

**DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
December 7, 2022**

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 (November 2, 2022)
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
 - a) Completeness Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A (Public comment will not be taken)
 - b) Substantive Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A (Public comment will not be taken)
6. New Business:
 - a) Completeness Review of Final Plan Application for Amendment to the Brown Road Subdivision Map 1, Lot 9A (Public comment will not be taken)
 - b) Substantive Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 9A (Public comment will not be taken)
7. Other Business:
 - a) Board Discussion of Affordable Housing Law Options (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (November 2, 2022)



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm

November 2, 2022

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Tyler Hutchison and George Thebarger (Town Planner).

Absent: Ron Williams and Anne Torregrossa

Guests: Jonah Fertig (Applicant for Celebration Tree Farm)
Charles Burnham (Applicant for Deer Creek Project)

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (September 7, 2022)

Allan Purinton moved to accept the minutes from October 5, 2022 meeting as presented. Tyler Hutchison seconded; the Board approved 4-0.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials

- The Town Planner will meet with the Board of Selectmen on November 8th to discuss the Ordinance Amendment Process for the next Town Meeting.
- An invitation was sent to the board to participate in the Planning Board Training conducted by the Maine Municipal Association, December 13, 2022, Zoom Meeting from 4pm to 7pm.

b.) Residents – None

c.) Non-residents – None

5. Continuing Business

- ##### a.) Public Hearing on Conditional Use Application of Celebration Tree Farm for Camping, Public Workshops, & Events at 125 Bowie Hill Road, Map 10, Lot 43. (Public Comment will not be taken)

Town Planner Comments:

- The Planning Board conducted a substantive review of the application on August 3, 2022.
- The application was tabled on September 7th at the applicant's request.
- The Planning Board conducted a site walk at 5pm on October 5th.
- The Planning Board continued substantive review of the application at the October 5th meeting.
- The Board tabled the application to allow the applicant to prepare formal parking and lighting plans meeting the requirements of Article 8.
- The Board also directed the applicant to seek permits or input from the Road Commissioner to verify sight distances from the driveway entrances onto Bowie Hill Road.
- The applicant submitted a computer-generated diagram of the proposed parking showing thirty parking spaces with dimensions of 9.5 feet by 18 feet with an aisle width of 24 feet and an overall parking area width of 60 feet to the left of the main entrance.
- The applicant submitted a computer-generated diagram of a second, overflow parking area showing eighteen parking spaces with dimensions of 9 feet by 18 feet with aisle widths of 24 feet and 46 feet on either side of the tree farm entrance.
- The applicant submitted computer-generated lighting diagrams for both parking areas showing solar lights at the entrances, wall mounted fixtures on the garage, barn, and yurt, and a line of lights along one side of the two parking areas.
- No specifications were provided for the lighting plans indicating fixtures to be used or illumination levels to be provided.
- The Road Commissioner determined that the sight distances on Bowie Hill Road meet the Ordinance standard of 305 feet for a 35-mph speed limit except for the main parking area access drive looking east, where vegetation must be removed to achieve the specified sight distance and a mailbox must be moved.
- The Town Planner drafted findings of fact and conditions of approval for the Board.

After the agenda packet was posted the applicant submitted additional information. An email was submitted giving more details on their plans for lighting. And they responded to the draft conditions of approval that the Town Planner had provided to the Board requesting some modifications to those.

Jonah Fertig (Applicant)

Notes on the parking map:

- After the site walk visit, we decided to take out a section of the garden, to allow us the 60 feet.

Board Comments:

- Asked about the driveway with the concern on the sight distance from the Road Commissioner (the rotary driveway).

Applicant's response: We need to remove vegetation between the two (2) driveways and past that driveway and identify some trees and shrubs that we can take out and move the mailbox to the west side of the driveway.

- Asked about how far from the road the parking spaces are, was not labeled on the drawings. 20 feet – Ordinance 25 feet
- After discussion with the Road Commissioner, the Board was concerned with not having gravel in the parking area. Muddy conditions, flowing onto Bowie Hill Road, possible solution, having a section of stone at the entrance of the driveway.

Conditional Use Review Criteria

- 1. 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.

Draft Findings:

- a.** The applicants propose to install a leach field to handle wastewater from the proposed sink and outdoor shower.
- b.** The applicants propose to install composting toilet outhouses and will compost all human waste.

Allan Purinton moved that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for public health impacts. Juliet Caplinger seconded, 4-0 approve.

2. **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.

Draft Findings:

- a. The applicants submitted a parking diagram showing a parking lot for 34 cars with parking space and aisle width dimensions meeting the standards of Section 8.6.E to the west of the main entrance parallel to Bowie Hill Road with an existing forested buffer between the parking area and public roadway.
- b. The applicants submitted an overflow parking diagram for 18 cars accessed by the easterly entrance that meets the parking space and aisle width dimensional requirements of Section 8.6.E.
- c. The applicants submitted lighting plans for the main parking and overflow parking areas showing locations of solar lights.
- d. The applicants have testified that the substrate of the proposed parking areas is adequate to support the weight of vehicles without construction of gravel parking areas and access aisle.
- e. The Road Commissioner has reviewed the existing site entrances and determined that the easterly entrance (overflow parking) meets the minimum sight distance requirement for a 35-mph speed limit (305 ft) of Section 1.4 of Appendix 1 of the Land Use Ordinance (Street Standards).
- f. The Road Commissioner has determined that the westerly entrance (main entrance) does not meet the minimum sight distance requirement for a 35-mph speed limit (305 ft.) unless existing vegetation is cleared in the road right of way and the mailbox is relocated.
- g. A condition of approval is needed to ensure that once trees are removed, the increased sight distance will be maintained by the applicants.

Board Discussion:

Board asked to change trees to plant material on letter (g). The board also requested that once the changes to the vegetation have been made, a review from the Road Commissioner be done to make sure that it meets the requirement.

Juliet Caplinger moved to find that the application will not create unsafe vehicular or pedestrian traffic conditions when added to existing foreseeable traffic in its vicinity. Tyler Hutchison seconded, 4 - 0 approve.

- 3. 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.

Draft Findings:

- a. The applicants have testified that they will limit maximum site occupancy during the annual craft fair to 100. The occupancy limits will be monitored and enforced by staff.
- b. The applicants have testified that they will post no parking signs on Bowie Hill Road. Staff will enforce the no parking areas.
- c. The applicants have testified that they will work with the Fire Chief and Code Enforcement Officer to address life safety code requirements for public assembly.

Board Discussion:

Strike out site occupancy on (3a) during the Annual Craft Fair.

Allan Purinton moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for public safety impacts. Juliet Caplinger seconded, 4 - 0 approve.

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

Draft Findings:

- a. The applicants testified that the substrate of proposed access aisles and parking spaces are adequate to support vehicles. No construction will be involved in those areas which are currently vegetated (per site walk observation) and show no signs of sedimentation or erosion.
- b. Water requirements for the water and wastewater services will be minimal.
- c. The applicants have testified that all wastewater and composting will comply with public health standards.

Board Discussion:

Board recommended adding that all facilities have been moved outside of the Resource Protection District.

Tyler Hutchison moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for environmental impacts. Juliet Caplinger seconded, 4 – 0 approve.

- 5. 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.

Draft Findings:

- a. The applicants are requesting conditional use approval to expand activities to include a yurt and camper and community events.
- b. The applicants have testified that they will limit maximum site occupancy for the annual craft fair to 100 and will enforce those attendance limits.
- c. Up to 2 (two) monthly events will occur between April and October and will be limited to 50.
- d. No weddings will be hosted.

Board Discussion:

Board discussed the adding of more than two (2) monthly events. Applicant stated, originally it was going to be just two monthly events (amplified music) and have other events and workshops that can occur with limited acoustic or recorded music.

Town Planner – There needs to be clarification of events. The applicant is trying to find the right balance between flexibility but there needs to be clarity so the code enforcement officer can determine compliance. What is the intensity for weekly workshops, monthly events and the annual craft fair event?

The applicant proposed:

- One (1) Annual Event up to 100 people.

- Two (2) Monthly Events with amplified music up to 50 people.
- One (1) Monthly Event without amplification up to 50 people.
- Unlimited Events/Workshops under 25 people without amplification.

Town Planner summarized the applicant's proposal: Applicant is proposing an unlimited number of weekly events with a maximum occupancy of 25. Three monthly events with the maximum occupancy of 50, two of which can have amplified music and one annual event up to 100 people.

Tyler Hutchison proposed that the Board add a condition to maintain the vegetative buffer between the main parking lot and the road in hopes of keeping the headlights screened in that parking lot for the neighbor across the street.

Allan Purinton moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for scale and intensity of use. Juliet Caplinger seconded, 3 – 1 approve.

- 6. 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.

Draft Findings:

- a. There will be a 9 pm cutoff for all events.
- b. Only recorded or acoustic music, no amplified bands.

Board Discussion:

The music cutoff for all events is 9pm to 9am. Amplified music will be allowed only twice a month, then all other times recorded or acoustic music is permitted on a limited basis at lower volumes per the event limits.

Allan Purinton moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for noise and hours of operation. Juliet seconds, 3 – 1 approve.

- 7. 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.

Draft Findings:

- a. The applicants submitted a copy of a warranty deed conveying the property from Brian and Patricia Milliken to Jonah Thayer Fertig and Elizabeth A. Armentino-Burd.
- b. The Durham 2022 Tax Commitment lists Jonah T. Fertig and Elizabeth A. Armentino-Burd as the owners of record for Map 10, Lot 43.

Juliet Caplinger moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for Right, Title or Interest, Tyler Hutchison seconded, 4 – 0 approve.

- 8. 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.

Draft Findings:

- a. The applicants have submitted a cost estimate for improvements of \$47,500.
- b. The applicants have stated that they have \$20,000 in available cash and an equity line of credit of \$55,000 available and may apply for an additional loan from the Cooperative Fund of the Northeast.
- c. The applicants have stated that they have prepared 5-year cash flow projections showing that the project is financially sustainable.

Tyler Hutchison moved to find that the applicant has satisfied a reasonable burden of proof of compliance with the criterion for financial & technical ability. Juliet Caplinger seconded, 3 – 1 approve.

Section 7.5 Conditions of Approval

Draft Conditions:

1. No more than one annual event with a maximum occupancy of 100.
2. No more than two monthly events with a maximum occupancy of 50.
3. Recorded and acoustic music only, no amplified bands.
4. Cut-off time for all events is 9pm to 9am.
5. “No parking” signs to be posted on Bowie Hill Road during all events.

6. Vegetation in the right of way of Bowie Hill Road to be removed and clearing maintained to achieve a sight distance of 305 feet or greater for the westerly main entrance driveway.

Board Discussion:

Add number 7 – Road Commissioner to verify a site distance once vegetation has been removed. This condition must be met prior to events.

Add number 8 – Maintain buffer between road and parking.

Add number 9 – Lighting of parking lots, limit to 11pm.

Juliet Caplinger moved to adopt the conditions of approval as amended to the permit for conditional use. Allan Purinton seconded, 4 – 0 approve.

6. New Business:

a.) Completeness Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A

Town Planner Notes:

- The Planning Board granted preliminary approval of this 13-Lot cluster subdivision on September 7, 2022.
- The applicant submitted a final plan application on October 19, 2022.
- The Town Planner has conducted a review for completeness and identified the following items not included in the application:
 - a. Section 6.8.C.2 – DEP approval of the new stream crossing and removal of the existing stream crossing
 - b. Section 6.8.C.3 – ACOE approval of the new stream crossing
 - c. Section 6.8.C.4 – MDOT permit for the road entrance
 - d. Section 6.8.C.5 – Review comments by MHPC for historic resources
 - e. Section 6.8.D – Written approval of the street name by the Street Addressing Officer
 - f. Section 6.9.B.2 – Assessor’s map & lot number of the subject parcel in the Title Block
 - g. Section 6.9.B.16 – Proposed method of financial performance guarantee meeting Town Attorney requirements
 - h. Section 6.9.B.17 – Letter of commitment from lending institution for performance guarantee
- The Town Planner notified the applicant of these deficiencies and the applicant submitted additional submissions to address some of them.

- Pages 1 through 3 of the Final Plan Checklist contain the submissions needed for a determination of complete application.
- Under Section 6.8.F., the Planning Board must decide on completeness within 30 days of receipt of the application.
- The Town Planner included draft letters of complete and incomplete application for the Board's consideration.

The code enforcement officer sent an email to the Town Planner and stated that there are no current violations and that the proposed subdivision is not affected by any of the aquifer protection standards of the ordinance and finally that the proposed street name of Deer Creek Crossing is acceptable from an addressing standpoint.

