



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
April 5, 2023

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Tyler Hutchison, Brian Lanoie, Anne Torregrossa (arrived late) and George Thebarge (Town Planner).

Absent: Ron Williams

Guests: Charles Burnham & Jack Doughty (Applicant: Deer Creek)

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (March 1, 2023)

Allan Purinton moved to accept the minutes from the March 1, 2023 meeting as presented. Juliet Caplinger seconded. Motion carried 4-0.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials (George Thebarge)

- Update – Town Meeting approved Amendments to the Land Use Ordinance and Zoning Map
- The Town Planner finished updating the Land Use Ordinance and Zoning Map and those updated documents will be posted on the website.

b.) Residents – None

c.) Non-residents – None

5. Continuing Business

a.) Completeness Review of Final Plan for the Deer Creek Crossing Subdivision Map 7, Lot 32A

- The applicant requested an extension on deadline for decision on the application, the Army Corps of Engineers Review of the Stream Crossing permit is still pending.

Allan Purinton moved to accept the request to table the application, Juliet Caplinger seconded. Allan amended the motion to extend the 60-day decision date and establish a new deadline of (6) six months from the determination of completion. Juliet Caplinger seconded. Motion carried 4 – 0.

6. Other Business:

a.) Board Discussion of Draft Land Use Ordinance Amendments

Board Chair, John Talbot opened the discussion of changes the Board should pursue for the next year in preparation for the next Town Meeting.

Town Planner, George Thebarg explained that in 2018, an overhaul of the Land Use Ordinance was adopted. The Ordinance consolidated several separate ordinances (gravel pit, mobile home park, addressing, historic district) so that all land use regulations could be found in one place. That effort also updated the subdivision and site plan review regulations to be what most of the towns in Southern Maine use to review subdivisions and brought the regulations into compliance with State shoreland zoning requirements. Additional issues that should be addressed:

- Cell Towers – currently there are no design or performance standards other than the conditional use criteria. Under the Federal Telecommunications Act, applicants have the right to put towers wherever coverage is needed. There are strict time limits for processing permits or the applications are automatically approved.
- Solar Farms – Again, there are no standards other than the conditional use criteria. The scale of large projects will be an issue under those criteria.
- Fee Schedule – Enacting new fees not listed in the Ordinance is an issue the Select Board is looking at. The Town Planner will seek legal guidance from Maine Municipal Association (MMA) on the Town's authority to enact new fees.

The Planning Board discussed these topics and decided to focus on three areas:

- Housing
- Standards for Solar Farms
- Standards for Cell Towers

The Board also indicated support for any change needed to implement permit fees.

Town Planner George Thebarg summarized his work with the Historic District Commission to overhaul the Town's historic preservation regulations over the past two years. The Commission agreed last spring on a draft proposal to eliminate the Southwest Bend Historic District and instead focus on the 10 individual sites scattered across Town. That proposal would also limit the scope of historic preservation reviews from a quarter

mile to the historic properties and abutting properties. Regulatory authority would be centralized with the Code Enforcement Officer, and the CEO would rely on expertise from the Maine Historic Preservation Commission staff on whether proposed development meets the Interior Department standards for historic preservation contained in the Land Use Ordinance. The Town currently lacks the expertise to properly regulate historic preservation standards.

The Historic District Commission subsequently withdrew its support for this proposal and discussed expanding the Commission's jurisdiction to review all historic properties across Town.

The Town Planner provided the Town Manager with an outline for an Ordinance Review Committee consisting of the chairs of the various boards and commissions involved in land use issues (Planning Board, Board of Appeals, Conservation Commission, Historic District Commission, & Select Board). The goal of the ad hoc committee would be to review land use policies and give direction for drafting needed amendments for Town Meeting. Having good communication and cooperation between these groups is critical to the planning process as evidenced by the last two Town Meetings.

John Talbot moved to adjourn the meeting at 7:45 p.m. Juliet Caplinger seconded. The motion carried 4 – 0.