



# Town Of Durham

## Planning Board Minutes

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

### February 4, 2026

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

**In attendance:** Brian Lanoie (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Brian Stickney, Sunny Du, Daryn Levesque (Alternate) and George Thebarg (Town Planner).

#### 2. Pledge of Allegiance

#### 3. Amendments to the Agenda:

Chairman Lanoie proposed adding two items to the end of the agenda. The first was orientation for the new Planning Board members. The second was reviewing the draft meeting cancellation policy drafted by the Town Planner. He indicated that given that Sunny Du had just been appointed and as the materials in the agenda packet were extensive she would not be voting at this meeting.

#### 4. Acceptance of Meeting Minutes (January 14, 2026)

**Motion made by Allan Purinton:** To accept the minutes for the January 14, 2026 meeting as amended for the year being 2026. **Motion seconded by Brian Stickney Votes to approve: 4-0**

#### 5. Informational Exchange on Non-Agenda Items:

- a) Town officials: The Town Planner provided his monthly report in the packet and updated the Planning Board on the economic development grant. There is no official announcement yet, but the Town was notified it will receive the money and the project will be moving forward.
- b) Residents: None
- c) Non-Residents: None

#### 6. Continuing Business:

##### a. Summary of Planning Board Site Walk of Ivy Ridge Subdivision Jan. 25, 2026.

Brian Lanoie presented his report and asked if there were any comments or proposed changes from other Board members. The applicant's consultant distributed an updated version of the plan at the site walk. Chairman Lanoie noted the prior clearing of the land and potential impacts on the cluster plan that are out of the Town's control.

**Motion made by Brian Stickney:** To accept the Ivy Ridge site walk summary as presented.  
**Motion seconded by Allan Purinton: Votes to approve: 3-0 with 1 abstention (Caplinger).**

#### 7. New Business:

##### a. Completeness Review of a Preliminary Plan Application of Durham Heights Subdivision at 439 Quaker Meeting House Rd., Map 2 Lot 60.

Mr. Thebarg summarized the staff notes. He clarified the difference between completeness and substantive reviews and advised the Board on the need to make a determination of

whether they have met the submission requirements before engaging in substantive discussion of the submissions.

Brian Stickney pointed out that the applicant did not request a waiver on the fire protection water supply.

Mr. Theborge acknowledged the error in the staff checklist and indicated the applicant is proposing a fire pond.

Allan Purinton explained the opportunity for public comment at a public hearing rather than at this meeting.

Brian Lanoie questioned the inclusion of well exclusion zones.

Mr. Theborge indicated they are shown on the plans and the question of their accuracy would be a substantive issue.

Juliet Caplinger raised a question on right, title, or interest and again, the Town Planner indicated the applicant submitted documentation and the Board will need to substantively discuss whether the documentation satisfies the subdivision standards.

**Motion made by Allan Purinton:** To accept the application as complete with notation of the need to correct the year of the staff checklist. **Motion seconded by Brian Stickney: Votes to approve: 4-0.**

**b. Substantive Review of a Preliminary Plan Application of Durham Heights Subdivision at 439 Quaker Meeting House Rd., Map 2 Lot 60.**

The Town Planner summarized the staff notes including the change in the number of proposed lots, going from 13 at sketch plan review to the current proposal of 18 lots which will require a DEP site location permit. The application also includes a “paper street” for future connection with Collins Way.

Allan Purinton pointed to the challenge of connecting publicly maintained roads with privately maintained roads.

Mr. Theborge stated that the Ordinance requires the Planning Board to consider the potential for future connections for long-range planning of the transportation network.

The Town Planner again highlighted the legal questions related to the “land retained by owner” parcel and its road frontage and inclusion on the subdivision plan. He advised getting legal input on some of the threshold issues. Title searches and building permit applications could be affected. The staff confirmed that abutter notifications were accurate. The applicant has provided a narrative addressing the Ordinance standards. A draft set of approval conditions was included in the packet as a preliminary determination. He reminded the Board of the option and need for a decision on holding a public hearing.

Joe Marden of Site Lines presented the application for the applicant. He introduced the project team. He clarified the added lots and the DEP permit processes. The level of wetland

alteration will trigger Army Corps review. There will be a wetland impact fee at the State level.

Juliet Caplinger asked about the timeline and Mr. Marden indicated that the added permitting would extend the approval process for at least a year.

Mr. Marden gave an overview of the site and the proposed development. They have finalized all of the grading and storm drainage design. Farm soils are mapped as required by the Ordinance, with much of it in the proposed open space.

Brian Lanoie indicated the need to map the stone walls they saw on the site walk.

Mr. Theborge pointed to the standards of Section 5.14 which treats stone walls over 100 years old as historic structures with special requirements.

