

**DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
November 1, 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 (October 4, 2023)
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. New Business: No new or continuing applications
6. Other Business
 - a) Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (October 4, 2023)



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
October 4, 2023

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Tyler Hutchison, Brian Lanoie, Anne Torregrossa (arrived late) and George Theborge (Town Planner).

Absent: Juliet Caplinger and Allan Purinton (Excused)

Guest(s): Wayne Wood (Surveyor) and Kohen Bailey (Map 9, Lot 9K1) and Charles Burnham (Applicant: Bowie Hill Subdivision).

2. Amendments to the Agenda:

Board member, Brian Lanoie would like at the end of the meeting to have the Town Planner give an update on the GPCOG Municipal Vision Plan and on repercussions for developers who do not meet their obligations for improvements in subdivisions.

Brian Lanoie moved to amend the agenda to include the discussion for the GPCOG Municipal Vision Plan after Item 6 (a), **Tyler Hutchison seconded**. The motion carried **3 – 0**.

3. Acceptance of the Minutes of prior meeting (September 6, 2023)

Tyler Hutchison move to accept the September 6th, 2023 meeting minutes, **Brian Lanoie seconded**, The motion carried **3 – 0**.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials – George Theborge

- Code Officer is advising the Planning Board monthly on terms of housing starts – only 13 new single-family homes this year so far and no duplexes – the town is well under the cap of 45 new homes.
- The Town Planner and the Planning Board chair (John Talbot) attended the Conservation Commission Meeting on September 20th to talk about the standards for solar energy systems. The Town Planner will be drafting the final proposal to present for public comment, which will consist of actual design submissions, applicability, and what the performance standards will be. The Conservation Commission will be looking at some of the zoning treatments and conservation mitigation fee system that the Town of Topsham is currently implementing.
- The Town Planner and the Planning Board Chair will meet with the Select Board on Tuesday, October 10th to give them information on the town's historic preservation regulations, explaining what the current regulations are and recommendations for possibly moving forward with that program.

John Talbot appointed Anne Torregrossa as a voting member for tonight's meeting.

b.) Residents - None

c.) Non-residents – None

5. New Business

a.) Subdivision Amendment to Change Lot Line at Turnaround in Woodland Acres Section 2, Map 9, Lot 9K1 (Public comment will not be taken)

Petitioner: Wayne Wood (representing Kohen Bailey – 18 June Cruz Drive)

- The house was constructed at the end of the road and it was a tad bit closer to the end of the road than the town's current setbacks would allow, which causes an issue for title. The homeowners reached out to Mr. Wood (surveyor) to help correct the problem.
- Mr. Wood suggested that they bring the end of the road in a little bit on the corner, so that it works for the setbacks to the house which would require the petitioner to come back before the Planning Board to request an amendment to the initial plan.
- The original plan has the road named as Arnold Way, so the name would need to be changed on the plan to coincide with the current road name of June Cruz Drive.

Town Planner Comments:

- The applicant is seeking Planning Board approval of an amendment to the Woodland Acres Section 2 subdivision plan.
- A mortgage survey indicated that construction intruded on the 50-foot setback from the turnaround of the June Cruz Drive (formerly Arnold Way), the short side spur off Woodland Road.
- A surveyor has prepared an amended plan that changes the angle of the line at the end of the turnaround to move the setback to the conforming distance.
- Under Section 6.10 of the Land Use Ordinance, no changes, erasures, modifications, or revisions can be made to a recorded plan unless a revised final plan is submitted to the Board and the Board approves the changes in accordance with the provisions of Section 6.11.
- If no new lots are created, the amended plan application can be reviewed in a single, final plan step with the application providing adequate information to determine that the performance standards of Section 6.14 are met.
- The revised plan must indicate that it is a revision of a previously approved and recorded plan and must show the title of the subdivision and the book and page number of the original recorded plan (Section 6.14.B).

John Talbot moved to approve this plat with two (2) conditions, one is that the final version have June Cruz Drive (formerly Arnold Way) and the other is to have a quit claim deed transferring ownership of the small triangular portion out of the road ownership (Mr. Libby) and into Mr. Bailey's property. **Tyler Hutchison seconded.** Motion carried **4 – 0.**

b.) Subdivision Amendment to Combine Lots at Bowie Hill Subdivision, Map 10, Lots 1&2&3 and 11&12 (Public comment will not be taken)

Applicant (Charles Burnham agent for Bowie Hill developer)

- A buyer has requested that one of the lots be made bigger, by merging Lot 2 into the abutting Lots 1 and 3.
- Also seeking to merge Lots 11 and 12 into a single lot.
- This would alter the original number from a 13-Lot Subdivision to an 11-Lot Subdivision.

Town Planner Comments:

- The applicant is seeking Planning Board approval of an amendment to the Bowie Hill subdivision plan.
- The applicant seeks to merge Lot 2 of the subdivision plan into the abutting Lots 1 and 3.
- The applicant also seeks to merge Lots 11 and 12 into a single lot. • A surveyor has prepared the proposed amended plan.
- Under Section 6.10 of the Land Use Ordinance, no changes, erasures, modifications, or revisions can be made to a recorded plan unless a revised final plan is submitted to the Board and the Board approves the changes in accordance with the provisions of Section 6.11.
- If no new lots are created, the amended plan application can be reviewed in a single, final plan step with the application providing adequate information to determine that the performance standards of Section 6.14 are met.
- The revised plan must indicate that it is a revision of a previously approved and recorded plan and must show the title of the subdivision and the book and page number of the original recorded plan (Section 6.14.B).

Tyler Hutchison moved to accept the amendment, with the condition that the note is added to the general notes on the plan mentioning the change in lot lines and the original book and page number is recorded. **Brian Lanoie seconded.** Motion carried **4 – 0.**

6. Other Business:

a. Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)

Town Planner Comments:

- The Town of Durham has allowed every residential lot to have two housing units for several decades in the form of a single-family home with accessory apartment or a duplex.
- In 2022, the Maine Legislature passed legislation that requires Durham to allow a third housing unit wherever there is an existing single-family dwelling.
- The 2018 Durham Comprehensive Plan recommends consideration of 3-unit and 4-unit housing if the design of the units is controlled to protect rural character and neighborhood integrity.

- Over the past year and a half, the Planning Board has conducted a public participation process that indicated equal citizen concerns for housing availability and for the impacts of new housing on the community.
- A set of draft Land Use Ordinance amendments has been prepared to address both concerns expressed by citizens.
- To address concerns for housing availability the draft amendments allow a third housing unit if it is limited to a smaller, accessory apartment.
- To address concerns for the impacts of increased housing, the draft requires much larger lots for multiple, full-sized housing units with the same limit of 3 housing units on any lot.
- This approach has been reviewed by staff at the Maine Department of Economic and Community Development and lawyers at the Maine Municipal Association and both agencies consider it workable under the new law.
- The Planning Board intends to hold a second public participation process to get citizen input on the specific recommendations for addressing housing policy.
- In addition to public input on the specific housing policy changes, the Board could also include survey questions on the larger issues of the Town's growth management program adopted five years ago in the Comprehensive Plan update.
- That 2018 Plan called for a continuation of the uniform, 2-acre lot size across Town with 300 feet of road frontage, which limits development but promotes lower-density suburban sprawl.
- The current long-range plan also set priorities for preserving agriculture and forestry while protecting Durham's rural character and natural resources.
- Because of the lack of public utilities and any densely developed areas, townspeople specifically abandoned the growth and rural areas model promoted by the State in its growth management laws.
- Some Board members and members of the public have questioned if these policies are still relevant and the best way to manage growth and its impacts.
- The comprehensive planning process typically runs on a 10-year cycle with a check-in at 5 years of implementation.
- The packet contains the survey questions from the 2018 public participation process.
- Some or all of these questions could be included in the current feedback solicitation about housing policy.
- The Board should schedule one or more public information sessions for the fall.

The Board decided that the larger growth management issues should not be discussed as part of this process but be delayed until after the Town Meeting. Any survey questions should be limited to the amendments that will be put forward for consideration at the Town Meeting.

The Board scheduled a Public Information Session for November 15th to discuss Housing Density.

b. GPCOG Municipal Vision Plan and Repercussions for Developers Who Don't Meet Their Obligations

- The Town has received a grant through the initiative of the Town Manager to do a study of the campus here, which includes the Town Hall, the Ball Field, the Eureka Center and the Fire Station. That project has been delayed and is just starting.

- What are the repercussions for developers who don't follow the rules or don't follow through with what they said they were going to do:
 - The Board can deny any further approvals until previous requirements have been met.
 - The Town can also take the developer to court.

7. Adjourn

Tyler Hutchison moved to adjourn the meeting. **Brian Lanoie** seconded, motion carried 4 – 0. Meeting adjourned at 8:23 pm.

