

**TOWN OF DURHAM
PLANNING BOARD MEETING
November 3, 2021
AGENDA**

The Durham Planning Board will meet at 6:30 p.m. on Wednesday, November 3, at the Durham Town Offices, 630 Hallowell Rd.

1. Call to Order
2. Roll Call
3. Continuing Business:
 - Cedar Pond Road – Road Maintenance Agreement
 - Hallowell Road Gravel Pit – Conditional Use Permit
4. New Business:
 - Brickyard Hill Road Subdivision, Sketch Plan review
5. Other Business
6. Adjourn

HALLOWELL ROAD PIT

TOWN OF DURHAM, MAINE CONDITIONAL USE APPLICATION

**PREPARED FOR:
STONEX LANDSCAPING & EXCAVATION**

**PREPARED BY:
CHARLIE BURNHAM P.E.
241 ROWE STATION ROAD
NEW GLOUCESTER, MAINE
04260**

October 2021

TABLE OF CONTENTS

Application Form and Checklist

Performance Standards

Attachment A – Test Boring

Attachment B – Site Plan

SECTION 14.6 - SMALL BORROW PIT PERFORMANCE STANDARDS

The following application is in response to the discussion during the October Planning Board Meeting. The additional information addresses the Performance Standards set forth in Article 14.6. In addition to the standards in Section 14.6 a noise study is being conducted on 10/21/2021 (the day this application was delivered) and will be submitted as soon as the results are received. The applicant has indicated that there is no blasting anticipated as part of this gravel pit, however if any blasting is needed in the future abutting foundations will be equipped with seismometers and all required safety precautions will be taken.

In responses to some of the abutters' concerns a gate will be placed just beyond the existing wetlands to prevent any pedestrian traffic entering the pit. The clear cutting will be limited to the pit area and a 100-foot forested buffer will be maintained around the perimeter of the site.

Other concerns were regarding setbacks from the wetlands. A 100-foot setback is shown from the edge of wetland. The area between the pit and the wetlands will remain vegetated.

- C. The following setbacks must be maintained for any borrow pit between the excavation and a water supply in existence prior to the excavation:
 - a. Well drilled into saturated bedrock - 100 feet
Pit will be located more than 500 feet from any well
 - b. Dug well or point driven well - 200 feet
Pit will be located more than 500 feet from any well.
 - c. Public water supply serving fewer than 500 persons - 300 feet
N/A

- D. No person shall open or excavate, for sale or any other purpose, any borrow pit of gravel fill, or any other material within two hundred (200') feet of any public road or within one hundred (100') feet of the property boundary, except for the excavation of a building or a pond.
The Pit will be set back from the road at least 300 feet.

- G. Excavation for small borrow pits shall not extend below an elevation of five (5') feet from the seasonal high-water table as established by competent, technical data.

The Applicant will not excavate within two feet of the seasonal high-water table. A test boring was done on the low side of the proposed excavation area. The test boring is included as Attachment A.

- H. The average slope of any cut bank measured from the top of the slope to the toe of the slope shall not exceed a horizontal to vertical ratio of 2.5:1; provided, that any small borrow pit in lawful operation at the effective date of this ordinance whose slopes exceed this requirement may maintain, but not increase, such nonconforming slopes; provided, further,

that for an expanded borrow pit area or new borrow pit area which exceeds five (5) acres in size, the slope for such areas may not exceed 3:1.

Final grades are shown on the attached Site Plan.

ATTACHMENT A

Northern Test Boring, Inc. Boring Log

Client: StoneX Landscaping and Excavation	Project Name: Durham Pit
Location: Durham, Me	Driller: Mike Nadeau

	Casing	Sample	Core	Ground Water Elevation:	
Type	SSA	SS		171.8'	
Size	4"	1 3/8"		Start Date:	Finish Date:
Hammer Wt.		140		10/15/21	10/15/21
Hammer Fall		30"			

No.	Pen	Rec	Sample Depth	Sample Blow Counts				Elevation	Stratum Description
								214'	Brown Sand and Gravel Some Silt
								210'	
								205'	Brown Fine-Medium Sand and Gravel Some Cobbles
								200'	
								195'	
								190'	
								185'	
								180'	
								175'	
								170'	
								165'	
								160'	
								155'	Ground Water @ 171.8'(Elevation) 42.2' Below Ground Surface
								150'	Bottom of Exploration @ 164' Elevation 50' Below Ground Surface
								145'	
								140'	