The Town Planner received a memo from Will Haskell, the Town's Engineering Peer Reviewer, one relevant finding – Army Corps of Engineer approval is required for the Stream Crossing and that can be a very time-consuming process.

The applicant is still waiting for the DOT permit (the recent culvert failure in town has shifted priorities). The applicant has prepared a storm water plan and sent that off to the peer review engineer.

Board Discussion:

Under the review for completeness, the Board found that items (a), (b) and (c) were incomplete. The applicant submitted items (d) and (e). Item (f) is still outstanding and items (g) and (h) were addressed by the applicant.

Juliet Caplinger moved to find that the application is incomplete based on the four things that John Talbot listed. Allan Purinton seconded, 4 – 0 motion carried.

7. Other Business:

- a) Review of draft citizen survey on possible Durham responses to Maine's new affordable housing law requiring zoning changes to increase housing density (Public comment will not be taken)**

The survey will be posted on the Town's Website, Newsblast, and the Town's Facebook page. The Town Planner suggested keeping the survey up until January, giving the townspeople maximum opportunity to take the survey.

John Talbot moved to approve the draft survey, with a condition of a trial run, Juliet seconded. 4 - 0 motion carried.

8. Adjourn

The meeting adjourned at 8:27 pm. (4 – 0 Approve)

5. Continuing Business:

a. Completeness Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A.

TOWN PLANNER COMMENTS:

- The application was found to be incomplete at the November 2 meeting due to the following items:
 - DEP approval of the new stream crossing and removal of the existing one.
 - ACOE approval of the new stream crossing.
 - MDOT permit for the road entrance.
 - Assessor's map and lot number of the subject parcel on the recording plan.
- The applicant has submitted copies of their DEP and ACOE permit applications.
- The applicant has submitted a stormwater permit application to DEP.
- According to the email from Heather Stukas of ACOE, permits are required for certain aspects of the construction (email 11-21-2022).
- The applicant is still waiting for the MDOT permit as of the updated submissions on November 23.
- Per Section 6.8.C of the Land Use Ordinance, the applicant is to obtain approvals from outside agencies prior to submission of the final plan.
- The Planning Board has authority to grant submission waivers under Section 6.35.A. The applicant has not submitted a request for waiver of outside agency approvals.
- The Town Planner has prepared draft complete and incomplete letters for Board consideration.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

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

PRELIMINARY SUBDIVISION APPROVAL

Deer Creek Crossing Subdivision

Conditions of Approval

1. Per Section 6.6.C, the Planning Board will request technical peer review of the following submissions:
 - a. Determination of the need or lack thereof for a high intensity soil survey to confirm the wetland delineation and engineering designs;
 - b. Recommendation on the optimum location of the proposed stormwater detention basin with respect to the stream and associated wetlands;
 - c. Review of the engineering designs for road construction, utilities, stormwater management, erosion & sedimentation controls, and the proposed fire pond; and,
 - d. Review of the engineer's construction cost estimates for the project infrastructure.
2. Per Section 6.6.L.1., the applicant shall make the following changes to the preliminary plan as directed by the Planning Board decision:
 - a. A right of way shall be extended from the turnaround to the southwest tract boundary for future road connection; and,
 - b. A fire pond meeting the requirements of Section 6.16.C shall be constructed near the road turnaround but outside of the proposed road right of way extension.
3. Per Section 6.6.L.3., the Board considers that the engineer's construction estimates and performance guarantee for the project will include the following common improvements:
 - a. Access road construction;
 - b. Electrical service;
 - c. Stormwater management system;
 - d. Erosion and sedimentation control system; and,
 - e. Fire protection system.
4. Per Section 6.7.C.3. the applicant submitted a certified boundary survey showing all existing easements. That survey clearly indicated the areas of questionable title and calculation of the area that should be deducted from the proposed open space due to questionable title. The Board granted a waiver of the preliminary plan submission requirements to allow the applicant to place monuments on the corners of the subject parcel dividing Lot 32A from Lot 32L of Tax Map 7 after final approval when the monuments are set for the individual lots.
5. Per Section 6.7.E., to address concerns raised at the public hearing and in written comments, the applicant shall provide the following additional information with the final plan as required by Planning Board to verify compliance with the subdivision standards:

Preliminary Approval Conditions Deer Creek Crossing 9/7/2022

- a. Survey Accuracy – See draft approval condition #4 above.
 - b. Drainage Concerns – Engineering peer review of the stormwater and erosion control plans
 - c. Location of Stormwater Basin – See draft approval condition #1.c above.
 - d. Sensitivity of Stream Crossings – DEP & ACOE permits for stream restoration and new stream crossing.
 - e. Concern for Impacts on Aquifer – Review by the Durham Code Officer of standards applicable to portions of project in the Aquifer District boundary.
 - f. Concern for Continuing Zoning Violations – Review by the Durham Code Officer for zoning violations.
6. Per Section 6.8.A. the final plans shall be submitted within six (6) months of preliminary plan approval and shall be consistent with the preliminary plan except for changes required by the Planning Board or outside reviewing agencies (such changes will be reviewed per the subdivision review criteria & standards). Failure to submit a final plan application within six (6) months shall require resubmission & re-review of the preliminary plan. Prior to expiration of the preliminary plan approval, the applicant may request an extension accompanied by explanation of the causes for delay, documentation of progress made in fulfilling the preliminary plan approval conditions, and confirmation that the Land Use Ordinance has not been amended such that changes affect the project approval.
 7. Per Section 6.17.A & B., an erosion and sedimentation plan meeting the requirements of Appendix 2 shall be submitted with the final plans.
 8. Per Section 6.17.C., areas intended for vegetation clearing shall be shown on the final plan plans to support the stormwater management plan assumptions and required buffers along water bodies shown on the recording plan and referenced in the plan notes.
 9. Per Section 6.18.B.1 & 2., the final plan application shall include required MDOT permits. The applicant shall ask MDOT to address the safety of the intersection offset from Patriot Way.
 10. Per Section 6.18.C.2., the applicant shall obtain and submit with the final plan written approval for the street name and all other requirements of Article 13. by the Durham Street Addressing Officer.
 11. Per Section 6.18.D.2., the final plans shall include engineered drawings of the road meeting the requirements of Appendix 1.
 12. Per Section 6.21.A.1 & 2., the final plan shall delineate and note the limits of tree clearing.
 13. Per Section 6.21.B.1., the applicant shall seek consultation with the Maine Department of Conservation, Agriculture, and Forestry's Maine Natural Areas program for information on rare and exemplary botanical features in the project area and shall provide any response from the Department with the final plan application.
 14. Per Section 6.21.B.2., the applicant shall seek consultation with the Maine Historic Preservation Commission for information on any historic or prehistoric resources in the project area and shall provide any response from the Commission with the final plan application.
 15. Per Section 6.21.C., the applicant shall seek consultation with the Maine Department of Inland, Fisheries, and Wildlife for information on habitat for species appearing on the official state or

Preliminary Approval Conditions Deer Creek Crossing 9/7/2022

federal lists of endangered or threatened species in the project area and shall provide any response from the Department with the final plan application.

16. Per Section 6.21.D., the final recording plan notes and the deeds shall include notice of the clearing restrictions for lots including areas covered by shoreland zoning or resource protection.
17. Per Section 6.23.A. and 6.34.A, the applicant shall submit an engineer's construction cost estimate to cover the full costs of all required improvements, including roads, utilities, stormwater management, fire protection water supplies, and erosion and sedimentation controls along with a letter of commitment from a lending institution referencing said engineer's cost estimates.
18. Per Section 6.28.B., the final plans shall include the DEP stormwater permit and shall be consistent with requirements of that permit.
19. Per Section 6.32.D. the final plans shall include copies of covenants, articles of incorporation, and homeowner association bylaws using the template prepared by the Town Attorney or a version reviewed and approved by the Town Attorney at the applicant's expense.
20. Per Section 6.33.B.8, the applicant shall provide detailed grading plans for the building sites on Lots 6 and 7 which shall become part of the final subdivision approval conditions that can be amended with further subdivision review.
21. Per Section 6.34.B., the final plan application shall include the proposed form and amount of the performance guarantee needed to cover the costs of all improvements noted in COA #17 above, which can be a cash deposit or irrevocable letter of credit in a form satisfactory to the Town Attorney (template provided). Any other proposed performance guarantee must be reviewed by the Town Attorney at the applicant's expense.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

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

NOTICE OF COMPLETE APPLICATION

Date: December 7, 2022
Name: Jack Doughty
Address: 231 Flying Point Road, Freeport, Maine

Dear Mr. Doughty;

The Planning Board of the Town of Durham has reviewed your application for final subdivision review of the Deer Creek Crossing subdivision on Hallowell Road (Map 7. Lot 32A). In accordance with Section 6.8.F, the Board has determined that your application is complete and ready for formal review.

The Planning Board has scheduled a meeting for _____ at 6:30 p.m. at which time your application will be reviewed for conformance with the criteria and performance standards of the Town of Durham subdivision regulations.

Sincerely,

George Theborge, Town Planner



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: December 7, 2022
Name: Jack Doughty
Address: 231 Flying Point Rd. Freeport, Maine

Mr. Doughty:

The Planning Board of the Town of Durham has reviewed your application for preliminary subdivision review of a project on Hallowell Road (Map 7, Lot 32A). In accordance with Section 6.8.F., 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 6.8.C.2 – DEP approval of the new stream crossing and removal of the existing stream crossing
- b. Section 6.8.C.3 – ACOE approval of the new stream crossing
- c. Section 6.8.C.4 – MDOT permit for the road entrance

Respectfully,

George Theborge, Town Planner

5. Continuing Business:

b. Substantive Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A.

TOWN PLANNER COMMENTS:

- The applicant submitted a response to the peer review comments on November 23, 2023.
- Substantial changes have been incorporated based on the peer reviewer's comments.
- A point-by-point response is provided by the applicant in the packet.
- Peer review comments and applicant responses where there is disagreement between the peer review and applicant's engineer are highlighted in yellow, as well as points where the response and/or proposed modification affect facts upon which the Planning Board granted preliminary approval (e.g., removal of stream crossings for the trails).
- The Planning Board is not bound by the opinions of the peer reviewer and can judge between their input and the applicant as to whether the burden of proof has been met for compliance with the criteria and standards of the Ordinance.
- Points of divergence in the professional opinions can be addressed at the point of Board deliberation of the draft findings and conclusions and a position established by majority vote of the Board.
- Per a letter from Charles Burnham dated October 25, 2022, the applicant is requesting a conditional approval under Section 6.34.C which requires completion of all subdivision infrastructure improvements prior to the sale of any lots or issuance of any building permits. The applicant can return to the Board for posting of a financial performance guarantee for remaining improvements at any point in the construction. They will also need to provide a performance guarantee for the erosion controls and site stabilization. A note to this effect should be placed on the subdivision recording plan.
- The Town Planner has prepared draft of findings and approval conditions based on the preliminary plan approval, the submissions, peer review, and checklist for Board processing of the application.
- The Board can vote to add, delete, or modify any of the draft findings and approval conditions.
- To grant approval, a majority of the Board must make findings that the applicant has met the burden of proof of compliance with each subdivision criterion and standard.
- The Board can apply approval conditions necessary to assure compliance and should seek applicant input on acceptance of such proposed conditions of

approval.

- If a majority of the Board finds that the applicant has not met the burden of proof of compliance with one or more of the criteria and standards, it should adopt such findings to serve as the basis for denial.

****DUE TO THE LARGE FILE SIZE, SUBMISSIONS FOR DEER CREEK
ARE SEPARATE FROM THE PACKET****

Grange Engineering LLC

New Gloucester, Maine
Grange.Engineering.Me@gmail.com
207 712 6990

George Thebarge
Deer Creek Crossing
Final Approval Application- Comment Response

November 22, 2022

Town of Durham Planning Board,

In response to peer review and completion review, I have prepared the following response letter and supporting documentation. The peer review provided a lot of good suggestions, which lead to some changes in the profile and alignment of the road. Two additional outside agency permits were submitted and will hopefully have approval by the scheduled planning board meeting or soon thereafter. The project will require a Permit by Rule for disturbing more than an acre and a preconstruction notification for the Army Corps as a result of disturbing wetlands.

The major changes include changing the stream crossing back to a 60" arched culvert and adjustments to the profile and road alignment.