DRAFT

6. Other Business:

- a. Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)**
 - The Planning Board has scheduled a public information meeting to present and take input on draft amendments to the Land Use Ordinance that will be considered at the April 2024 Town Meeting.
 - The potential policy issues to be addressed are:
 - Housing Density
 - Solar Energy Systems
 - Codification of Permit Fees
 - Expansions of Nonconforming Dwellings

DRAFT POLICY DIRECTION FOR 2024

DURHAM LAND USE ORDINANCE

PART 1 – POLICY FOR HOUSING DENSITY

HOUSING DENSITY

- In 2022, the Maine Legislature passed legislation that requires Durham to allow a third housing unit wherever there is an existing single-family dwelling.
- The current Land Use Ordinance only allows two housing units per lot (single-family with accessory apartment on 2 acres, duplex on 2.5 acres).
- The 2018 Durham Comprehensive Plan recommends consideration of 3-unit and 4-unit housing if the design of the units is controlled to protect rural character and neighborhood integrity.
- Over the past year and a half, the Planning Board has conducted a public participation process that indicated equal citizen concerns for housing availability and for the impacts of new housing on the community.
- A set of draft Land Use Ordinance amendments has been prepared to address both concerns expressed by citizens.
- To address concerns for housing availability the draft amendments allow a third housing unit if it is limited to a smaller, accessory apartment.
- To address concerns for the impacts of increased housing, the draft requires much larger lots for multiple, full-sized housing units with the same limit of 3 housing units on any lot.
- This approach has been reviewed by staff at the Maine Department of Economic and Community Development and lawyers at the Maine Municipal Association and both agencies consider it workable under the new law.
- At past meetings, the Planning Board has expressed concern for the complexity of the policy proposal and presentation materials that is driven by the complexity of the State legislation and attempting to integrate it with Durham's comprehensive planning goals.
- The Town Planner has developed a simpler framework that reduces the "options" to just two based on the types of housing units proposed.
- Under this revised framework, up to 2 accessory apartments can be added to a single-family dwelling on a standard, 2-acre lot. This is one more than currently allowed.
- Accessory apartments can have no more than half the living space of the single-family dwelling and must be integrated into the design of the single-family home and its accessory building(s).
- The size and design aspects of the accessory apartments track of the proposal will mitigate impacts of the new housing on public services and rural character.
- The new State law that goes into effect for Durham next year in July requires every town to allow up to three larger housing units on every lot but allows towns to increase lot sizes with that added density.

- The revised proposal applies a minimum lot area per dwelling unit, including duplexes, of 2 acres. Thus, a single-family will need 2 acres, a duplex will need 4 acres (vs. 2.5) and three full-sized housing units will need 6 acres.
- Although this option will not include any design controls, it will potentially limit the impact of the State housing density requirements on town services and rural character and will favor development of the accessory apartments alternative means of addressing housing needs.
- The Planning Board has scheduled a public information meeting on this topic for November 15th at the Fire Station meeting room.
- The packet contains the survey questions from the 2021-2022 public participation process.
- GPCOG has agreed to provide support to Durham for doing an online community survey.
- The packet also contains the updated draft amendments and public information presentation.

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 Height¹ – 35 ft.
 - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. Minimum Lot Area Size Two-Family per Dwelling Unit – ~~110,000~~ 90,000 sq. ft. per dwelling unit (accessory apartments are exempt from lot area requirements).
8. Maximum Number of Dwelling Units per Lot - Three (3)

NOTE: The State has mandated that additional housing units be added on all residential lots without size restrictions but allows lot sizes to be increased for those full-sized units. The 2018 Comprehensive Plan recommends consideration of allowing 3 units of housing on a lot to increase housing options but calls for design controls to minimize community impacts. To address both of these issues, the draft amendment allow up to 3 dwelling units on a lot, but if multiple dwelling units are proposed, the lot size must be increased proportionally to the current 2-acre lot size requirement for a single-family dwelling. By State law, accessory apartments are exempt from this added lot area requirement. If the proposed Ordinance changes are not adopted, landowners will be legally entitled to build a single-family home and a duplex on 2.5 acres as of July 1, 2024.

¹ Features of structures such as chimneys, towers, spires and structures for electric power transmission and distribution lines may exceed the maximum structure height requirement.

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 apartment 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: To address the State mandate for increased housing density and implement recommendations of the Comprehensive Plan, the Planning Board is proposing to allow up to 3 dwelling units on any lot where a single-family home is currently allowed. A single-family home is currently allowed to have one accessory apartment on a 2-acre lot. With the amendments, a second accessory apartment will be allowed. Per State law, the Town cannot require increased lot size for accessory units.

NOTE: In April of 2022, the Maine Legislature passed an affordable housing law that requires all municipalities to allow up to two additional dwelling units on any lot where a single-family home is currently allowed. The following amendments remove language that is no longer enforceable.

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:

- A. If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single back lot ~~family dwelling~~ if the following conditions are met:
1. The right-of-way must be deeded to the owner of the back lot and be a minimum of fifty (50') feet in width.
 2. Creation of the 50-foot right-of-way to serve the back lot shall not create a nonconforming front lot by reducing such lot's road frontage below the minimum for that district, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is given by easement or irrevocable license, or some grant less than a fee interest, the land over which the back lot access is created by deed or by easement such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
 3. No more than one right-of-way for back lot development may be created out of any lot fronting on a Town and/or state maintained road unless each subsequent right-of-way is created out of at least an additional three hundred and fifty (350') feet of Town road frontage, and the road entrances to such Town road are at least six hundred (600') feet apart.
 4. The dimension of the back lot which borders upon the right-of-way shall be at least three hundred (300') feet in length and the depth of the lot perpendicular to said frontage shall be at least two hundred (200') feet for at least three hundred (300') feet along the right-of-way. The back lot shall have a minimum of five (5) acres not including any land constituting the right of way.
 5. The driveway shall be required to be sixteen (16') twenty (20') feet wide with twelve (12") inches of aggregate subbase, six (6") inches of aggregate base, and appropriate drainage as shown in Appendix 1, Section 1.3, Figure 3 of this Ordinance, however no shoulders or pavement are required.
- 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.
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.

ARTICLE 19: DEFINITIONS

Section 19.1 DEFINITIONS

ACCESSORY APARTMENT: A separate, secondary housing unit located on a property with a single-family dwelling that is subordinate to the main dwelling(s) in terms of size and use.

DWELLING: Any building or structure or any portion thereof designed or used for residential purposes.

- a. **Single-Family Dwelling:** A Structure containing only one Dwelling Unit for occupation by not more than one family. The terms shall include modular homes and mobile homes as defined herein.
- b. **Two-Family Dwelling:** A single Structure containing two Dwelling Units on one parcel of land, such building being designed for residential use and occupancy two families living independently of each other.
- ~~e. **Multi-Family Dwelling:** A single Structure containing three to six Dwelling Units, where each Dwelling Unit is designed for residential house and occupancy by a family living independently of families in the other Dwelling Units.~~

DWELLING UNIT: A room or group of rooms, used primarily as living quarters for one Family, and that includes provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.

MULTI-FAMILY DWELLING: See Dwellings.

RESIDENTIAL DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. [Article 9, Shoreland Zoning]

SINGLE FAMILY DWELLING: See Dwellings.

***NOTE:** To address family housing needs and State housing density requirements, proposed amendments to the Land Use Ordinance will allow up to three dwelling units on a lot. To address concerns for impacts on neighborhoods and rural character, lots that add full-sized dwellings as the three allowable dwelling units will require two acres of land per dwelling unit. Accessory apartments are exempt from added lot area requirements per State law, but they must be smaller than the main housing unit. With the repeal of the Southwest Bend Growth District in 2019, Durham no longer allows multi-family dwellings as defined.*

DURHAM LAND USE POLICY CITIZEN SURVEY

ON MAINE'S NEW AFFORDABLE HOUSING LAW

MAINE'S NEW AFFORDABLE HOUSING LAW

The Maine Legislature passed a law in 2022 that goes into effect in 2023 requiring all towns to change their zoning to allow greater housing options to address the housing crisis. The new law requires that up to 3 units of housing be allowed on any lot where there is an existing dwelling. Two housing units must be allowed on any vacant lot. Towns are allowed to increase lot sizes for the added units. Durham currently allows one accessory apartment with any existing single-family home that is limited in floor area to 50% of the size of the home it is accessory to. Duplexes are allowed on any lot, but the lot size increases from 2 acres to 2.5 acres. Under the new law, Durham will need to allow two additional housing units on any lot with an existing home or duplex up to a total of 3 units. Subdivisions with private covenants restricting the number and types of homes will not be affected by the new law.

The Planning Board has identified three possible approaches to compliance with the new State law:

Option 1 – BE LESS RESTRICTIVE TO ENCOURAGE MORE DIVERSE HOUSING OPTIONS IN DURHAM

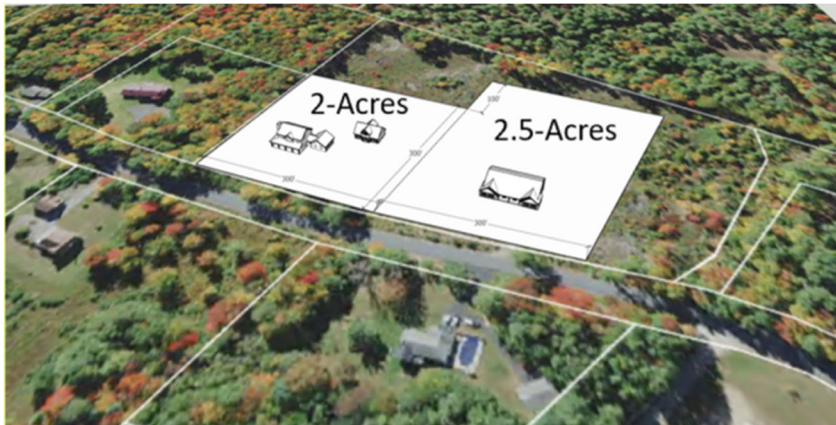
Follow the Durham 2018 Comprehensive Plan recommendations and allow a second accessory apartment for any single-family dwelling and one accessory apartment with any duplex for a total of 3 housing units on any lot, treating all landowners equally. This option would attempt to control the design of new housing units to make them fit in with the existing character of Durham's single-family homes and duplexes and will likely comply with the new law.