Mr. Marden explained the four additional lots at the end and the wooded buffers on many of the lots that are part of the DEP stormwater treatment system. He explained inclusion of the land to be retained by the owner per the fact that it was split within the past five years. He explained that 150 feet of frontage will be created where the fire pond will be located. The driveway will go off the end, but the frontage will be on the 1-acre transfer that will be subject to easements for the stormwater treatment basin and fire pond. He offered to provide a sequence of transfers.

Allan Purinton questioned the 300-foot frontage for the land to be retained by owner that was split off prior to the application.

Mr. Marden said he thought the 50-foot frontage meets the back lot requirement. The fire pond area will be transferred to the retained lot to create the required frontage.

Chairman Lanoie questioned the effect on the open space calculations of transferring the 1-acre parcel to the lot retained by owner.

Mr. Marden stated that his open space calculations did not include the 17-acre parcel or the 1-acre parcel. He said he would update the notes to clarify.

Juliet Caplinger stated her support for requiring the applicant to submit a legal opinion on the frontage and title issues.

The Board discussed whether to apply it as an approval condition or to resolve it before giving any approval.

Mr. Theborge said the Board has either option.

Chairman Lanoie questioned whether areas of Resource Protection needed to be deducted.

Mr. Marden stated that those areas were deducted because of the wetlands and Mr. Theborge confirmed that applicants need not double count areas of overlap in the net residential area calculations.

Chairman Lanoie indicated his opinion that areas of steep slope and wetlands cannot be within the building envelope. They can be within the lot but not the envelope.

Mr. Marden explained his interpretation of the Ordinance and contiguous buildable area.

The Board discussed at length the provisions for contiguous buildable area, cluster standards, and definition of building envelope. The applicant's position is that each lot has 40,000 square feet of buildable area. The Board discussed whether the proposed cluster lots meet the contiguous area, building site, and cluster criteria.

Mr. Marden stated that the setbacks are shown on the plans, but notes could be added.

Chairman Lanoie stated his opinion that each lot is the building site, and the envelope is the area outside the required setbacks.

Mr. Theborge stated the past practice of requiring a site plan for any questionable lots that could be part of the subdivision approval. This assumes getting over the hurdle of determining that the lots meet the building envelope requirements. Changes to the approved site plan could be made with amendment of the plan.

Mr. Marden asked if that could be delegated to the Code Officer.

Mr. Theborge stated that would be subject to the Planning Board's comfort level.

Chairman Lanoie said the spirit of the cluster provisions is to preserve natural features and including them in lots defeats the purpose.

Juliet Caplinger agreed with that view and suggested the need for legal input on interpreting the different technical terms discussed (i.e., building site, building envelope, etc.).

Sunny Du observed that having a clearer plan showing the building envelopes would be helpful.

Juliet Caplinger restated her position that the intent of the Ordinance is to exclude sensitive areas from the lots in cluster subdivisions.

Daryn Levesque stated that the definition of building envelope seems intuitively to exclude some areas from consideration for building.

Chairman Lanoie showed a diagram from a prior subdivision showing the exclusion of wetlands from the building envelopes. The envelope cannot contain steep slopes or wetlands.

Juliet Caplinger asked for clarification of the poorly drained soils and Mr. Marden explained that there are none outside the wetlands.

Chairman Lanoie asked the Town Planner for clarification of the well exclusion zone extending beyond the subdivision boundary on one of the lots.

Mr. Theborge indicated that the exclusion zone is a 100-foot setback from any septic system in the subdivision and could be cut off at the subdivision boundary.

Chairman Lanoie, Mr. Marden, the developer and Town Planner discussed abandonment of the septic system for the existing house.

Mr. Marden offered to get information from the State on the issue.

Mr. Marden then explained the stormwater treatment features.

The Board and applicant discussed the need for a plan showing the building envelopes and tree clearing limits.

Juliet Caplinger asked for further evaluation of whether any of the lots contain poorly drained soils. She thinks some poorly drained soils come right up to the proposed road.

Mr. Marden indicated that the stormwater report shows the poorly drained soils are in the wetland areas.

Juliet Caplinger said the issue could be reviewed by the Town's peer review. She asked that the plans show where those poorly drained soils are.

Mr. Marden asked for clarification of whether the building envelope diagram would be added to the subdivision plan.

Mr. Theborge said the Board is looking for an analysis plan of the building envelopes. Depending on what it shows, the Board could reject certain lots or require detailed site plans for them as details.

Allan Purinton suggested scheduling the public hearing and tabling the application and consideration of approval conditions. He suggested that the added information be provided for that meeting.

Mr. Marden announced that the applicant held a public information meeting for the DEP process.