Thanks,

Charlie Burnham, P.E.
Project Engineer

Attachments:

- A – DEP NRPA Permit Application
- B – Army Corp Permit Application
- C – Soils Map
- D – Replacement Culvert Sizing
- E – Stormwater Report
- F – Engineers Estimate
- G – HOA Documents
- H – Plan Set

Application

1. List the underdrained soil filter, wooded buffer, and fire pond as Common Property in the Homeowners Association documents (Section 6.32.E.1).

See HOA.

2. Provide operation and maintenance requirements for the underdrained soil filter, wooded buffer, and fire pond in the Homeowners Association documents (Section 6.32.E.1).

See HOA.

3. A Maine DEP Stormwater Permit is required if the disturbed area is greater than one acre. If the impervious area is less than one acre, and the developed area is less than five acres then the Basic Standards must be met which requires a Permit by Rule Application. If there is one acre or greater of impervious area or greater than five acres of developed area then a full permit application is required.

The disturbed and impervious areas for existing and proposed are summarized in the stormwater treatment summary table. A Permit by Rule application has been submitted to the DEP to meet the Basic Standards. A copy of the application is included as Attachment A.

4. Provide a plan and calculations showing whether a Maine DEP Stormwater permit is required. If a permit is required, a copy of the permit application shall be submitted to the Town when it is submitted to Maine DEP.

See above.

5. Will the lots be developed by the Applicant? If the lots are not proposed to be developed by the Applicant, then the developed/impervious areas on the lots are not required to be counted towards the Maine DEP Stormwater permit thresholds. If any of the lots are to be developed by the Applicant, then the developed/impervious areas for those lots shall be counted towards the Maine DEP Stormwater permit thresholds.

The lots will not be developed by the applicant.

6. Provide a Medium Intensity (NRCS) Soil Map for the site to assist in the peer review of the stormwater calculations. Based on the nature of the site and wetlands, we do not see the need for a high intensity soils survey for this project.

A Soils Map has been included as Attachment C.

7. The Maine DEP NRPA application states that the stream crossing will consist of a 60" arch culvert. The plans call out a 48" diameter culvert. Clarify and revise as necessary. Provide documentation showing that the culvert has been sized in accordance with Maine DEP requirements.

The plans have been adjusted to show the 60" arch culvert.

8. Provide a determination from the US Army Corps of Engineers (USACE) that a permit is not required for the proposed stream crossing. In our opinion, if the channel meets the definition of a stream, then a USACE permit is required. Note that Maine DEP and USACE stream crossing standards prefer culverts with natural stream beds, or depressed inverts with natural stream bed material and culvert spans of 1.2 times the bankful width of the stream. Also note that they prefer that the road embankments be steepened to 2:1 at crossing locations, which will require guardrail

The Army Corps was contacted, and a Preconstruction Notification was submitted and is included as Attachment B.

9. Provide culvert sizing calculations for the stream crossing culvert.

Culvert sizing calculations have been included as Attachment D.

10. Provide a hydrogeological report to confirm availability of groundwater for the fire pond in accordance with the subdivision regulations (Section 6.7.D.2).

Plans have been modified to show an 18" clay liner. The pond receives runoff from the roadway. The pond won't be fed by groundwater.

11. The HydroCAD model for the grassed underdrained soil filter includes a 0.75" orifice. The location of the orifice could not be found on the plans or details. Call out the orifice on the plans or revise the model.

A note has been added to the outlet calling a cap with a 0.75" orifice.

12. Revise the post-development HydroCAD model of the fire pond so that the starting volume of the pond is set at the proposed water surface, not at the bottom of the pond. If the intent of the pond is for it to always be filled, the storage volume below the spillway is not effective.

The fire pond has been adjusted and the permanent pool elevation changed from 193 to 189 (look at the starting elevation for the pond).

13. Revise the HydroCAD model for the grassed underdrained filter so that the starting volume is set at 167, not the 165 elevation used in the calculation.

The void ratios for each layer have been set to model the decreased storage in the filter media.

14. Combining the roadway subcatchment with the hydrologic soil group A wooded area and starting the time of concentration flowpath in the wooded area artificially reduces the calculated runoff from the roadway surface. The roadway and ditch should be modelled as separate subcatchments with separate times of concentration to depict the runoff from the roadway more accurately.

The wooded areas draining to the road are minimal and it is our opinion that the subcatchments are modeled accurately. Breaking the woods off as a separate subcatchment and running it as a reach through the ditch does not represent the flows

as they will exist. Taking 100' (or so) off the channelized flows reduces the times of concentration by fractions of a minute and would have a negligible effect on the runoff.

15. There appears to be an existing stream crossing upstream of the proposed stream crossing culvert. We understand that the existing culvert at this existing crossing is 15" diameter which appears to be a significant restriction in the channel. This existing stream crossing shall be removed. Restoration of the stream crossing site should be reviewed and discussed with Maine DEP.

The existing crossing is downstream of the proposed crossing. The crossing has been there for over 20 years as part of original logging operations. The intent is to remove the crossing and has been included in the application for the DEP.

16. The subdivision application notes that a trail will cross the stream. Provide a detail for the trail crossing of the stream.

The stream crossing has been removed from the trail system.

17. Provide stormwater treatment calculations for the underdrained soil filter.

See Attachment E.

18. Provide a MaineDOT entrance Permit for the proposed roadway, or evidence of discussions with MaineDOT with their determination of the acceptability of the roadway location.

DOT Permit is still pending.

19. Provide a spillway analysis for the underdrain soil filter and the fire pond, assuming that the spillway is the sole outlet in accordance with MDEP requirements. Maine DEP requires that there be one foot of freeboard from the water elevation over the spillway to the top of the berm for the 25-year storm. Additionally, the berm should not overtop during the 100-year storm.

See Attachment E.

20. Provide culvert sizing calculations for all cross culverts.

Peak runoff for the entire site during a 25-year storm is 0.82 cfs). It is our opinion that this is unnecessary.

21. Provide ditch sizing calculations to ensure adequate ditch capacity and to determine the need for ditch protection caused by erosive velocities.

The ditch slopes don't go above 4.5% and carry very minimal amounts of water (peak runoff for the entire site during a 25-year storm is 0.82 cfs). It is our opinion that this is unnecessary.

Existing Conditions Plan (C-100)

22. The extent of the existing onsite gravel areas is shown on an aerial view of the site. This area should be shown on the design plans and a note should be provided describing how the previously disturbed area will be stabilized and restored.

The gravel areas were existing and were not included in the site remediation requirements set forth in the Use Violation from the previous owner. The lot(s) will not be revegetated prior to the selling of the lots. I would imagine it will be used as a laydown yard during construction and the perimeter will be protected using an erosion control fence. Once the lots are developed it will be up to the owner what they would like their yard to be.

23. Label Route 9 on the Existing Conditions plan and the Overall Site Layout plan.

Road label has been corrected.

24. The existing contours should include more labels to facilitate the engineering peer review (all plan sheets with contours).

More contour labels have been added to all plans.

Subdivision Plan

25. Add the subdivision plan to the plan set for the project.

Subdivision Plan has been added to the Plan Set.

26. The final subdivision plan shall be sealed by both the surveyor and design engineer as required by the Maine Board of Licensure for Professional Engineers.

Subdivision Plan has been stamped by both surveyor and design engineer.

27. Show electric transformer easements on the subdivision plan.

Easements added.

28. Add a note to the subdivision plan stating that driveways for each lot will require a driveway entrance permit from the Road Commissioner.

Note added.

29. Call out the snow storage area on the subdivision plan at the T turnaround.

Note added.

Overall Site Layout Plan (C-101)

30. Add the well exclusion zone for lot 12.

Well exclusion zone has been add for lot 12.

31. General note #4 states that trees removed from lot setbacks will be replanted. There is a significant amount of grading and clearing in setbacks shown on lots 3,4,5,6,7,9,12,13.

We recommend that trees be counted and identified on the plans so that the number of trees to be replanted is known before clearing/grading occurs

Note has been removed and the grading has been reduced to show only the construction of the road and stormwater facilities.

Grading and Erosion Control Plan (C-102)

32. Additional proposed grading is needed downhill from the fire pond to tie in the existing grades. The flow length of the proposed wooded buffer at the fire pond spillway should be checked after the grading changes.

Grading has been added below the fire pond.

33. There are proposed ditches with longitudinal slopes less than 1%. MaineDOT recommends ditch slopes be 1% minimum except in difficult situations where they should never be less than 0.5%. Flatter ditches tend to pond water creating stagnate water and breeding grounds for insects.

The grading at the beginning of the road has been adjusted to provide at least 0.5% slope and gradually increases to 1%.

34. Add a note to the grading plans specifying where erosion control blankets should be installed.

Note was added to provide erosion control blankets on any slopes greater than 3:1.

35. Additional underdrain appears to be required for the underdrained soil filter. Maine DEP requires a maximum 15 foot spacing of underdrains in an underdrained soil filter, this gives an effective drainage area of 7.5 feet on each side of an underdrain. Provide appropriately spaced underdrains at the proposed underdrained soil filter. Set an underdrain 7.5 feet from an edge of the filter area, then space at 15' on center.

Underdrain has been provided within 7.5' of the perimeter of the filter area and spaced 15' apart.

36. Maine DEP and USACE standards for stream crossings require the instream work to occur Between July 15 to September 29. This will be specified by the permits from these agencies. We recommend adding a note identifying the timing of the instream culvert work on the plans and the stream crossing detail.

The stream crossing has been returned to the 60" arch that will not require any work in the stream.

37. Verify with MaineDOT whether a culvert will be required at the proposed roadway intersection with Route 9.

Maine DOT engineers have reviewed the project. There are no ditches along this stretch of Route 9. Therefore, a culvert would just create a ponding problem or drive the ditches to an unreasonable depth in the area.

38. The plan shows a 15" cross culvert directing ditch flow to the underdrain soil filter. The grading of the ditch at this culvert does not appear to be complete. Water from the ditch may continue to flow past the culvert and down to the stream unless a berm is added to direct flow into the culvert.

Spot grades below the culvert inlet have been added to clarify the drainage path.

39. Label Route 9 on the plan.

Label added.

40. Show the stabilized construction entrance on the plan.

Construction entrance has been added to C-102.

41. Revise the location of the sediment barrier/clearing limits along the 50' wide entrance segment of the proposed roadway to avoid impacts to abutting properties. Alternatively, obtain temporary easements from abutting properties for the encroachments.

Alignment has been adjusted so that there is no encroachment on an abutter besides the applicant's (Snell is partners with the applicant).

42. Revise the erosion control sediment barrier so it does not extend across the stream as it will impede stream flow.

Erosion control fences have been removed crossing the stream and road entrance.

43. Add the Maine DEP 25' and 75' jurisdictional stream setbacks on all plans that show the streams. Also add the 100' Resource Protection District stream setback. Adding these to all the plans will facilitate the peer review process and help prevent encroachments during construction.

All requested setbacks have been added to all plans.

44. It appears that the underdrained soil filter is located within the 100' and 75' stream setback. Maine DEP will require a NRPA permit by rule for impacts adjacent to a protected natural resource if the filter remains in this location. Alternatively, the filter could be relocated outside of the 75' NRPA jurisdictional setback.

The Underdrain soil filter is in the lowest portion of the previously disturbed area. The intent is to minimize any further disturbance while capturing and treating as much as area as practical. A NRPA has been submitted.

45. Maine DEP standards recommend adding a sediment forebay to the underdrain filter to reduce future maintenance requirements of the filter media. We recommend adding a sediment forebay for the ditch and culvert inlet into the underdrained soil filter.

It is our understanding that forebays are more applicable for closed stormwater systems. When the pond is fed by vegetated swales the sediment is negligible. Vegetated swales are included as a pretreatment measure according to the DEP's underdrain soil filter BMP manual.

46. Lot 13 is mislabeled as Lot 3. Please revise.

Revised to Lot 13.

47. Add the lot setbacks on this plan to facilitate the peer review process and to help prevent encroachments during construction.

Lot setbacks have been added.

48. The Town Standard road section for private roads allows ditch fore slopes to be 2:1 maximum. Maine DOT standards require that slopes steeper than 3:1 be protected with guardrail. Provide guardrail for all areas where ditch foreslopes are steeper than 3:1. Also provide a guardrail detail on the detail sheets.

All foreslopes have been changed to 3:1.

49. The grading of the ditch at the wetland on Lot 12 will result in the entire wetland draining to the ditch, therefore, the entire wetland will be impacted. Will the additional wetland impact require a Tier 1 NRPA permit application from Maine DEP? Alternatively, the ditch grading could be revised to prevent the remaining wetland from draining to the road ditch.

