)(A), (B), or (C).

### **D. RATE OF GROWTH ORDINANCE**

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. § 4360.

**STATUTORY AUTHORITY:** P.L. 2021, ch. 672 codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

**EFFECTIVE DATE:**

## 6. Other Business:

### a) **Public Hearing on Draft Land Use Ordinance Amendments (Public comment will be taken)**

- The Conservation Commission conducted a public informational workshop on the draft changes to the Resource Protection District criteria and Zoning Map in early December of 2022.
- 480 post cards were sent to individual landowners alerting them to the proposed changes that could affect their property.
- The Town Planner provided detailed analysis of 20 properties requested by landowners after that workshop.
- The draft amendments for Parts 1A and 1B, the Resource Protection District changes have been posted on the Town website since early December.
- The Planning Board conducted a public informational workshop on draft amendments dealing with the new affordable housing law in early October.
- The Planning Board conducted an on-line survey on three options for responding to the new State housing law running from early November to the end of January.
- 216 responses to the survey were tabulated with a fairly even split between respondents wanting the Town to be more restrictive and those wanting less restrictions on housing opportunities.
- For those favoring being less restrictive, they were again nearly even on whether to follow the Comprehensive Plan recommendations or just adopt language from State law into the Ordinance.
- The draft amendments in Part 2A Part 2B were presented at that public informational workshop in October and have been discussed at multiple Planning Board meetings since that time.
- Part 3 of the draft amendments was requested by the Select Board to clarify the process for public acceptance of roads for Town maintenance.
- The Planning Board Chairman presented the Select Board with a packet containing draft warrant articles and Land Use Ordinance amendments on January 11.
- The Select Board has asked the Planning Board to conduct two public hearings on the draft Land Use Ordinance amendments.
- The purpose of this first public hearing is to provide additional opportunity for citizens to provide input before the final drafts are considered by the Select Board.
- The Planning Board will consider the public input taken and decide whether to recommend additional changes to the Select Board.
- On February 28, the Select Board will vote on the draft warrant articles and Land Use Ordinance amendments.
- After that date, no changes will be made except for corrections of typographical errors.
- The Planning Board will conduct a second public hearing in advance of the April 1 Town Meeting to present the draft amendments and answer questions in advance of the Town Meeting (date to be determined).



*TOWN OF DURHAM*  
**630 Hallowell Road**  
**Durham, Maine 04222**

*Office of Code Enforcement  
and Planning*

**Tel. (207) 353-2561**  
**Fax: (207) 353-5367**

**Memo To:** John Talbot, Chairman Durham Planning Board

**From:** George Theborge, Durham Town Planner

**Date:** 01-10-2023

**Re:** 2023 Ordinance Warrant Articles & Draft Amendments

During the fall of 2023, the Planning Board and Conservation Commission did extensive public outreach on proposed land use policy change in the areas of resource protection zoning and affordable housing. In addition to public information meetings, a mailing was done to all landowners potentially affected by proposed changes to resource protection zoning. An on-line survey was done to solicit citizen input on possible responses to the new State Housing law. Based on its research and review of the public input, the Planning Board has worked closely with the Conservation Commission and Town Planner to put together a set of draft warrant articles and Land Use Ordinance amendments to carry forward the Planning Board recommendations.

#### **ARTICLE 1A – IMPLEMENT COMPREHENSIVE PLAN RECOMMENDATIONS FOR RESOURCE PROTECTION**

- Article 1A will fully implement recommendations of the 2018 Comprehensive Plan to align the Resource Protection District with the latest and most accurate State data on Durham's natural resources.
- Article 1A will apply the criteria equally to all property in Durham meeting any of the six criteria of:
  1. Floodplains;
  2. Areas subject to mandatory shoreland zoning;
  3. Land within 100 feet of a perennial stream;
  4. Wetlands of 10 or more acres;
  5. Habitat for waterfowl and wading birds; and,
  6. Areas where there is a concentration of multiple natural resources (Beginning with Habitat 6+ rating)
- Article 1A will add new properties that meet the proposed criteria to the Resource Protection District.
- Article 1A will also remove properties that do not meet the criteria from the District.

**ARTICLE 1B – ADOPT CLEAR RP CRITERIA AND CORRECT MAPPING ERRORS (ALTERNATIVE)**

- Article 1B will apply same the Comprehensive Plan resource criteria, but only to land currently within the Resource Protection District boundaries.
- Land not meeting any of the six criteria will be changed to Rural Residential and Agricultural District.
- If Article 1A passes, Article 1B will be unnecessary.
- If Article 1A fails, Article 1B will provide relief to landowners who have Resource Protection restrictions based on inaccurate floodplain mapping.

