Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

August 5, 2026

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1. Roll Call & Determination of a Quorum

In attendance: Brian Lanoie (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Brian Stickney, Daryn Levesque (Alternate), and George Thebarge (Town Planner). Sunny Du was absent. Chair Lanoie appointed Daryn Levesque to serve as a voting member for the meeting.

2. Pledge of Allegiance

3. Amendments to the Agenda

Chair Lanoie added a discussion of preparation for the 2027 Town Meeting at the end of the agenda. He asked that Town Meeting preparation remain a recurring agenda item so the Board could track needed ordinance work and related homework. The Board agreed by consensus.

Chair Lanoie also reviewed the Board's meeting-continuation policy, including the 8:30 p.m. progress check and the general 9:00 p.m. cutoff for beginning new agenda items.

4. Acceptance of Meeting Minutes (July 1, 2026)

Board members reviewed the draft July 1, 2026 minutes. No corrections were identified.

Motion made by Juliet Caplinger: To accept the July 1, 2026 meeting minutes.
Motion seconded by Allan Purinton: Votes to approve: 5-0

5. Informational Exchange on Non-Agenda Items

a. Town officials

Town Planner George Thebarge summarized his July 2026 report, including July Planning Board activity, the July 20 Pinkham Brook Solar site walk, formation of the Interim Economic Development Committee, and his outline to the Select Board concerning gravel pits. In response to a Board question, he said staff and the Town Attorney would first review the broader gravel-pit issue; recommendations could later be referred to the Planning Board.

b. Residents

None.

c. Non-Residents

None.

6. Continuing Business

a. Public Hearing on Pinkham Brook GLC Solar Energy System Conditional Use Application, Map 4, Lot 85

Chair Lanoie opened the public hearing and reviewed the hearing procedures. Jess Costa, speaking for the Durham Conservation Commission, stated that the Commission supports solar projects that comply with the Town's standards but asked the Board to consider additional wildlife protections. She requested a broader seasonal tree-clearing restriction, if practicable, to protect breeding birds and bats and discussed concerns that large-grid wire fencing could entangle deer. She suggested considering wildlife-friendly fencing details, including smooth wire and visual markers or reflective materials. The public hearing was closed at approximately 6:43 p.m.

b. Substantive Review of Pinkham Brook GLC Solar Energy System Conditional Use Application, Map 4, Lot 85

Jesse Hutchinson of Flycatcher LLC and Jeff Martin of Norwich Solar represented the applicant. They summarized the July 21 supplemental submission and revisions made after the July 1 meeting and July 20 site walk. The project remains a 600 kW-AC ground-mounted solar facility at 360 Pinkham Brook Road, with approximately 11 acres of clearing and an access-road bridge spanning Pinkham Brook.

The applicant reported that the supplemental materials included updated plans, ownership and tax information, CMP easement and lease information, improved floodplain and wetland mapping, cost estimates, transformer-noise information, bridge/floodplain analysis, and a permit-status matrix. The applicant also reported pre-application discussions with Maine DEP and the U.S. Army Corps of Engineers and described anticipated permit pathways.

The Board discussed seasonal tree-clearing restrictions. The applicant confirmed the previously discussed May 15-August 15 restriction and stated that it would attempt to accommodate the Conservation Commission's broader April 1-September 1 window where practicable, although it did not want the broader period imposed as a mandatory condition.

The Board discussed fencing in detail. The proposed fence was described as eight feet high, with approximately six-inch fixed-knot mesh and a six-inch wildlife passage gap at the bottom, and with no barbed wire proposed. The Town Planner advised that the Board did not appear to have waiver authority from the specific solar fencing-height standard. The applicant agreed to consider visibility measures such as durable flagging, placards, or reflective material to reduce wildlife collisions or entanglement.

The Board reviewed the Pinkham Brook bridge and floodplain design. The applicant stated that the bridge was designed to meet the Town's flood-hazard requirements, including one foot of freeboard above the modeled base-flood elevation. Board members and staff discussed whether larger storms could create a partial damming effect and whether a hardened overflow/spillway or similar engineering measure should be considered. The Board agreed that the stream crossing and floodplain design should receive independent technical peer review.

Other topics included future ownership of the solar facility; the Town's ownership-change notification requirements; final CMP approval of interconnection/access details; E-911 addressing; final construction-plan changes; transformer noise and spill containment; emergency access and Fire Chief confirmation; a Knox Box at the gated array; and the absence of permanent routine site lighting.

The Board then reviewed the draft Conditional Use findings and conclusions criterion by criterion. The Board directed that the public-health findings include transformer-pad containment for any oil or liquid leakage; that the public-safety findings reflect written Fire Chief confirmation; that the environmental findings reference peer review of the bridge/stream crossing; and that the scale-and-intensity findings reflect the site-walk observation that the array would not be visible from surrounding public viewpoints.

The applicant affirmed acceptance of the proposed conditions of approval as discussed.

Motion made by Brian Stickney: To adopt the findings of fact, conclusions, and conditions of approval as amended and grant Conditional Use approval to Pinkham Brook GLC Solar, LLC for the proposed Pinkham Brook Solar project, subject to the adopted conditions of approval.
Motion seconded by Juliet Caplinger: Votes to approve: 5-0

7. New Business

a. Completeness Review of Pinkham Brook GLC Solar Energy System Site Plan Application, Map 4, Lot 85

Following Conditional Use approval, the Board moved into the Site Plan Review portion of the application. The record reflects discussion of the Site Plan materials and peer-review scope, but no separate motion on Site Plan completeness was made at this meeting.

b. Substantive Review of Pinkham Brook GLC Solar Energy System Site Plan Application, Map 4, Lot 85

The Board determined that additional technical review was appropriate before continuing substantive Site Plan Review. The peer review is to focus particularly on compliance with the Solar Energy System standards and on the Pinkham Brook stream crossing, including the bridge/floodplain design and potential measures to address larger storm events. The applicant may revise plans before submitting them for peer review, and the Town Planner will coordinate reviewer contact information.

