

**DURHAM PLANNING BOARD
REGULAR MEETING
AGENDA**

January 6, 2021

(Virtual meeting via Zoom)

Town of Durham Planning Board: Anne Torregrossa, Chair; Juliet Caplinger, Vice Chair; Wesley Grover; Allan Purinton; and Ron Williams.

1. Call to Order, 6:30 p.m.

2. New Business:

Conditional Use Permit Application
Matt St. Cyr
103 Old Brunswick Rd.
Map 7, Lot 96

3. Continuing Business:

Granite Hill Subdivision
Discussion of subdivision approval expiration

4. Other Business:

Final review of draft ordinances and set January workshop date for public comment.

5. Adjourn

Meeting link: <https://us02web.zoom.us/j/81057674881>

Meeting ID: 810 5767 4881

Dial-in: 929-205-6099

Details on how to join a Zoom meeting: <https://bit.ly/3jGYekg>

January 5, 2021

Marcus Baldwin
P.O. Box 755
Biddeford, ME 04005

Mr. Baldwin,

As the Personal Representative for the Estate of Barry Baldwin, please accept this letter as notice that the Town of Durham, Maine Planning Board will be taking up the issue of the Granite Hill Subdivision at its regular virtual meeting on **Wednesday, February 3, 2021** via Zoom.

At this meeting, the Durham Planning Board will be considering filing a notice stating that the approval for the Mineral Springs Subdivision, located at Durham Map 13, Lots 8 and 8A (Granite Farm Hill Rd.), is expired under the terms of the Durham Land Use Ordinance.

The Zoom meeting can be accessed at **(link here)**. The meeting ID is: **(new ID here)**. Zoom meetings can also be accessed by telephone at: 929-205-6099. For details on how to join a Zoom meeting go to: <https://bit.ly/3lM10e0>.

Sincerely,

Anne Torregrossa, Chair
Durham Planning Board

Cc: Jane Cyr, Masiello Group



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

Tel. (207) 376-6558
Fax: (207) 353-5367

CONDITIONAL USE PERMIT APPLICATION

Please read the Conditional User Permit Application Instructions and meet with the Code Enforcement Officer before completing this Application.

PART I. PROPERTY INFORMATION

Applicant's name and address:

Matt St.Cyr
Old Weld Shop LLC
38 Upper Minot Rd, Pownal ME

Owner's name and address: (if different than applicant)

Current owner is Mike Church.
103 Old Brunswick Rd. Durham ME

Property address: 103 Old Brunswick Rd

Property tax map: 007 and lot: 096

Property zone(s) (list all): RRA

Property overlay zone(s) (list all): None

Current approved property use: grandfathered welding shop. not approved.

Is this property in a subdivision: Yes No

Is any part of this property in a flood plain: Yes No

Will there be any new structures, expansions of existing structures, or the construction or expansion of parking areas: Yes No

PART II. PROPOSED USE

Please fully describe the proposed use; including all of the following (you may attach separate or additional sheets):

- Describe the proposed use in detail
- Hours of operation
- Plans for waste disposal
- Anticipated traffic (deliveries, customers, etc.)
- Other relevant information on the proposed use

Custom metal fabricating. Cutting, forming, welding and finishing of all alloys of metal. Our product and history can be viewed at cumberlandironworks.com. We create mostly high end residential and marine parts. Currently we employ 4 people in the shop and one in the office in addition to myself. The idea for the new shop would be to add a few employees - potentially double the shop force while creating more room to work.

For 20 years I have held hours of Mon to Thurs 7A to 5P. Fridays 7A to noon. I do not anticipate this changing.

We currently have a 3 yard dumpster that gets emptied once a month. Metal drops are retained on site and recycled twice a year. These are stored out of sight.

The employees come and go once a day. There is very light to and from traffic from them during the work day. We receive material from two vendors, American Steel and Yarde Metals. They drive small tractor trailers and "wheelers" respectively. They are typically coming and going once a week. We also have Matheson Tri-gas coming and going every other week with bottled gasses (argon, argon mixes, oxygen and propane). Occasionally a freight truck (UPS freight or New Penn) rolls through. There is very little retail traffic at the shop. It is a work environment not a showroom.

