



# Town Of Durham

## Planning Board Minutes

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

### May 6, 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, Daryn Levesque (Alternate), and George Thebarga (Town Planner).

#### 2. Pledge of Allegiance

#### 3. Amendments to the Agenda:

#### 4. Acceptance of Meeting Minutes (April 1 & April 8, 2026)

**Motion made by Allan Purinton:** To accept the minutes for the April 1 & April 8, 2026 meeting as presented.

**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.
- b. Residents: None.
- c. Non-Residents: None.

#### 6. Continuing Business:

##### a. Public Hearing on a Preliminary Plan for Ivy Ridge Subdivision at 335 Newell Brook Rd., Map 5, Lot 61.

Craig Burgess and Hunter Manteneau of Acorn Engineering presented for the applicant, Rivy LLC.

Mr. Burgess gave a summary of the project and updated the Board on plan revisions since the completeness review.

The stormwater basins along the abutting property line will be narrowed to conform to the 20-foot setback.

They have confirmed that the vernal pool is not significant per DEP standards but most of the buffer will remain in the common open space.

Drainage easements will be removed from the lot area calculations.

Jess Costa of 35 Brianna Drive represented the Durham Conservation Commission. She stated the Commission sees the positive benefits of the cluster plan and resulting open space.

The Commission continues to favor tree clearing restrictions during the summer to avoid impacts to endangered species during the limited breeding season.

Ms. Costa also questioned whether there might be a spring with a box on the site.

Roger Riquier of 336 Newell Brook Road asked whether there will be any buffering along the frontage of Newell Brook Road.

Mr. Burgess responded that there is not intent to plant buffering along Newell Brook Road.

Mr. Riquier asked about the status of the existing developed home site.

Mr. Burgess responded that it will remain as is with a 2-acre lot.

Chairman Lanoie closed the public hearing at 6:51 p.m.

The Board confirmed that the public hearing was closed before beginning its substantive review of the preliminary plan application.

**b. Substantive Review of a Preliminary Plan for Ivy Ridge Subdivision at 335 Newell Brook Rd., Map 5, Lot 61.**

Juliet Caplinger asked whether the Board had received any new submissions.

Mr. Burgess responded that the new plans are the updated soils map clarifying the soil drainage categories.

Chairman Lanoie pointed out that the peer reviewer will be asked to review the soils information.

Mr. Burgess stated that the soils where the lots are being developed are well drained per the submitted soil pit data.

Allan Purinton questioned the bank's letter in terms of other developments done by the applicant.

Town Planner George Thebarg explained the final plan documentation of financial commitments based on the engineer's estimate of construction costs. He also pointed to the discrepancy between the projects cited as financial and technical capacity and the fact that those projects were not done by Rivy LLC based on public records.

Chairman Lanoie asked who the principals of Rivy LLC are.

Mr. Burgess responded that Rivy LLC is Jonny Snell.

Juliet Caplinger pointed to the need to follow up with IF&W and the Fire Chief.

Mr. Burgess responded that they have not yet met with the Fire Chief, but all of the homes will have sprinkler systems.

Chairman Lanoie asked whether the proposed planting buffer has been addressed.

Mr. Burgess responded that deer-resistant plantings will be used.

Brian Stickney reminded the applicant of the need to get solid waste approval from Casella.

Juliet Caplinger asked for clarification of the need for DEP permits.

Mr. Burgess answered that no wetland or stormwater permits are required, but the excavation contractors will need to prove certification.

Juliet Caplinger asked for clarification on the roadside buffer along Newell Brook Road.

Mr. Thebarg stated that the Ordinance does not currently require plantings, just retention of existing trees.

Mr. Burgess said the applicant will look into plantings in the 50-foot buffer.

Juliet Caplinger noted the requirement to show tree clearing limits on the final plans.

Allan Purinton noted the need to show the revised stormwater basins.

Juliet Caplinger said the abutting homes also need to be shown on the plans.

Chairman Lanoie asked if the applicant was open to the proposed tree clearing restriction between May 15th and August 15th.

Mr. Burgess responded that he would need to check with his client. He also noted that with the prior tree clearing, there is little potential for areas of potential bat habitat.

Chairman Lanoie acknowledged the effects of the prior tree clearing.

The Board members reviewed the draft preliminary plan approval conditions, including the added wording to clarify development experience of Rivy LLC.

Juliet Caplinger moved to add a restriction on tree clearing between May 15 and August 15.

The Board added a condition restricting tree clearing between May 15 and August 15, subject to further review at the final plan stage if requested by the applicant.

**Motion made by Allan Purinton:** To grant preliminary subdivision approval with the approval conditions as amended.

**Motion seconded by Juliet Caplinger: Votes to approve: 4-0**

## 7. New Business:

### a. Request for Conditional Use Approval for Expansion of the Ripley (Jaiden) Gravel Pit at 1104 Hallowell Rd Map 7, Lot 57.

Chairman Lanoie announced that a public hearing will be scheduled for the project and that no public comment would be taken at the meeting.

Craig Burgess represented Jaiden Landscaping the applicant. He said that after reviewing the staff notes on completeness of the application they will need more time to submit the identified materials. They approached the application assuming it is an after-the-fact permit. They are requesting to be tabled. They have filed a Notice of Intent to file with DEP for a gravel pit greater than 10 acres. The pit is now 14 acres and they propose to go down to 13 acres. The applicant will combine the two parcels.

Chairman Lanoie asked if Board members wanted to discuss completeness of the application.

Juliet Caplinger suggested granting more time to the applicant.

Town Planner George Theborge reminded the Board that this application is being submitted to abate a zoning violation, and applicant is required to comply with the order in a timely manner.

Allan Purinton observed that the checklist review was available to the applicant on the website.

Mr. Burgess stated that the applicant submitted a boundary survey for the second parcel.

Chairman Lanoie asked what the timeline is for DEP review and what violations have been rectified to date.

Mr. Theborge summarized the checklist review provided in the Planning Board packet.

Juliet Caplinger asked if the gravel pit was still in operation.

Mr. Burgess confirmed that it is operating and he did not know whether any violations have been corrected to date.

Mr. Theborge stated that issue is being reviewed by the Town Attorney.

**Motion made by Allan Purinton:** To find that the conditional use application is incomplete per the checklist reviewed at the meeting by the Planning Board and was not a determination on the merits of the conditional use request.

**Motion seconded by Juliet Caplinger: Votes to approve: 4-0**

## 8. Other Business:

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

Chairman Lanoie informed the Board that the Select Board review and final approval of the Ordinance amendments and warrant articles was postponed until May 13th. The public hearing will go forward on May 20th based on the Planning Board recommended changes. The Board members confirmed the proposed format of the public hearing to simply summarize the 7 minor policy changes, 10 administrative changes, and Ordinance codification and to allow residents to ask questions about them, as opposed to doing another presentation on them.

### b. Planning Board Discussion of Durham Heights Erosion & Sedimentation Controls

The Board briefly discussed the Durham Heights erosion-control deadline and clarified that, unless otherwise specified, a 30-day period is treated as working days.

## 9. Adjournment

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

**Motion seconded by Juliet Caplinger: Motion carried: 4 – 0.** Meeting adjourned at 8:03 p.m.