Option 2 – BE NEUTRAL ON THE HOUSING ISSUE AND JUST DO WHAT THE STATE REQUIRES

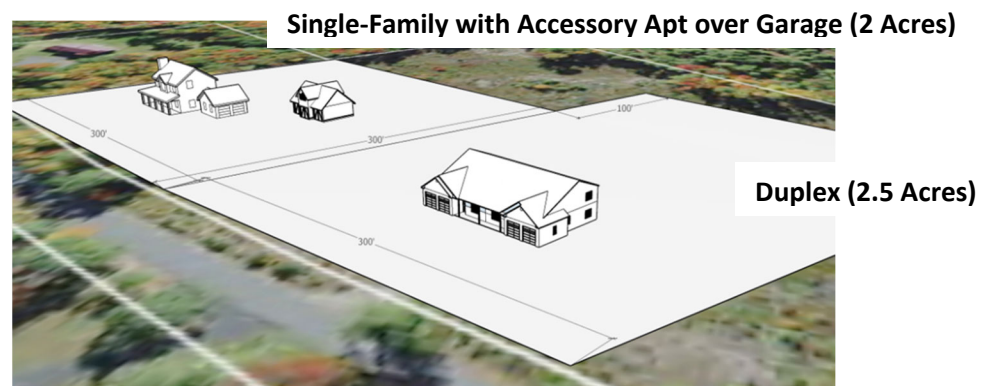
Add whatever language that is in the law or rules being developed to implement it and allow up to 3 housing units on any lot with a single-family home or duplex without trying to influence their design and allow only 2 units on vacant lots, thereby giving preference to landowners with existing residences. This option would be in full compliance with the law.

Option 3 – BE AS RESTRICTIVE AS POSSIBLE UNDER THE LAW TO LIMIT GROWTH IN DURHAM

Increase lot sizes as allowed by the law to offset required increases in the number of housing units to the maximum extent permitted.

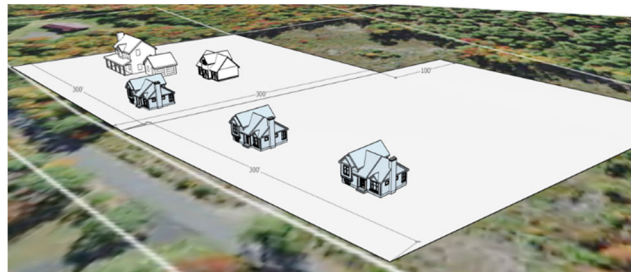


CURRENT ZONING



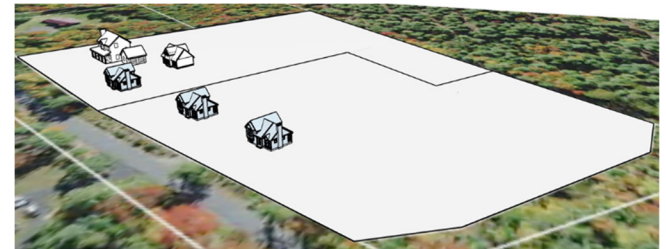
OPTION 1 – LESS RESTRICTIVE

Allow a 2nd accessory apartment on a single-family lot and 1 accessory apt. with a duplex and reduce the duplex requirement from 2.5 acres to 2 acres.



OPTION 2 – NEUTRAL

Allow a 2nd accessory apt. or house on the single-family lot and a duplex or 2 single-family homes on a vacant lot.



OPTION 3 – MORE RESTRICTIVE

Allow the added housing units required by the State but increase lot sizes to offset the increase in housing.

SURVEY QUESTIONS ON HOUSING POLICY

On a scale of 1 to 5 with 1 being not concerned at all and 5 being very concerned, please circle your level of concern on the following questions:

| | Not Concerned at All | Not Too Much | Neutral | Concerned | Very Concerned |
|--|----------------------|--------------|---------|-----------|----------------|
| 1. Are you concerned that children of current residents will not be able to find or afford housing in Durham? | 1 | 2 | 3 | 4 | 5 |
| 2. Are you concerned retired parents of current residents will not be able to find or afford housing to move to Durham to be close to their children? | 1 | 2 | 3 | 4 | 5 |
| 3. Are you concerned that the Town is growing too fast, and that new housing will cause increases in taxes? | 1 | 2 | 3 | 4 | 5 |
| 4. Are you concerned that new housing is changing the character of Durham from rural to suburban? | 1 | 2 | 3 | 4 | 5 |
| 5. Based on these concerns, which of the three options identified by the Planning Board to respond to the requirements of the new State affordable housing law do you think Durham should implement? (Check the Option You Prefer) | | | | | |

Option 1 – Less Restrictive to Encourage Housing Options _____

Option 2 – Neutral, Just do What the State Requires _____

Option 3 – More Restrictive to Limit Growth in Durham _____

LET US KNOW WHAT YOU THINK! FILL OUT THE SURVEY ONLINE AT WWW.DURHAMME.COM

DURHAM LAND USE POLICY CITIZEN SURVEY ON MAINE'S NEW AFFORDABLE HOUSING LAW

216

Responses

11:26

Average time to complete

Active

Status

[View results](#)

Open in Excel ...

1. On a scale of 1 to 5, with 1 being not concerned at all and 5 being very concerned, please circle your level of concern on the following questions:

[More Details](#)

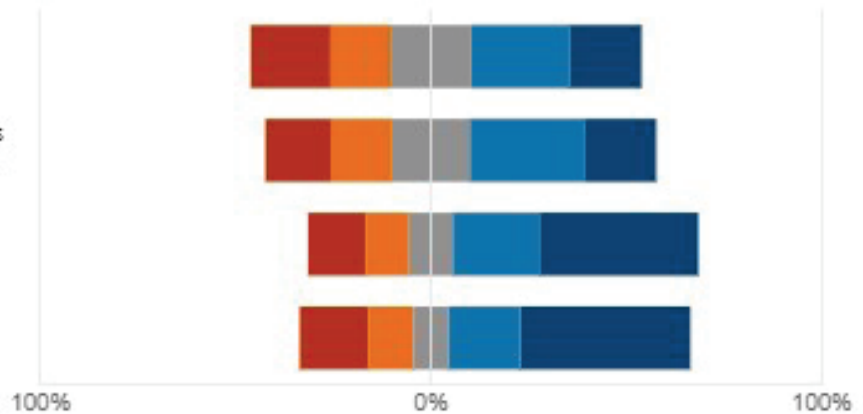
■ (1) Not Concerned at All ■ (2) Not Too Much ■ (3) Neutral ■ (4) Concerned ■ (5) Very Concerned

Are you concerned that children of current residents will not be able to find or afford housing in Durham?

Are you concerned retired parents of current residents will not be able to find or afford housing to move to...

Are you concerned that the Town is growing too fast, and that new housing will cause increases in taxes?

Are you concerned that new housing is changing the character of Durham from rural to suburban?



2. Based on these concerns, which of the three options identified by the Planning Board to respond to the requirements of the new State affordable housing law do you think Durham should implement? (Check the Option You Prefer)

[More Details](#)

● Option 1 – Less Restrictive to En... 57

● Option 2 – Neutral, Just do Wha... 49

● Option 3 – More Restrictive to Li... 110



DRAFT POLICY DIRECTION FOR 2024

DURHAM LAND USE ORDINANCE

PART 2 – POLICY FOR SOLAR ENERGY
SYSTEMS

SOLAR ENERGY SYSTEMS

- The Conservation Commission agreed to take the lead on developing performance standards for review of solar energy systems.
- Over the summer, the Commission met with the Topsham Conservation Commission to review their program for regulating this land use.
- The Town Planner took the Topsham regulations and integrated them into draft amendments to Durham's Land Use Ordinance framework.
- The Town Planner also added provisions from other ordinances that addressed specific details and concerns for enforceability.
- The Conservation Commission reviewed the final draft and endorsed moving to a public information meeting to solicit input from citizens.
- The draft amendments add medium and large-scale solar energy systems to the table of land uses in Article 3.
- Small residential and business solar equipment with up to 2000 sq. ft. of surface area will be exempt from requirements that will apply to larger systems.
- Medium-scale solar energy systems with up to 20,000 sq. ft. of surface area (1/2 acre) will require Planning Board site plan review to look at the issues of safety, visual impacts, and long-term management and decommissioning.
- Large-scale solar energy systems greater than 20,000 sq. ft. will first go through a conditional use review to look at neighboring uses for the Planning Board to determine whether the scale proposed is compatible with surrounding uses. If the conditional use criteria are met the proposed project will then go through detailed site plan review.
- Article 5 will be amended to add a new section (5.24) that will establish the applicability of the regulations (subsection A.), the submission requirements, (subsection B.), and the performance standards (subsection C.)
- Article 8 will now reference these systems as requiring Planning Board site plan review along with all other nonresidential development.
- Amendments to Article 18 will authorize the Select Board to include permit fees for solar energy projects in the fee schedule.
- Amendments to Article 19 will add new definitions related to solar energy systems.
- The Conservation Commission will schedule a public information meeting, possibly in early December.
- The packet contains the draft solar energy systems amendments.

CODIFICATION OF FEES

- The Land Use Ordinance was amended in 2022 to move permit fee adjustments from the Ordinance where they can only be changed at Town Meeting to a separate fee schedule that can be updated annually by the Select Board.
- The Town Attorney has advised that to be enforceable, all permit fees collected should be referenced in the Land Use Ordinance.
- Amendments in the Solar Energy Systems package will revise Article 18 to include a comprehensive list of all permit fees, including solar energy systems and other fees not mentioned in individual articles (e.g., street addressing).

