

**DURHAM PLANNING BOARD  
REGULAR MEETING AGENDA  
Durham Fire Station, 6:30 p.m.  
March 6, 2024**

***NOTE: No public comment will be taken on individual applications at the meeting unless the Board schedules a formal public hearing with required notice posted. Comments on applications can be submitted in writing to the Town Planner and will be forwarded to the Planning Board and the applicants.***

1. Roll Call & Determination of a Quorum
2. Amendments to the Agenda
3. Acceptance of the Minutes of Prior Meetings (February 7, 2024)
4. Informational Exchange on Non-Agenda Items:
  - a) Town Officials
  - b) Residents (Public comment will be taken)
  - c) Non-Residents (Public comment will be taken)
5. Continuing Business: None
6. New Business:
  - a) Conditional Use Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)
  - b) Completeness Review of Site Plan Review Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)
  - c) Substantive Review of Site Plan Review Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)

**3. Acceptance of the Minutes of Prior Meetings (February 7, 2024)**



# Town Of Durham

## Planning Board Minutes

### Fire Station Meeting Room, 6:30 pm

### February 15, 2024

#### 1. Roll Call & Determination of a Quorum

**In attendance:** John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Brian Lanoie, Marc Derr (newly appointed alternate member) and George Thebarga (Town Planner).

**Absent (excused):** Tyler Hutchison and Anne Torregrossa

#### 2. Amendments to the Agenda

Add an Item to select a date for a Public Hearing for Land Use Ordinance Amendments

#### 3. Acceptance of the Minutes of prior meeting (January 3, 2024)

Allan Purinton moved to accept the January 3<sup>rd</sup>, 2024 meeting minutes, **Juliet Caplinger seconded**, motion carried 4 – 0 – 1 **abstained** (newly appointed member).

#### 4. Informational Exchange on Non-Agenda Items:

##### a.) Town Officials:

##### George Thebarga

- The Select Board reviewed the draft land use ordinance amendments proposed by the Planning Board at the February 6<sup>th</sup> SB Meeting. The Housing Density and Solar Energy Amendments passed unanimously, and they tabled the codification of fees proposal until their February 12<sup>th</sup> meeting, changing the wording from “reviewing the fees annually, to reviewing the fees periodically”. The Select Board also added an umbrella provision that gives them the authority to adopt any fee associated with administration of the ordinance.
- The Town Meeting Warrant will include \$10,500 for the digital codification of the ordinance.
- We have reopened communication with the Greater Portland Council of Governments on doing a master visioning plan for the community facilities (Town Hall, Eureka Center, Fire Station and Ball Field).

##### John Talbot (Planning Board Chair)

- The Town Meeting Warrant will include an additional four (4) hours to the Town Planner’s time per week, bringing his weekly total of 24 hours. Part of that increase is to make him available to the Board of Appeals.

##### b.) Residents - None

##### c.) Non-residents – None

**5. Continuing Business:**

**a.) Completeness Review of Site Plan Review Application for Expansion of the Leisure Campground for 40 RV sites, Map 2, Lot 13 (Public comment will not be taken)**

Note: Planning Board Vice Chair, Juliet Caplinger, is an abutting neighbor to the applicant, she is recusing herself from the discussion.