Brian Lanoie questioned the applicant's statement on solid waste disposal.

The Board and applicant discussed the need to communicate with the Town's waste hauler and ensure that containers will be placed within the subdivision.

Mr. Theborge pointed to the pending requirement for a "readiness to serve" letter or solid waste plan in the draft Ordinance amendments that may be in effect when the application comes for final approval.

Heather Roy questioned options for solid waste collection.

Mr. Theborge said the applicant needs to have a workable plan that avoids containers out on Quaker Meeting House Road.

Juliet Caplinger asked for clarification on when peer review is appropriate. She suggested the benefit to the applicant of doing it earlier in the process.

Max Doughty said the DEP review process involves peer reviews.

Mr. Theborge explained the role of the Town's peer reviewer who applies the DEP stormwater standards independently. If the plan meets DEP standards, he will accept it.

Mr. Marden stated they have a number of issues that need to be addressed and that peer review would be most effective between preliminary and final plan applications.

Juliet Caplinger agreed and confirmed that would be the appropriate timing and the applicant will submit the plans directly to the Towns' peer reviewer.

Juliet Caplinger and Chairman Lanoie discussed the waterfowl and wading bird habitat and bat habitat along with the Conservation Commission comments.

Mr. Marden suggested that the distance to the habitat and the State reviews obviate the need for a separate review.

Juliet Caplinger asked for clarifications on the current clearing activities on site. The Board and applicant agreed that the best time to do tree clearing is this time of year (before May) to avoid the bat breeding period and when the ground is frozen.

Heather Roy stated that apart from the subdivision approval the rear lot will have a house built on it.

Max Doughty confirmed that a driveway will be built to the back lot.

Chairman Lanoie pointed to the problem of the road frontage issue.

Mr. Marden agreed on the need to get the back lot issue clarified.

Juliet Caplinger asked about vernal pools and Mr. Marden confirmed that there are no potential vernal pools on site. She also confirmed the location of the flood plain areas.

**Motion made by Allan Purinton:** To schedule a public hearing for March 4 and review the draft approval conditions after considering public comment. **Motion seconded by Brian Stickney:**  
**Votes to approve: 4-0.**

## 8. Other Business:

### a. Planning Board Discussion of Public Process for Draft Land Use Ordinance Amendments

The Town Planner provided a summary of the process and current proposal for three sets of amendments to the Land Use Ordinance: 1) codification of the Ordinance; 2) minor policies; and, 3) administrative changes.

The Select Board is good with the proposed language. The Planning Board has two meetings to review the codification piece. Notes explaining the changes are included in the codified version posted on the website. The draft schedule includes a place holder for a second public hearing if the Planning Board wants to give opportunity for changes after a public hearing.

Chairman Lanoie clarified the opportunities to comment on the codification changes. No Board members had immediate questions or comments but will continue to review them for the next meeting. He said the Town Planner is proposing a public hearing for March 18 on the whole proposal.

The consensus of the Board was to hold two public hearings and have the first one on March 18th. The Select Board will vote on the final amendments on April 14th. The second public hearing will be May 20th.

Chairman Lanoie briefed the new members on policy issues that were delayed for consideration until after codification.

#### **b. Planning Board Discussion of Project Review Process**

The Town Planner identified the three issues raised by Ms. Caplinger on: 1) the extent of site disturbance that can occur before approval; 2) how disturbance may affect outside reviews; and, 3) the timing of peer reviews.

Juliet Caplinger confirmed those are her issues and also asked whether the Board can consider applications if there are land use violations.

Mr. Theborge stated that the Town Attorney has advised that if there are current violations the Board can refuse but not for past violations.

Ms. Caplinger expressed concern with clearing of trees before approval but in Maine there are no restrictions unless a Town adopts rules. Outside agencies will be reviewing projects as well. She clarified what constitutes “development” which cannot occur prior to approvals.

Mr. Lanoie expressed concern for the level of activity occurring on sites like the current subdivision proposal.

Ms. Caplinger indicated that peer review should occur earlier. Mr. Theborge indicated the best time is between preliminary and final approval.

Chairman Lanoie asked for Board feedback on the draft policy for storm cancelations.

Mr. Theborge explained the proposed process for decision making and procedures to be activated when a decision to postpone the meeting is made. The procedure can also be used when there is a quorum issue.

**Motion made by Juliet Caplinger: To adopt the inclement weather policy as discussed. Motion seconded by Allan Purinton: Votes to approve: 4-0.**

## **9. Adjournment**

The Board welcomed the new members and discussed the steps needed to bring them up to speed.

**Motion made by Juliet Caplinger:** To adjourn the meeting. **Motion seconded by Allan Purinton: Motion carried: 4 – 0.** Meeting adjourned at 8:45 p.m.