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ARTICLE 3: LAND USES PERMITTED IN ZONING DISTRICTS

Section 3.1. TABLE OF LAND USES

- A. The “TABLE OF LAND USES” below establishes the uses allowed in each zoning district.
- B. Any use not specifically listed in the Table of Land Uses is prohibited.
- C. Any use similar to a use listed in the Table of Land Uses requires a determination by the Zoning Board of Appeals.
- D. All uses are subject to the general performance standards of Article 5 and the specific standards of Article 9 (Shoreland Zoning), Article 10 (Aquifer Protection), Article 11 (Floodplain), Article 12 (Historic Districts), Article 14 (Extractive Industries), and Article 15, (Mobile Home Parks).
- E. When there is a question as to which category a land use should be categorized as, the more specific land use category shall rule over a general category.

KEY

Reviewing Authority:

Yes – No Land Use Ordinance permit required (but activities are subject to specifically stated performance standards).

CER – Code Enforcement Review; CEO determines whether Planning Board Permit is required.

CU – Conditional Use Permit required by Planning Board

SB – License from Select Board Required

PB – Planning Board approval required

RC–Permit required from Road Commissioner

No – Prohibited

District Abbreviations:

AP – Aquifer Protection Overlay District

RRA – Rural Residential & Agricultural District

RP – Resource Protection District

RP(SZ) – Resource Protection Shoreland Zoning Overlay District

LR(SZ) – Limited Residential Shoreland Zoning Overlay District

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| Land Use | RRA | RP | AP | RP(SZ) | LR(SZ) |
|---|------------|-----------|------------|---------------|---------------|
| 32. Piers, docks, bridges and other structures and uses extending or located below the normal high-water line or within a wetland | CU | No | CU | CU | CU |
| 33. Primitive Recreation | Yes | Yes | Yes | Yes | Yes |
| 34. Private sewage disposal systems for allowed uses | CER | CER | CER | CER | CER |
| 35. Public Buildings such as Schools, Libraries, & Museums | Yes | No | Yes | No | CU |
| 36. Public & Private Parks & Recreational Involving Minimal Structural Development | CU | CU | CU | CU | CU |
| 37. Research Facilities | CU | No | No | No | No |
| 38. Road Construction (Private) | PB | PB | PB | CU | CU |
| 39. Road Construction (Public) | Yes | Yes | Yes | CU | CU |
| 40. Service drops, as defined, to allowed uses | Yes | Yes | Yes | Yes | Yes |
| 41. Single-family Dwelling | Yes | No | Yes | No | CER |
| 42. Sludge Spreading | CU | CU | CU | No | CU |
| 43. Soil and water conservation practices | Yes | Yes | Yes | Yes | Yes |
| 44. <u>Solar Energy Systems</u> | | | | | |
| a. <u>Medium-scale</u> | <u>CER</u> | <u>No</u> | <u>CER</u> | <u>No</u> | <u>No</u> |
| b. <u>Large-scale</u> | <u>CU</u> | <u>No</u> | <u>CU</u> | <u>No</u> | <u>No</u> |
| 45. Small non-residential facilities for educational, scientific, or nature interpretation purposes | Yes | CU | Yes | CU | CER |
| 46. Structures accessory to allowed uses | Yes | No | Yes | CU | CER |
| 47. Surveying and resource analysis | Yes | Yes | Yes | Yes | Yes |
| 48. Timber Harvesting | Yes | Yes | Yes | Yes | Yes |
| 49. Two-family Dwelling | Yes | No | Yes | No | CER |
| 50. Wildlife management practices | Yes | Yes | Yes | Yes | Yes |

ARTICLE 5: PERFORMANCE STANDARDS

Section 5.24. SOLAR ENERGY SYSTEMS

- A. **Applicability:** To facilitate development of renewable and non-polluting energy but minimize potential adverse effects to the scenic and natural resources of the Town and to support the goals of the Comprehensive Plan to maintain the Town's rural quality, solar energy systems are subject to the following review process and the performance standards of this article:
1. Roof mounted, building integrated, and small-scale ground mounted systems with a total surface area of up to two thousand (2000 sq. ft.) square feet are considered accessory uses and are exempt from the requirements of this article.
 2. Medium-scale, ground-mounted systems with a total surface area of between two thousand (2000 sq. ft.) square feet and twenty thousand (20,000 sq. ft.) are subject to site plan review.
 3. Large-scale, ground-mounted systems with a total surface area of more than twenty thousand (20,000 sq. ft.) square feet are subject to conditional use and site plan reviews.
- B. **Submission Requirements:** In addition to the submission requirements for conditional use and/or site plan review, applications for approval of medium-scale and large-scale solar energy systems shall provide the following submissions in ten (10) printed copies and one (1) digital PDF:
1. An operation and maintenance plan describing the regular maintenance of the facility and the scope of regular inspections and the frequency and method of vegetation management;
 2. Solar system specifications including the manufacturer, model, and facility size as well as weight load and wind load of structures and equipment;
 3. Certification that the site plan layout, design, and installation conform and comply with all applicable industry standards and standards of the latest edition of the National Fire Protection Association (NFPA1&101) and the latest edition of the National Electrical Code (NEC);
 4. Certification that the project complies with the utility notification requirements contained in Maine law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends and so states on the application, that the system will not be connected to the electrical grid;
 5. An Emergency Services plan acceptable to the Fire Chief to accommodate the Town's emergency vehicles and equipment, including but not limited to means of ingress and egress in the event of fire or other emergency;

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6. A visual impact assessment prepared by a registered landscape architect addressing potential view impacts on public roads and neighboring properties with proposed buffering treatments meeting the requirements of Section C.5;
 7. A vegetation management plan indicating that vegetation growth will be maintained under and around the installation at levels needed to reduce the risk of ignition from the electrical system while minimizing mowing to the extent practicable. Native, pollinator-friendly seed mixtures shall be used. Broadcast application of herbicides and pesticides is prohibited.
 8. A decommissioning plan identifying the party currently responsible for decommissioning, a timeline and process for decommissioning the system, and an engineer's estimate for the cost of decommissioning, including all costs for removal and disposal of solar panels, structures, cabling, electrical components, roads, fencing, and any other associated facilities above ground or below grade. The decommissioning plan shall include a description of any agreement (e.g., lease) with all landowners regarding decommissioning and include a deadline for completion;
 9. The owner/operator shall submit a financial guarantee in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the Town Attorney, to provide assurance that the facility will be properly removed and remediated upon abandonment or termination of production:
 - a. The amount of the financial guarantee shall be based on the engineer's cost estimate and shall account for anticipated increases in decommissioning costs over the life of the system;
 - b. If the term of any performance bond or letter of credit is not for the full operational life of the system, the bond or letter of credit shall be automatically renewable for successive terms to account for the full operational life of the system; and,
 - c. If a bond or letter of credit is provided as a financial guarantee, the Town of Durham shall be listed as a co-beneficiary, and the Town Manager shall be listed as the designated point of contact on behalf of the Town.
 - d. Every five years subsequent to the initial effective date of the surety, the owner shall submit an updated engineer's estimate and surety to the Code Officer for review and approval. The financial guarantee shall be adjusted according to the updated estimate. The Town may hire, at the applicant's expense, a qualified professional to review the engineer's estimate.
 10. A public outreach plan, including how the applicant will inform abutters and the community.
- C. **Performance Standards:** All medium-scale and large-scale solar energy systems shall meet the following standards:

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1. All equipment shall be placed at least one hundred (100 ft) feet from any property line;
2. No topsoil shall be removed from the site for the installation of the system except as necessary to comply with site plan review standards;
3. Solar panel components shall have a UL listing and shall be designed with an anti-reflective coating. Individual arrays/solar panels shall be designed and installed in order to prevent glare toward buildings on adjacent properties and nearby vehicular traffic;
4. The solar project site shall be enclosed with chain link fencing not less than six (6 ft) feet in height with a ground clearance of six (6 in) inches, include an appropriate anti-climbing device, and be secured with gates. Fencing shall be installed on the interior of the buffer required in subsection 5 below;
5. Solar panels should not exceed a maximum height of fifteen (15 ft) feet from the finished ground elevation at maximum tilt. Exceptions to this height limitation may be appropriate where complete and adequate screening from view is provided or sudden changes in topography would preclude a consistent height of adjacent solar panel arrays;
6. A vegetated buffer shall be required around the solar energy system consisting of a landscaped strip at least fifty (50 ft) feet wide measured from each boundary line of the solar project site around the entire perimeter except for any parts of the perimeter that have an equivalent existing natural buffer. The solar project site shall be landscaped and maintained with a buffer of plant materials that are mature enough to effectively screen the view to eight (8 ft) feet above ground level of the solar panels from adjacent properties all year round. Non-invasive plant species, pollinator-friendly and wildlife-friendly native plants, shrubs and trees shall be used.
7. When a buffer is not required based on the results of a view analysis, buffer requirements may be reduced or eliminated, especially when the adjoining property is subject to an active agricultural use and the reduction or elimination is approved by the Planning Board.
8. All newly installed utilities, including but not limited to electric or fiber lines, serving the solar energy system site shall be placed underground.
9. Lighting shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be shielded from interference with abutting properties. Lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
10. To control noise, inverters and transformers must be at least four hundred (400 ft) feet from any residence, with a 400-foot radius indicated from the noise generating equipment shown on the site plan;

