

**Durham Planning Board  
Special Meeting  
Minutes  
May 23, 2019**

**Call to Order:** John Simoneau calls the meeting to order at approximately 6:33 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 and May 15 meetings at the next meeting. Anne Torregrossa Seconds. Motion Carries 5-0.**

**Continuing Business:**

**1) Day Road Subdivision**

**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.**



**John Simoneau Moves to find that the subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water, so that a dangerous or unhealthy condition may result; the project has preserved wooded areas and buffers in natural state; the applicant has submitted an Erosion Control plan for earth moving activities; and adequate provisions have been made for surface drainage by the use of on-site forested buffers to absorb run-off waters. Wesley Grover Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed; A traffic study for the project indicates the subdivision will generate 9 vehicle trips in AM peak hour and 12 vehicle trips in afternoon peak hour, combined with current traffic counted would be a total of 16 morning peak hour and 25 afternoon peak hour trips; access is by the short section of existing town road with a width that does not meet current standard of 20 feet, but this section of road has good sightlines to see approaching vehicles; the existing Day Road and Route 125 intersection has adequate sight lines, and crash data does not indicate a high crash rate; including the following conditions:**

- 1) The applicant will reimburse the Town for the costs of the purchase and installation of traffic control devices on Day Road, as well as the technical services required to determine the appropriateness of such devices, all as determined by the Board of Selectmen; and**
  - 2) Applicant shall show on the plans and install a stop sign on Cherry Blossom Lane at the intersection with Day Road, and one on Hackmatack Lane at the intersection of Cherry Blossom Lane.**
- Anne Torregrossa Seconds. Motion Carries 4-1 (Cobb Opposed).**

**Anne Torregrossa Moves to find that the subdivision provides for adequate sewage waste disposal; test pits indicate suitable soils for adequate sewage disposal and all systems will be designed to meet state requirements. Wesley Grover Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the subdivision will not cause an unreasonable burden on the ability of the Town to**



**dispose of solid waste; the Town has a contract with a licensed solid waste facility, which is in substantial compliance with State law; including the following condition:**

**1) Trash shall be required to be deposited at the end of Cherry Blossom Lane in the Cherry Blossom Lane right of way for public collection if Town services are to be used; this restriction shall be placed in the covenants.**

**John Simoneau Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic and archaeological sites, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to water bodies; the proposed subdivision will not restrict or block any view from a public road or other public land of any water body, hill excess of 450 feet above sea level, open field of over 100 acres in size, or unusual natural features; the project does not disturb stone walls or granite posts, abutments or markers older than 100 years of age; no archeological areas, historical structures, endangered species or irreplaceable natural areas were identified by the appropriate agencies; and this is a residential development in conformance with the area. Anne Torregrossa Seconds. Motion Carries 4-1 (Brian Lanoie Opposed).**

**John Simoneau Moves to find that the subdivision conforms with this Ordinance, the Durham Comprehensive Plan and Land Use Ordinance; the project is consistent with dimensional requirements; is allowed in land use district; and subdivisions are a policy recommended in the Comprehensive plan to preserve open space. Wesley Grover Seconds. Motion Carries 3-2 (Brian Lanoie, Bonnie Cobb Opposed).**

**John Simoneau Moves to find that the subdivision has adequate financial and technical capacity to meet the initial requirements of installing a road base, utilities, and drainage; the applicant has provided a letter from bank indicating funds in excess of \$150,000,**



**which is sufficient for construction of road base, erosion control and underground utilities; including the following conditions:**

**1) Applicant shall provide a performance guarantee in favor of the Town prior to obtaining the signed mylar for recording in the amount necessary to complete the road to Town standards, including paving, and any other requirements not covered by the cash on hand; and**

**2) The subdivider will retain a professional engineer to assure compliance with storm water permit and erosion control.**

**Anne Torregrossa Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the subdivision will not adversely affect the quality of any watershed or any pond or lake within 250 feet of any wetland, great pond or river, because the project is more than 250 feet from those resources; and the project adheres to Maine Department of Environmental Protection 150' buffers around Meadow Brook. Wesley Grover Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; the proposed individual septic systems will not endanger ground water supplies and an engineered stormwater plan has been accepted by the Maine Department of Environmental Protection; the hydrogeology report provided by Marc Cenci also finds there will be adequate recharge. John Simoneau Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the subdivision has a portion of the open space in a flood-prone area; however, the proposed lots are not in a flood prone area. Wesley Grover Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that all freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application. John Simoneau Seconds. Motion Carries 5-0.**



**John Simoneau Moves to find that all farmland within the proposed subdivision has been identified. Wesley Grover Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application; and the plan locates Meadow Brook on the project. Brian Lanoie Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the proposed subdivision provides for adequate storm water management by the use of buffers as part of an engineered stormwater plan approved by the Maine Department of Environmental Protection. Bonnie Cobb Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that lots in the proposed subdivision do not have shore frontage on a river, stream, brook, or coastal wetland. Anne Torregrossa Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the proposed subdivision does not cross municipal boundaries, and the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions in an adjoining municipality. John Simoneau Seconds. Motion Carries 5-0.**

**Anne Torregrossa Moves to find that the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision because it is not located near a great pond. Wesley Grover Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that timber on the parcel being subdivided has not been harvested in violation of timber harvest rules. Wesley Grover Seconds. Motion Carries 5-0**

**Anne Torregrossa Moves to find that the subdivision will not have an adverse impact on spawning grounds, fish, aquatic life, bird, and other wildlife habitats; adequate buffer and protections have been**



**provided for Meadow Brook and other wetlands identified; the Maine Department of Inland Fisheries and Wildlife did not identify any deer wintering areas or habitats of special concern; and the potential vernal pool identified in the corner of Lot 1 has a buffer of 300+ feet to the nearest building envelope, providing for adequate protection. John Simoneau Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the subdivision will not cause noise, order, glare, or vibration to disturb the peaceful enjoyment of adjacent property; noise, odor, and vibration will not be generated, as this is a residential subdivision and there are restrictions in the covenants related to commercial activities more likely to cause noise, odor, and vibration; the proposal will not generate glare sufficient to disturb the peaceful enjoyment of the adjacent property as there appears to be sufficient vegetation enough to prevent glare on the Spring lot and the houses across the street are sufficiently offset from the outlet of the road. Bonnie Cobb Seconds. Motion Carries 3-2 (Anne Torregrossa, Wesley Grover Opposed.)**

**Anne Torregrossa Moves to find that the subdivision will not place an excessive burden on the ability of the Town to provide municipal, governmental, or educational services; the Fire Chief indicated that the section of town road will not reduce the department's ability to provide services; the subdivision road will be a private road; and the project will not increase school enrollment by more than 10% in the first year of full occupancy. John Simoneau Seconds. Motion Carries 5-0.**

**John Simoneau Moves to find that the subdivision meets design standards for road to include right of way width, dimensions, geometry, and materials as per the engineered plans. Brian Lanoie Seconds. Motion Carries 5-0.**

**John Simoneau Moves to continue the Day Road Subdivision application review until the applicant provides a Road Maintenance Agreement at the Planning Board's next meeting on June 5 at 6:30 p.m. at the Durham Town Office.**



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

Respectfully submitted,

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Kathy Dion  
Meetings Secretary