Grading has been modified. This is a dangerous precedent that would require nearly every culvert replacement or road underdrains to account for adjacent wetlands.

50. There appears to be a pinch point in the ditch near the T turnaround where it curves around to the fire pond. Additionally, the ditch is quite flat in this area. We recommend revising the ditch grading in this area to minimize water ponding.

Fire Pond has been regraded.

51. Provide a sediment forebay at the ditch inlet to the fire pond to reduce sediment from entering the pond and increase future maintenance requirements.

See comment 45.

52. Provide a calculation confirming that the infilled 36" culvert at the wetland crossing has adequate capacity.

It is not a stream crossing. It is a culvert to maintain connectivity for the wetland.

53. The proposed grading, off the end of the T turnaround appears to unnecessarily increase the disturbed area of the road construction.

Grading has been tightened up as much as possible.

54. It appears that the fire pond may be located within the Maine DEP 75' jurisdictional stream setback. If so, this would require Maine DEP NRPA permit by rule for adjacency to a protected natural resource. Alternatively, the fire pond could be relocated outside of the 75' setback.

It is not. The line shown is the 100' foot stream setback.

Plan and Profile (C-200 and C-201)

55. We recommend adding lot numbers to plan and profile sheets to facilitate the peer review and for general clarification.

Lot numbers have been added to both profiles drawings.

56. We recommend adding a north arrow on plan and profile sheets to facilitate the peer review and for general clarification.

Noted.

57. Correct the road name for Route 9.

Road name changed to Hallowell Road.

58. We recommend adding the lot setbacks on these plans to facilitate the peer review and for general clarification.

Setbacks added.

59. We recommend showing the culverts as ovals with the height to scale on the profile views.

Culverts are too scale on the profile views.

60. Why is the end of the roadway in a cut condition as shown on the C-201 Plan and Profile? Are the cut and fills for the roadway balanced?

Grading has been adjusted to minimize cut fills.

Erosion Control Notes (C-300)

61. The Erosion and Sedimentation Control Report states that half of the site is covered with pavement and building slabs. Is this correct? If so, show the area on the existing conditions plan. If not, revise or eliminate the note.

Report corrected.

62. The Erosion and Sedimentation Control Report lists a construction start date of Fall 2021. Revise the date.

Date changed.

63. The construction schedule of the Erosion Control report lists construction of building foundations and pads. Revise as necessary. Civil Details (C-301, C-302, C-303)

Foundations and pads will be part of the project regardless of who the builder is.

64. Add the gradation of the road base and subbase gravels on the detail.

See C-302.

65. Add the compaction requirements for pavement and gravel to the road buildup detail, in accordance with the Town standards.

See C-302.

66. The roadway detail calls out clearing to the right of way. The Subdivision Plan notes that clearing should not extend to the ROW unless needed. Revise and clarify this discrepancy. Note that the grading plan shows roadway grading extending well beyond the roadway in several locations.

The subdivision plan notes have been changed. The grading has been minimized to the maximum extent practicable.

67. The Maine DEP requires certain specifications for the soil filter media. Revise the detail to specify the clay content of less than 2%. Also revise to specify the gradation of the coarse gravel.

See C-303.

68. We recommend calling out the seeding of the underdrained soil filter surface.

See C-303.

69. Provide details for the trail stream crossing.

The trail won't cross the stream.

70. Provide details for the road stream crossing culvert that shows the requirements for Maine DEP and USACE.

See C-305.

71. The Typical Roadway Section allows for 2:1 (maximum) ditch sideslopes. We recommend using 3:1 side slopes to reduce the need for guardrail. MaineDOT standards require guardrail where side slopes are steeper than 3:1.

All slopes have been changed to 3:1.

72. Provide the berm width for the fire pond and provide a construction detail for the berm.

The fire pond is a cut. There is minimal berms associated with the construction.

73. Provide a spillway detail for each pond showing an impermeable barrier set to the required spillway elevation to prevent flow through the rip rap at lower elevations.

The clay liner/ and hdpe liner will be brought spillway elevations respectively. Riprap will not impact storage volume as you noted.

74. We recommend adding a detail showing a typical house lot erosion control plan.

75. On the Dry Hydrant detail, list the volume between elevations 185 and 187, as required by Town specifications.

Volume provided in the hydrocad report volume summary report for the firepond.

76. Specify the strainer and support.

See C-304.

77. Add a note to the Dry Hydrant detail referencing the Town Standards.

See C-302.

Miscellaneous

78. Provide a plan and calculations that documents the proposed disturbed area onsite and the proposed developed area. If the applicant is not developing the lots, then those areas do not need to be included, unless portions of the lot are being disturbed as part of the road construction.

See Treatment summary in the stormwater report.

79. Provide a plan and calculations that documents the existing onsite impervious area and compares it to the proposed onsite impervious area. If the applicant is not developing the lots, then those areas do not need to be included.

See Treatment summary in the stormwater report.

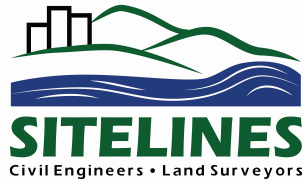
80. Based on the current market, the submitted construction estimate feels low. The following revisions are requested:

- a. Increase Erosion Control to \$10,000 LS
- b. Increase Paving (including base and subbase gravels) to \$160/LF
- c. Increase Utilities to \$20/LF
- d. Increase Loam and Seed to \$40,000/acre
- e. Increase Monumentation to \$5,000 LS
- f. Add a cost for the underdrained soil filter
- g. Add a cost for the fire pond and piping

6. New Business:

a. **Completeness Review of Final Plan Application for Amendment to the Brown Road Subdivision Map 1, Lot 9A**

- The applicant submitted a final plan application on November 23, 2022.
- The application includes a procedural waiver request to combine preliminary and final approvals per the standards of Section 6.36.B:
- The proposed new lot is an amendment to a recorded subdivision plan involving two lots.
- It is not clear on what basis the original subdivision approval was required or requested since divisions involving the creation of two lots are exempt from subdivision review.
- It may have been related to a discontinued road separating parts of Lot 9A-1 shown on the original subdivision plan leading someone to conclude that three lots were being created or a prior division within the 5 years preceding the split.
- A subdivision plan for that division was approved by the Planning Board and recorded in the Androscoggin County Registry of Deeds on April 2, 1996.
- Per Section 6.11, revisions to approved subdivision plans must go through preliminary and final approval processes.
- Section 6.35.B was adopted to deal with what many towns treat as “minor subdivisions” providing a simplified and expedited review process for small projects. Rather than treating all subdivisions with a limited number of lots as minor subdivisions, Durham follows a State model where subdivisions are reviewed on a case-by-case basis to determine if there are issues that warrant more thorough treatment. A procedural waiver can be granted by the Planning Board if such issues are not present.
- The applicant is seeking a procedural waiver to combine preliminary and final approval and has submitted a waiver request to that end.
- The Board decision on granting the procedural waiver affects the completeness determination.
- The application is substantially complete if the procedural waiver is granted.
- Draft letters of completeness and incompleteness are provided for the Board’s consideration.



November 22, 2022

2918.01

George Theborge, AICP
Durham Town Planner
630 Hallowell Rd
Durham, ME 04222

RE: **Subdivision Amendment Application**
Brown Subdivision Plan - Lot 9A-2 (Approved March 6, 1996)
Admiral Fitch Avenue, Brunswick
Tax Map 1, Lot 9A

Dear George:

On behalf James & Grace Cullum, Sitelines PA is pleased to submit the enclosed Final Plan Application, drawings, and supporting materials for the Subdivision Amendment of the Brown Subdivision Plan that was approved by the Durham Planning Board on March 6, 1996 and recorded at the Androscoggin County Registry of Deeds in Plan Book 39, Page 31.

PROPERTY

The Cullum's owns a parcel of land currently identified on Tax Map 1 as Lot 9A, containing 6.40 acres. The property is located in the Rural, Residential & Agricultural (RRA) Zoning district in which single-family residences are a permitted use. The property has frontage on the Brown Road. The proposed lot is currently undeveloped, and the remaining lot is developed with a single-family home.

PROJECT DESCRIPTION

The proposed project consists of dividing the property into a proposed lot of 2.07 acres and a remaining lot of 4.33 acres. Lot will have frontage on and access from the Brown Road. Each lot will be supported by individual private on-site wells and septic systems. Dug wells are no longer permitted within subdivisions in the Town of Durham. Each lot will have access to electrical and telecommunications service from existing lines and poles located within the Brown Road right-of-way.

Review Standards

To facilitate your review of our proposal, the following items are summarized in accordance with *Article 6 of the Land Use Ordinance*:

6.9 FINAL PLAN SUBMISSION REQUIREMENTS

The proposed development is in compliance with the standards set forth in Chapter 4 – Property Development Standards.

- A. The Final Plan meets specifications for recording at the Registry of Deeds.

B.1 A completed Applications Form, Check List and Waiver Forms have been completed and submitted.

B.2 The Subdivision name, town and tax map & lot number are provided on the plan.

B.3 The acreage, property lines, building location, and other site features are provided on the plan.

B.4 The proposed lot will be serviced by an on-site private subsurface wastewater disposal system. A copy of the test pit data has been included with the application and the test pit location is shown on the plan.

B.5 The proposed lot will be serviced by an on-site private well.

B.6 The location of the soils test pit is shown on the plan. Due to the low density of only one new lot of more than 2-acres, a waiver is being requested for showing the well exclusion zone or performing a hydrogeological assessment. This section is noted as Not Applicable (N/A) on the Check List.

B.7 The date of plan preparation, north arrow and graphic scale are included on the plan.

B.8 The names and addresses of the recorded owner (also the applicant) and the company (Sitelines) preparing the plan are included on the plan.

B.9 The zoning (RRA) of the property is included on the plan. There no zoning districts affecting the property.

B.10 The 50' Buffer from Brown Road and the zoning setbacks are shown on the plan.

B.11 There are no deed restrictions or covenants proposed for the existing or proposed lots. This section is noted as Not Applicable (N/A) on the Check List.

B.12 There are no existing or proposed culverts of drainage ways on the property. This section is noted as Not Applicable (N/A) on the Check List.

B.13 The Subdivision Amendment Plan includes the surveyor's seal, bearings & distances of existing and propped property lines, existing street/road width. There are no new streets proposed.

B.14 There are no new streets proposed for this subdivision amendment. This section is noted as Not Applicable (N/A) on the Check List.

B.15 Since there are no new streets or improvements associated with the subdivision amendment, no Engineer's Cost Estimate is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B.16 Since there are no new streets or improvements associated with the subdivision amendment, no Financial Performance Guarantee is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B.17 Since there are no new streets or improvements associated with the subdivision amendment, no Letter of Commitment is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B.18 Since there are no new streets or improvements associated with the subdivision amendment, no documents for ownership or maintenance of streets is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B.19 The project area is located in Zone X (Areas of Minimal Flooding) of the Flood Insurance Rate Maps (FIRMs) for Androscoggin County, Maine. The project area is located on Community Panel 23001C0461E, Effective July 8, 2013. An excerpt of the applicable FIRM is enclosed.

B.20 Since there are no new streets or improvements associated with the subdivision amendment, there will be no land clearing, stumps or construction debris generated. This section is noted as Not Applicable (N/A) on the Check List.

B.21 A standard Erosion & Sedimentation Control Plan has been submitted for use when the property is developed by a future landowner.

B.22 Since there are no new streets or improvements associated with the subdivision amendment, no Stormwater Management Plan is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B.23 Since the property is not located within the Runaround Pond Watershed, no Phosphorus Management Plan is warranted. This section is noted as Not Applicable (N/A) on the Check List.

6.11 REVISIONS TO APPROVED PLANS

This proposed Subdivision Amendment is a revision to a previously approved plan, "Brown Subdivision", approved March 6, 1996, and recorded at the Cumberland County Registry of Deeds in Plan Book 39, Page 31. As this amendment is creating one new lot, we are requesting a waiver to the requirements of Section 6.11.A, which requires separate submission for a Preliminary Plan and subsequently for a Final Plan, thus allowing an expedited review of the amendment at one time. Our intent is to submit the required information for both a Preliminary and Final plan at this time.

6.16 SUFFICIENT WATER

- A. A note has been added to the plan to prohibit dug wells.
- B. The proposed lot has adequate size to allow adequate separation of a well from the subsurface wastewater disposal system.
- C. As there is only one new lot proposed, the requirement to provide facilities to ensure adequate water supply is onerous. We request a waiver of this section, provided that a Condition of Approval to require a Residential Sprinkler System is included on the plan.