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11. A “KNOX-BOX” approved by the Fire Chief, shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner, or operator, shall identify a responsible person for public inquiries and emergency contact throughout the life of the installation and contact information shall be posted on fencing at all entrances.
12. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the MSAES informing individuals of potential voltage hazards.
13. Solar energy systems shall be properly maintained, including but not limited to, painting, structural repairs, and integrity of security measures. Facilities shall be kept free from all hazards including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s);
14. Any substantial modifications to a solar energy system made after issuance of the required Town permit(s) shall require review and approval by the Planning Board. The Code Enforcement Officer may approve minor modifications that do not materially impact any of the approval or performance standards set forth in this Ordinance.
15. Any change of ownership or management of the solar energy system shall be reported to the Code Officer within ninety (90) days of such change with written acknowledgement that the new ownership/management is required to comply with all prior permits and approvals;
16. The Code Officer shall be notified in writing at least one hundred eighty (180) days in advance of any intent to repower the facility. Such notification shall include full details for any proposed changes to the site and may require new permits, inspections, and site plan review;
17. Failure of the owner/operator to notify the Code Officer and/or to maintain any submitted performance guarantee, through nonpayment of premiums or otherwise, shall be evidence of a breach of the approval which, if not remedied within thirty (30) days shall require the project owner to notify the Maine Public Utilities Commission (MPUC), and any fiscally connected party, that they are in breach of their Town approval. Production from the solar energy system shall be suspended beginning on the 30th day following expiration or termination of a performance bond or letter of credit and until the Town certifies that the guarantee has been properly reestablished; and,
18. Failure of the owner/operator to properly and fully decommission the solar energy system within one year of the last date of production shall entitle the Town to access any provided financial guarantee and to enter the property and conduct all decommissioning activities necessary. The deadline for decommissioning may be extended for no more than a one-year period, if the owner/operator provides information to the Code Enforcement Officer

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certifying that the cease in production is temporary and will be resumed within that year.

Section 5.25. (Renumber all following subsections in Article 5)

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ARTICLE 8: SITE PLAN REVIEW

Section 8.1. PURPOSE

The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential (and multifamily) construction designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

Section 8.2. APPLICABILITY OF SITE PLAN REVIEW

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- A. **New Building Construction:** The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures used for nonresidential purposes (other than agricultural buildings and small-scale solar energy systems);
- B. **Expansions of Existing Buildings:** The expansion of an existing nonresidential building or structure, including accessory buildings, that increases the total floor area (other than agricultural buildings); or,
- C. **Creation or Expansion of Parking:** The construction or expansion of nonresidential parking areas and access drives involving an area of more than twenty-five hundred (2,500 sq. ft.) square feet within any three (3) year period (excluding gravel parking areas used for agricultural uses).
- D. **Solar Energy Systems:** The construction or expansion of a medium or large-scale energy system.

18.4 PERMIT APPLICATION SUBMISSION REQUIREMENTS

B. Fees:

1. No permit shall be issued until the application fee(s) are paid. Application fees shall not be nonrefundable, unless noted elsewhere in this Ordinance. Checks are to be made payable to the Town of Durham.
2. All permit fees shall be established in a fee schedule adopted annually by the Select Board based on analysis of Town processing costs and comparison with fees in similar communities. The following are fees for services rendered in the administration of this Land Use Ordinance:
 - a. Building
 - b. Electrical
 - c. Plumbing
 - d. Demolition
 - e. Reinspection
 - f. Occupancy
 - g. After the Fact Permits
 - h. Conditional Use
 - i. Subdivision Sketch Plan
 - j. Preliminary Subdivision
 - k. Final Subdivision
 - l. Amended Subdivision Approval
 - m. Site Plan Review
 - n. Amended Site Plan Approval
 - o. Peer Review Escrows for Subdivision & Site Plan Reviews
 - p. Shoreland Zoning
 - q. Solar Energy Systems
 - r. Flood Management
 - s. Appeals
 - t. Graveyard or Junkyard Annual License
 - u. Automobile Recycling Business
 - v. Gravel Pit Annual Registration
 - w. Mobile Home Park Annual License
 - x. Entrance/Driveway
 - y. E-911 Addressing

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z. Private Street Sign

Note: In 2022, voters approved moving specific fees from the text of the Land Use Ordinance to a fee schedule that can be updated by the Select Board on a regular basis and kept current with service costs. The Land Use Ordinance does not refer to required fees in all articles, and the Town Attorney has advised that all fees on the fee schedule should be referenced in the Land Use Ordinance.

ARTICLE 19: DEFINITIONS

Section 19.1. DEFINITIONS

A. **Construction of Language:** All words not defined herein shall carry their customary and usual dictionary meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Obvious typographical errors may be disregarded in interpretation of this Ordinance. Definitions followed by [brackets] indicate that the words have specific reference to individual articles and do not generally apply to all articles.

179. **SOLAR ENERGY SYSTEM:** Solar energy system means a complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.
180. **SOLAR ENERGY SYSTEM, ABANDONMENT:** Abandonment means the date at which any part of a solar energy generating system has been out of service for a continuous period of twelve (12) months.
181. **SOLAR ENERGY SYSTEM, GROUND-MOUNTED:** Ground-mounted solar energy generating system means a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.
182. **SOLAR ENERGY SYSTEM, ROOF-MOUNTED OR BUILDING INTEGRATED:** Roof mounted and building integrated solar energy generating systems means a solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.
183. **SOLAR ENERGY SYSTEM, SURFACE AREA:** Surface area means the total airspace projected vertically over the ground above solar arrays, the footprint of accessways, and any appurtenant structures associated with the solar energy generating system. Vegetated areas between solar arrays are not included in the calculation of surface area for solar energy systems.

DRAFT POLICY DIRECTION FOR 2024

DURHAM LAND USE ORDINANCE

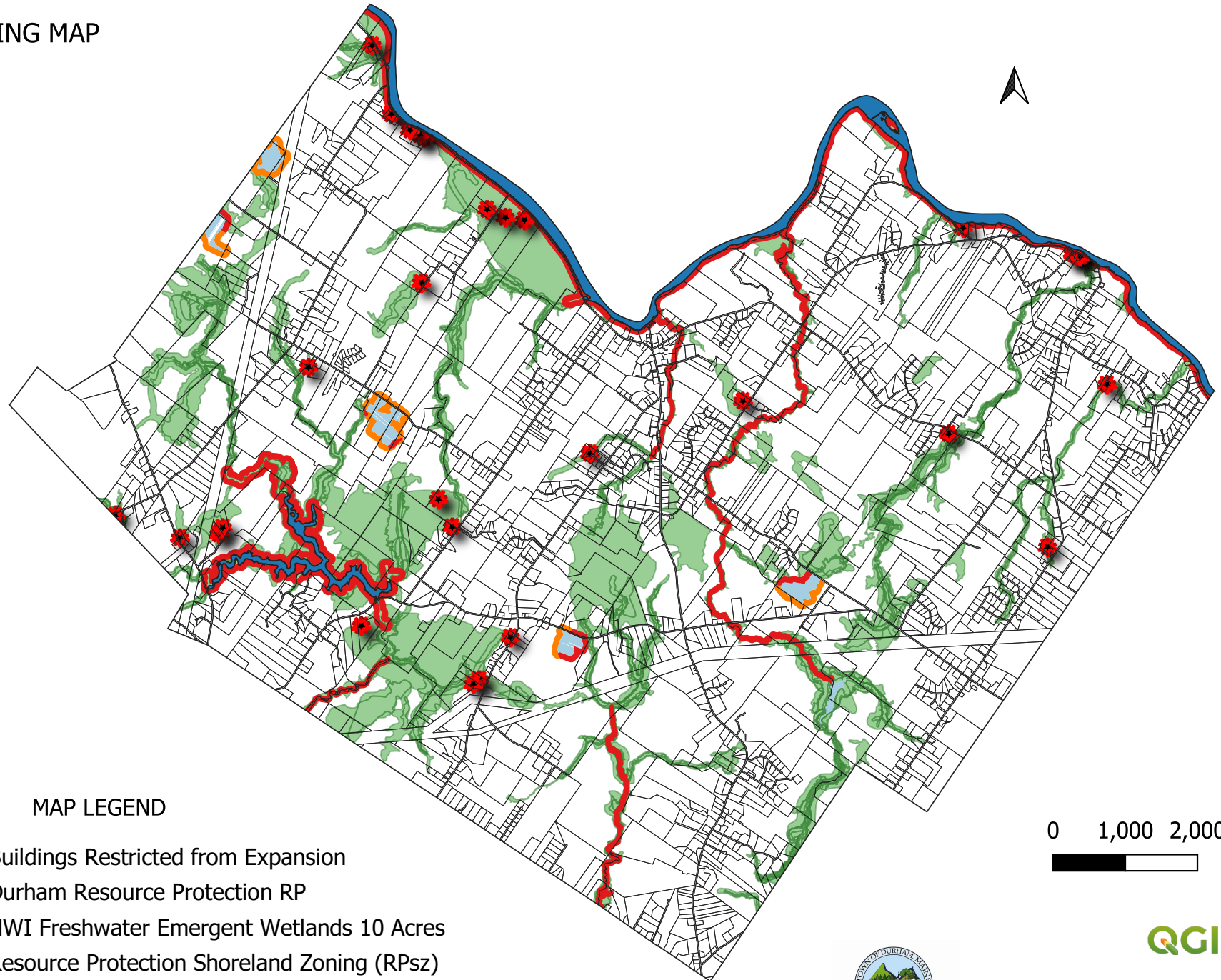
**PART 3 – REFINEMENT OF THE RESOURCE
PROTECTION DISTRICT BOUNDARY TO
PERMIT EXPANSION OF EXISTING
NONCONFORMING STRUCTURES**