Other relevant info (1): We do work on boats that arrive on trailers. Depending upon the time of year there could be up to 6 of these boats around. They are usually between 16' and 25' long. Typically their period at the shop is not over 2 weeks. Busiest time for this is Spring and Fall. I do not like a mess!! The boats and other material left outside is always orderly.

Other relevant (2): I would like to somehow delineate the blue house from the shop dooryard with a privacy screen. I would also like to spruce up the blue house to increase the rent value.

Other relevant (3): I would like the opportunity to make the apartment that is up stairs in the shop conforming to your Land Use Ordinance.

PART III. CONDITIONAL USE STANDARDS

For each standard, describe how what potential impacts your project might have, how your project meets the standard, and what documents the Planning Board should refer to that support your position.

- A. Public Health Impacts:** The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

Please include how you will address any sewage disposal (septic, etc.), any fumes or air emissions, any discharge or runoff that might pollute water, trash, and other potential public health impacts.

Why your project won't create any public health impacts:

The nature of our work does not create sewage beyond what is currently handled in the on site septic system. The nature of our work also does not generate fumes, air emissions, or discharge of run off. I have been running this business for 20 years in two different rural residential neighborhoods and have not created any public health impacts. I do not intend to change my work habits at 103 Old Brunswick Rd.

Relevant documents:

None available

B. Traffic Safety Impacts: The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

Please include how much and the type of traffic you anticipate, hours of traffic, type of traffic currently on the road, any entrance permits, entrance sight distances, hazardous intersections in the area, traffic studies, etc.

Why your project won't create any traffic safety impacts:

The traffic for Cumberland Ironworks Inc at 103 Old Brunswick Rd will not be out of the ordinary for that neighborhood. A few times a week we will receive material deliveries. A few times a month we will have a supply of bottled welding gas. We are not a retail establishment. The number of customers coming to the shop is very limited (at or below 2 per day). This traffic is generally only Monday to Friday during business hours.

103 Old Brunswick Rd is flat and straight in this area. Though I did not stretch a tape measure it appears to far more than exceed your line of sight standard as called out in your Land Use Ordinance 5.2.A.

Relevant documents:

Land Use Ordinance Article 5.2.A.

C. Public Safety Impacts: The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal services than existing uses in the neighborhood.

Please include a description of the types of surrounding uses (residential, home businesses, commercial businesses, farms, etc.); the types of public safety problems your use might pose and how you will address them; and the types of municipal services your use will require (education, trash disposal, fire protection, law enforcement protection, etc.).

Why your project won't create public safety problems that are substantially different from the surrounding uses:

The neighborhood seems to have a variety of uses. To the west Donna's son has an escort vehicle business. That probably creates a minimal amount of traffic but is a business all the same. Presumably an in home occupation? Rotating clockwise there are a number of residences. Then on the other side of Plummer Mill Rd is Emerson's. From the street and a satellite view it appears to be an automotive repair shop with a junk yard that extends to the North and East. Abutting 103 Old Brunswick Rd to the East is #107 Old Brunswick Rd. A residence currently owned by Donna Church. I may purchase this property as well.

Why your project won't require a substantially greater degree of municipal services than the surrounding uses:

My intended use of 103 Old Brunswick Rd will not create a need for any additional municipal services. It seems in keeping with the use of the rest of the neighborhood. My intended use will mirror or be less from a traffic standpoint as compared to Church's Welding of 10 years ago.

Relevant documents:

Google Satellite view of the neighborhood.

D. Environmental Impacts: The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.

Please identify any nearby natural resources (ponds, streams, vernal pools, etc.) and describe whether your project could have an impact on any of those resources and the steps you are taking to prevent any such impact. If you are removing any vegetation or doing any site work, describe those plans and what erosion or sedimentation control procedures you will be taking. If your project could have runoff or leaching, identify the nearby wells and resources that could be impacted and the measures you are taking to prevent any impact.

Why your project won't result in sedimentation or erosion:

I will not be modifying the site of 103 Old Brunswick Rd. It's current use will be the same as my intended use. There is nothing happening at the site to generate erosion or sedimentation.

Why your project won't have an adverse effect on water supplies:

Besides potable water for drinking and flushing toilets by employees we will not be using an out of the ordinary amount of water. Probably less than an ordinary house as we will not be doing laundry or washing dishes.