- The Town Planner explained that on December 6, 2023, the Planning Board determined that the application was incomplete and sent a letter dated December 12 identifying thirteen deficiencies in meeting the submission requirements for site plan review:
  - a. Section 8.5.C – 10 copies of full-sized site plan (Submit copies or request a waiver)
  - b. Section 8.5.C.6 – Copy of septic system test pit logs (Submit logs by qualified professional)
  - c. Section 8.5.C.11 – Indication of zoning district (Add to the plan)
  - d. Section 8.5.C.12 – Drainage ways and culverts (Submit stormwater plan or a waiver request)
  - e. Section 8.5.C.14 – Main traffic entrance sight distances (Provide qualified professional’s measurements on the plan)
  - f. Section 8.5.C.16 – Waste disposal types & facilities (Submit qualified professional’s HHE200 & system design)
  - g. Section 8.5.C.18 – Proposed landscaping & buffering (Request a waiver)
  - h. Section 8.5.C.20 – Locations & details of signage (Provide detailed signage plan)
  - i. Section 8.5.C.21 – Location & type of area lighting (Request a waiver)
  - j. Section 8.5.C.26 – Letter from MIF&W on wildlife habitat review (Provide letter from State agency)
  - k. Section 8.5.C.27 – Letter from MHPC on historic & archaeological resources review (Provide letter from State agency)
  - l. Section 8.5.C.28 – Erosion & sedimentation plan (Submit plan by qualified professional or request a waiver with calculations per the Ordinance)
  - m. Section 8.5.C.29 – Stormwater plan (Submit plan by qualified professional or request a waiver with calculations per the Ordinance)
- The Town Planner updated the Board on the additional materials submitted by the applicant and the requested waivers of submission requirements - Sections 8.5.C.12 (drainageways), 16 (waste facilities), 26 (MIF&W letter), 28 (erosion & edimentation controls), and 29 (stormwater plan).
- Based on the conceptual campground expansion plan submitted by the applicant, the expanded road network serving the campground will develop a ground area of approximately 32,000 square feet. The applicant has stated that each campsite will develop 1000 square feet per site, which adds another 40,000 square feet of development, for a total of approximately 72,000 square feet, or 1.65 acres.

- According to the Maine DEP website, Maine's Stormwater Management Law lists stormwater standards for projects that propose more than one acre of disturbed area. The website states that "disturbed area generally includes areas that are stripped, graded, excavated, or filled during construction." Development of 40 RV/camp model trailer sites and the road network serving them would clearly meet the definition of disturbed areas. The Town Planner suggested getting the peer reviewers clarification on this requirement.
- The Town Planner also suggested getting peer review input on the need for an engineering design of the proposed improvements and the entrance sight distances.
- The applicants (Ken and Gwenn Huot, Leisure Lane) stated that a State stormwater permit will be required for their project and that the wastewater system permit will require an engineering design of the whole system.
- They further clarified that the safe sight distances are noted by the consultant on the plan as being at least 500 feet in both directions.
- The Board, Town Planner, and applicants concluded that the State permitting process would address the missing site plan review submissions and no waivers are required.
- The Board indicated that it would make submission of the State permits with engineering plans to the Board a condition of approval.

**Allan Purinton moved** that the application for the expansion of Leisure Campground is complete. **Brian Lanoie seconded.** Motion carried **4 – 0.**

- The Board began substantive review of the application and processed the draft findings of fact on compliance of the application with the requirements of Article 8 of the Land Use Ordinance.

#### Findings of Fact

**Allan Purinton moved** that the applicant has the submission requirements for site plan approval except for Item #22, which is the waiver request that can be removed, Items 1 through 21 in the findings of fact are included in the motion. **Brian Lanoie seconded.** Motion carried **4 – 0.**

#### Utilization of the Site

**Allan Purinton moved** that the site plan reflects natural capabilities of site to support the development. Building and parking are located on suitable land. Environmentally sensitive portions of site have been avoided and protected and natural drainage is maintained to the maximum extent, practical and include Items 1 through 5, with an additional item (Item 6) which would be the State DEP Storm Water Plan that is required and Item 7 would be a final plan that will be submitted to the Planning Board before issuing any permits by the town. **Brian Lanoie seconded.**

**Allan Purinton amended** the motion to include Items 1 through 3, strike out Item 4, and Item 5 will be renumbered as Item 4, Storm Water Permit (Item 5) and Final Plan (Item 6). **Brian Lanoie seconded;** motion carried **4 – 0.**

#### Adequacy of the Road System

**John Talbot moved** that the access road has the capacity to take the added traffic proposed and the project does not generate peak hour trips that affect traffic safety on those roads. **Brian Lanoie seconded;** motion carried **4 – 0.**

Vehicular Access to the Site

**John Talbot moved** that the project entrances meet the safe site distances and are appropriately spaced to meet traffic safety standards at the findings of the existing project entrance located on Route 136 which has the posted speed limit of 50 miles per hour. There are vertical and horizontal curves of both approaches to the project entrance. The applicant submitted Maine Department of Transportation general diagram of the Durham Leisure Campground with disclaimer on liability for injuries of damages dated 12-12-23. Board members expressed concern with safety of entering and exiting the site with large RVs. The applicant has provided a safe site distance measurement by a qualified professional documenting that site distances are adequate at the site entrance. **Marc Derr seconded**; motion carried **4 – 0**.