EXPANSIONS OF NONCONFORMING BUILDINGS






- During the public participation process for the realignment of the Resource Protection District, landowners expressed concern for the difficulty and costs of going before the Town's regulatory boards for modest expansions of buildings that would be placed in the expanded Resource Protection District.
- Article 16 currently allows expansions of up to 30 percent with Planning Board conditional use approval. Expansions greater than 30 percent can be approved by the Board of Appeals subject to mitigation of groundwater impacts.
- The Town Planner drafted amendments that would give the Code Officer authority to approve expansions up to 30 percent subject to setbacks and State environmental standards. The draft amendments would transfer reviews over 30 percent from the Board of Appeals to the Planning Board.
- Members of the Select Board and Planning Board questioned whether the proposed changes were permissible under State laws for expansions of nonconforming uses.
- An attorney at MMA confirmed that there are potential problems with the existing regulations and the proposed changes.
- The Town Planner met with the Conservation Commission to present an alternative concept for addressing landowner concerns for expanding existing buildings in the Resource Protection District.
- The Beginning with Habitat Program natural resource inventories upon which the Resource Protection District is based include a map showing "developed areas" that could be excluded from areas considered for Resource Protection.
- The Town Planner has done visual analysis of aerial photography to identify about 30 properties where the developed portions of those lots are within the new Resource Protection District.
- The Conservation Commission supports the concept of revising the Zoning Map to exclude these smaller currently developed areas that are within the Resource Protection District boundary based on the Beginning with Habitat inventories.
- This would remove the nonconforming status of those buildings and allow expansions subject to the standard requirements without going before the regulatory boards.
- The Conservation Commission will consider adding this topic to their public information meeting unless the Planning Board prefers to address it.
- The packet contains the Beginning with Habitat map of developed land, a map showing the affected properties, and examples of how the Zoning Map would be amended to exclude currently developed portions of lots from the Resource Protection District.

DURHAM MAINE ZONING MAP
Adopted April 1, 2023

| id | MAP | LOT |
|----|-----|-------|
| 1 | 11 | 37001 |
| 2 | 8 | 62 |
| 3 | 5 | 23 |
| 4 | 4 | 142 |
| 5 | 4 | 141 |
| 6 | 4 | 140 |
| 7 | 4 | 139 |
| 8 | 4 | 70 |
| 9 | 3 | 52001 |
| 10 | 3 | 22001 |
| 11 | 7 | 32006 |
| 12 | 8 | 51001 |
| 13 | 8 | 51002 |
| 14 | 8 | 56 |
| 15 | 10 | 4 |
| 16 | 10 | 5001 |
| 17 | 11 | 32 |
| 18 | 11 | 33 |
| 19 | 11 | 42001 |
| 20 | 12 | 1 |
| 21 | 12 | 2 |
| 22 | 12 | 3 |
| 23 | 12 | 6002 |
| 24 | 12 | 36001 |
| 25 | 10 | 26002 |
| 30 | 9 | 9001 |
| 31 | 9 | 12002 |



MAP LEGEND

-  Buildings Restricted from Expansion
-  Durham Resource Protection RP
-  NWI Freshwater Emergent Wetlands 10 Acres
-  Resource Protection Shoreland Zoning (RPsZ)
-  Limited Residential Shoreland Zoning (LRSz)



ZONING MAP AMENDMENTS

**CONCEPT FOR LANDOWNER RELIEF FROM IMPACTS
OF NEW RESOURCE PROTECTION ZONING**

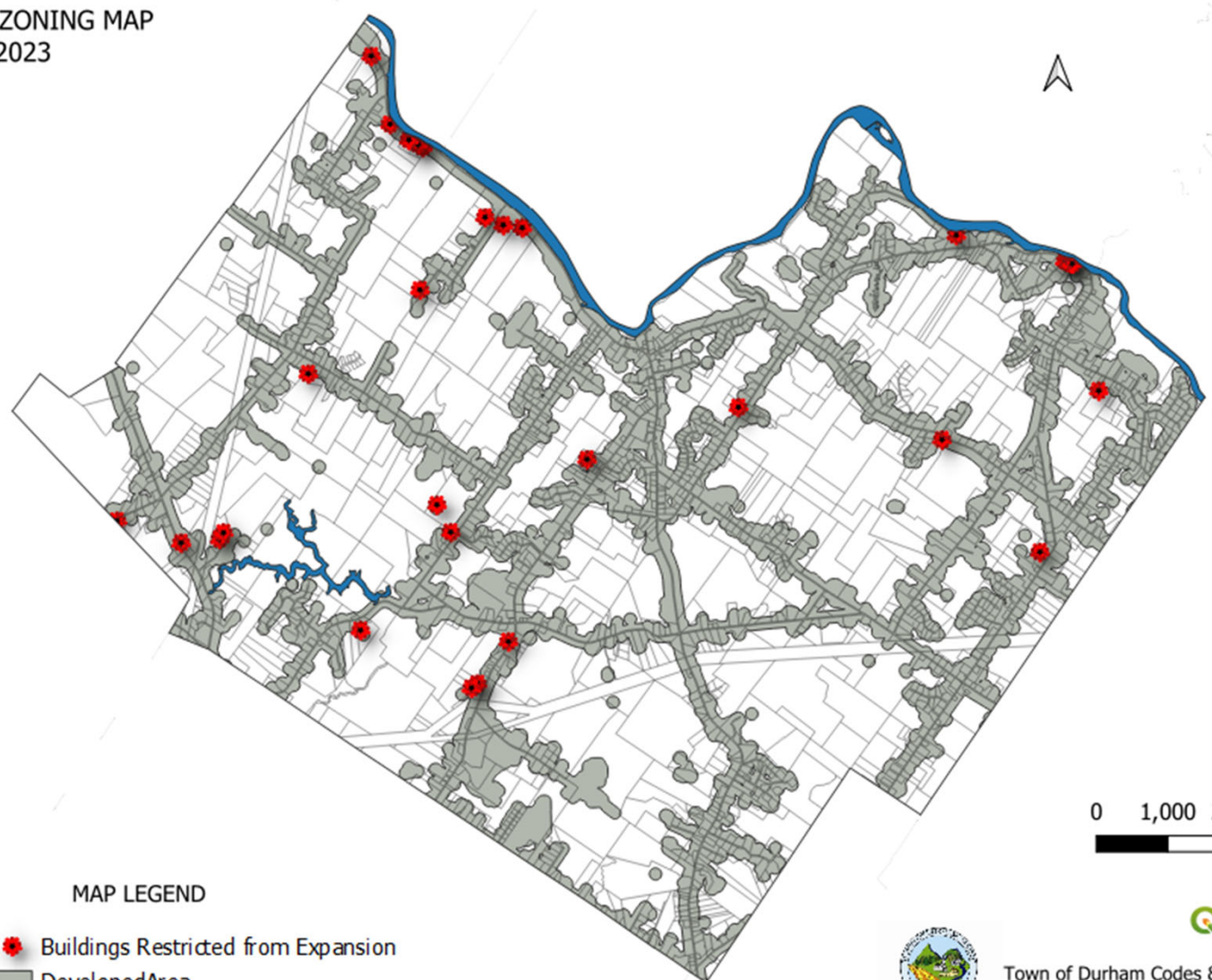
October 2023

Prepared by George Theborge, Town Planner



PROPERTIES WITH BUILDINGS RESTRICTED FROM EXPANSION

DURHAM MAINE ZONING MAP
Adopted April 1, 2023


| id | MAP | LOT |
|----|-----|-------|
| 1 | 11 | 37001 |
| 2 | 8 | 62 |
| 3 | 5 | 23 |
| 4 | 4 | 142 |
| 5 | 4 | 141 |
| 6 | 4 | 140 |
| 7 | 4 | 139 |
| 8 | 4 | 70 |
| 9 | 3 | 52001 |
| 10 | 3 | 22001 |
| 11 | 7 | 32006 |
| 12 | 8 | 51001 |
| 13 | 8 | 51002 |
| 14 | 8 | 56 |
| 15 | 10 | 4 |
| 16 | 10 | 5001 |
| 17 | 11 | 32 |
| 18 | 11 | 33 |
| 19 | 11 | 42001 |
| 20 | 12 | 1 |
| 21 | 12 | 2 |
| 22 | 12 | 3 |
| 23 | 12 | 6002 |
| 24 | 12 | 36001 |
| 25 | 10 | 26002 |
| 30 | 9 | 9001 |
| 31 | 9 | 12002 |



