

**Planning Board Meeting
March 5, 2014-----7 pm
Durham Town Office**

1. Chairman Tomm opened the meeting at 7:00 pm.

2. Chairman Tomm stated a quorum was met with four regular members and one associate member.

Members present: Joe Tomm, Jill Toher, Ann Torregrossa, John Ackerman and Associate member Mindy Woerter. Todd Beaulieu excused.

- Chairman Tomm appointed Mindy Woerter to participate as a regular member for this meeting with full voting rights.

Secretary: Deborah Larrabee

**Officials: Dan Feeney-Codes Official-Excused
Shawn Bennett-Road Commissioner**

Public: none

3. Pledge to Flag

4. Amendments to the agenda:

5. Acceptance of Minutes: February 12, 2014

A. Torregrossa moves to accept minutes of February 12, 2014 with corrections (undo bolding on page 5 of the minutes (Ensures restoration of the edges of road. Horizontal borings are included. Utility location. The Town already has policy for the Utility placement). Second J. Toher 4-yes 0-no 1-abstain (J Ackerman)

6. Informational Exchange: Note: A. Torregrossa recuses herself as she is friends of the seller. Rollie Heckethorn/Tim Dunham Realty-Topsham, Me.

The property at 1565 Royalsborough Road is for sale. An informational exchange on this property was done on December 4th, 2013.

Rollie Heckethorn presented information on 1565 Royalsborough Road, Durham, Me. This is a second presentation on the property. The reason for the informal exchange was the property had proposed buyers. The seller has moved from the property.

Suggestions for the property:

1. Subdivide a 5-10 are lot for my son and his family in the front property, where it has frontage on the right of way on Range Road (discontinued Road).

2. Put in a modular or mobile home for my daughter up closer to the barn-whenever it is deemed to be an acceptable building spot. The home would be temporary-to be removed when she takes over the house when we are no longer able to live there.

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3. The basement apartment would not work for Dawn due to her health issues described below. The family have no current plans to use as an apartment, except temporarily while the family gets something in place for Dawn. The family gave an explanation of Dawn's health condition.

4. R. Heckethorn presented LOMA map with Flood zone information. The 29 acres referred to has some Flood Zoning on the property. R. Heckethorn stated he had spoke with Dan Feeney Codes Official about the LOMA Map/ Flood Zone and that D. Feeney Codes Official had given preliminary permission for the property.

Planning Board recommended to R. Heckethorn to review and follow the Back Lot Ordinance.

Recommended that R. Heckethorn use a surveyor and soils evaluator. R. Heckethorn was given an application and checklist. The Planning Board stated that R. Heckethorn be very detailed in the application.

The Planning Board explained to R. Heckethorn that applications needed to be submitted 9 days in advance of the Planning Board Meeting, submit (nine) 9 copies and that the application fee must be paid too.

7. Continuing Business:

Shawn Bennett/Road Commissioner-Draft Driveway & Entrance Ordinance.

The Planning Board reviewed the revised draft of the Driveway & Entrance Ordinance with the Road Commissioner.

The Planning Board asked the Secretary to include e-mails on this draft ordinance is included in the records.

The Planning Board reviewed the definitions of Substantially Reconstructed. The Board made the following recommendations on the draft ordinance dated 2-12-2014:

- Remove 1.1 of Substantially Reconstructed definition. On 1.2 of Substantially Reconstructed definitions take out the word Paved and make the definition #2 and renumber the whole ordinance.
- After discussion the Board decided to take out substantially and replace with newly constructed or reconstructed.
- In all the places throughout the ordinance where substantially reconstructed was documented newly constructed or reconstructed was inserted.
- 2.6 had the following changes: comma after to but not more then, Remove More or less. 's on Towns.
- Add a 2.7 No permit shall be given for a driveway on to a State road without obtaining the proper permits as required.
- Remove Condition: Property owners should contact the Road Commissioner to obtain information about how to contact the Maine Department of Transportation regarding those driveways, which require permits from the state.
- On 3 Remove: Add at End of Sentence: sustained by the rights under
- Sight Distance Criteria: 3.5.1: Keep the blue deleted, removing only: vehicles entering the road from a driveway.