6.17 EROSION & SEDIMENTATION IMPACTS

- A & B. A standard Erosion & Sedimentation Control Plan has been submitted for use when the property is developed by a future landowner.
- C. There are no waterbodies on the site. This section is noted as Not Applicable (N/A) on the Check List.
- D. Since there are no new streets or improvements associated with the subdivision amendment, no topsoil will be removed at this time. This section is noted as Not Applicable (N/A) on the Check List.

6.18 TRAFFIC CONDITIONS & STREET STANDARDS

- A. Based on the ITE standards, one lot will produce an average of one new trip per hour and ten trips per day, which is de minimis to the total traffic on the adjacent roadways. Since there are no new streets or improvements associated with the subdivision amendment, this section is noted as Not Applicable (N/A) on the Check List.
- B.1 Any proposed driveway entrance for the proposed lot will require a Driveway Entrance Permit. If Brown Road is determined to be a State-Aid Highway, the driveway entrance will also be needed to meet the requirements of the MDOT "Highway Driveway and Entrance Rules".
- B.2 & B.3 Since there are no new streets or improvements associated with the subdivision amendment, these sections are noted as Not Applicable (N/A) on the Check List.
- C. Since there are no new streets or improvements associated with the subdivision amendment, these sections are noted as Not Applicable (N/A) on the Check List.
- D. Since there are no new streets or improvements associated with the subdivision amendment, this section is noted as Not Applicable (N/A) on the Check List.

6.19 SEWAGE DISPOSAL

- A. A copy of the soil test pit log for the proposed lot has been submitted.

6.20 SOLID WASTE STANDARDS

The impact of one additional lot or future single-family home will have a nominal impact on the volume of solid waste for the community.

6.21 IMPACT ON NATURAL BEAUTY...

A. The proposed lot is currently undeveloped and wooded, therefore a 50' Buffer limiting tree clearing has been added along Brown Road, no other clearing limits are proposed.

B.1 Based on a review of on-line mapping; the property is not located within an area designated as a unique natural area. This section is noted as Not Applicable (N/A) on the Check List.

B.2 Based on a review of on-line data, the property is not designated as a historic or pre-historic site. This section is noted as Not Applicable (N/A) on the Check List.

B.3 No land is proposed for open space. This section is noted as Not Applicable (N/A) on the Check List.

B.4 No land is proposed for open space. This section is noted as Not Applicable (N/A) on the Check List.

B. Based on a review of on-line mapping, the property does not lie within 250' of areas designated as habitat for endangered or threatened species. These sections are noted as Not Applicable (N/A) on the Check List.

D. The property does not include any shoreland areas. These sections are noted as Not Applicable (N/A) on the Check List.

6.22 CONFORMITY WITH LOCAL ORDINANCES AND PLANS STANDARDS

Both the proposed and the remaining lots of this amendment meet the zoning dimensional standards and the applicable criteria and design or performance standards of the Land Use Ordinance, as evidenced by this application package.

6.23 FINANCIAL AND TECHNICAL CAPACITY STANDARDS

A. Since there are no new streets or improvements associated with the subdivision amendment, no statement of financial capacity is warranted. This section is noted as Not Applicable (N/A) on the Check List.

B. The design team, led by Sitelines, PA, has extensive experience planning, designing, and gaining approvals for residential and commercial development projects throughout the State of Maine.

6.24 IMPACT ON GROUNDWATER QUALITY OR QUANTITY STANDARDS

As the project consists of only one new lot and it creates a nominal change in density in the area, a Ground Water Impact Study is not warranted. If the septic system and well are installed and

maintained in accordance with existing regulations, no adverse impact is anticipated. These sections are noted as Not Applicable (N/A) on the Check List.

6.25 FLOODPLAIN MANAGEMENT STANDARDS

The project area is located in Zone X (Areas of Minimal Flooding) of the Flood Insurance Rate Maps (FIRMs) for Androscoggin County, Maine. The project area is located on Community Panel 23001C0461E, Effective July 8, 2013. An excerpt of the applicable FIRM is enclosed. These sections are noted as Not Applicable (N/A) on the Check List.

6.26 IDENTIFICATION OF FRESHWATER WETLANDS, RIVERS, STREAMS, OR BROOKS

Based on a review of on-line data and maps, as well as an inspection of the site during the survey, does not indicate any wetlands, rivers, streams, or brooks are present.

6.27 IDENTIFICATION OF FARMLAND STANDARDS

The property does not include any farmland areas of 5 or more acres. This section is noted as Not Applicable (N/A) on the Check List.

6.28 STORMWATER MANAGEMENT STANDARDS

A. The project does not require review DEP under the Stormwater Law (Chapter 500). These sections are noted as Not Applicable (N/A) on the Check List.

B. The project does not require review DEP under the Site Location of Development Act. This section is noted as Not Applicable (N/A) on the Check List.

C. A standard Erosion & Sedimentation Control Plan, meeting the Best Management Practices (BMP's) has been submitted for use when the property is developed by a future landowner.

D. Since the property is not located within the Runaround Pond Watershed, no Phosphorus Management Plan is warranted. This section is noted as Not Applicable (N/A) on the Check List.

E. Since there are no new streets or improvements associated with the subdivision amendment, no Analysis for Downstream Flooding is warranted. This section is noted as Not Applicable (N/A) on the Check List.

6.29 SPAGHETTI-LOTS PROHIBITED

The property does not include any shoreland areas. This section is noted as Not Applicable (N/A) on the Check List.

6.30 IMPACT ON ADJOINING MUNICIPALITIES STANDARDS

The property does not cross into any adjoining municipalities. However, abutter's notices have been sent to property owners that are located across Brown Road and in the Town of Pownal.

6.31 COMPLIANCE WITH TIMBER HARVESTING RULES STANDARDS

There is no evidence of timber harvesting on the property. These sections are noted as Not Applicable (N/A) on the Check List.

6.32 RESERVATION OR DEDICATION AND MAINTENANCE OF OPEN SPACE OR COMMON LAND, FACILITIES AND SERVICES

There is no Open Space or Common Land, Facilities or Services proposed for the subdivision amendment. These sections are noted as Not Applicable (N/A) on the Check List.

6.33 CLUSTER DEVELOPMENT ALTERNATIVE

The division of one lot does not lend itself to a Cluster Development and there are no important natural features that will be impacted by this division. These sections are noted as Not Applicable (N/A) on the Check List.

6.34 PERFORMANCE GUARANTEES

Since there are no new streets or improvements associated with the subdivision amendment, no Performance Guarantees are warranted. This section is noted as Not Applicable (N/A) on the Check List.

6.35 WAIVERS

Waivers have been requested for Sections 6.9.B.6, 6.11, and 6.16.C. Justification of the waivers requested has been submitted on a Subdivision Waiver Request form submitted for each of the waivers requested.

We look forward to meeting with you and the Planning Board at their December 7, 2022, meeting to review the project and gain their approval. We appreciate your assistance with this project. Should you have any questions, please call or contact me at kclark@sitelinespa.com.

Very truly yours,

Kevin P. Clark

Kevin P. Clark, PLS

President

Enclosures





TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
and Planning*

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

SUBDIVISION WAIVER REQUEST

A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED

Subdivision Name: Brown Subdivision Amendment

Application Date: 11/22/2022

A. Applicant Contact Information

Applicant: James & Grace Cullum Address: 43 Brown Road
Telephone number: 207-798-0317 Durham, ME 04222
Email address: pacearrow@hotmail.com

B. Identification of Waiver Request

Waiver Type: Submissions _____ Procedures Performance Standards _____
Land Use Ordinance Section Number: 6.11

C. Explanation of Waiver Request

Why is the waiver being requested by the applicant?

Due to the unique circumstances of the subdivision amendment, where only one new lot is proposed and no new infrastructure or construction is proposed, we are requesting a waiver to allow the project to be reviewed in one step, versus the multiple step procedure of Sketch Plan, Preliminary Plan, and Final Plan.

Subdivision Name: Brown Subdivision Amendment

D. Justification of Waiver Request

Why do you think that a waiver of the subdivision requirements is justified in this case?

This proposed Subdivision Amendment is a revision to a previously approved plan, Brown Subdivision", approved March 6, 1996, and recorded at the Cumberland County Registry of Deeds in Plan Book 39, Page 31. As this amendment is creating one new lot, we are requesting a waiver to the requirements of Section 6.11.A, which requires separate submission for a Preliminary Plan and subsequently for a Final Plan, thus allowing an expedited review of the amendment at one time. Our intent is to submit the required information for both a Preliminary and Final plan at this time.

E. Supporting Documentation

What supporting documentation for the waiver has been included with the subdivision application?

N/A

F. Signature of Applicant

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

Kevin P. Clark, PLS Digitally signed by Kevin P. Clark, PLS
DN: C=US, E=kclark@stetlinespa.com, O="Stetlines,
PA", OU=President, CN="Kevin P. Clark, PLS"
Date: 2022.11.23 16:23:50-05'00'

11/22/2022

Printed Name: Kevin Clark (Agent)

Date

Subdivision Name: Brown Subdivision Amendment

SUBDIVISION WAIVER REQUEST FINDINGS OF FACT

Section 6.35 WAIVERS

A. **Waivers of Certain Submission Requirements:** Where the Board makes written findings of fact that there are special circumstances of a particular tract proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning regulations, or these subdivision regulations.

Motion made by _____: The special circumstances of the particular tract proposed for development and the simple nature of the application indicate that the following submission item is unnecessary to verify compliance with the subdivision review criteria and standards and would not nullify the intent and purpose of the comprehensive plan, zoning regulations, or these subdivision regulations:

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

B. **Waivers of Procedural Requirements:** The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a “Permit by Rule;”
3. The Board agrees to approve a waiver from the requirements to submit a stormwater management plan and sedimentation and erosion control plan; and,
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted by the Planning Board.

Motion made by _____: The proposed subdivision meets the criteria for granting a waiver to combine preliminary and final approvals.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

Subdivision Name: Brown Subdivision Amendment

C. **Waivers of Performance Standards:** Where the Board makes written findings of fact that due to special circumstances of a particular tract proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or an alternative design is equal to or better in meeting the statutory review criteria, it may waive the design standards, subject the following criteria:

1. The applicant has provided the Planning Board with a factual basis for granting the waiver that is supported by sound engineering and/or environmental analysis (cost considerations are not justification);
2. The waiver(s) do not have the effect of nullifying the intent and purpose of the zoning regulations or these subdivision regulations;
3. The performance standards of these regulations have been substantially met and the criteria of the subdivision statute have been or will be met by the proposed subdivision; and,
4. The requested performance standard waivers are noted on the recorded subdivision plan (submission waivers and procedural waivers are not noted on the plan).

Motion made by _____: The applicant has provided documentation based on sound engineering and/or environmental analysis that the following standard can be waived for the proposed subdivision and is not requisite to provide for the public health, safety, and welfare subject to the proposed conditions of subdivision approval:

_____.

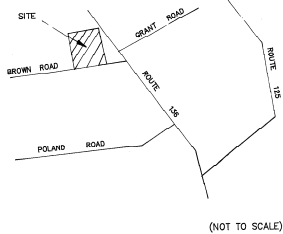
Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

VICINITY SKETCH
PLANNING BOARD AGENDA PACKET

DECEMBER 7, 2022

PAGE 44



REFERENCES

1. 1888 PLAN OF SURVEY FOR MR. & MRS. LEROY BEAL BY CARLETON STORER.
2. TOWN OF DURHAM ASSESSORS CHART # 1, LOT 9A
3. ABUTTERS DEEDS AS SHOWN ON PLAN.
4. 1992 PLAN OF LAND FOR KEVIN BROWN BY DANIEL T.C. LAPOINT.

NOTES

1. THE LOCUS PROPERTY IS A PORTION OF THE PREMISES CONVEYED BY PRISCILLA L. STOVER TO LEROY W. & LOIS E. BEAL BY THE DEED FOUND IN BOOK 2082 / PAGE 829 IN THE CUMBERLAND COUNTY REGISTRY AND IN THE ANDROSCOGG COUNTY REGISTRY OF DEEDS IN BOOK 986 / PAGE 645
2. PROPERTY IS LOCATED IN THE RURAL RESIDENTIAL ZONE.
3. (K) THE CURRENT OWNER IS NOT PLANNING ANY CONSTRUCTION AT THIS TIME.
4. (C) NO WETLANDS MATERIAL IS INCLUDED TO BE SEPARATED ON THE LOT AT THIS TIME.
5. (T) THE OWNER INTENDS TO SELL 1 LOT CONTAINING 2.1 ACRES AND RETAIN THE REMAINING 6.4 ACRES.

