



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

November 12, 2025

Ordinance Amendments Information Meeting

1. Roll Call & Determination of a Quorum

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

2. Pledge of Allegiance

3. Informational Presentation on Draft Land Use Ordinance Amendments:

Brian Lanoie gave an overview of the codification project and the process for updates to the Land Use Ordinance.

The Town Planner provided an explanation of the proposed amendments for 10 administrative changes, outlining how those issues are handled currently and the changes recommended by the Planning Board.

1. Codification of the Land Use Ordinance

The Land Use Ordinance will be converted to a digital format on a platform used by a code consultant serving more than 30 other Maine communities. In addition to making the Ordinance more accessible to the public, numerous typographical and grammar errors will be corrected, and references will be updated for consistency. All minor policy and administrative changes will be handled in a separate warrant article.

Public Input:

No public comment was submitted on this issue.

Planning Board Discussion:

None.

2. Road Standards

The current road standards for public and private roads follow the repealed growth management ordinance. The revisions will follow standard road classifications based on the amount of traffic that will be served by the road. The Road Commissioner and peer review engineering firm have reviewed the standards and support the proposed revisions.

Public Input:

Michael Abbott of Gerrish Lane asked whether the proposed standards would apply to private ways.

Mr. Theborge explained that the current private road standards apply to non-subdivision common access roads and those same standards will apply in the revisions. He explained that the subdivision standards only apply to newly constructed roads and do not apply to existing roads in Town.

Planning Board Discussion:

None.

3. Driveway Standards

Mr. Theborge explained that the revisions will clarify which roads in Town are covered by the standards and some of the outdated standards will be updated for safety reasons and consistency.

Public Input:

Todd Beaulieu of Stackpole Road asked whether the Town Attorney has concerns with private road maintenance agreements on private ways.

Mr. Theborge said that the Town Attorney has concerns with requiring property owners on an existing private road to join a maintenance agreement is questionable. He explained that the current and proposed standards only require an applicant to make an offer of participation to current property owners.

Mr. Beaulier stated his view that the Town should not require maintenance agreements on any private road the Town doesn't maintain.

Planning Board Discussion:

The Board consensus was that removing the requirement for private road maintenance agreements on new roads was more than a minor policy issue.

4. Zoning District Boundary Interpretation

Mr. Theborge explained that the Planning Board is in a better position look at field determinations than the Board of Appeals and citizens would be better served by a board that meets on a monthly basis.

Public Input:

Michael Abbott asked for clarification that this would not involve making changes to the Zoning Map boundaries.

Mr. Theborge responded that it would only involve making a determination of the current zoning district boundary on an individual property.

Planning Board Discussion:

None.

5. Subdivision Solid Waste Containers

Mr. Theborge explained the problem of waste containers being stored outside of new subdivisions on busy roads, which creates a safety hazard. The proposal is to require developers to get a readiness-to-serve letter from the Town's waste hauler or to submit a solid waste management plan for the subdivision.

Public Input:

Todd Beaulieu talked about the weight of waste collection trucks and the potential for damage to roads. He thinks it would make more sense to send smaller trucks to pick up trash on private roads.

Planning Board Discussion:

The Board members discussed the contract negotiations with Casella and options for solid waste management plans and felt that the requirement to submit a readiness to serve letter or a plan for waste management was an appropriate solution for new subdivisions.

6. Campground Scope of Review

Mr. Theborge explained that the proposed revisions eliminate the duplication of engineering and environmental reviews of campgrounds. The Planning Board conditional use review will continue to deal with zoning issues and the State will regulate environmental issues and campground management. Site plan review of campgrounds will be exempted.

Public Input:

Jonah Fertig-Burd pointed out that the Town defines campground differently than the State. He thinks the Town should follow that definition of five or more campsites being a campground that requires review by the Planning Board.

Planning Board Discussion:

The Board agreed to look into that issue further.

7. Planning Board Deadlines and Submissions

Mr. Theborge explained that the deadlines for submission of new applications will go from 14 days before the meeting to 21 days to give adequate time for staff and Planning Board processing, and the number of paper copies will be reduced from 10 to 5. A new requirement for resubmissions to be submitted at least 14 days before the meeting will be added where

currently applicants can bring new submissions to the meeting with no opportunity for staff or Board review, which leads to applications being tabled.

Public Input:

Todd Beaulieu pointed to the difficulty of preparing responses and getting them to the Town within 21 days before the meeting.

Planning Board Discussion:

Board members clarified for supplemental information; the deadline will be 14 days, not 21 days.

8. Ordinance Corrections

When errors in the Ordinance such as typos, misnumbering, or wrong cross references are discovered they can't be corrected until the next Town meeting. The revisions authorize the Select Board to make such corrections per Planning Board recommendation and Town Attorney review.

Public Input:

None.

Planning Board Discussion:

The Board supports this change with the added safeguards.

9. Payment of Taxes

The revisions will require applicants for Planning Board approvals to submit proof of payment of taxes with their applications.

Public Input:

None.

Planning Board Discussion:

The Board discussed whether a developer with a purchase and sale agreement should be penalized for the current owner's failure to pay their taxes. The conclusion was that settlement of back taxes should be specified in the purchase and sales agreement. If there are liens on the property, that raises the issue of whether the applicant has full right, title or interest to apply.

10. Conditional Use Submissions

In 2020 the Planning Board drafted instructions to conditional use applicants that list a set of site plan submittal requirements. The Town Attorney has advised that the submissions

should be added to the Ordinance to be enforceable. The revisions also clarify that the Planning Board determines the completeness of an application.

Public Input:

None.

Planning Board Discussion:

None.

Agricultural Definitions

The Planning Board invited Jonah Fertig-Burd to present the Agriculture Committee's request to amend the definitions in the Ordinance.

Mr. Fertig-Burd explained the Committee's process of review working with the Maine Farmland Trust. They understand that additional changes beyond the definitions will be needed and they are looking for guidance on how to proceed. They are also wondering about the timeline for consideration of the amendments.

Mr. Theborge presented slides showing the parts of the Land Use Ordinance that deal with agriculture. A decision will be needed on where to apply the various agricultural uses being proposed, what approval process will be involved, and what standards will apply. Without that additional research, adding the definitions will have no effect.

If the Agriculture Committee wants to move forward with changes for this year and a complete package of amendments can be provided, there is time to get it on the upcoming Town Meeting warrant, but the timeframe is very compressed for the needed public review process. The Planning Board has been working on their amendments all summer and is now conducting the public participation process.

Scaling down the proposal to the most pressing issues will potentially make action at this Town Meeting more viable. Maine Farmland Trust has experience with multiple Maine communities and has offered to assist the Agriculture Committee in working on the other issues.

Mr. Fertig-Burd asked for clarification on how the information should be communicated and the Board indicated submitting through the Town Planner would be the best approach.

Next Planning Board Meeting

Two of the four remaining Board members have conflicts on December 3.

Mr. Theborge will check on the availability of the Fire Station meeting space on December 10.

Meeting Adjournment: The meeting adjourned at 8:10 pm.