

**Town of Durham, Maine**  
**Board of Appeals**  
**Meeting Minutes**  
**July 19, 2022**

**Call to Order:** Barbara Schneider called the meeting to Order at 6:02 pm.

**Members Present:** Barbara Schneider (Chair), Terry Kirk, Paul First, Milton Simon and Heather Roy (Alternate)

**Quorum:** Quorum met with five (5) members present

Milton Simon motions to have Alternate/Heather Roy vote in tonight's meeting. Terry Kirk Seconds. Motion Carries 4-0.

**Others Present:** George Theborge (Town Planner), Alan Plummer (Code Enforcement Officer), Jonah and Elizabeth Fertig-Burd (Applicants), Thomas Prowell (sp? Working Owner at Celebration Tree Farm) and Jane Rice (Resident)

**NEW APPEAL:**

Jonah and Elizabeth Fertig-Burd are requesting that the Board interpret the boundary of the Resource Protection Zone within their property at 125 Bowie Hill Road (Celebration Tree Farm), in light of the State of Maine mapping that makes the Town's boundaries inaccurate.

The applicants hope to use their property to offer camping in a single RV, non-resident educational programs, and associated amenities.

The Town Planner explained that Article 2, Section 2.36 of the Land Use Ordinance gives the Board authority to interpret boundaries "[w]here physical...or cultural features existing on the ground are at variance with those shown on the Official Zoning Map." The Board received input from Ms. Rice as to whether a Board decision would impact similar properties.

The Board discussed its previous action related to the Wildflower Equestrian Center, the vote of the town meeting to reject changes to the Town's Resource Protection Zone and whether the Land Use Ordinance actually requires a boundary change in order for the applicants to file for a Conditional Use Permit with the Planning Board.

Motion made by Barbara Schneider to Deny the application:

In light of the vote of the town's legislative body to reject a new Resource Protection Zone, it is not appropriate for the Board of Appeals to reinterpret the boundary of the resource protection zone on this property. And it would appear that there are other methods in which the applicants can obtain their goals, based on the information we received. Milton Simon Seconds. Motion Carries 5-0.

**Adjourn:** Terry Kirk Motions to Adjourn at 7:19 pm. Milton Simon Seconds. Motion Carries 5-0.