Further, the intended use does not dump or deposit anything that might have an adverse effect on the quality of the water.

Relevant documents:

None available

E. Scale & Intensity of Use: The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, and proximity to other structures.

Please include a description of the types of surrounding uses (residential, home businesses, commercial businesses, farms, etc.), how close they will be to your project, and whether and how much those surrounding uses will be able to see your operations. Describe how your project fits in with the neighborhood and identify any screening or other steps you will take to minimize the impact on surrounding uses.

Why your project will be compatible with surrounding uses:

I described the neighborhood in Part III C. above.

Honestly, the building is too big for the lot, too close to the little blue house, and too close to Donna's house to be ideal for the neighborhood. But the damage is done. I would like to take what's there and make it nicer.

All of the residences in the vicinity seem to be well cared for. I would like my property to follow the same pattern. My expectations would be to install some suitable screening between the blue house and the shop door yard. Possibly re-route the driveway for the blue house. Possibly give the blue house an aesthetic spruce up. My wife and I are interested in purchasing Donna's house. If we did this we would install some sort of privacy barrier between the two properties.

Emerson's sets a standard for storage of material that is visible from the road in this neighborhood. My use will surely be less impactful than this standard.

Relevant documents:

none available

F. Noise & Hours of Operation: The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

Please describe your hours of operation and any noise that your use may generate. Describe the impact those hours and noise could have on surrounding uses and how your use will not be incompatible with the surrounding uses.

Why your project will be compatible with existing uses in terms of noise and hours of operation:

At my current location 99% of the work is done inside. Metal working can produce noise levels that exceed your standard in Section 5.19.A noise limits. Any noise that exceeds the business hours level of 55 Db would be intermittent at its worst case scenario. With the consideration that the doors are generally closed and the business is a few hundred feet from the road I would estimate our noise emission to be permissible.

In the winter the heat is on and the doors are closed. In the summer the A/C is on and the doors are closed.

For the last 20 years we have worked Mon to Thurs 7 AM to 5 PM and Friday 7 AM until noon. I do not expect any variation in these hours or days.

Relevant documents:

Chart at Section 5.19.A Durham ME Land use Ordinance.

G. Right, Title, or Interest: The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Identify the type of right, title, and interest that you hold in the property (deed, purchase and sale agreement, lease, easement, etc.).

Right, title, and interest:

As of 11/26/2020 I have a purchase and sale signed for 103 Old Brunswick Rd. This P and S is conditional of financing and an acceptable conditional use permit from the town.

Relevant documents:

Can provide signed purchase and sale if it will help.

H. Financial & Technical Ability: The applicant has the financial and technical ability to meet the standards of this Section and to comply with any conditions imposed by the Planning Board pursuant to subsection 7.5.

Please identify the cost of the project and any required compliance measures. Provide evidence that you have the financial capacity to meet those standards. Please also identify the experience that you have with the type of proposed use. If your project involves building construction and/or site development, what types of professional services have you or will you employ to address technical design issues like wetland mapping and storm drainage analysis? Who will be inspecting the work to ensure that it meets required regulatory performance standards and industry quality standards? The details of construction and financial & technical capacity will be reviewed during site plan approval (if required), but a general indication and discussion is needed for conditional use review and also for implementation of required conditions of approval (if any).

Estimated cost of the project and compliance:

Before moving into the facility we would add an air compressor and fixed compressed air piping. We would change out the metal halide high bay lights for more modern and efficient LED high bay fixtures. We would add two split cycle air conditioners to warm the shop in the colder seasons and air condition it in the summer. I have money set aside for these improvements.

Evidence of financial capacity:

Bank statements?

1

Evidence of technical capacity:

I have done all of this work to my current shop. I use qualified sub contractors. Technical capacity for this is simply hiring someone to do the work.

Relevant documents:

Possible bank statement.

PART IV. SPECIFIC PERFORMANCE STANDARDS

Per Section 7.4.B., please identify any additional performance standards contained in the Land Use Ordinance that apply to your project and identify how you meet those standards (add additional standards/sheets as required). As an example, if your project is a campground, you need to document how you meet the specific standards of Section 5.8 as well as the general criteria for a conditional use review. If your project requires separate site plan review and approval, you can address the site plan performance standards in your site plan application.