LEGEND

- CAPPED IRON ROD SET
- IRON PIPE FOUND
- MONUMENT
- ▭ STONE WALL
- ▨ WETLANDS
- ⊙ TEST PIT
- 254 — CONTOUR LINE
- DRAINAGE FLOW DIRECTION

AUBURN MAINE
 A REGISTERED PROFESSIONAL SURVEYOR RECEIVED APRIL 2, 1996
 AT 10 H. 30 AM AND RECORDED IN
 BOOK 39 PAGE 31
 ATTEST
Daniel T.C. Lapoint
 REGISTER

CERTIFICATION:

THIS SURVEY CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS AS A CATEGORY I, CONDITION III SURVEY EXCEPT NO REPORT TO DATE

Daniel T.C. Lapoint
 DANIEL T.C. LAPOINT PLS

APPROVED BY THE DURHAM PLANNING BOARD

DATE: 6 March 1996

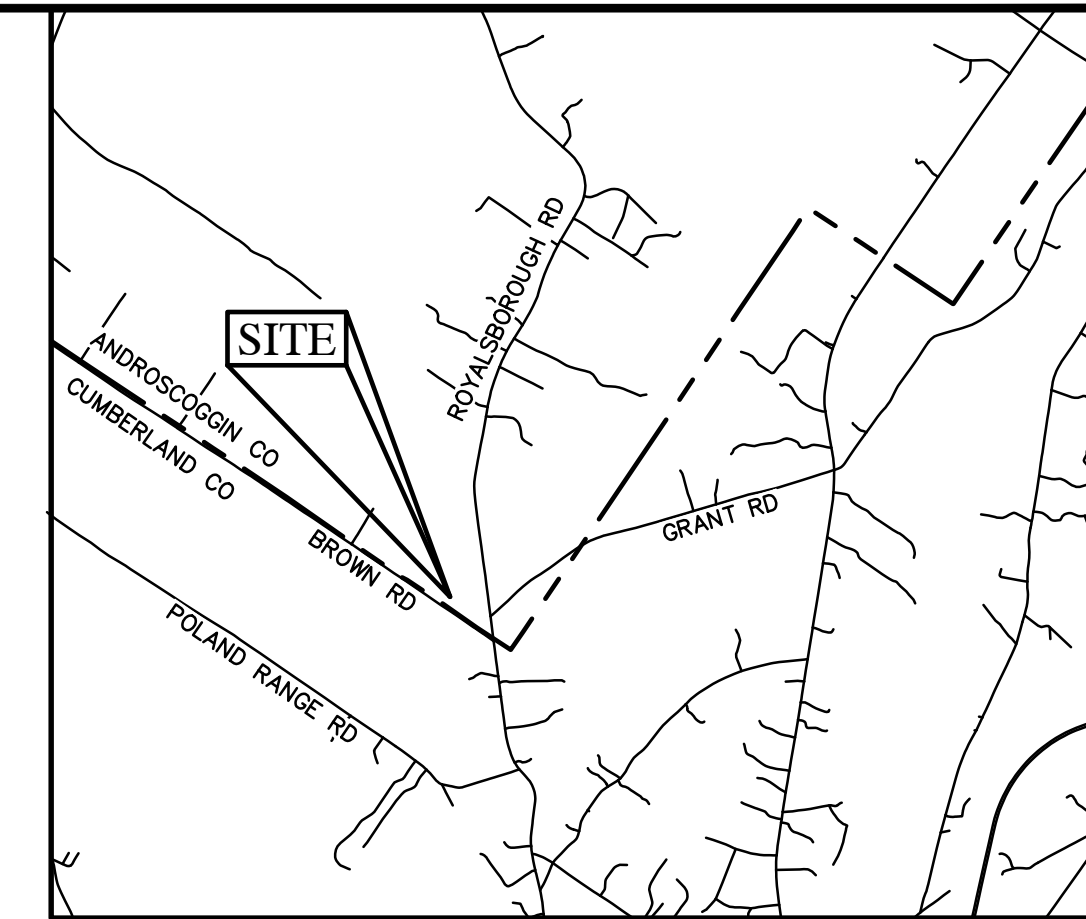
Mad Simba
Suzanne T Marshall
Dwan Lourey
Margaret Woodworth
Francis G. Daniels

STANDARD BOUNDARY SURVEY

**BROWN SUBDIVISION PLAN
 ON BROWN ROAD
 IN DURHAM MAINE**

FOR: **KEVIN BROWN**
 BROWN ROAD
 DURHAM MAINE

DATE NOV 1 1995
 FIELD BOOK 24 PAGE 147
 PREPARED BY DANIEL T. LAPOINT
 BY 107 BROWN ROAD
 DURHAM MAINE 04222



LOCATION MAP NOT TO SCALE

NOTES:

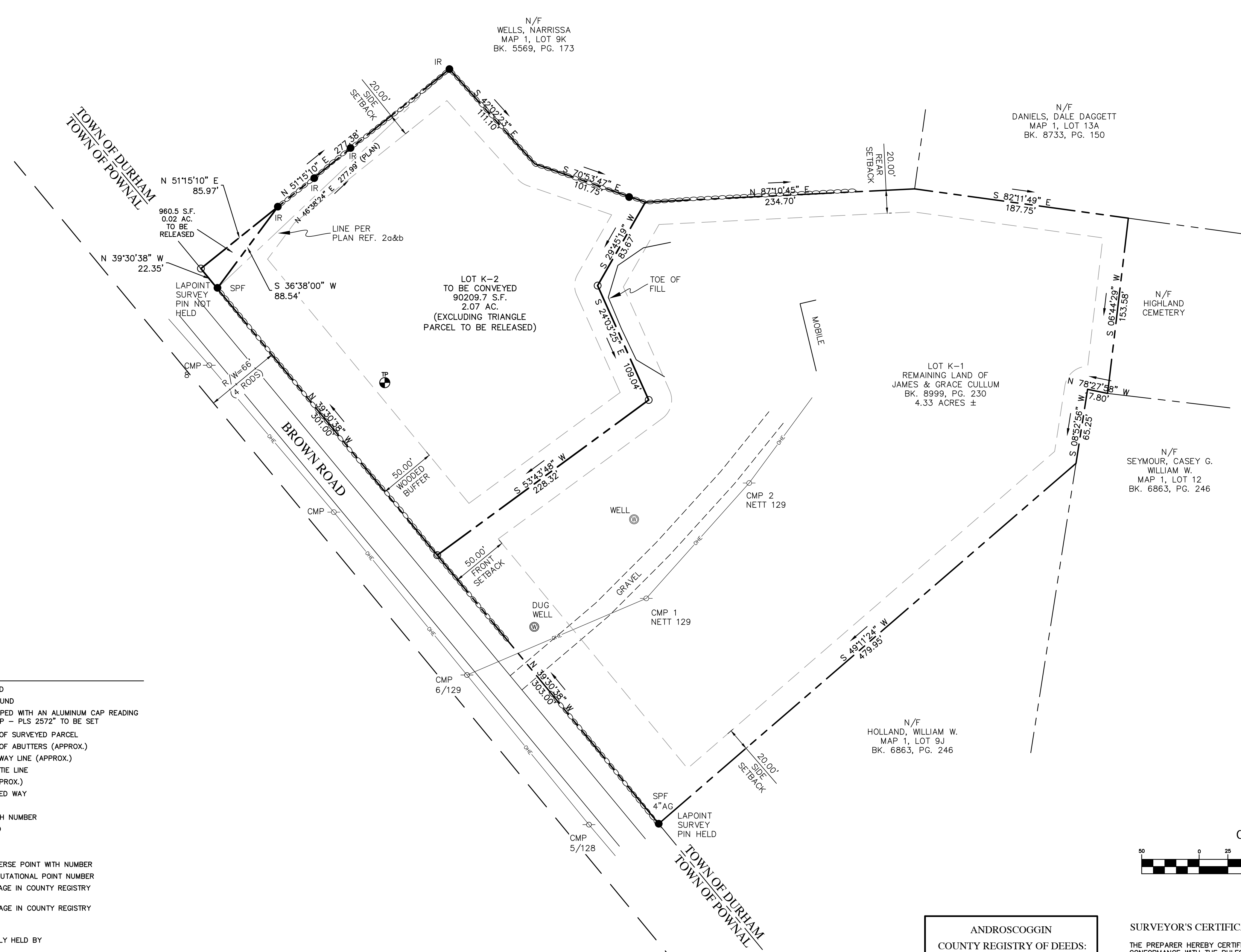
- TITLE REFERENCE FOR SURVEYED PARCEL:**
BK 8999, PG 230 (ANDROSCOGGIN COUNTY REGISTRY OF DEEDS)
- PLAN REFERENCE(S):**
A. PLAN ENTITLED, "BROWN SUBDIVISION PLAN", DATED NOV. 1, 1995, BY DANIEL LAPOINT, RECORDED IN PB 39, PG 31.
B. PLAN ENTITLED, "LAPOINT SUBDIVISION", DATED APRIL 1, 1994, BY DANIEL LAPOINT, RECORDED IN PB 39 PG 135.
- AREA INFORMATION:**
2.07 ACRES (PROPOSED PARCEL)
- TAX MAP REFERENCE:**
TAX MAP 1, LOT 9A.
- BASIS OF BEARINGS:**
BEARINGS ARE MAGNETIC (1995) AND ARE BASED ON PLAN 2a.
- THE PROPOSED LOT IS TO BE SERVED BY A PRIVATE ON-SITE WELL MEETING THE MINIMUM SEPARATION DISTANCE FROM SUBSURFACE WASTEWATER DISPOSAL SYSTEMS. NO DUG WELLS ARE PERMITTED.
- THE PROJECT AREA IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) OF THE FLOOD INSURANCE RATE MAPS (FIRMS) FOR ANDROSCOGGIN COUNTY, MAINE. THE PROJECT AREA IS LOCATED ON COMMUNITY PANEL 23001C0461E, EFFECTIVE JULY 8, 2013.
- THE PURPOSE OF THIS PLAN IS TO FACILITATE A SUBDIVISION AMENDMENT OF LOT K (AKA 9A-2), CREATING A NEW 2.07 ACRE LOT AND A REMAINING LOT OF 4.33 ACRES TO BE RETAINED BY CULLUM.

RURAL RESIDENTIAL & AGRICULTURE ZONING DISTRICT (RRA)		
ZONING STANDARD	REQUIRED	PROPOSED
MIN. LOT SIZE:	90,000 S.F.	90,209.7 S.F.
MIN. ROAD FRONTAGE	300'	301'
MIN. SETBACKS		
FRONT:	50'	---
REAR:	20'	---
SIDE:	20'	---
MAX. HEIGHT:	35'	---
MAX. IMPERVIOUS COVERAGE	25%	---
MIN. BUILDABLE AREA	40,000 S.F.	90,209.7 S.F.

