



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

July 2, 2025

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Allan Purinton, Brian Lanoie, and George Thebarg (Town Planner).

Excused absences: Juliet Caplinger

2. Pledge of Allegiance

3. Amendments to the Agenda: None

4. Acceptance of Meeting Minutes (June 4, 2025)

Motion made by Allan Purinton: To accept the minutes for the June meeting as presented.

Motion seconded by Brian Lanoie: Votes to approve: 3-0

5. Informational Exchange on Non-Agenda Items:

- a) Town officials: The Town Planner alerted the Board to the upcoming policy discussion between the Select Board and leaders of the various boards and commissions involved in land use issues. On July 22 the Select Board will be looking for input from the groups as they establish work program priorities given the Town's limited volunteer and staff resources. Each year this meeting helps identify potential projects and initiatives to be addressed at the next annual Town Meeting. Research is conducted over the summer, results are presented in public workshops in the fall, and finalized proposals are reviewed by the Select Board in the first months of the coming year before the Town Meeting. Any Land Use Ordinance changes require a formal Planning Board hearing in the month prior to the Town Meeting.
- b) Residents: None
- c) Non-Residents: None

6. Continuing Business: None

7. New Business:

- a.) Request for Conditional Use Approval for Sale of Preowned Vehicles, Motorcycles, Boats, & Power Sports at 184 Brickyard Hill Rd Map 4, Lot 153.**

The Town Planner summarized the application for conditional use approval of the business. Any home-based business that operates entirely within the confines of the building or buildings with no exterior storage or indication of its presence can be approved by the Code Officer if it meets the Ordinance limitations. Although this application states that most sales will be done online, because involves outside storage of vehicles and other products outside, it triggers conditional use approval. One of the threshold issues is whether the applicant has right, title, or interest to be before the Board requesting conditional use approval.

The applicant, Elijah Losieniecki, stated that the owner was supposed to send an email granting approval.

The Town Planner stated that he had not received any email and that it would not be sufficient documentation to establish right, title, or interest. He asked whether the applicant had a lease that might indicate his rights on the property. He also pointed to the need for notification of the abutters as indicated in his conveyance of the application and instructions for apply for conditional use approval.

The applicant stated that he was advised by some associates that all he needed to do was to come and talk to the Board and it was no big deal to get approval.

Board members indicated the need for accurate drawings and checking the sight distances at the driveway entrance for the commercial use.

The applicant indicated that no mechanical work will be done on the vehicles on the property.

8. Other Business:

a.) Planning Board Update on the Codification Project

The Town Planner summarized the status of the codification project. The Select Board accepted the staff recommendations for separating the technical and legal issues from the minor policy items identified by the Town Planner for treatment by the boards.

The Town Planner will be managing the Town's response to the 139 questions from the consultant with input from the Code Officer, Road Commissioner, Fire Chief, and Town Attorney. The results will be put into a revised draft of the codified Land Use Ordinance that will be available for board review and input after the July deadline.

Zoning Boundary Determinations

The first of the minor policy issues is moving zoning boundary determinations from the Board of Appeals to the Planning Board. In past appeals, the Board of Appeals indicated its discomfort with making such determinations as required by the Ordinance and in other communities, the Planning Board is often designated for this function as it regularly deals with review of technical field data.

Driveway Permits

The second issue is the requirement for driveway permits. The current Land Use Ordinance is unclear as to the jurisdiction of the Road Commissioner as it states under access management, the standards are applied to all new road entrances of "town roads." This should be clarified that the Road Commissioner has jurisdiction over any road approved by the Planning Board as well as roads maintained by Durham. The only roads that do not require driveway permits issued by Public Works are State routes where MDOT reviews and issues driveway permits. The standards for driveways also need updating.

Back Lots & Private Ways

The staff and Planning Board have previously tried to clear up the confusion over back lot access roads, another of the minor policy issues. The current proposal is to move the provisions for multiple back lots over into the provisions for approval of private roads outside of subdivisions and to simplify requirements for single back lots. The proposal will not change the policy for back lots or private ways, just the process for review and approval to clarify and streamline it.

Roads

The codification consultant will change use of the terms “road” and “street” throughout the Ordinance to have consistent use of the term road as there are no streets in Durham. The current classification of new roads as either public or private based on the repealed Growth Management Policy will be changed to use classifications based on the amount of development using the roads, as minor local, local, or sub-collectors. No one builds collector roads or arterials in Durham. Parking standards will be moved to site plan review and specific use requirements typical for Durham will be added. The Town’s consulting engineer will review and propose updates on the construction specifications.

Solid Waste

A recurring issue in Planning Board review of subdivisions is the potential placement of solid waste containers outside the project on main roads, which causes a traffic hazard and hardship for lot purchasers. The draft amendments will establish a submission requirement for a “readiness to serve” letter from the Town’s waste management contractor. If a letter cannot be obtained the developer will be required to establish an internal management plan.

Nonconforming Expansions

The current Ordinance contains regulations for expansions of nonconforming uses and buildings that bear little applicability to conditions in Durham and apply standards that are irrelevant to the few issues that do occur. With large lot zoning and allowance for residential and commercial development throughout the community under the conditional use criteria, there are very few instances of nonconformity that require the extensive provisions of Article 16. Those provisions will be simplified and revised to match conditions likely to come up in the community.

The Planning Board reviewed the draft Ordinance amendments and provided initial comments and suggestions.

Upcoming Planning Board Meeting

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

9. Adjourn:

Motion made by Allan Purinton: To adjourn the meeting.

Motion seconded by Brian Lanoie: Motion carried: 3 – 0. Meeting adjourned at 8:05 p.m.