MAP LEGEND

-  Buildings Restricted from Expansion
-  DevelopedArea

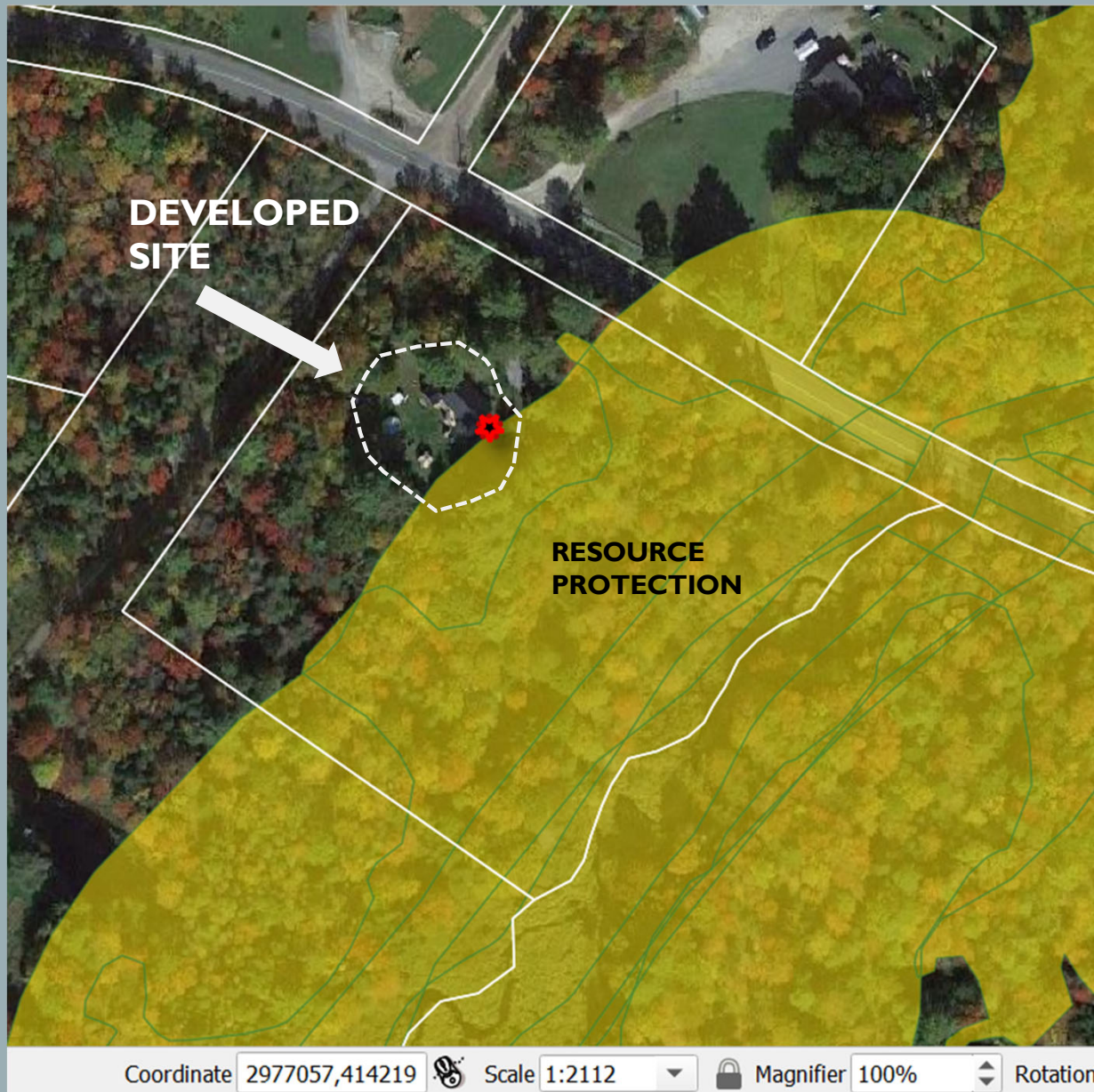
0 1,000 2,000 ft




QGIS

Town of Durham Codes & Planning

MAP 3 LOT 22A



MAP 3 LOT 22A

Proposed Revision to Resource Protection Boundary



Coordinate 2977148,414165 Scale 1:2112 Magnifier 100% Rotation

Beginning with Habitat
Developed Areas Map 2023



Coordinate 2976226,414973 Scale 1:2112 Magnifier 100% Rotation

MAP 3 LOT 52A



MAP 3 LOT 52A

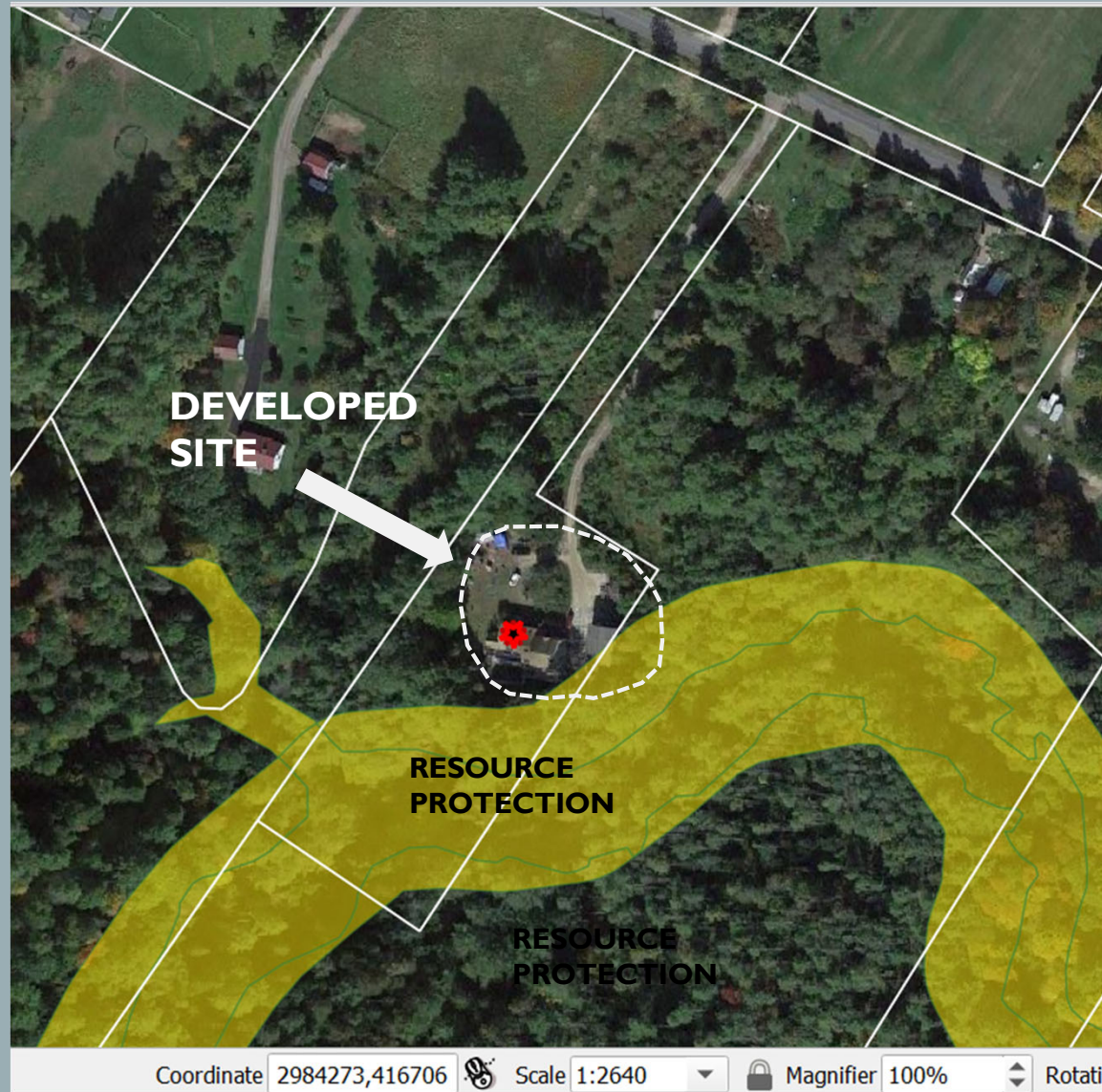


Beginning with Habitat
Developed Areas Map 2023

Proposed Revision to Resource Protection Boundary



MAP 4 LOT 70



MAP 4 LOT 70

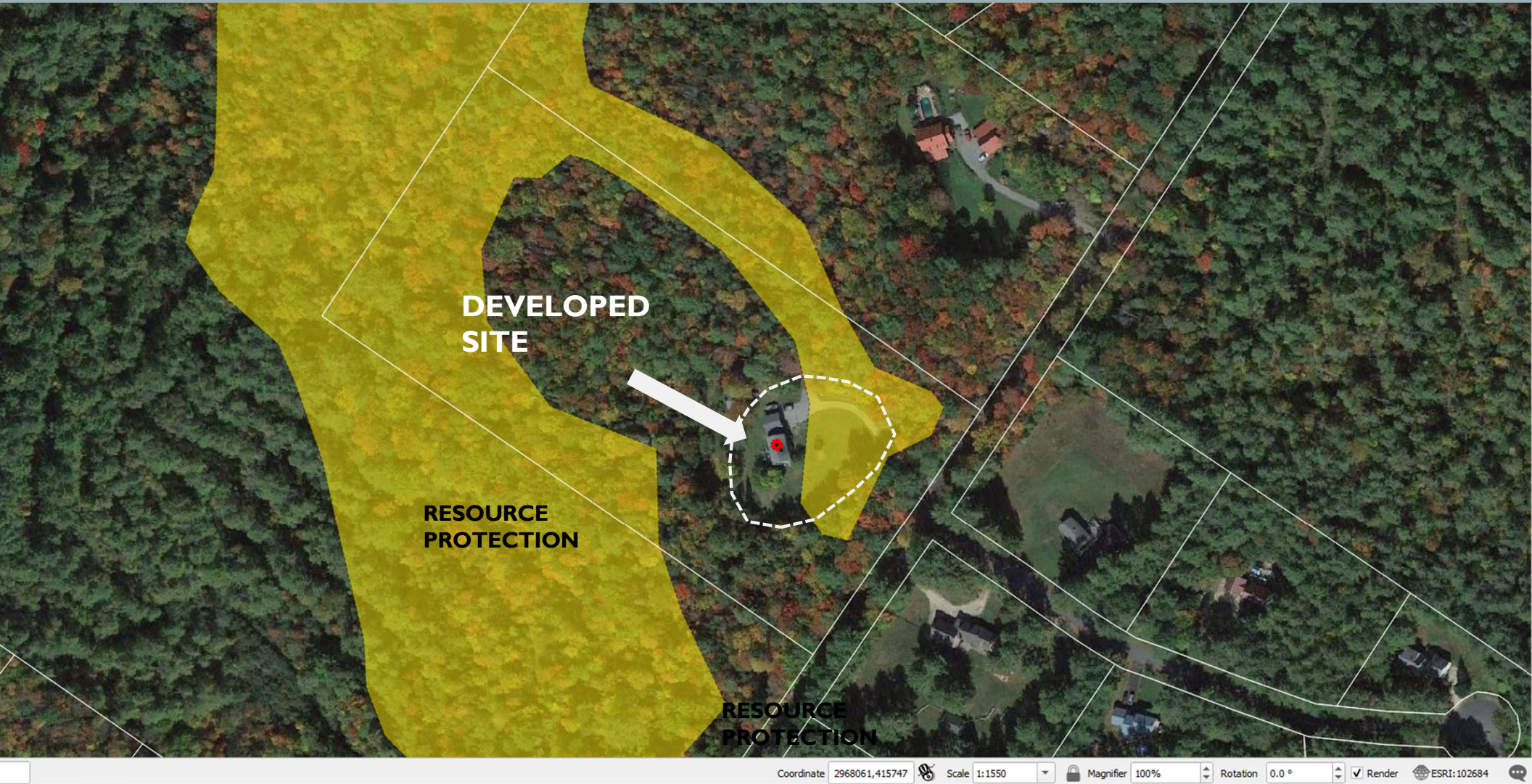


Beginning with Habitat
Developed Areas Map 2023

Proposed Revision to Resource Protection Boundary



MAP 6 LOT 82



MAP 6 LOT 82