NET RESIDENTIAL AREA:
 TOTAL LOT AREA = 279,902.45 S.F.
 LESS WETLANDS = 0.0 S.F.
 LESS RIGHT OF WAY = 0.0 S.F.
 TOTAL NUMBER OF LOTS = 279,902.45 / 90,000 S.F PER LOT = 3 LOTS

LEGEND

■	MONUMENT FOUND
●	IRON MARKER FOUND
○	5/8" REBAR, TOPPED WITH AN ALUMINUM CAP READING "CURTIS J. HASLIP - PLS 2572" TO BE SET
---	BOUNDARY LINE OF SURVEYED PARCEL
- - - -	BOUNDARY LINE OF ABUTTERS (APPROX.)
- · - · -	ROAD RIGHT OF WAY LINE (APPROX.)
· · · · ·	COMPUTATIONAL TIE LINE
⊖	STONE WALL (APPROX.)
—	EDGE OF TRAVELED WAY
—	UTILITY LINE
○CMP 13	UTILITY POLE WITH NUMBER
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
DH	DRILL HOLE
△ 4	ARBITRARY TRAVERSE POINT WITH NUMBER
12, 1001	ARBITRARY COMPUTATIONAL POINT NUMBER
BK 10674, PG 197	DEED BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
PB 195, PG 130	PLAN BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY HELD BY
AC.	ACRES
±	MORE OR LESS
⊙	SEWER MANHOLE
☆	LIGHT POLE
⊠	CATCH BASIN
⊕	WATER SHUT OFF
⊖	HYDRANT
⊖	SIGN
⊖	WATER VALVE
⊖	ELEVATION TEMPORARY BENCH MARK
⊖	TEST PIT



ANDROSCOGGIN COUNTY REGISTRY OF DEEDS:

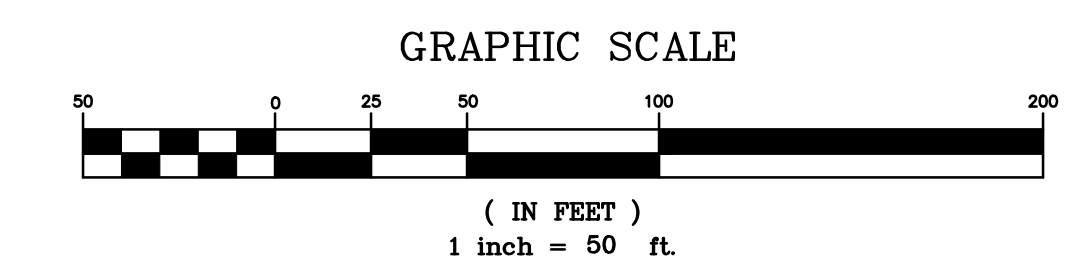
RECEIVED _____

AT _____ HRS _____ MIN _____ M, AND _____

FILED IN PLAN BOOK _____ PAGE _____

ATTESTED: _____

REGISTER



SURVEYOR'S CERTIFICATION:

THE PREPARER HEREBY CERTIFIES THAT THIS SURVEY HAS BEEN UNDERTAKEN IN CONFORMANCE WITH THE RULES SET FORTH BY THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, DATED APRIL 1, 2001, FOR A BOUNDARY SURVEY.

CURTIS J. HASLIP, PLS #2572

DATE _____

CURTIS J. HASLIP, PLS #2572

NOT VALID UNLESS EMBOSSED HERE

TITLE: SUBDIVISION AMENDMENT PLAN BROWN SUBDIVISION

PROJECT: 43 BROWN ROAD DURHAM, MAINE

OWNER ADDRESS: JAMES & GRACE CULLUM 43 BROWN ROAD, DURHAM, ME 04222

SITELINES
 119 PURINTON ROAD, SUITE A
 BRUNSWICK, MAINE 04011
 207.725.1200
 CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS

FIELD WK: CJH	SCALE: 1" = 50'	SHEET: 1
DRN BY: CJH	JOB #: 2918	
CH'D BY: CJH	MAP/PLOT: 1/9A	
DATE: 11/23/2022	FILE: 2918 SV.DWG	



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
 and Planning*

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

SUBDIVISION PLAN REVIEW CHECKLIST
SECTION 6.9 FINAL PLAN SUBMISSIONS
SECTION 6.14 – PERFORMANCE STANDARDS

SUBDIVISION NAME _____ **DATE** _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide. The checklist does not substitute for the statutory criteria or the requirements of Article 6 of the Land Use Ordinance. The Planning Board also will be using the checklist to make sure that your application is complete and meets all standards. **Fill out all shaded columns in the checklist by initialing a box in each row.** Indicate if the information has been submitted or if a waiver is requested. The perimeter survey, subdivision plan and general engineering plans may be contained on the same drawings for final plan approval. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans should be presented on separate sheets from the recording plan, as should detailed contours that would obscure reading the plan for informational purposes.

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
6.6 D.&E.	Required public notice sent to: 1) abutting property owners, 2) abutting town if project abuts or crosses boundary, and 3) Durham Elementary School if within well source water protection area (30-A MRSA §4403.3.A)			
6.9	FINAL PLAN SUBMISSIONS REQUIRED FOR COMPLETENESS REVIEW (10 Copies of application form & all materials)			
A.	Final plan meets specifications for recording at Registry of Deeds		NOT WAIVABLE	NOT WAIVABLE
B.1	Completed application & checklist submitted		NOT WAIVABLE	NOT WAIVABLE
B.2	Subdivision name, town, & map & lot no.		NOT WAIVABLE	NOT WAIVABLE
B.3	No. of acres in subdivision, property lines, existing buildings, watercourses, & other site features depicted			

Subdivision Name: _____

SUBDIVISION REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
B.4	Plan for sewage disposal		NOT WAIVABLE		NOT WAIVABLE
B.5	Plan for water system(s)		NOT WAIVABLE		NOT WAIVABLE
B.6	Septic system locations with well exclusion zones				
B. 6	Hydrogeological evaluation if preliminary plan approval condition				
B.7	Date of plan preparation with north point & graphic scale		NOT WAIVABLE		NOT WAIVABLE
B.8	Names & addresses of owner, applicant, and plan preparer(s)		NOT WAIVABLE		NOT WAIVABLE
B. 9	Zoning for subdivision & zoning boundaries		NOT WAIVABLE		NOT WAIVABLE
B.10	Location of setbacks & buffers (w/o contours)				
B.11	Deed restrictions & covenants in form approved by Town Attorney				
B.12	Location & size of culverts, all drainageways indicated				
B.13	Sealed survey plan with bearing and length of all property & street lines and monuments shown		NOT WAIVABLE		NOT WAIVABLE
B.14	Street plans meeting Appendix 1 standards by engineer				
B.15	Engineer's cost estimate for all required improvements				
B.16	Proposed financial performance guarantee tied to engineer's cost estimate in form approved by Town Attorney (issued prior to mylar release)				

Subdivision Name: _____

SUBDIVISION REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
B.17	Letter of commitment from a lending institution referencing engineer's cost estimate & willingness to provide a performance guarantee for the named applicant				
B.18	All required legal documents for ownership and maintenance of streets & common land (if any)				
B.19	Any flood areas and flood boundaries shown on plans		NOT WAIVABLE		NOT WAIVABLE
B.20	Proposed locations & plan for stump & construction disposal (if on site)				
B.21	Erosion & sedimentation control plan (per Appendix 2) unless no roads constructed & impervious surfaces less than 5% of site (calculations submitted) & not in Runaround Pond watershed				
B.22	Stormwater management plan (per Appendix 3) unless no roads constructed & impervious surfaces less than 5% of site (calculations submitted) & not in Runaround Pond watershed				
B.23	Phosphorus management plan (per Appendix 4) if in watershed of Runaround Pond				



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

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

NOTICE OF COMPLETE APPLICATION

Date: December 7, 2022
Name: Kevin Clark, PLS (Applicant Agent)
Address: 119 Purinton Rd, Suite A
Brunswick, Maine 04011

Dear Mr. Clark;

The Planning Board of the Town of Durham has reviewed your application for final subdivision review of the Brown Road subdivision amendment on Brown Road (Map 1, Lot 9A). In accordance with Section 6.8.F, the Board has determined that your application is complete and ready for formal review.

The Planning Board has scheduled a meeting for _____ at 6:30 p.m. at which time your application will be reviewed for conformance with the criteria and performance standards of the Town of Durham subdivision regulations.

Sincerely,

George Theborge, Town Planner



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: December 7, 2022

Name: Kevin Clark, PLS (Applicant Agent)

Address: 119 Purinton Rd, Suite A
Brunswick, Maine 04011

Dear Mr. Clark;:

The Planning Board of the Town of Durham has reviewed your application for preliminary subdivision review of a project on Hallowell Road (Map 1, Lot 9A). In accordance with Section 6.8.F., 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.
- b.
- c.
- d.

Respectfully,

George Theborge, Town Planner

6. New Business:

b. Substantive Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 9A

- The Planning Board granted subdivision approval for Lot 9-A in 1996.
- Under Section 6.11 amendments to recorded subdivision plan require amended plan approval by the Planning Board.
- The applicant submitted a procedural waiver under Section 6.35.B. to combine preliminary and final approval stages.
- The proposed lot has sufficient road frontage on Brown Road and will meet the minimum lot size of 90,000 square feet.
- The main issues involved are making sure that the lot passes a septic system soil test and there are no significant site constraints or environmentally sensitive features on the lot.
- The applicant's submissions indicate there are no steep slopes or wetland areas on the proposed lot.
- The applicant is requesting a waiver of the standard for on-site water supply for fire protection purposes.
- The applicant has indicated willingness to apply an approval condition requiring that the new lot be serviced by residential sprinklers for fire protection.
- The applicant has also submitted a waiver request of the requirement to put a well exclusion zone around the septic system.
- Well exclusion zones are important in cluster subdivisions where well locations are limited by septic systems (100-ft separation required) on abutting lots.
- The applicant has submitted an erosion and sedimentation control plan for the new home construction.
- The Town Planner reviewed the readily available State data on sensitive natural resources in the Comprehensive Plan and did not find any evidence of such resources being present at this location.
- To avoid confusion, new lot should be designated as Lot 9A-1 rather than Lot K-2 as shown on the proposed subdivision plan and the existing house and lot should be designated as Lot 9A.
- The Town Planner has prepared draft findings and approval conditions.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
and Planning*

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

PRELIMINARY SUBDIVISION PLAN APPLICATION

Subdivision Name: Brown Subdivision Amendment

Application Date: 11/22/2022

A. Owner & Developer

Is applicant owner of the property? YES NO (If no, letter of owner authorization is required)

Property owner: James & Grace Cullum Property developer: _____

Address 43 Brown Rd. Address: _____

Durham, ME 04222 _____

Telephone number: 207-798-0317 Telephone number: _____

Email address: pacearrow@hotmail.com Email address: _____

What interest does the applicant have in the property to be developed (owner, option, purchase & sale agreement, etc.)? Owner of Record

What interest does the applicant have in any abutting property? None

B. Project Designers

Surveyor: Sitelines, PA. Curtis J. Haslip #2572 Engineer: _____

Address: 119 Purinton Rd. Suite A Address: _____

Brunswick, ME 04011 _____

Telephone number: 207.725.1200 Ext. 2004 Telephone number: _____

Email address: chaslip@sitelinespa.com Email address: _____

Person to whom all correspondence on project should go: Kevin Clark at kclark@sitelinespa.com

Subdivision Name: Brown Subdivision Amendment

C. General Property Information

Property location: 43 Brown Road, Durham, Maine

Tax Map/Lot numbers: Map 1, Lot 9A

Current zoning: Rural Residential & Agriculture District (RRA)

Is all of the property being considered for development? YES NO

Total acreage of parcel: Acreage to be developed:

Is any part of the land subject to shoreland zoning regulations? YES NO

Is any part of the land shown on the FEMA flood maps? YES NO

Is any part of the land within the watershed of Runaround Pond? YES NO

Has this land been part of an approved subdivision? YES NO

Have any divisions of the land occurred in the past 5 years? YES NO

Has any liquidation harvesting of timber occurred in the past 5 years? YES NO

Have all water bodies and wetlands on the property been mapped? YES NO

Is there any active farmland or prime farmland soil of 5 acres or more? YES NO

What are the existing uses of the property, if any (e.g., farmland, woodlot, residence, business)?

Residence

List any existing easements or restrictive covenants that the property is subject to:

None

D. Required Public Notices

Have all abutting property owners received notice per Section 6.6.E.? YES NO

Does this project abut or cross over into another Town? YES NO

Is this project within 1000 feet of the water wells of the Elementary School? YES NO

E. Development Information

Name of proposed development: Brown Subdivision Amendment

Number of proposed lots: 1

What was the date of the sketch plan review with the Planning Board? N/A

Subdivision Name: Brown Subdivision Amendment

When is construction being considered to begin (year & season)? No Construction planned at this time.

What is the projected year of completion? N/A

How will the project be financed? No financing Required.

