

**Durham Planning Board  
Special Meeting  
Minutes  
May 15, 2019**

**Call to Order:** John Simoneau calls the meeting to order at approximately 6:35 p.m.

**Members present:** Chairman John Simoneau; Vice Chairwoman Anne Torregrossa; Brian Lanoie; Bonnie Cobb; Wesley Grover, Associate; Allison Goodridge, Associate

**Establishment of Quorum:** John Simoneau announces a Quorum has been met with five (5) members present.

**Pledge of Allegiance:** Done

**Amendments to the Agenda:** None

**Minutes:**

John Simoneau Moves to review the minutes from the May 1 meeting at the next meeting.

**Continuing Business:**

**1) Day Road Subdivision**

**Anne Torregrossa Moves to find that the proposed subdivision will not result in undue water or air pollution. The proposed development is not in the flood plain. Test pits indicate suitable soils for wastewater disposal; the proposed individual septic systems will not endanger ground water supplies, which are currently being utilized as a water source for any existing or proposed individual water system in the planned unit development. An engineered stormwater plan has been accepted by the Maine Department of Environmental Protection, the slope of the land is appropriate for the proposed use, and the project**

**meets applicable state and local water resource rules and regulations. The project will meet applicable air pollution regulations because it does not have emissions. The project will not alter the quality of any surface or subsurface water in such a way to adversely affect any fish, plants, or animals. Bonnie Cobb Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the water supply will sustain suppression requirements recommended for the proposed development. The Fire Chief has recommended deed requirements for residential sprinklers and has indicated that with this requirement he will not require the construction of a fire pond or cistern for this project in his letter dated April 22, 2019. Considering public testimony and based on the hydrogeology report provided by Mark Cenci concluding that there is sufficient water supply to supply the residential uses, the Board finds that there is adequate water supply. Brian Lanoie Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the project has sufficient water available for the reasonably foreseeable needs of the subdivision; that the ground water source(s) proposed for individual water systems is safe from both on-site and off-site contamination. This finding is based on May 15, 2019 Groundwater Withdrawal Impact Assessment prepared by Mark Cenci Geologic Inc. and the well data provided by the applicant. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the development meets the use standards of the District because it is a residential development in a district that allows residential uses. Wesley Grover Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the gross land area of the subdivision is 65 acres, well in excess of the required 20 acres. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the required lot area per dwelling unit is ordinarily 90,000 sq. ft. and the smallest lot**

**proposed is not reduced by more than 25%. The open space designated is over 35 acres, which makes up more than the reduction in lots, and the open space as shown protects wildlife habitat and the stream. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that there is a buffer of more than 50' from existing Day Road and access to all new lots is from the interior road system. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the project does not include shore frontage or shore setback requirements. John Simoneau Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the subdivision is not a multi-family cluster development. Wesley Grover Seconds. Motion Carries 5-0.**

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**Anne Torregrossa Moves to find that the open space designated is over 35 acres, which makes up more than the reduction in lots. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that as a condition of approval, the applicant shall place a restriction in each deed and a note on the plan that further subdivision of open space or its use for other than non-commercial recreation, agriculture, forestry or conservation, except for easements for underground utilities, shall be prohibited. Only structures and buildings accessory to non-commercial recreation use will be allowed on open space. Open space shall not be made available for use by private membership clubs open to**

persons who are not residents of property located within the development. Wesley Grover Seconds. Motion Carries 5-0.

John Simoneau Moves to find that the costs of installing and maintaining a common water supply would be cost prohibitive based on knowledge of the Board members; adequate ground water is available as evidenced by the hydrogeology study; and there no evidence of a danger of contamination; and the Town of Durham does not have town water supply. Wesley Grover Seconds. Motion Carries 5-0.

John Simoneau Moves to find that a public sewer system is not available in the Town, a private central treatment system is not feasible because of cost and land area, and that there are adequate soils and land area for individual septic systems, which will not endanger ground water supplies that are currently being used for existing developments and will not endanger ground water to be used by the proposed development. Wesley Grover Seconds. Motion Carries 4-1 (Brian Lanoie Opposed).

John Simoneau Moves to find that open space is not contiguous but the Planning Board will permit it because the applicant has sufficient open space with only one contiguous piece to meet the open space requirements and the current open space preserves Meadow Brook. Bonnie Cobb Seconds. Motion Carries 5-0.

*\*The Board also votes 5-0 to require that common open spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.*

John Simoneau Moves to find that individual lots and streets have been designed and situated to minimize alterations of the natural site, to avoid the adverse impacts, and relate to a more densely developed residential area. Wesley Grover Seconds. Motion Carries 3-2 (Anne Torregrossa, Bonnie Cobb Opposed).

**John Simoneau Moves to find that open space includes natural features, specifically the Meadow Brook stream bed and wildlife habitat associated with the brook. Wesley Grover Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that open space has been determined by the topographic and location requirements for recreation, including additional access, the addition of land with a flatter topography, and changing lot lines to allow better access. Wesley Grover Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to add a condition of approval that all deeds include pro-rata interest in common open space and ownership is shown on the plan. John Simoneau Seconds Motion Carries 5-0.**

**John Simoneau Moves to find that the homeowners association will be responsible for maintenance of open space; membership shall be compulsory; an assessment sufficient to provide adequate maintenance shall be levied as provided in the covenants and declaration; the developer shall maintain responsibility for maintenance of common open space until the conveyance of the last lot. Also, a condition of approval shall be to reference the homeowners association and obligations on the plan. Wesley Grover Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that buildings have not been designed or proposed as part of the subdivision of the land, therefore we cannot measure the orientation in respect to vistas, natural landscape, and how they would fit in an overall site development. Bonnie Cobb Seconds. Motion Carries 3-2 (Anne Torregrossa, Brian Lanoie Opposed).**

**John Simoneau Moves to continue the Day Road Subdivision application review to a special meeting on Thursday, May 23, at 6:30 p.m. at the Durham Town Office. Motion Carries 5-0.**

**John Simoneau Moves to Adjourn the meeting. Motion Carries 5-0.**

Respectfully submitted,

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Kathy Dion  
Meetings Secretary