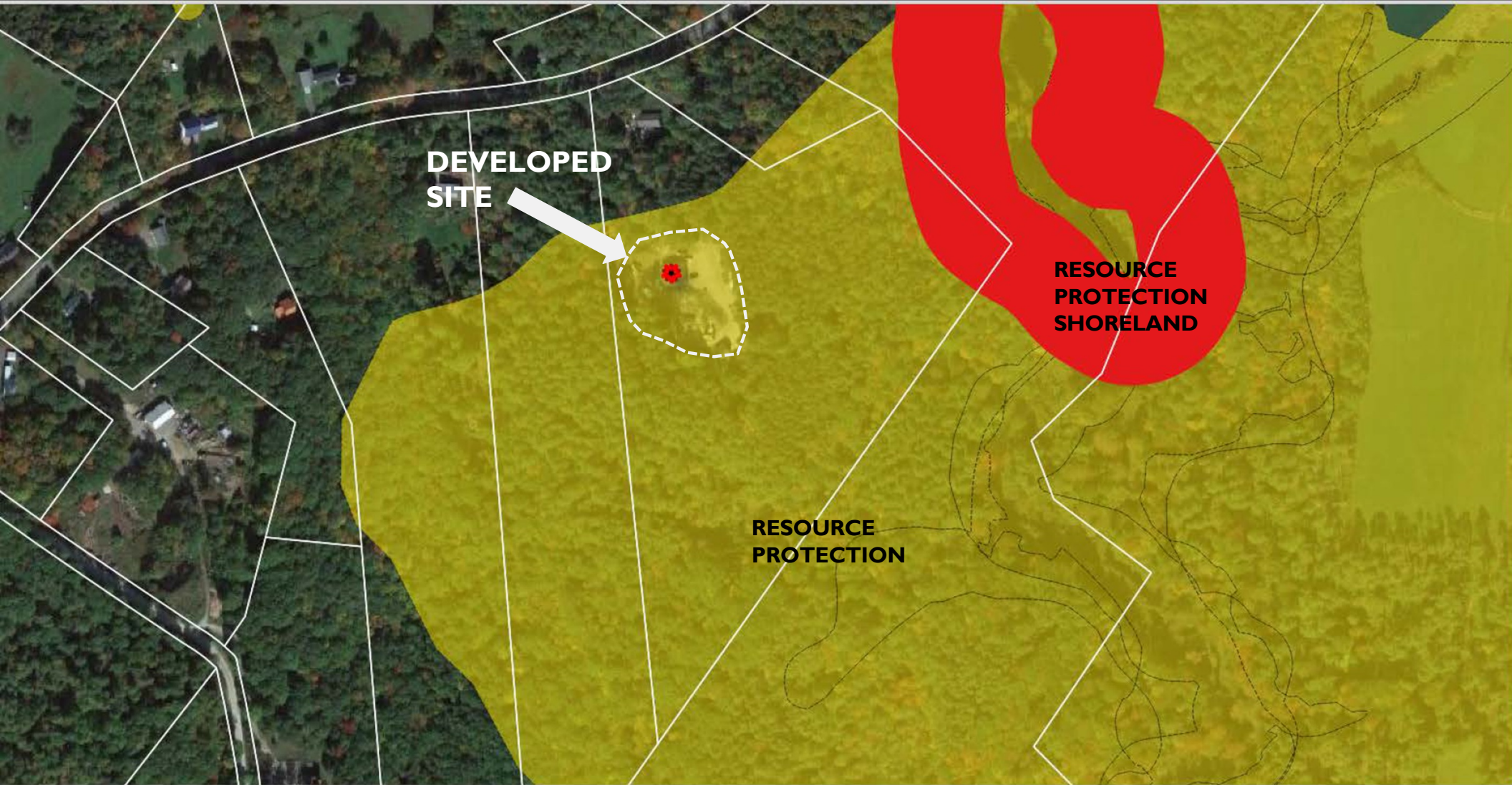
Beginning with Habitat
Developed Areas Map 2023



**Proposed Revision to
Resource Protection Boundary**



MAP 8 LOT 62

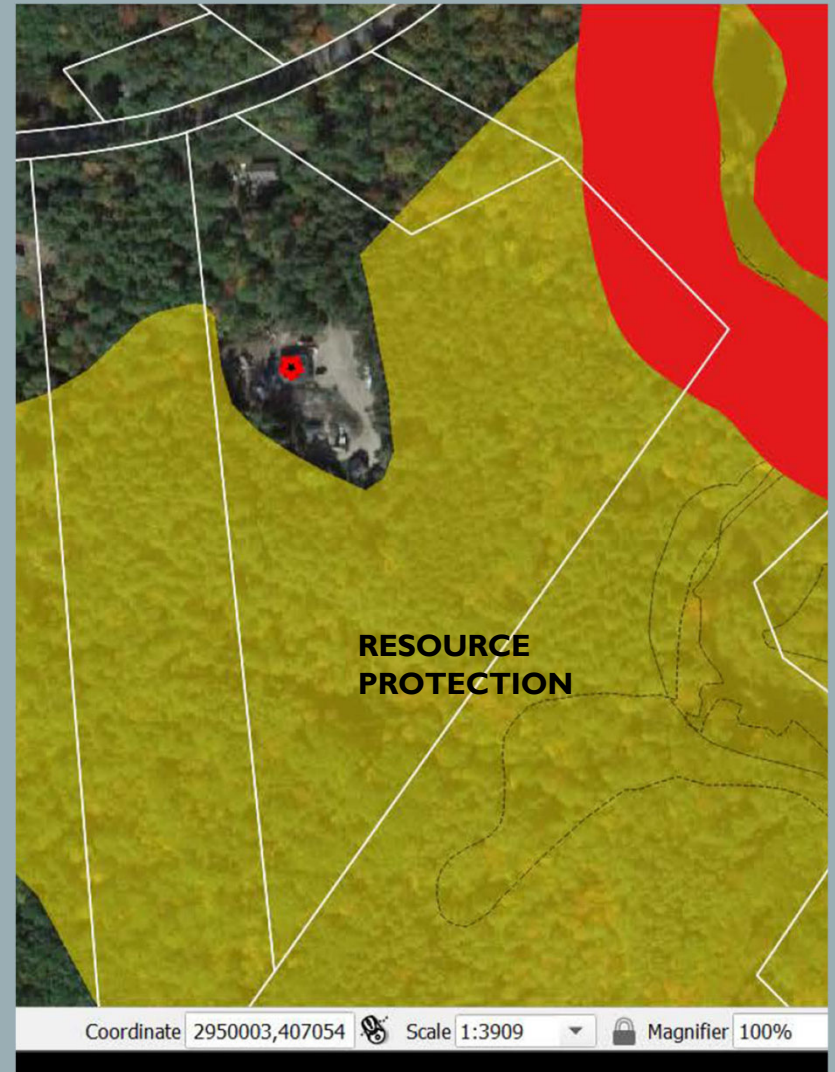


MAP 8 LOT 62

Proposed Revision to Resource Protection Boundary



Beginning with Habitat
Developed Areas Map 2023



MAP 9 LOT 9A



**DEVELOPED
SITE**

**RESOURCE
PROTECTION**

re selected on layer Buildings Restricted from Expansion (30).

Coordinate 2941913,410866



Scale 1:1964



Magnifier 100%



Rotation 0.0 °



Render



ESRI:102684



MAP 9 LOT 9A

Proposed Revision to Resource Protection Boundary



Beginning with Habitat Developed Areas Map 2023



MAP 9 LOT 12B



MAP 9 LOT 12B



Beginning with Habitat
Developed Areas Map 2023

Proposed Revision to Resource Protection Boundary