Internal Vehicular Circulation

**Brian Lanoie moved** that the site plan minimizes cut and fill alterations and provides adequate room for safe operations. The entrance and circulation are adequate for the types of vehicles anticipated and fire lanes around buildings are adequate and clearly marked. **Allan Purinton seconded**; motion carried **4 – 0**.

Parking Layout and Design

**Allan Purinton moved** that the parking layout and design proposed parking meets the design standards for setback aisles and parking spaces, signage prevention of damage to lighting and landscaping and for safe pedestrian access. **Brian Lanoie seconded**; motion carried **4 – 0**.

Utilities

**Brian Lanoie moved** that adequate utilities are provided and placed underground and adequately screened with the condition that State permits and engineering design designed for the system be submitted to the planning board prior to the issuance of town permits. **Allan Purinton seconded**; motion carried **4 – 0**.

Lighting Design Standards

**Marc Derr moved** that the lighting plan provides adequate illumination meeting ordinance limitations and preventing glare from creating a nuisance for abutters or public. **Brian Lanoie seconded**; motion carried **4 – 0**.

Signage

**John Talbot moved** that the application provides no detailed design information on the proposed signage to verify compliance with Section 5.24. The signage information provided is adequate and the site numbering plan is to be approved by the Fire Chief for safety purpose prior to town permits. **Brian Lanoie seconded**; motion carried **4 – 0**.

Fire Protection

**Allan Purinton moved** that the water supply will sustain fire suppression requirements of NFPA 1142 water supplies for suburban and rural firefighting which will include findings of the existing condition plan shows a conceptual location for a 2,000 gallon water storage tank and the applicant has stated that fire department hookups will be provided. The Fire Chief has indicated that the proposed water supply is adequate for firefighting purposes. **Marc Derr seconded**; motion carried **4 – 0**.

General Buffering Standards

**Brian Lanoie moved** that the applicants landscaping plan adequately buffers abutters in the public from views of parking garbage storage utilities and outdoor storage and is designed for adequate for long-term maintenance. **Mark Derr seconded**; motion carried **4 – 0**.

Historic and Archaeological Resources

**Brian Lanoie moved** that there are no historic or archaeological resources on the site that would be affected by the project's development. **Allan Purinton seconded**; motion carried **4 – 0**.

Financial Capacity

**Allan Purinton moved** that the applicant has adequate financial resources to construct improvements and keeping with the standards. **Brian Lanoie seconded**; motion carried **4 – 0**.

Technical Ability

**Brian Lanoie moved** that the applicant has experience with site development and has retained qualified consultants and contractors to complete the project in keeping with the standards. **Allan Purinton seconded. Brian Lanoie withdrew his motion.**

**John Talbot moved** that the applicant has the experience with site development and has retained qualified consultants and contractors to complete the project in keeping with the standards and findings Items 1 through 3 as provided here and the planning board will review State and local permits prior to issuing Town permits (Item 4) and Item 5 – the revised existing conditions plan to say site plan and include conditions of approval. **Allan Purinton seconded. Motion carried 4 – 0.**

**John Talbot moved** to grant site plan approval based on the findings of fact and conditions of approval. **Brian Lanoie seconded. Motion carried 4 – 0.**

**6. Public Hearing on Land Use Ordinance Amendments – March 13, 2024, Fire Station 6:30pm****7. Adjourn**

**Juliet Caplinger moved** to adjourn the meeting. **Allan Purinton seconded**; motion carried **5 – 0**. Meeting adjourned at 9:00 pm.

