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STATE PLANNING OFFICE
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December 20, 2002

Board of Selectmen
Town of Durham
630 Hallowell Road
Durham, Maine 04222

Dear Select Board:

This letter follows up and responds to the Plan that was approved by the Town Meeting in March of 2002. The Durham Comprehensive Plan was first reviewed in July of 2001. Subsequent to this Review, the Committee continued working throughout the fall and early winter to address the Review Findings of Inconsistency. The redrafted Plan was submitted to the Office in early February. At that time, I requested a letter to summarize what changes had been made to the Plan to address the Inconsistency Findings. Such letter was never forthcoming. The Town Meeting occurred in the first few days of March. As no action was anticipated that might change the Plan that had to be posted prior to Town Meeting, review of the proposed redraft was deferred. I am sorry if that delay has created any problems and hope the following comments will be helpful.

Numerous Suggestions were incorporated in the original Review of July 2001. Some of these have been addressed in the redrafted Plan adopted in March 2002, but many were not. This review will focus solely on those issues that were identified as inconsistencies and recommendations for how you might address them. As always, our recommendations are not the only way the Town can address the inconsistencies.

Housing was the first area of inconsistency identified in the 2001 Findings. The Plan failed to identify the number of affordable housing units that would be needed to accommodate anticipated growth in the next 10 years. The redraft still does not address this concern and has been edited in a confusing manner, referring to Tables in the Text that do not exist (p. 58 Table 41 and Table 44); and inconsistently includes or fails to include 2000 Housing Census Data. Without understanding the future demand for housing, and affordable housing in particular, it's impossible to determine whether the proposed strategies are adequate to meet future demand and whether the Town's growth limitation policy is defensible. The Housing section of the Plan should be reedited incorporating 2000 Housing data and project future demand for affordable housing units, owner occupied and rental. Note the information provided from the 1990 Census (p.56) suggests significant affordable rent problem. Then you should revisit the appropriate strategies to determine whether they are adequate and whether elements of the Land Use Plan work against affordability.

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The Inconsistency related to Critical Natural Resources is adequately addressed in the Redrafted Plan.

The Inconsistency related to Water Resources is partially addressed by incorporating mention of these sources. The Redraft falls short however by failing to specifically propose protection policies and strategies for these public water supplies. This can be addressed by incorporating protection standards for public water supplies similar to those provided for in the Groundwater District.

Three issues remain with the Land Use Plan. It provides for a Growth District, a Rural District and two Overlay districts establishing development standards for the protection of ground water and historic values. The Plan also proposes site plan review standards to protect critical wildlife habitat, scenic values, and historic buildings. In addition, the Plan proposes a growth limitation ordinance with an annual limit of 45 permits for residential development apportioned with 15 units for the Rural District and 30 units for the Growth Districts. Minimum Lot size in both the Rural and Growth Districts are set at 90,000 sq. ft. Subdivision lots in the Growth Districts may be 45, 000 square feet provided an equal amount of land is set aside as permanent open space.

We applaud proposing a differential growth limitation ordinance. The differential aspect of the growth limitation ordinance was not in effect this entire past year yet media sources indicated that the Town had issued the limit of permits adopted in March by early October. Additional work needs to be done to more accurately predict development demand and to provide for an annual method for establishing the overall growth limit. The Basis for the limitation (example 45) should be related to historic growth rates and its anticipated “share” of future growth in the region. In addition, the Plan should consider the impact of growth limitation on housing affordability and whether its strategies to ensure that 10% of new housing meets affordability guidelines will be adversely affected. I’m attaching a Frequently Asked Questions (FAQ) piece developed by our Office that explores Building Limitation Ordinances more completely. The Plan should address each element identified in the FAQ to justify the limitation on overall growth.

The lot size in growth areas is unnecessarily large and will consume large amounts of land, ultimately requiring the expansion of growth areas and resulting in a sprawling pattern of development. It also may make achieving affordability objectives more difficult. We recommend you reconsider this lot size requirement and road frontage standards for areas intended to accommodate growth; for example, 20, 000 square feet and 100 feet, unless site specific soil conditions require something larger

The uses permitted in the proposed rural areas include low impact industrial and public buildings. We recommend locating such uses in the designated growth areas unless the industrial uses are connected to natural resource production or processing. Short term and mid-term strategies implementing the Plan’s Growth and Development Policies support this notion.

We understand a Committee has been appointed to begin work on ordinances proposed in the Plan. We would encourage the Town to proceed with these activities and concurrently make adjustments as suggested above. The Plan amendments could be adopted prior to the enactment

or the proposed ordinances. Amendments and consistent ordinances may be adopted at the same Town Meeting.

Lastly, we are aware of a document entitled Street Tree and Forest Report 2001. We examined the proposals for a River Park and a Commons Plan and find them to be excellent proposals. The Town may wish to incorporate these proposals in the Plan by reference. The Commons plan could serve as the basis for creating a village center. The Long –Term Activities under Growth and Development Policies call for sidewalks in this area and the reconstruction of the intersection of Routes 9 & 136. Taken together these elements constitute the foundation of public investment that could really enhance the opportunity for compact residential development adjacent to a new Village Center.

If I can be of further assistance, please contact me. I would be happy to meet with the Committee, if that would be helpful.

Sincerely,



Frank Hample
Planner

enclosures

Cc: Carol Fuller, AVCOG