**ARTICLE 2A – COMPREHENSIVE PLAN RESPONSE TO STATE AFFORDABLE HOUSING LAW**

- Article 2A will implement recommendations of the Comprehensive Plan for increasing housing opportunities for Durham residents and workers.
- Under the draft amendments, owners of single-family homes will be allowed to add a second accessory apartment on their property.
- Owners of duplexes will be allowed to add one accessory apartment.
- A maximum of three dwelling units will be allowed on any 2-acre lot.
- Article 2A will treat all landowners equally.
- Limiting the size of the added housing units required by the new State affordable housing law will help the units fit into the character of existing neighborhoods.
- Limiting the size of the added units will also help reduce the potential impacts on taxes.

**ARTICLE 2B – MINIMUM RESPONSE TO STATE AFFORDABLE HOUSING LAW (ALTERNATIVE)**

- Article 2B is recommended for consideration if Article 2B fails.
- Article 2B will simply add language from the new State law to the Durham Ordinance to bring the Town into compliance with the law.
- This will avoid confusion over whether landowners and the Code Officer are to follow our Ordinance or the new State law (the Town Attorney has advised we must follow State law).
- Under the draft amendments, owners of single-family homes will be allowed to add an accessory apartment and a separate single-family home on their property.
- Owners of duplexes will be allowed to add a single-family home to the same lot or expand to a triplex.
- Owners of developed lots will be allowed up to three housing units.
- Owners of vacant land will only be allowed to have two housing units.

**ARTICLE 3 – ROAD ACCEPTANCE POLICY**

- Proposed amendments to the Town's road policies at the 2022 Town Meeting pointed to the need to clarify the road acceptance policy.

- Private roads can only be added for public maintenance by a Town Meeting vote.
- Language to that effect will be added to the sections for back lots (Sec. 5.7) and roads (Sec. 5.23).

**2023 ORDINANCE**  
**WARRANT ARTICLES**

- Article X** To see if the Town will vote to enact amendments to the Land Use Ordinance and Zoning Map as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 1A – DRAFT AMENDMENTS TO APPLY RESOURCE PROTECTION CRITERIA PER 2018 COMPREHENSIVE PLAN RECOMMENDATIONS (Article 2 and the Official Zoning Map)" to revise the Resource Protection District criteria and boundary to follow recommendations of the 2018 Comprehensive Plan for protection of natural resources and to correct mapping errors based on inaccurate floodplain data.  
**Copies are available at the Town Office or online at [www.durhamme.com](http://www.durhamme.com).**  
**o Yes o No**
- Article X** To see if the Town will vote to enact amendments to the Land Use Ordinance and Zoning Map as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 1B – DRAFT AMENDMENTS TO THE RESOURCE PROTECTION DISTRICT TO ESTABLISH CLEAR CRITERIA AND TO CORRECT MAPPING ERRORS (Article 2 and the Official Zoning Map)" to revise the Resource Protection District criteria and boundary to establish clear criteria for inclusion of property and to correct mapping errors based on inaccurate floodplain data.  
**Copies are available at the Town Office or online at [www.durhamme.com](http://www.durhamme.com).**  
**o Yes o No**
- Article X** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 2A – DRAFT AMENDMENTS TO IMPLEMENT 2018 COMPREHENSIVE PLAN RECOMMENDATIONS TO ADDRESS HOUSING NEEDS AND TO COMPLY WITH THE NEW STATE AFFORDABLE HOUSING LAW (Articles 4 and 5)" to provide more diverse housing opportunities and to comply with a new State law on affordable housing.  
**Copies are available at the Town Office or online at [www.durhamme.com](http://www.durhamme.com).**  
**o Yes o No**
- Article X** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 2B – DRAFT AMENDMENTS TO COMPLY WITH THE NEW STATE AFFORDABLE HOUSING LAW (Articles 4 and 5)" to comply with a new State law on affordable housing.  
**Copies are available at the Town Office or online at [www.durhamme.com](http://www.durhamme.com).**  
**o Yes o No**
- Article X** To see if the Town will vote to enact amendments to the Land Use Ordinance as set forth in the document "Town of Durham, Land Use Ordinance as Adopted at Town Meeting, April 2, 2022, Proposed Revisions for Town Meeting, April 1, 2023, PART 3 – DRAFT AMENDMENTS TO CLARIFY THE PROCESS FOR TOWN ACCEPTANCE OF ROADS (Article 5)" to clarify that acceptance of any road for public maintenance requires Town Meeting approval.  
**Copies are available at the Town Office or online at [www.durhamme.com](http://www.durhamme.com).**  
**o Yes o No**

# Town of Durham Land Use Ordinance

As Adopted at Town Meeting  
April 2, 2022

*Proposed Revisions  
For Town Meeting  
April 1, 2023*

## ***PART 1A – DRAFT AMENDMENTS TO APPLY RESOURCE PROTECTION CRITERIA PER 2018 COMPREHENSIVE PLAN RECOMMENDATIONS (Article 2 and The Official Zoning Map)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.



Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022

## ARTICLE 2: ESTABLISHMENT OF DISTRICTS

### Section 2.1. ZONING MAP

### Section 2.2. ZONING DISTRICTS

### Section 2.3. DISTRICT BOUNDARIES

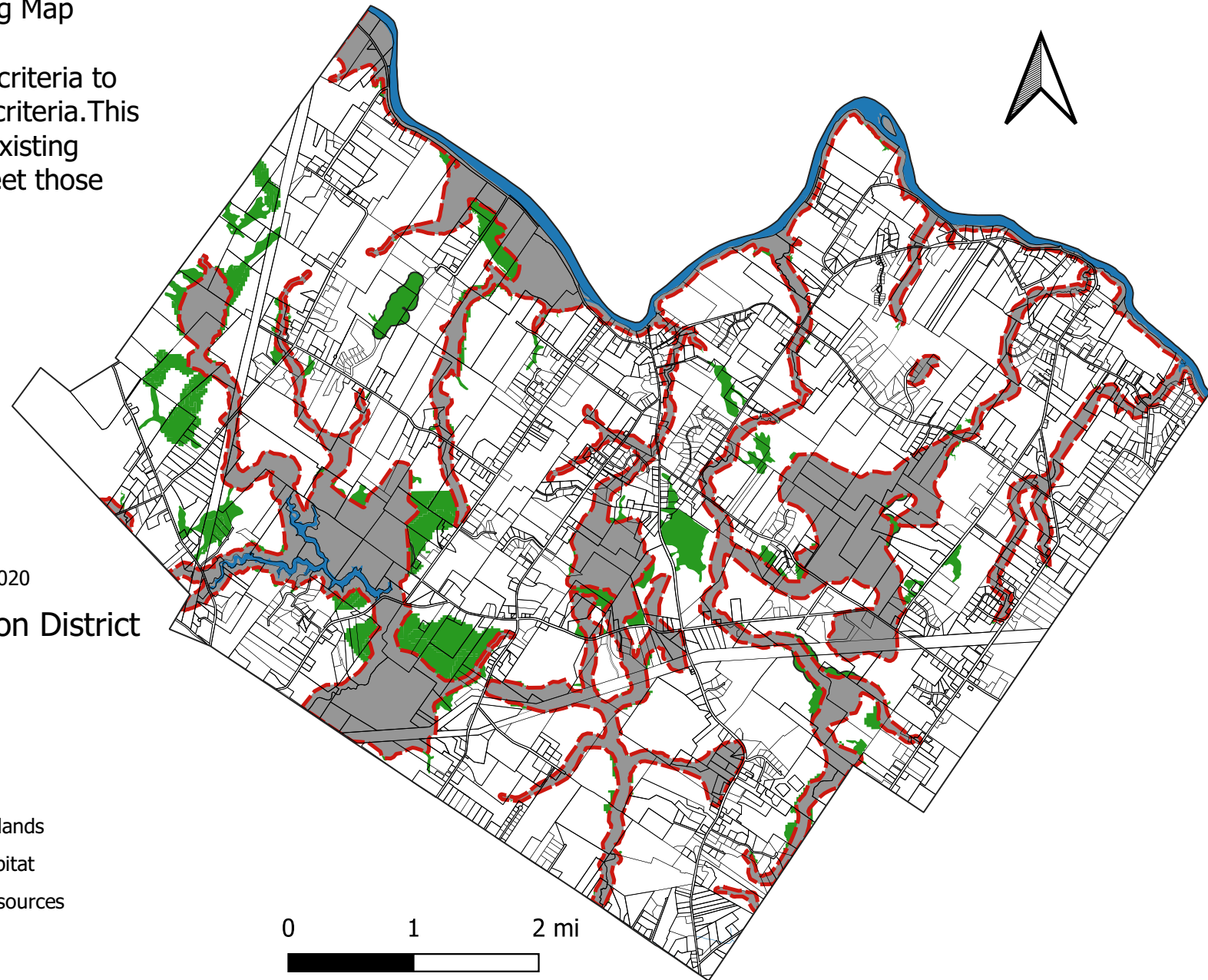
#### A. Division of Lots by District Boundaries

