



# Town Of Durham

## Planning Board Minutes

### Fire Station Meeting Room, 6:30 pm

### March 19, 2025

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

**In attendance:** John Talbot (Chair), Allan Purinton, Marc Derr, Brian Lanoie and George Theberge (Town Planner).

#### 2. Public Hearing on Draft Land Use Ordinance Amendments

- The Planning Board conducted the mandatory public hearing on the draft amendments on with a dozen people in attendance.
- The Town Planner explained that on March 4, the Select Board finalized the draft amendments for contract zoning of large energy systems (BESS & solar farms) and historic preservation with changes directed at the February 25<sup>th</sup> meeting:
  1. The threshold for Town Meeting review of solar farms was raised from 10 acres (175,000 square feet of panels) to 20 acres (400,000 square feet of panels).
  2. The BESS standards can only be modified by a contract zoning approved at a Town Meeting.
  3. Planning Board applications on properties abutting a designated historic property must seek an advisory opinion from the Historic Commission.
- The Board Chairman explained that the public hearing was for informational purposes only, and that changes to the draft amendments cannot be made at this point in the process.
- No public comment was provided on the draft Part 1 amendments, changes to Resource Protection.
- Phyllis Brannon asked for clarification of whether voting for the draft amendments Part 2 indicated support for Battery Energy Storage Systems (BESS).
- Michael Friendly expressed concern for the coupling of BESS standards and contract zoning. He is concerned that if people are against contract zoning and vote against the article, the Town will not have the needed BESS protections.
- Jess Costa expressed concern over requiring large alternative energy projects to go through contract zoning and a Town Meeting vote while allowing other large, intensive uses like gravel pits to bypass that process.
- Planning Board members discussed the comments and explained that the draft contract zoning and BESS amendments will give the Town greater control over the placement and construction of such facilities, but it does not mean that a vote for the amendments is a vote in favor of such facilities.

- Board members pointed to the moratorium as a fallback option for the unlikely rejection of the contract zoning/BESS standards amendments. If the article fails, the Select Board can extend the moratorium for 6 months while an alternative proposal is prepared that addresses the reasons for a negative vote.
- Board members also indicated support for having the citizens vote on large developments rather than just the Planning Board, which lacks adequate authority to make decisions on whether to allow them. Other large projects and intensive land uses can be added to the contract zoning requirements in the future.
- Gordon Grimes, who owns one of the designated historic properties, asked for clarification on the process for determining whether historic properties are eligible for listing on the National Register of Historic Places.
- The Town Planner explained that property owners can apply to the Maine Historic Preservation Commission (MHPC) if they are seeking tax credits for commercial use of the properties. He also learned from MHPC staff that the Town can submit nominations.
- Mr. Grimes stated that since residential property owners cannot get the tax credits, they are highly unlikely to want the restrictions imposed on their property.
- Mr. Grimes asked for clarification of the terms “permitting authority” and “reviewing authority” in terms of appeals of their decisions.
- The Town Planner explained that the technical terms address decisions of the Code Officer, where actual permits (permitting authority) are issued and the Planning Board where decisions are made with a written decision rather than a permit (reviewing authority). Either decision can be appealed to the Board of Appeals.
- Mr. Grimes asked whether the regulations apply only to the exterior of buildings and do not affect interior changes.
- The Town Planner indicated that the historic preservation regulations only affect the exterior.

### 3. Adjourn:

**Motion made by Allan Purinton:** To adjourn the meeting.

**Motion seconded by Marc Derr: Motion carried: 4 – 0.** Meeting adjourned at 7:30 p.m.