A. Specific Standard: (Section Reference)

Performance standard:

I have reviewed and meet all of the criteria of 7.4.A

There isn't a 7.4.B as noted above in the Land Use Ordinance on the town website.

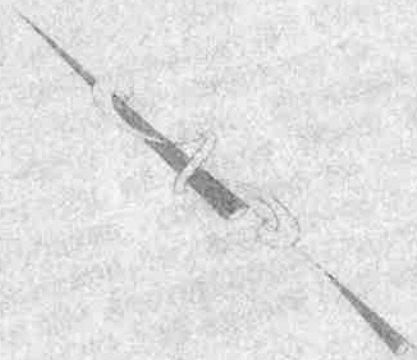
How you meet that standard:

N/A

Relevant documents:

None

262.06'



OLD BRUNSWICK ROAD

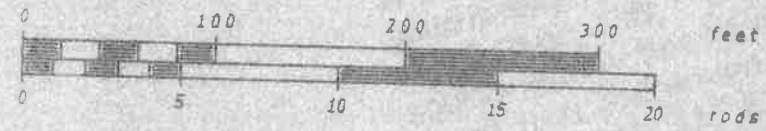
S 38°27'05" E 305.00'
300.61'

Lorraine R. Emerson
to
ALBERT W. STIMPSON
&
JEAN T. STIMPSON
May 11, 1970 Book 1036 Page 712

**SURVEY PLAT FOR
DONNA CHURCH**

103 Old Brunswick Road
Durham, Maine 04222

October 16, 1998



SCALE 1" = 100'

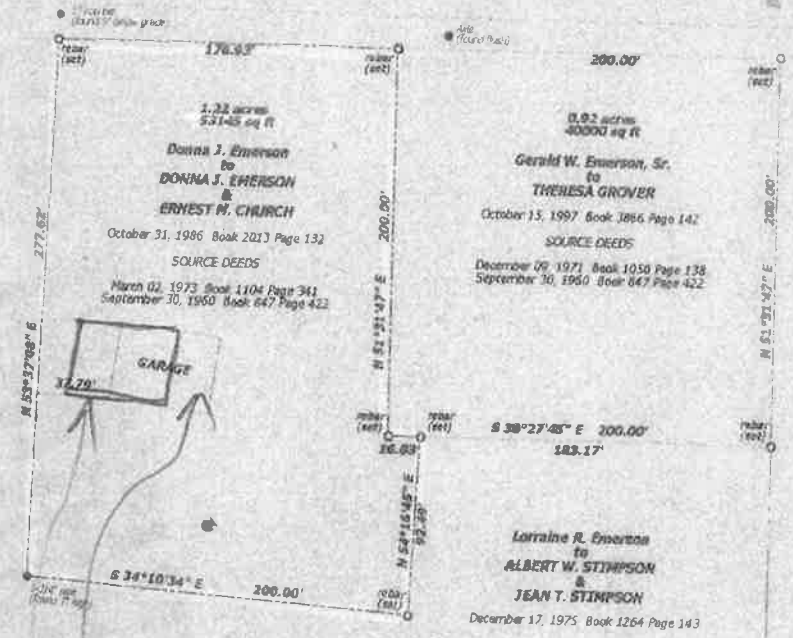
PAUL H. BABBIDGE, L.S. NO. 1237
77 Roberts Road, Bowdoin, Maine

STANDARD BOUNDARY SURVEY
Old Brunswick Road
DURHAM, MAINE FILE NO. 01-02-027



Lorraine R. Emerson
to
ALBERT W. STIMPSON
&
JEAN T. STIMPSON
December 17, 1977 Book 1264 Page 143

Line established by Deed Book 140, Pages 286 & 287



*original garage
burnt. Approx
location of existing*

Rodnell L. Stimpson
to
RODNEILL L. STIMPSON
&
JANE L. STIMPSON
August 28, 1987 Book 2147 Page 224