#### B. District Boundaries are defined as follows:

1. **Rural Residential & Agricultural District** is defined as that area not in the Resource Protection District as shown on the Official Zoning Map.
2. **Resource Protection District** boundaries shall be those ~~defined~~ designated on the Official Zoning Map of the Town for Resource Protection as meeting the following Comprehensive Plan criteria:
  - a. 100-year floodplains as determined by the most recent FEMA flood mapping study;
  - b. Areas subject to State mandatory shoreland zoning with the exception of areas designated as Limited Residential Shoreland Zoning (LRSZ);
  - c. Land within one hundred (100') feet of a perennial stream designated on the Zoning Map;
  - d. Land within a forested or emergent wetland that extends for an area of ten (10) or more acres as determined by Primary Map 1, Water Resources & Riparian Habitats, Durham produced by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat program (January 2018) and designated on the Zoning Map;
  - e. Land within two hundred and fifty (250') of an emergent wetland designated by the Maine Department of Inland Fisheries and Wildlife as being of moderate to high value for waterfowl and wading bird habitat and designated on the Zoning Map; and/or,
  - f. Land designated as having multiple natural resources as determined by Supplementary Map Natural Resource Co-occurrence, Durham (January 2018) with a rating of six (6) or more attribute values and designated on the Zoning Map.

*Note: The current Zoning Map boundaries of the Resource Protection District are based on outdated and inaccurate natural resource inventories and unfairly restrict land use within those boundaries. This amendment clearly spells out the specific comprehensive plan criteria for natural resources that warrant the level of protection provided in this designation. The Resource Protection District will be revised to include all property in Durham meeting any of the six comprehensive plan natural resource criteria.*

The draft amendments to the Zoning Map apply the 2018 Comprehensive Plan recommended Resource Protection criteria to all areas of Durham meeting those criteria. This map depicts the areas outside the existing Resource Protection District that meet those criteria and will be added.

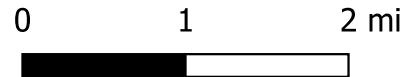


**LEGEND**

Existing Resource Protection District 2020

**Proposed Resource Protection District**

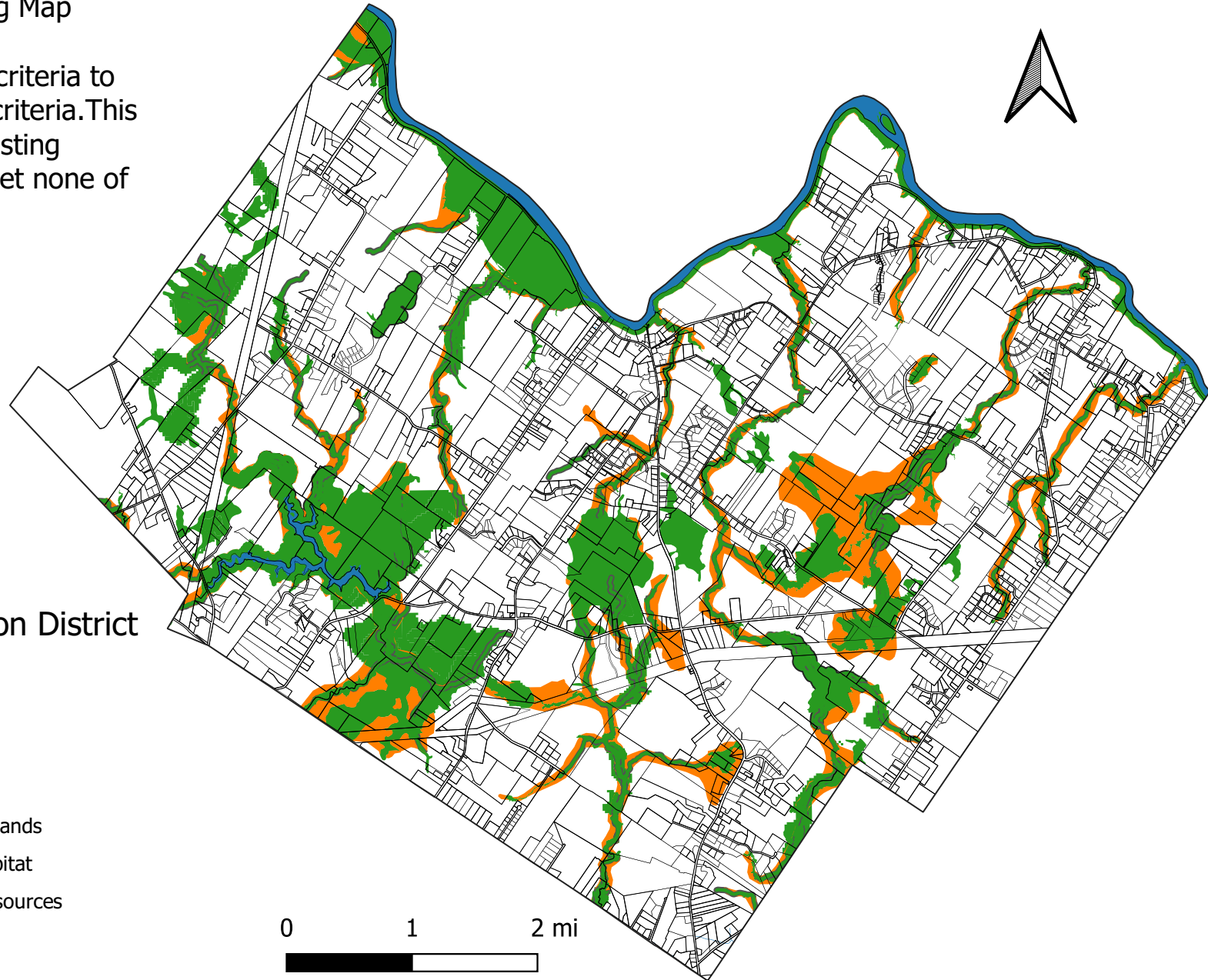
- 100 Year Floodplains
- Androscoggin River Shoreland Zone
- Runaround Pond Shoreland Zone
- 100-Ft Stream Buffer
- Beginning with Habitat 10-Acre + Wetlands
- Inland Waterfowl and Wading Bird Habitat
- Beginning with Habitat 6+ Multiple Resources