**7. New Business:****a) Conditional Use Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)**

- Central Maine Power Company has filed applications for conditional use, site plan review, and floodplain management permits for work on their powerline that runs north and south on the westerly side of Durham.
- The project involves removal and replacement of existing poles as well as installation of new poles to facilitate upgrades to the service lines.
- The project only requires conditional use review for portions within the Shoreland Zoning Districts. For all other portions of the powerline sections, the use is permitted by right.
- The applicant has included floodplain management as a permit to be issued by the Planning Board. Section 11.2 of the Land Use Ordinance indicates that the Code Officer is the authority having jurisdiction over activities subject to the floodplain management regulations. Per Section 11.8, the Planning Board must apply the relevant provisions to any project you review, but compliance can be documented within the conditional use and site plan reviews.
- The extensive packet should contain adequate documentation to determine compliance with the conditional use criteria.
- The combined application contains a project overview with descriptions and provides narrative for how the applicant believes the project and supporting documentation meet the specific performance standards of Article 5 of the Durham Land Use Ordinance.
- The project narrative then goes on to address the conditional use criteria and shoreland zoning requirements.
- In Section 5 of the narrative, the applicant addresses the site plan review criteria and standards. The applicant is requesting waivers of some of the site plan review submissions.
- Section 6 explains how the application conforms to the floodplain management standards.
- Exhibit 1 of the application contains the site plan review checklist and application forms for site plan and conditional use review along with a site plan review waiver request that addresses the four areas where the applicant is asking for relief in the submission requirements.
- Exhibit 2 of the application contains the permits issued by the Maine Public Utilities Commission, Department of Environmental Protection, and Land Use Planning Commission. These permits address the State-wide impacts of the project and do not address specific impacts in Durham.



- Exhibit 3 contains documentation of right, title, or interest to conduct the proposed work within the powerline corridor.
- Exhibit 4 has air photo overlays showing pole and line locations, environmental constraints, and overlay zoning districts within the utility corridor. These overlays constitute what the applicant is calling their site plan. The scale appears to be 1"=250'.
- Exhibit 5 is a cross-sectional view of the powerline at select locations.
- Exhibit 6 provides the post-construction vegetation management plan.
- Exhibit 7 is titled "Environmental Guidelines" and contains standard measures for erosion and sedimentation controls and procedures for conducting work around streams and wetlands.
- Exhibit 8 contains the standard measures CMP requires of its contractors to protect against accidental spills of chemicals from vehicles and machinery into the environment.
- Exhibit 9 contains a letter from Avangrid addressing financial capacity to conduct and complete the project.
- Exhibit 10 is an analysis of how powerlines are covered under DEP shoreland zoning rules.
- Exhibit 11 is a compilation of deed restrictions, easements, rights of way, and other encumbrances affecting the project.
- Exhibit 12 is a memorandum of agreement between CMP and various federal and state agencies on how the project will meet historic preservation guidelines.
- Exhibit 13 is titled "List of Abutters and Abutter Notification Letter."
- Due to the volume of the application, the submissions will be posted as a separate document from the Planning Board packet and should be referred to as you conduct your review. Hard copies are available at the Town Offices.
- The packet contains draft complete and incomplete letters for the Planning Board determination of completeness.
- If the Board determines that the application is complete, you should decide whether to conduct a site walk and/or a public hearing on the application.

**7. New Business:****b) Completeness Review of Site Plan Review Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)**

- The agenda notes on the conditional use application include a summary of the applicant's submissions and will not be repeated under this agenda item.
- The first three pages of the Site Plan Review Checklist contain the list of submissions required for a complete application.
- Once the Planning Board determines that the application is complete, it must make a decision on the application within 60 days.
- The applicant is seeking site plan review submission waivers for the following items:
  - Allowance for a scale of 1 inch = 200 feet rather than the specified scale of 1 inch = 100 feet (Sect. 8.5.C).
  - The requirement for a certified survey plan of the project site (Sect. 8.5.C.4).
  - The requirement for a formal site plan with a signature block for the Planning Board members (Sect. 8.5.C. & C.24).
- If the Board majority considers that these items are not needed to verify compliance with the site plan review criteria and standards, the draft findings of fact will provide a decision template for formally voting on issuance of the requested waivers.
- The packet contains draft letters of complete and incomplete site plan review application.
- If the Board votes to determine that the site plan review application is complete, you should determine whether to conduct a site walk and/or public hearing.



