



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

March 5, 2025

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Marc Derr, Brian Lanoie and George Theborge (Town Planner).

2. Amendments to the Agenda: None

3. Acceptance of Meeting Minutes (January 15, 2025 & February 5, 2025)

Motion made by Allan Purinton: To accept the minutes for both meetings as presented. **Motion seconded by Juliet Caplinger: Votes to approve: 5 Votes to deny: 0**

4. Informational Exchange on Non-Agenda Items:

a) Town officials (George Theborge, Town Planner)

- The Select Board completed review of the draft Land Use Ordinance amendments for contract zoning, BESS, and historic preservation. A public hearing on the proposed Ordinance amendments has been scheduled for March 19.

b) Residents: None

c) Non-Residents: None

5. Continuing Business: None

6. New Business:

a.) Request for Reinstatement of the Ruby Farmview Subdivision Preliminary Plan Map 5, Lot 78B

George Theborge, Town Planner summarized the purpose of the application to seek reapproval of the preliminary plan. The applicant failed to file the final plan application within 6 months of the April 2024 preliminary approval. Phase 1 has been completed and the applicant has updated the application.

Rick Meek of Terradyn Consultants LLC of New Gloucester, Maine updated the Board on submission of a certification of improvements for Phase 1 and modifications of the preliminary plan to address issues in the prior approval conditions. The applicant is seeking the same two waivers on a water source for fire protection and required road access to abutting properties.

Brian Lanoie asked for an expected time frame for completion of Phase 2. Mr. Meek indicated it would be done this year in terms of the infrastructure improvements.

Allan Purinton expressed concern about the storage of waste and recycling containers on Swamp Road. This presents a significant safety hazard.

The Board and applicant discussed the need to work with Cassella, the Town's waste hauler and the homeowners association to have storage containers picked up at the driveways on Ruby Farmview Drive rather than Swamp Road.

Motion made by John Talbot: To find that the application for preliminary subdivision is complete.
Motion Seconded by Allan Purinton: Votes to approve: 5 Vote to deny: 0

John Talbot asked Board members whether they considered the requests for waivers to be justified. He questioned whether the abutting lot owner has legal right to access Ruby Farmview Drive as represented by the applicant. After discussion, the Board determined that the applicant should demonstrate how abutting property can be accessed without a road extension.

Motion made by John Talbot: To grant a waiver on the requirement for an on-site water source for fire protection. **Motion Seconded by Allan Purinton: Votes to approve: 5 Vote to deny: 0**

Motion made by John Talbot: To grant preliminary approval with the draft approval conditions amended to add requirement of a waste management plan. **Motion Seconded by Brian Lanoie: Votes to approve: 5 Vote to deny: 0**

7. Other Business:

a.) Board Discussion of Land Use Ordinance Amendments for April 5 Town Meeting

The Planning Board discussed the final changes directed by the Select Board:

- The threshold for Town Meeting contract zoning requirements for solar farms increased from 10 acres to 20 acres per recommendation of the Conservation Commission.
- Projects on properties abutting one of the officially designated historic properties must seek advisory opinions from the Historic Commission if they involve subdivision or site plan approval.

Michael Friendly of the Conservation Commission asked that solar energy systems be removed entirely from the requirement for contract zoning.

The Town Planner explained that the Select Board had considered this and concluded that increasing the threshold to 20 acres was a good compromise that protects the Town while an alternative system for determining suitable locations is developed.

The Planning Board noted two needed corrections to the draft amendments. The 400,000 square feet wording in the contract zoning amendments was lacking a complete statement of size. There was a duplicate standard for rhythms of porches in the historic preservation amendments. No changes beyond these corrections can happen at this point in the process.

The Planning Board will conduct the mandatory public hearing on the draft Land Use Ordinance amendments on Wednesday, March 19. The purpose of that hearing is to give voters the opportunity to ask questions about the proposed changes.

8. Upcoming Planning Board Meeting

- **Public Hearing on Land Use Articles, March 19, 2025, Fire Station, 6:30pm**

- **Regular Planning Board Meeting, April 2, 2025, Fire Station, 6:30pm**

9. Adjourn:

Motion made by Allan Purinton: To adjourn the meeting.

Motion seconded by Juliet Caplinger: Motion carried: 4 – 0. Meeting adjourned at 8:49pm.