ATTACHMENT B

Plan Reference:
Boundary Retracement Survey for
Hall's Gravel and Development Corp.
by Mann Associates Inc. June 2003

Route 9
0.1
t?-

WILL BE GATED

EROSION CONTROL BERM <TYPE>

EXCAVATION AREA
<5 ACRES
MAXIMUM DEPTH OF 174'
STOCKPILES WILL BE LOCATED WITHIN THE EXCAVATION AREA

S 89° 30' E
Prop. Line is Stone Wall

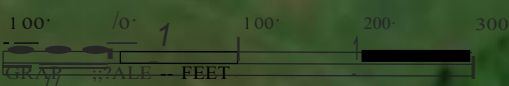
500' SETBACK FROM ABUTTING
STRUCTURES <TYPE>

ST. EAST BOUND PROPERTY LINES

This is a worksheet made by Cornerstone Professional Services, Inc. for John Snell, on 03/16/2021. This worksheet is an attempt by the surveyor to provide (approximately) information on the plan entitled "Boundary Survey Land of Hall's Gravel and Development Corp. LLC Route 9, Durham, Maine" dated 3/31/2021, by the Ridge Land Management Daniel P. Colby, Professional Land Surveyor, Board of Professional Land Surveyors, State of Maine, to attempt to locate the location of the objects shown on that plan (which was scaled from the production of the original plan) for the purpose of providing information on the location of the objects shown on that plan. This worksheet is not the product of a boundary survey by this surveyor, and no work was performed by this surveyor to determine the extent of record title or other interests in the land or improvements depicted hereon. No field work was performed by this surveyor. Reference is made to the original signed and sealed Colby Plan for other notes and information.

LEGEND

- 1" Iron Rod, set
- Iron Rod, found
- 1" Pipe found
- Set Test Pit
- U Utility Pole
- Stone Wall
- W Wetland



Noise Impact Study

On October 21, 2021 a noise impact study was performed for the proposed Gravel Pit on Hallowell Road in Durham. The three pieces of equipment typically associated with gravel pit operations (excavator, dump truck and front loader) were brought to the pit location and turned on. A decibel meter was brought around the perimeter of the site. At no point was there a decibel reading over 40 associated with the operation of equipment in the proposed pit location. Road traffic and abutting operations did produce readings over the 50-decibel threshold along the front of the property.

ROAD MAINTENANCE AGREEMENT

Pursuant to Durham Maine Land use Ordinance updated 2021

Article 5 Section 5.23

JAMES PLACE PRIVATE DEEDED RIGHT OF WAY

186 CEDAR POND ROAD

DURHAM MAINE 04222

November 2021

This is for James Place, the private deeded right of way from James and Melinda Gould to our family members as listed on the survey recorded at Androscoggin County Registry of Deeds in Book 53 pages 197 and 198. Designated by the following names,

Charles J Baker, Melinda Gould, James and Melinda Gould, Joshua and Sarah Minnich, and Jonathan and Mary Ella Hanson.

These property owners, their heirs and assigns, will develop, maintain, plow and repair James Place, the private deeded right of way, as needed. The Town of Durham is not responsible for construction, maintenance, repair, or plowing.

Upon approval from the Town of Durham, Maine Planning Board, this agreement shall be recorded in the Androscoggin County Registry of Deeds, Book_____ and Page_____. All duties and obligations of this agreement will RUN WITH THE LAND and shall be transferred to purchasers or other transferees of the real estate subject to the maintenance agreement. The Town of Durham Maine Planning Board shall be notified in writing and provided with a copy of any changes or amendments to the maintenance agreement.

This maintenance agreement will be referred to in all deeds served by James Place, the private deeded right of way.

The Town of Durham Maine Planning Board requires that this agreement permit property owners to place a lien on any signatory who has not satisfied their share allocated to them in the amount of the unpaid assessment for the costs of maintenance for James Place, the private deeded right of way. As Christians we strongly urge all property owners to make assistance to support and carry the burden of anyone unable or unwilling to pay or serve according to this agreement in lieu of a lien.

A meeting of the 5 lot owners served by James Place, the private deeded right of way, will be held to determine equitable service and fees based on the actual road usage.

SIGNATURES ON PAGE 2

Page 2 of 2

Road Maintenance Agreement

James Place, private deeded right of way

186 Cedar Pond Road

Durham Maine 04222

November 2021

James Leonard Gould

Melinda Gould

Charles James Baker

Sarah Rebecca Minnich

Joshua Minnich

Mary Ella Hanson

Jonathan Hanson