This map is for informational purposes only. Depictions are based on the best readily available mapping inventories. Specific boundaries of land features and property boundaries require field verification.

Draft January 2023

The draft amendments to the Zoning Map apply the 2018 Comprehensive Plan recommended Resource Protection criteria to all areas of Durham meeting those criteria. This map depicts the areas within the existing Resource Protection District that meet none of those criteria and will be removed.

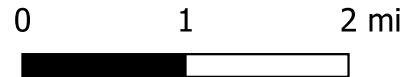


### LEGEND

Orange Areas Removed RP

### Proposed Resource Protection District

- Green 100 Year Floodplains
- Green Androscoggin River Shoreland Zone
- Green Runaround Pond Shoreland Zone
- Green 100-Ft Stream Buffer
- Green Beginning with Habitat 10-Acre + Wetlands
- Green Inland Waterfowl and Wading Bird Habitat
- Green Beginning with Habitat 6+ Multiple Resources



This map is for informational purposes only. Depictions are based on the best readily available mapping inventories. Specific boundaries of land features and property boundaries require field verification.



# Town of Durham Land Use Ordinance

As Adopted at Town Meeting  
April 2, 2022

*Proposed Revisions  
For Town Meeting  
April 1, 2023*

***PART 1B – DRAFT AMENDMENTS TO  
THE RESOURCE PROTECTION  
DISTRICT  
TO ESTABLISH CLEAR CRITERIA  
AND TO CORRECT MAPPING ERRORS  
(Article 2 & The Official Zoning Map)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022