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- 3.5.2 Sight distances: Keep the blue deleted with the following changes Add center of the between the and propose of sentence two. Remove with the height of the eye and insert at.
- Remove title: PG40 Land Use Ordinance
- 5.7.3 Second sentence remove the inert a and insert after culvert in the town right of way.
- Under a: Take out wide and insert diameter and insert at end of sentence unless otherwise approved by the road commissioner.
- Under b: Insert) after equal and take out the period insert a comma and insert the following wording: but in all cases must be approved by the Road Commissioner.
- 6.8.1.Construction: add to last sentence: right of way for a newly constructed or reconstructed driveway or entrance.
- 6.8.2. First sentence remove highway and insert right of way.
- 6.8.3. Right of way has no capitals.
- 7.9 new title: driveway and driveway entrances
- 7.9.1 insert after driveway: newly
- 7.9.2. Construction First sentence: insert be after and. Bring up Revision and rest of information no space. After 2002 remove or latest revision. Insert: the after near.
- 7.9.4 Remove: Public Works Director from all parts of ordinance.
- 9.10.6 Remove: BMP's <http://www.maine.gov/dep/land/erosion/escbmps/>. Insert at end of sentence: Best Management Practices.
- Erosion Control: Remove Curt's erosion control statement: Add from Land Use Ordinance:

11. Soil Erosion Control - Erosion of soil, and sedimentation of any watercourse and water bodies shall be minimized by the following erosion control management practices:

1. The stripping of vegetation, removal of soil, regrading or other development of the site shall be accompanied by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
2. Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development. Critical areas shall include all watercourses, water bodies, wetlands, and any areas of fragile vegetation, which is listed on any federal or state endangered species list, and areas within 250 feet thereof. Sedimentation of run-off waters shall be trapped by debris basins, silt traps, sediment basins or other methods certified as acceptable by a registered soil scientist or registered professional engineer.
3. Permanent vegetation and/or other erosion control measures should be installed prior to completion of the construction, but no later than six months after completion of the construction.
4. The top or bottom of a cut or fill shall not be closer than ten feet to a property line unless otherwise mutually agreed to by the affected landowner and applicable Town Board or official granting the permit in question but in no instance shall said cut or fill exceed a 3 to 1 slope. This section does not relieve a gravel pit operator from compliance with the Town Excavation Ordinance.

- 8 Enforcement: Add first new sentence: The Road Commissioner or any law enforcement official shall enforce this ordinance. Then second sentence.
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8. New Business: None

9. Other Business:

- **Chairman Tomm** stated that the next meeting would be a workshop on March 19th at 6:30 pm. John Maloney from Androscoggin Valley Council of Governments. The Contract is being renewed with A.V.C.O.G. for 2014.

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- Subdivision hard copies of AVCOG's suggested amendments were passed out to each member.
- Deborah Larrabee, Secretary announced that she would be done after serving for 9 years. She thanked the Board. She stated that it had been a pleasure to work with the Board. Her final day with the town is April 5th. She is in school to be a Methodist. Joe Tom Chairman Thanked Deb for her time and dedication to the Board and Town it's inspiring. Chairman Tom stated that she would be missed however she may get calls for assistance.
- Jill Toher read a letter: The position of meeting secretary is being updated and she has been asked if she would consider accepting those additional secretary duties to the Boards and Committee's. She thought long and hard about how she could best continue serving the town and has decided to accept these additional duties, which would include becoming the Planning Board Secretary. It's with my deepest regret that I resign effective Monday, March 24th. In order for her to begin her duties as the Planning Board Secretary. It's with both pleasure and pride to have served the Planning Board since February 2006 and I look forward to working with you in this new capacity. Since I joined the Planning Board as an Associate Member in 2006 every year and every meeting there has been a new learning experience. A personal enrichment experience. You presented a lot of challenges have been before us as to how best to serve the residents who come before us as well as upholding the ordinances. She felt the years she has served her have been with integrity and vision. She asks that anybody interested in becoming a planning board member to come sit n on a meeting to see what its about. The members are not professional and come from all walks of life, unique ideas to share and to bring to the town. She thanked the Members for allowing her to be part of board. She will miss sitting with the board however she will be sitting in a new place with them. Chairman Tomm thanked Jill for her years of service on the Board. Jill has served many Boards and the Town.

Chairman Tomm again thanked both Debbie and Jill for their time and service to the town.

Adjournment

J. Toher moved to adjourn at 9:30 pm. Second A. Torregrossa. 5-yes 0-no 0-abstain

Next workshop meeting is March 19 at 6:30 pm.

Deborah Larrabee, Secretary

Date