



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

August 6, 2025

1. Roll Call & Determination of a Quorum

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

2. Pledge of Allegiance

3. Amendments to the Agenda: None

4. Acceptance of Meeting Minutes (July 2, 2025)

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

Motion seconded by Brian Lanoie: Votes to approve: 4-0 (1 Abstention)

5. Informational Exchange on Non-Agenda Items:

- a) Town officials: The Town Planner briefed the Board on results of the 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 took input from the groups as they establish work program priorities given the Town's limited volunteer and staff resources. The planning program framework in Item 8.b of the agenda reflects the results of the Select Board priorities. Working with the Greater Portland Council of Governments, the Town is applying for outside grants to support the energy and economic development components.

Brian Lanoie indicated his interest in Town pursuit of an economic development committee as recommended in the Comprehensive Plan. The Town Planner cautioned that the Town lacks staff resources to support another citizen committee and that any proposal to form one should include a budget proposal for increased staff or a consultant. The newly formed Agriculture Committee, which will be looking at economic development is being supported by the Maine Farmland Trust.

- b) Residents: None

- c) Non-Residents: None

6. Continuing Business: None

7. New Business: None

8. Other Business:

a.) Planning Board Update on the Codification Project

The Town Planner summarized the Board's review of the first set of "minor" policy issues to be included in the Land Use Ordinance codification at the last meeting and pointed to the difference in the set to be discussed tonight. The prior review included draft Ordinance amendments based

on prior reviews by the Planning Board, but tonight's policy issues did not involve the same level of Board involvement and input. At the same time, these too are policy issues that come up on multiple occasions in administration of the Ordinance. There are some policy issues in the technical and legal part of the codification work being done by the consultant, but those involve State mandates where the Town has no authority to vary from the State standards. Those policy changes will be explained during the upcoming public participation process.

Campgrounds

The Town Planner explained that during the recent review of the Leisure Campground expansion, it became clear that Durham's campground standards are outdated and don't deal with the issues of the trend toward increased use of RVs and year-round occupancy. He presented the current regulations in Section 5.8 and the State rules for campground licensing. The Town emphasizes the zoning aspects of campgrounds, such as minimum lot size and setbacks, while the State emphasizes health and sanitation, campground layout, and management.

One option for improving the regulations is to merge the zoning provisions of the Ordinance with the specific campground standards of the State regulations. Another option is to update the zoning provisions and defer all technical aspects to the State licensing review. Within that second framework, the Planning Board will retain conditional use review authority to deal with public safety issues, and the Code Officer will still do plumbing and electrical inspections.

The Planning Board favored the second option and pointed to needed corrections in the current Durham zoning provisions. A duplicate provision (Section 5.8 I) will be dropped, and the seasonal time frame will be extended to October 15. The Board asked the Planner to explore mechanisms to prevent year-round occupancy and to add the State provision for temporary campgrounds. The Planner indicated the need to modify Article 8 to exempt campgrounds from site plan review to fully defer to the State on the campground design review. This will limit the Town process to conditional use review.

Buffers

The Town Planner pointed to the packet illustrations of current required buffering between a new subdivision and roads (50 feet). But there is no corresponding buffer required for placing a new road along the property line of an abutting residence or neighborhood. The Planning Board can ask a developer to consider it but cannot require it. The Board discussed the implications for neighbors and developers and concluded that a blanket requirement would be excessive. They asked the Planner to explore providing the Board with authority to consider buffering between a subdivision road and abutters on a case by case basis similar to site plan review for commercial projects.

Another issue that came up during the debates over the historic preservation program overhaul was the need to provide buffering around designated historic properties when development occurs on adjacent properties. The Planning Board can consider buffering as part of subdivision and conditional use reviews, but the Code Officer lacks authority to require buffering for individual residential building permits. The majority of the Board favored putting in a buffer requirement for consideration during the public participation process.

Noise

The Planner explained the concerns over the current noise regulations for enforceability and potential effects on economic development. More specifics are needed on measurement

procedures and the current limits intended for residential neighborhoods may not be reasonable when applied to commercial and industrial projects. The Durham situation is complicated by the fact that both residential and commercial development are allowed anywhere in Town. If noise limits are increased in favor of expanded economic development, the Planning Board will be able to address potential impacts on abutters under the conditional use criteria on a case-by-case basis. The Planning Board favored presenting a differentiation between baseline noise levels of agricultural/commercial/industrial (65 dB day/55 dB night) and residential (55 dB day/45 dB night) along with adjustments to address the Town's ability to enforce the regulations.

Cannabis

The Planner explained that the Town Attorney had suggested adding in Ordinance language to address the loophole in the State regulations that allows greenhouses to host multiple individual personal users and medical providers with no State or local licensing reviews. The packet contained an AI analysis of the current State law with suggestions on how Durham can regulate commercial greenhouses that exceed the personal use plant limits without opening up the Town for other forms of marijuana production facilities. The Board favored closing the loophole as recommended by the Town Attorney. The Planner will draft the provisions and run them by the Town Attorney.

Deadlines & Submissions

The Town Planner explained the difficulty of preparing agendas and packets within the current 2-week timeframe, especially under the part-time arrangement of the Planner without staff support. He also pointed to the waste of requiring 10 printed copies of all application materials given the digital requirement and preference of most Board members. The Board supported increasing the timeframe for submissions to 3 weeks and reducing printed copies to 5.

Board of Appeals Decision Notifications

The Town Planner pointed to the discrepancy between Board of Appeals and Planning Board decision notice requirements and the unreasonable burden it places on the Code Officer. The Board supported presenting amendments to reduce the notifications to the legal requirements.

Ordinance Corrections

The Planner explained the need for a provision to allow correction of errors in the Land Use Ordinance without waiting for the annual Town meeting. The proposed provision will authorize the Select Board to make corrections that do not change the substance of the regulations. Specific language will be included to ensure that changes will be limited to correction of errors. The Planning Board supports the concept but asked the Town Planner to incorporate Planning Board involvement in the process.

Payment of Taxes

One of the criteria for approval of both subdivision and conditional use applications is proof of financial capacity to complete the project in keeping with Ordinance requirements and Board approval conditions. Adding a submission requirement documenting payment of all property taxes by applicants will help ascertain financial capacity. The Board briefly explored whether this requirement should apply to all Town permits and concluded that expanding it beyond Planning Board applications should be treated separately.

b.) Presentation on Strategic Planning of Projects Leading to Comprehensive Plan Update

Due to time constraints, the Planning Board did not discuss the Town Planner's framework for planning projects leading up to the next update of the Comprehensive Plan that is slated to begin in the next fiscal year (July 2026 – June 2027). The seven projects that are in motion will establish the foundation of the next iteration of the Comprehensive Plan and will reduce the cost of preparing it. The Planner encouraged Board members to review the chart and project explanations and contact him with questions.

Upcoming Planning Board Meeting

- **Regular Planning Board Meeting, September 3, 2025, Fire Station, 6:30pm**

9. Adjourn:

Motion made by Allan Purinton: To adjourn the meeting.

Motion seconded by Juliet Caplinger: Motion carried: 5 – 0. Meeting adjourned at 8:35 p.m.