## ARTICLE 2: ESTABLISHMENT OF DISTRICTS

### Section 2.1. ZONING MAP

### Section 2.2. ZONING DISTRICTS

### Section 2.3. DISTRICT BOUNDARIES

#### A. Division of Lots by District Boundaries

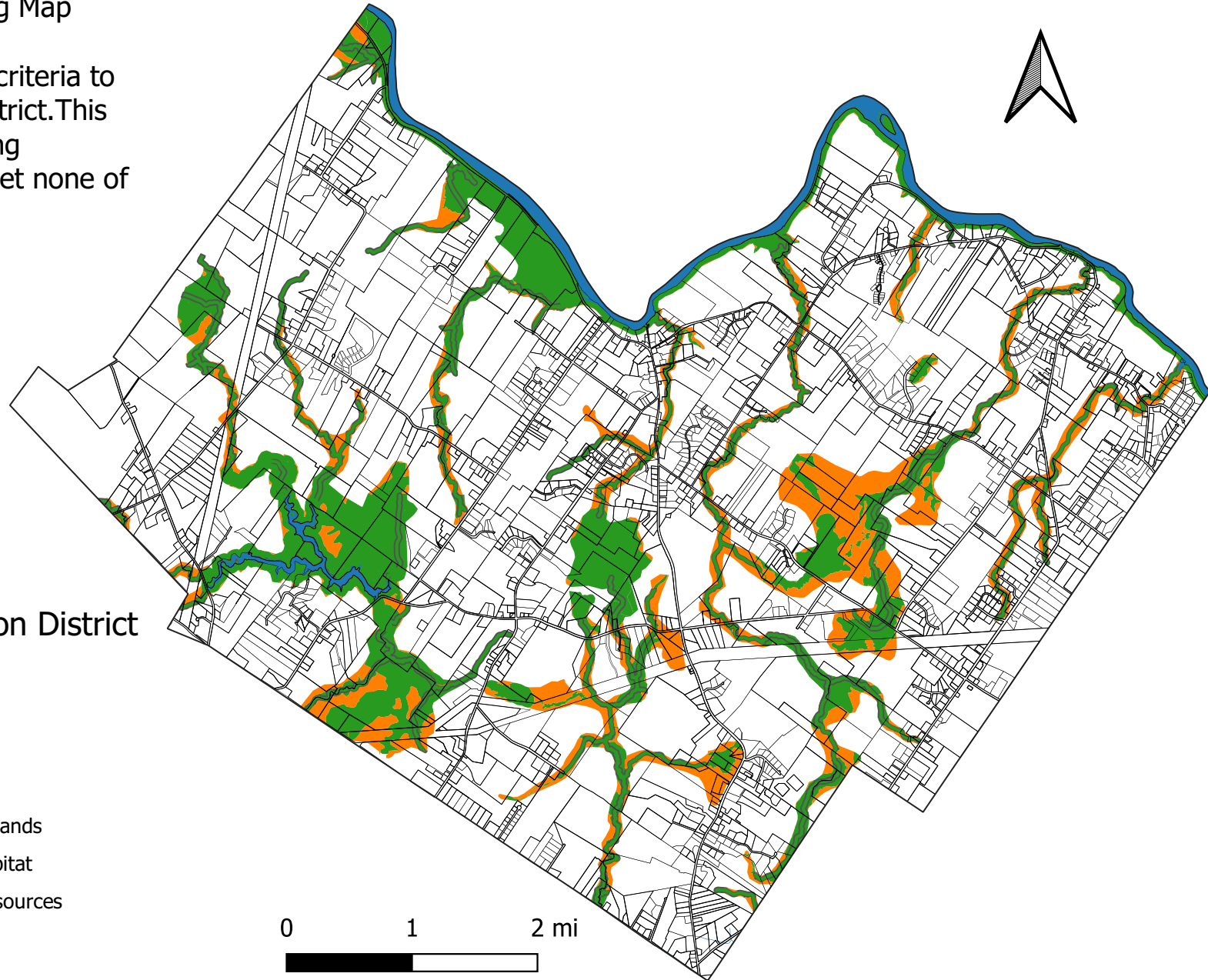
#### B. District Boundaries are defined as follows:

1. **Rural Residential & Agricultural District** is defined as that area not in the Resource Protection District as shown on the Official Zoning Map.
2. **Resource Protection District** boundaries shall be those ~~defined~~ designated on the Official Zoning Map of the Town for Resource Protection as meeting the following Comprehensive Plan criteria:
  - a. 100-year floodplains as determined by the most recent FEMA flood mapping study;
  - b. Areas subject to State mandatory shoreland zoning with the exception of areas designated as Limited Residential Shoreland Zoning (LRSZ);
  - c. Land within one hundred (100') feet of a perennial stream designated on the Zoning Map;
  - d. Land within a forested or emergent wetland that extends for an area of ten (10) or more acres as determined by Primary Map 1, Water Resources & Riparian Habitats, Durham produced by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat program (January 2018) and designated on the Zoning Map;
  - e. Land within two hundred and fifty (250') of an emergent wetland designated by the Maine Department of Inland Fisheries and Wildlife as being of moderate to high value for waterfowl and wading bird habitat and designated on the Zoning Map; and/or,
  - f. Land designated as having multiple natural resources as determined by Supplementary Map Natural Resource Co-occurrence, Durham (January 2018) with a rating of six (6) or more attribute values and designated on the Zoning Map.

*Note: The current Zoning Map boundaries of the Resource Protection District are based on outdated and inaccurate natural resource inventories and that restricts land use within those boundaries. This amendment clearly spells out the specific comprehensive plan criteria for natural resources that warrant the level of protection provided in this designation. These criteria will only be applied to property within the current Resource Protection District boundary to correct those mapping errors.*

Draft January 2023

The draft amendments to the Zoning Map apply the 2018 Comprehensive Plan recommended Resource Protection criteria to the existing Resource Protection District. This map depicts areas within the existing Resource Protection District that meet none of those criteria and will be removed.

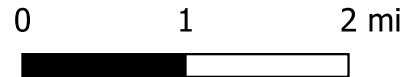


### LEGEND

Areas Removed RP

### Proposed Resource Protection District

- 100 Year Floodplains
- Androscoggin River Shoreland Zone
- Runaround Pond Shoreland Zone
- 100-Ft Stream Buffer
- Beginning with Habitat 10-Acre + Wetlands
- Inland Waterfowl and Wading Bird Habitat
- Beginning with Habitat 6+ Multiple Resources



This map is for informational purposes only. Depictions are based on the best readily available mapping inventories. Specific boundaries of land features and property boundaries require field verification.