Heirs of John Emerson
to
THOMAS EMERSON

Ire Broszoffe
to

EMERSON ROAD

CONDITIONAL USE PERMIT APPLICATION

map 07 lot 096

Applicants name Matt St.Cyr

Phone 207-415-2066

property address 103 Old Brunswick RD

mailing address 38 Upper Minot Rd, Pownal Me 04069

zoning district RR

overlay district None

are you the property owner yes _____ no Not Yet

evidence of right, title, or interest, yes _____ no _____

residential _____ commercial X

is this property in a subdivision yes _____ no _____

is this property in a flood zone yes _____ no X

are there any wetlands on or near the property yes _____ no X

are there current or incomplete permits on this property yes _____ no _____

garage permitted but no cu.

intended use of property, dwelling, or structure (be specific) _____ Operate a fabricating shop in the large building. Rent (eventually renovate) the small blue house. Fabricating shop currently employs (5) staff. Would like the opportunity to double that. Currently we only run one shift and I do not anticipate this to change. The bulk of our work is in doors but when weather permits some employees like to work in the door yard. There will occasionally be material stored outside. Mostly this would be customers boats on trailers. Generally a very tidy operation. My guess based on conversation with Mike Church is that this operation would be very similar to the way the property has presented itself since 1994 when the large shop was built.

present use of land and buildings _____

will this constitute a change of use yes _____ no X

OTHER PERMITS

Army Corps of Engineers yes _____ no _____

Dept of Environmental Protection yes _____ no _____

Environmental Protection Agency yes _____ no _____

Maine Department of Transportation yes _____ no _____

other _____

FEE PAID \$ 50 DATE 12/15/2020

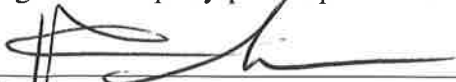
Note; inspections are required at all phases of construction. Contact the CEO at 207-376-6558 to schedule inspections. No work shall continue until a notice to proceed has been issued by the CEO following each inspection.

No building hereafter erected shall be occupied or used, in whole or in part, without a **CERTIFICATE OF OCCUPANCY** or a temporary certificate of occupancy issued by the CEO of the TOWN of DURHAM ME. In accordance with the laws and ordinances of the town of Durham Me

I hereby acknowledge that I have read this application and state that my answers are correct and agree to comply with all town ordinances and State and Federal laws regarding building construction and land use.

I further agree that no work shall commence until all applicable permits are issued and in place .

I agree to keep my permit posted at the location indicated and visible to the public.



signature of applicant

date received 12/15/2020

signature of CEO

Description of Lot
for
Donna J. Church

October 20, 1998

File No. 01-02-027

A certain **53,145 square foot** lot or parcel of land on the southwesterly side of the Old Brunswick Road, in the Town of Durham, Androscoggin County, State of Maine, and being a portion of the premises conveyed to Lorraine R. Emerson September 30, 1960 by deed of John Emerson, recorded in the Androscoggin County Registry of Deeds **Book 847 Page 422**, and being the same premises conveyed by the said Lorraine R. Emerson to Gerald W. Emerson, Sr. and Donna J. Emerson March 02, 1973 by deed recorded in the Androscoggin County Registry of Deeds **Book 1104 Page 341** said 53,145 square foot lot or parcel of land is described as follows:

Beginning at an iron rod driven into the earth, on the southwesterly line of Old Brunswick Road and the northerly corner of the premises conveyed by Lorraine R. Emerson to Gerald W. Emerson and Donna J. Emerson December 09, 1971 by deed recorded in the Androscoggin County Registry of Deeds **Book 1050 Page 138**; thence **N 38° 27' 45" W 176.93'** on the southwesterly line of said Old Brunswick Road to an iron rod driven into the earth; thence **S 53° 37' 08" W 277.62'** to an iron pipe found driven into the earth; thence **S 34° 10' 34" E 200.00'** to an iron rod driven into the earth; thence **N 54° 16' 45" E 92.49'** to an iron rod driven into the earth on the southwesterly line of the aforementioned premises described in Book 1050 Page 138; thence **N 38° 27' 45" W 16.83'** along said southwesterly line of the premises described in Book 1050 Page 138, to an iron rod driven into the earth at the westerly corner thereof; thence **N 51° 31' 47" E 200.00'** to the iron rod driven into the earth at the point of beginning.

The iron rods described herein are #5 rebar with a cap stamped *PAUL H. BABBIDGE, L.S. # 1237.*