*TOWN OF DURHAM*  
**630 Hallowell Road  
Durham, Maine 04222**

*Office of Code Enforcement  
and Planning*

**Tel. (207) 353-2561  
Fax: (207) 353-5367**

## **NOTICE OF INCOMPLETE APPLICATION**

Date: March 6, 2024

Name: Gerry Mirabile, Central Maine Power Company

Address: 83 Edison Dr. Augusta, Maine 04336

Mr. Mirabile:

The Planning Board of the Town of Durham has reviewed your application for site plan review for a utility corridor project (Map 9, Lot 16; Map 12, Lot 25; & Map 13, Lot 12). In accordance with Section 8.4.H., the Board has determined that your application is incomplete, and the Board cannot begin a formal review of your application until all information stated in the application checklist is submitted.

For your application to be considered complete and adequate for review by the Planning Board, the following materials must be submitted:

- a. Section 8.5.C – 10 copies of full-sized site plan at a scale of 1 inch equals 100 feet
- b. Section 8.5.C.4 – Certified boundary survey of project site
- c. Section 8.5.C.24 – Signature block on site plan for Planning Board signatures

Respectfully,

George Thebarger, Town Planner



*TOWN OF DURHAM*  
**630 Hallowell Road**  
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and Planning*

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## **NOTICE OF COMPLETE APPLICATION**

Date: March 6, 2024

Name: Gerry Mirabile, Central Maine Power Company

Address: 83 Edison Dr. Augusta, Maine 04336

Mr. Mirabile:

The Planning Board of the Town of Durham has reviewed your application for site plan review for a utility corridor project (Map 9, Lot 16; Map 12, Lot 25; & Map 13, Lot 12). In accordance with Section 8.4.H., the Board has determined that your application is complete, and the Board can begin a formal review of your application.

Respectfully,

George Theborge, Town Planner

**7. New Business:****c) Substantive Review of Site Plan Review Application for CMP Transmission Line Section 62 Rebuild & Transmission Line Section 64 Rerate, Map 9, Lot 16, Map 12, Lot 25, & Map 13, Lot 12. (Public comment will not be taken)**

- The agenda notes on the conditional use application include a summary of the applicant's submissions and will not be repeated under this agenda item.
- The project involves pole replacement and improvements to increase the capacity of the power lines.
- Portions of the project cross shoreland overlay zones, wetlands, and streams.
- There are also floodplains involved and Resource Protection Districts associated with the streams and wetlands in limited areas of the powerline.
- The applicant has stated that all necessary federal and state permits have been obtained, and copies are included in the packet.
- The Project includes replacing 49 poles in Section 62 and 16 poles in Section 64 with an average transmission line pole height of approximately 71 feet within the existing corridor.
- There will be approximately 7 sq. ft. of disturbance at each single pole location, approximately 14 sq. ft. of permanent disturbance at each double pole location, and 21 sq. ft. of permanent disturbance at the one three-pole location. Two single poles and two double poles will be installed in wetlands, resulting in approximately 91.47 sq. ft. of permanent disturbance.
- Timber mats will be used to cross wetlands and to fully span streams in order to protect these natural resources. No in-stream work is proposed. All temporary access points and temporary preparation areas will be restored to pre-construction conditions during project restoration.
- The applicant states that CMP has developed procedures to avoid and minimize adverse environmental impacts during construction and ongoing operation and maintenance of transmission lines. These procedures (implemented as part of all CMP transmission line and substation projects) were developed in consultation with the MDEP.
- The applicant has offered to meet with local fire officials to provide training to emergency personnel on how to respond to and safely manage situations associated with electric high voltage facilities.
- The applicant has addressed the site plan review standards of Article 8 in its narrative.
- The applicant has offered to provide the Board with draft findings of fact, most of which are contained in the project narrative. The Town Planner has provided the applicant with the template the Board uses for review of the facts and for decision making.
- Due to the volume of the application, the submissions will be posted as a separate attachment to the agenda notes.