# Town of Durham Land Use Ordinance

As Adopted at Town Meeting  
April 2, 2022

*Proposed Revisions  
For Town Meeting  
April 1, 2023*

***PART 2A – DRAFT AMENDMENTS TO  
IMPLEMENT 2018 COMPREHENSIVE  
PLAN RECOMMENDATIONS TO  
ADDRESS HOUSING NEEDS  
AND TO COMPLY WITH THE NEW  
STATE AFFORDABLE HOUSING LAW  
(Articles 4 and 5)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

**PART 2A - AFFORDABLE HOUSING LAW RESPONSE:  
COMPREHENSIVE PLAN 2018 HOUSING GOALS**

## ARTICLE 4: SPATIAL STANDARDS IN ZONING DISTRICTS

### Section 4.1 DISTRICT REQUIREMENTS

#### A. Rural Residential & Agricultural District

1. Minimum Lot Size – 90,000 sq. ft.
  - a. Minimum Buildable Area – Each lot must contain a contiguous 40,000 sq. ft. building envelope which does not contain areas in Resource Protection District, wetlands, or slopes greater than twenty (20%) percent.
2. Minimum Access to Lots – ~~Only one single family detached dwelling or two-family dwelling shall be permitted on a lot.~~ No dwelling shall be erected except on a lot that fronts on a street as defined, and the minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.
3. Minimum Road Frontage – 300 ft.
4. Minimum Setbacks
  - a. Front Lot Line Residential – 50 ft.
  - b. Front Lot Line Non-residential – 100 ft.
  - c. Side Lot Line Residential – 20 ft.
  - d. Side Lot Line Non-residential – 100 ft.
  - e. Rear Lot Line Residential – 20 ft.
  - f. Rear Lot Line Non-residential – 100 ft.
5. Maximum Structure Height – 35 ft.
  - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. ~~Minimum Lot Size Two-Family Dwelling – 110,000 sq. ft.~~ Maximum Number of Dwelling Units per Lot – 3 units (1 single family with 2 accessory apartments or 1 two-family dwelling with 1 accessory apartment), subject to subdivision requirements.

*Note: The Maine Legislature passed a law requiring all municipalities to allow multiple dwelling units on lots wherever single-family homes are allowed. Durham already allows accessory apartments and duplexes, and the 2018 Comprehensive Plan makes recommendations for expanding housing options while making those added units fit into the rural character of the Town. The proposed amendments follow the Comprehensive Plan recommendations, comply with the new State law, and treat all landowners equally.*



## ARTICLE 5: PERFORMANCE STANDARDS

### Section 5.1. ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for town residents while protecting the ~~single-family~~ rural character of ~~residential neighborhoods~~ the community. Accessory apartments may be utilized for rental purposes as well as in-law accommodations subject to the following requirements. If the accessory apartment does not meet all of said requirements, then a conditional use permit shall be required:

- A. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted. No open or enclosed outside stairways shall be permitted above the first story.
- B. The main dwelling unit shall have at least fifteen hundred (1500 sq. ft.) square feet of floor area and ~~the~~ accessory apartments shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- C. ~~Only one accessory apartment shall be permitted per lot.~~ An accessory apartment shall be made part of the main residence or located in a separate building whose primary function is not as a dwelling unit, such as a garage or barn.
- D. Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

*Note: The Maine Legislature passed a law requiring all municipalities to allow multiple dwelling units on lots wherever single-family homes are allowed. Durham already allows accessory apartments and duplexes, and the 2018 Comprehensive Plan makes recommendations for expanding housing options while making those added units fit into the rural character of the Town. The proposed amendments follow the Comprehensive Plan recommendations, comply with the new State law, and treat all landowners equally. Under the amendments to implement recommendations of the Comprehensive Plan, any single-family home will be allowed to have up to two accessory apartments but they will be limited in size.*

# Town of Durham Land Use Ordinance

As Adopted at Town Meeting  
April 2, 2022

*Proposed Revisions  
For Town Meeting  
April 1, 2023*

## ***PART 2B – DRAFT AMENDMENTS TO COMPLY WITH THE NEW STATE AFFORDABLE HOUSING LAW (Articles 4 and 5)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