Motion made by Juliet Caplinger: To table the substantive review of the Pinkham Brook GLC Solar Energy System Site Plan application, Map 4, Lot 85, pending third-party peer review.
Motion seconded by Allan Purinton: Votes to approve: 5-0

c. Completeness Review of Ivy Ridge Final Subdivision Application, 335 Newell Brook Road, Tax Map 5, Lot 61

Craig Burgess, P.E., of Acorn Engineering appeared for the applicant, Rivy, LLC, with another Acorn representative. Mr. Burgess summarized changes made since preliminary approval, including the Maine wildlife-agency determination that the identified vernal pool is non-significant, a Casella ability-to-serve letter, peer-review revisions to stormwater and drainage details, an added drainage easement on Lot 1, concrete monuments, the 50-foot Newell Brook Road buffer, tree-save areas, and updated technical-capacity information.

At the Board's request, the applicant reviewed the preliminary approval conditions. LJB Engineering had completed its technical peer review and reported no further comments on roadway, stormwater, or utilities. The Board discussed the proposed Conditional Agreement/performance-guarantee approach, individual lot building envelopes, State permitting, erosion and sedimentation controls, tree clearing, street naming/E-911 addressing, illustrative lot layouts, financial capacity, homeowners-association documents, and cluster-development requirements.

The Board concluded that required information remained missing from the final-plan submission. The outstanding items were identified as preliminary approval Condition 2(a)-(c), concerning engineer-prepared construction cost estimates for project infrastructure; Condition 7, concerning written street-name/E-911 addressing approval; and Condition 10, concerning the engineer's construction cost estimate and a financial-capacity commitment tied to that estimate. The Board noted that the addressing item may have been delayed by the Town's change in Code Enforcement personnel, but the written approval was still not in the record.

Motion made by Juliet Caplinger: To find the Ivy Ridge Final Subdivision application incomplete based on the outstanding items in Preliminary Approval Conditions 2(a)-(c), 7, and 10.
Motion seconded by Brian Stickney: Votes to approve: 5-0

The applicant was advised that supplemental materials for the September 2, 2026 meeting should be submitted at least two weeks before that meeting and that the Board could limit the next completeness review to the outstanding items.

d. Substantive Review of Ivy Ridge Final Subdivision Application, 335 Newell Brook Road, Tax Map 5, Lot 61

Because the Board found the final application incomplete, it did not proceed to substantive final subdivision review.

e. Sketch Plan Review of a Subdivision Plan Amendment for a Lot Split on Winters Way, Map 11, Lot 41-B

Adam Jones of Jones Associates appeared with property owner Stephen Bassett. The proposal would divide the approximately 14.37-acre parcel at 12 Winters Way into a 90,000-square-foot lot containing the existing house and a second approximately 12.29-acre lot for one new house. The property is part of earlier subdivision plans from 1974 and 2005, and the Board agreed that the next application should proceed as an amendment/revision to the prior subdivision plans.

The existing Winters Way access serves the Bassett property and another dwelling. Adding the proposed lot would cause the access to serve three dwellings and therefore bring the applicable private-road standards into play. The principal issue was the existing access grade, shown at approximately 12-13 percent compared with the Town's 8 percent standard. The applicant stated that the Road Commissioner had not identified an objection to a waiver and cited AASHTO guidance allowing steeper grades over short distances. The Board indicated that any waiver request should be supported by appropriate engineering information and written findings and should also be reviewed by the Fire Chief.

The Board also discussed the proposed 60-by-120-foot hammerhead turnaround, legal access/easement rights for other users of Winters Way, required frontage, Resource Protection and wetland areas, the proposed house and driveway location, floodplain conditions, erosion and drainage, and the need for a private-road maintenance agreement. The Board requested that the next submission clarify the easement/title history, document road grades and design details, address emergency access and drainage, show wetlands and buildable areas, confirm dimensional compliance, and include Fire Chief and Road Commissioner comments. No formal action was required at sketch plan review.

8. Other Business

a. 2027 Town Meeting Preparation

Chair Lanoie asked the Board to begin maintaining a running list of possible Land Use Code work for the 2027 Town Meeting. The Town Planner identified several topics carried over from prior ordinance discussions, including noise standards and the definition/regulation of camping associated with agricultural uses. He also noted anticipated agricultural amendments, possible gravel-pit ordinance changes, affordable-housing compliance amendments, and potential future work related to the Economic Development District. Cell-tower standards were discussed as a gap in the Code but were not considered an immediate priority.

The Board discussed workload and timing, particularly whether the new Economic Development Committee would generate recommendations soon enough for the 2027 Town Meeting. Chair Lanoie stated that he would prepare and circulate a running list before the next meeting so the Board could track priorities and coordinate with the Select Board.

9. Adjournment

Motion made by Juliet Caplinger: To adjourn the meeting.
Motion seconded by Allan Purinton: Votes to approve: 5-0

The meeting adjourned at approximately 8:45 p.m.