



# Town Of Durham

## Planning Board Minutes

Town Offices, 6:30 pm  
January 4, 2023

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### 1. Roll Call & Determination of a Quorum

**In attendance:** John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Anne Torregrossa and George Thebarga (Town Planner).

**Absent:** Ron Williams and Tyler Hutchison

**Guests:** Joseph Roy (Conservation Commission)  
Mike Crowell  
Alan Plummer (Code Enforcement Officer)

### 2. Amendments to the Agenda:

- **Add Elections of Officers for the Planning Board**

Allan nominates John Talbot for Chair, Anne seconds. Motion carries 3-0.

Allan nominates Juliet Caplinger as Vice-Chair, Anne seconds. Motion carries 3-0.

### 3. Acceptance of the Minutes of prior meeting (December 7, 2022)

Allan Purinton moves to accept the minutes from December 7, 2022 meeting as presented. Juliet Caplinger seconds. Motion carries 3-0-1 Abstention (absent from previous meeting.)

### 4. Informational Exchange on Non-Agenda Items:

#### a.) Town Officials

- FYI, if the town issues more than 45 building permits an addendum to the Comprehensive Plan is needed.
- The Town issued 34 permits in 2022, this number has increased in the past few years, in years past the average was 15 permits per year.

#### 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 (Public comment will not be taken)

- The applicate asked that the Board table the application until the next meeting, February 1, 2023. The applicant is still waiting for state permits.

Allan Purinton moves to table 5a and 5b until February 1, 2023, at the request of the applicant. Juliet seconds. Motion carries 3-0-1 Abstention.

## 6. Other Business:

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

#### Town Planner Notes:

- A public opinion survey on the three options is being conducted on the Town Website.
- The (3) Three Options are:
  - Be less restrictive than current zoning and the minimum State requirements per recommendations in the Comprehensive Plan and the need for more housing options.
  - Be more restrictive than current zoning as allowed by the new State requirements based on concerns over impacts of allowing more housing units.
  - Be neutral and simply adopt the new State requirements.
- The Town Planner has drafted Ordinance amendments to move in any of the three policy directions.
- The Conservation Commission held a public information meeting on proposed changes to the alignment of the Resource Protection District on December 6, 2022. At that meeting, there was discussion of putting two warrant article questions on the 2023 Town Meeting warrant related to realignment of the Resource Protection District.
- The first warrant article on changes to the Resource Protection District would be to fully implement the Comprehensive Plan recommendations to all property in Durham meeting the RP criteria, whether inside or outside the current District boundary.

- The second warrant article on RP would only apply those criteria within the existing RP boundary, which would result in removal of land inaccurately mapped as floodplain in 2002. This would be a fallback position in case the first warrant article fails, giving relief to affected landowners.
- This seems the most logical approach to take on the affordable housing law questions. A first warrant article can fully implement the Comprehensive Plan recommendations for expanding housing diversity in Durham and if that warrant article fails, a second proposed article can simply bring Durham into compliance with the new State law (which Durham will need to comply with regardless of language in the Land Use Ordinance).
- The third land use policy area to be addressed is simplifying and clarifying the process for approval of roads serving multiple lots outside of subdivisions.
- Currently the Road Commissioner and Code Officer approve the road design and construction, and the Planning Board approves the maintenance agreement.
- The Historic District Commission has requested more time to review the proposed overhaul of the historic preservation regulations, and no draft amendments will be considered at the 2023 Town Meeting.
- The Selectboard is looking for recommendations from the Planning Board on the proposed Ordinances prior to April Town Meeting.

Joe Roy (Conservation Commission) discussed with the board that the Conservation Commission would advocate for adopting the 2018 Comprehensive Plan.

Juliet Caplinger moves to propose to the Selectboard, Part 1A – to apply Resource Protection criteria per 2018 Comprehensive Plan recommendations. Allan Purinton seconds, motion carries 4-0.

John Talbot moves that if Part 1A fails, then the Alternate Part 1B, which is to establish clear criteria and to correct mapping errors (pull out properties that have no Comprehensive Plan data supporting the Resource Protection) be proposed. Allan Purinton seconds, motion carries 3-0-1 Abstention.

The Board discussed the following amendments:

- Part 2A – Amendment of the Land Use Ordinance to implement Comprehensive Plan recommendations for housing diversity and comply with a new State Affordable Housing Law

- Part 2B – Amendment of the Land Use Ordinance to comply with a new State Affordable Housing Law (Alternate to Part 2A)
- Part 3 – Amendment of the Land Use Ordinance to clarify the process for street acceptance

The Town Planner will prepare an Amendment at the next meeting, on Wednesday, February 1, 2023, that clarifies (Part 3) private roads will only be accepted at Town Meeting.

7. **Adjourn:** The meeting adjourned at 8:32 pm.