**PART 2B - AFFORDABLE HOUSING LAW RESPONSE:  
MINIMUM COMPLIANCE WITH STATE MANDATE**

**ARTICLE 4: SPATIAL STANDARDS IN ZONING DISTRICTS**

**Section 4.1 DISTRICT REQUIREMENTS**

A. Rural Residential & Agricultural District

1. Minimum Lot Size – 90,000 sq. ft.
  - a. Minimum Buildable Area – Each lot must contain a contiguous 40,000 sq. ft. building envelope which does not contain areas in Resource Protection District, wetlands, or slopes greater than twenty (20%) percent.
2. Minimum Access to Lots – ~~Only one single family detached dwelling or two-family dwelling shall be permitted on a lot.~~ No dwelling shall be erected except on a lot that fronts on a street as defined, and the minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.
3. Minimum Road Frontage – 300 ft.
4. Minimum Setbacks
  - a. Front Lot Line Residential – 50 ft.
  - b. Front Lot Line Non-residential – 100 ft.
  - c. Side Lot Line Residential – 20 ft.
  - d. Side Lot Line Non-residential – 100 ft.
  - e. Rear Lot Line Residential – 20 ft.
  - f. Rear Lot Line Non-residential – 100 ft.
5. Maximum Structure Height – 35 ft.
  - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. Minimum Lot Size Two-Family Dwelling – 110,000 sq. ft.
8. Maximum Number of Dwelling Units per Lot:
  - a. Lots with an Existing Dwelling on April 1, 2023 - Two additional dwelling units for a maximum of three units (subject to subdivision requirements).
  - b. Vacant Lots – Maximum of two dwelling units.

*Note: The proposed amendments bring Durham into compliance with a new State Affordable Housing law that requires all municipalities to allow multiple housing units wherever single-family homes are allowed.*

## ARTICLE 5: PERFORMANCE STANDARDS

### Section 5.1. ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for town residents while protecting the ~~single-family rural~~ community character of ~~residential neighborhoods~~ the community. Accessory apartments may be utilized for rental purposes as well as in-law accommodations subject to the following requirements. If the accessory apartment does not meet all of said requirements, then a conditional use permit shall be required:

- A. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted. No open or enclosed outside stairways shall be permitted above the first story.
- B. The main dwelling unit shall have at least fifteen hundred (1500 sq. ft.) square feet of floor area and ~~the~~ accessory apartments shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- C. ~~Only one accessory apartment shall be permitted per lot. It~~ An accessory apartment shall be made part of the main residence or located in a separate building whose primary function is not as a dwelling unit, such as a garage or barn.
- D. Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

*Note: Note: The Maine Legislature passed a law requiring all municipalities to allow multiple dwelling units on lots wherever single-family homes are allowed. The new State law does not allow towns to restrict property owners to a single accessory apartment. Up to three dwelling units are required for any lot with one existing dwelling unit on it.*

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# Town of Durham Land Use Ordinance

As Adopted at Town Meeting  
April 2, 2022

*Proposed Revisions  
For Town Meeting  
April 1, 2023*

## ***PART 3 – DRAFT AMENDMENTS TO CLARIFY THE PROCESS FOR TOWN ACCEPTANCE OF ROADS (Article 5)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2020, 2021, 2022

***NOTE: A proposal to overhaul the process and standards for back lot access and private ways at the 2022 Town Meeting pointed to the need to clarify that acceptance of any private road for public maintenance can only be approved at a Town Meeting.***

## **Section 5.7. BACK LOTS**

Back lots may be developed although they lack frontage on a Town and/or state maintained accepted road if the development is in accordance with the following provisions:

- B. A legally enforceable right-of-way may be used for more than one backlot or single-family dwelling if the following conditions are met:
  1. A street plan shall be prepared by a professional engineer, along with a cross section and drainage plan. The plan shall be labeled “Plan of a Private Way” and shall provide an approval block for the signatures of the Code Enforcement Office and Road Commissioner. The Plan shall delineate the proposed way and each of the lots to be served by the private way. The plan shall be recorded in the Androscoggin Registry of Deeds prior to construction of the second or subsequent dwelling.
    - a. The street plan shall bear notes:
      - (1) The Town of Durham will not be responsible for the maintenance, repair, or plowing of the privately owned road; and,
      - (2) Further lot divisions utilizing the privately owned road are prohibited without prior approval of the Planning Board. Nothing contained in this paragraph shall prevent a privately owned road from becoming a Town way pursuant to the state and local laws. Acceptance of any road by the Town of Durham must be approved at Town Meeting.
  2. A maintenance agreement as described in Section 5.22 of this Article shall be recorded in the Androscoggin County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.
  3. No residential building permit for a dwelling shall be issued for second and subsequent Back Lots until the requirements of this Ordinance have been met.
  4. The right-of-way and road must be brought up to subdivision road standards as found in Appendix 1. Section 1.3 of this Ordinance, with the exception of the paving requirement.

## **Section 5.23. ROADS**

- A. The Town shall not accept as a Town Road any private road or way that is not built to public road standards. Acceptance of any road by the Town of Durham must be approved at Town Meeting.

**6. Other Business:**

- a) Public Hearing on Draft Land Use Ordinance Amendments (Public comment will be taken)
  - b) **Planning Board discussion of changes to Draft Land Use Ordinance Amendments (Public comment will not be taken)**
- The Planning Board will consider whether to propose additional changes to the draft Land Use Ordinance amendments based on the DECD draft rules and the public input taken during the public hearing.
  - A list of those changes will be presented to the Select Board in advance of the February 28 meeting.