What type of performance guarantee will be provided (e.g., cash, letter of credit)? N/A

Does the applicant intend to request any waivers of the subdivision requirements? If yes, list them (Note: waivers from design standards will require technical analysis to demonstrate that the subdivision criteria will be met). **Provide a waiver request form for each waiver requested:**

Section 6.9.B.6

Section 6.11

Section 6.16.C

F. Review Fees and Escrow

Non-refundable application fee of \$500 for first 3 lots and \$100 per lot for each lot over 3: \$ 300

Technical peer review escrow (unused portions are refundable) of \$250 per lot: \$ N/A

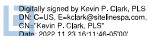
Date review fees & escrow paid: 11/22/2022

G. Checklist and Required Submissions

Are the completed preliminary plan checklist and all submissions attached? YES NO

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

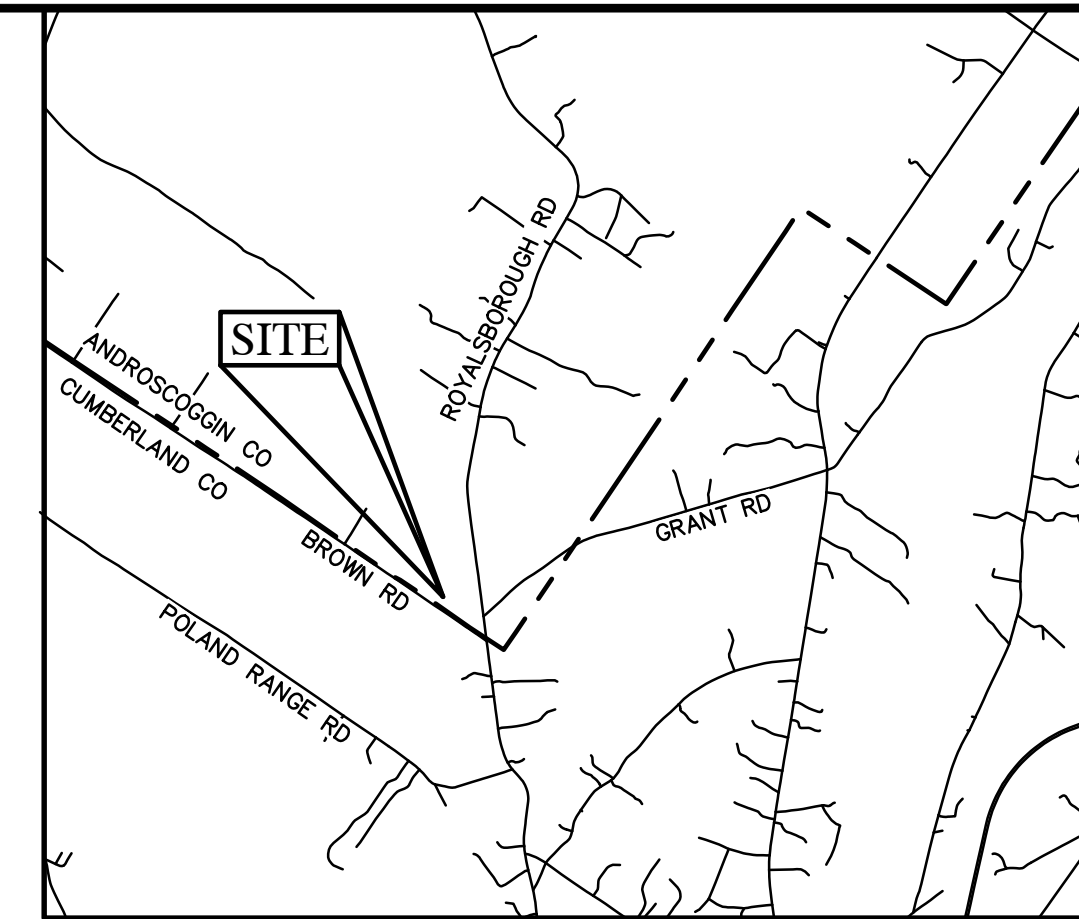
H. Signature of Applicant

Kevin P. Clark, PLS 

Printed Name: Kevin P. Clark, PLS (Agent)

11/22/2022

Date



LOCATION MAP NOT TO SCALE

NOTES:

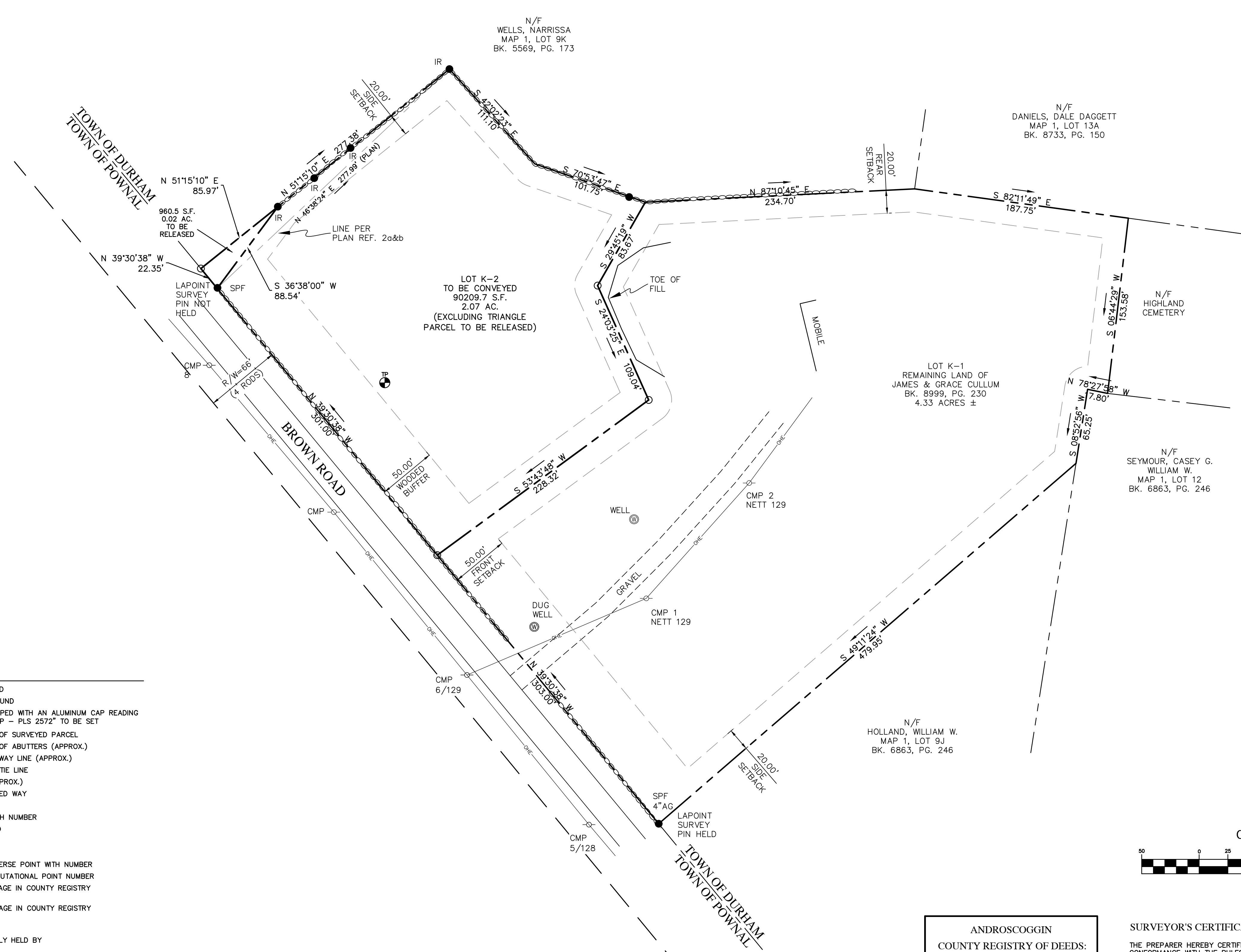
- TITLE REFERENCE FOR SURVEYED PARCEL:**
BK 8999, PG 230 (ANDROSCOGGIN COUNTY REGISTRY OF DEEDS)
- PLAN REFERENCE(S):**
A. PLAN ENTITLED, "BROWN SUBDIVISION PLAN", DATED NOV. 1, 1995, BY DANIEL LAPPOINT, RECORDED IN PB 39, PG 31.
B. PLAN ENTITLED, "LAPPOINT SUBDIVISION", DATED APRIL 1, 1994, BY DANIEL LAPPOINT, RECORDED IN PB 39 PG 135.
- AREA INFORMATION:**
2.07 ACRES (PROPOSED PARCEL)
- TAX MAP REFERENCE:**
TAX MAP 1, LOT 9A.
- BASIS OF BEARINGS:**
BEARINGS ARE MAGNETIC (1995) AND ARE BASED ON PLAN 2a.
- THE PROPOSED LOT IS TO BE SERVED BY A PRIVATE ON-SITE WELL MEETING THE MINIMUM SEPARATION DISTANCE FROM SUBSURFACE WASTEWATER DISPOSAL SYSTEMS. NO DUG WELLS ARE PERMITTED.
- THE PROJECT AREA IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) OF THE FLOOD INSURANCE RATE MAPS (FIRMS) FOR ANDROSCOGGIN COUNTY, MAINE. THE PROJECT AREA IS LOCATED ON COMMUNITY PANEL 23001C0461E, EFFECTIVE JULY 8, 2013.
- THE PURPOSE OF THIS PLAN IS TO FACILITATE A SUBDIVISION AMENDMENT OF LOT K (AKA 9A-2), CREATING A NEW 2.07 ACRE LOT AND A REMAINING LOT OF 4.33 ACRES TO BE RETAINED BY CULLUM.

RURAL RESIDENTIAL & AGRICULTURE ZONING DISTRICT (RRA)		
ZONING STANDARD	REQUIRED	PROPOSED
MIN. LOT SIZE:	90,000 S.F.	90,209.7 S.F.
MIN. ROAD FRONTAGE	300'	301'
MIN. SETBACKS		
FRONT:	50'	---
REAR:	20'	---
SIDE:	20'	---
MAX. HEIGHT:	35'	---
MAX. IMPERVIOUS COVERAGE	25%	---
MIN. BUILDABLE AREA	40,000 S.F.	90,209.7 S.F.

NET RESIDENTIAL AREA:
 TOTAL LOT AREA = 279,902.45 S.F.
 LESS WETLANDS = 0.0 S.F.
 LESS RIGHT OF WAY = 0.0 S.F.
 TOTAL NUMBER OF LOTS = 279,902.45 / 90,000 S.F PER LOT = 3 LOTS

LEGEND

■	MONUMENT FOUND
●	IRON MARKER FOUND
○	5/8" REBAR, TOPPED WITH AN ALUMINUM CAP READING "CURTIS J. HASLIP - PLS 2572" TO BE SET
---	BOUNDARY LINE OF SURVEYED PARCEL
---	BOUNDARY LINE OF ABUTTERS (APPROX.)
---	ROAD RIGHT OF WAY LINE (APPROX.)
---	COMPUTATIONAL TIE LINE
---	STONE WALL (APPROX.)
---	EDGE OF TRAVELED WAY
---	UTILITY LINE
○CMP 13	UTILITY POLE WITH NUMBER
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
DH	DRILL HOLE
△ 4	ARBITRARY TRAVERSE POINT WITH NUMBER
12, 1001	ARBITRARY COMPUTATIONAL POINT NUMBER
BK 10674, PG 197	DEED BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
PB 195, PG 130	PLAN BOOK & PAGE IN COUNTY REGISTRY OF DEEDS
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY HELD BY
AC.	ACRES
±	MORE OR LESS
⊙	SEWER MANHOLE
☆	LIGHT POLE
⊠	CATCH BASIN
⊞	WATER SHUT OFF
⊞	HYDRANT
⊞	SIGN
⊞	WATER VALVE
⊞	ELEVATION TEMPORARY BENCH MARK
⊞	TEST PIT



ANDROSCOGGIN COUNTY REGISTRY OF DEEDS:

RECEIVED _____

AT _____ HRS _____ MIN _____ M, AND _____

FILED IN PLAN BOOK _____ PAGE _____

ATTESTED: _____

REGISTER

SURVEYOR'S CERTIFICATION:

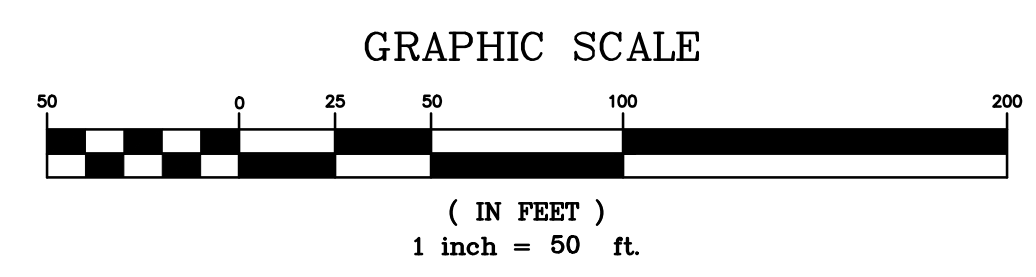
THE PREPARER HEREBY CERTIFIES THAT THIS SURVEY HAS BEEN UNDERTAKEN IN CONFORMANCE WITH THE RULES SET FORTH BY THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, DATED APRIL 1, 2001, FOR A BOUNDARY SURVEY.

CURTIS J. HASLIP #2572

DATE _____

CURTIS J. HASLIP, PLS #2572

NOT VALID UNLESS EMBOSSED HERE



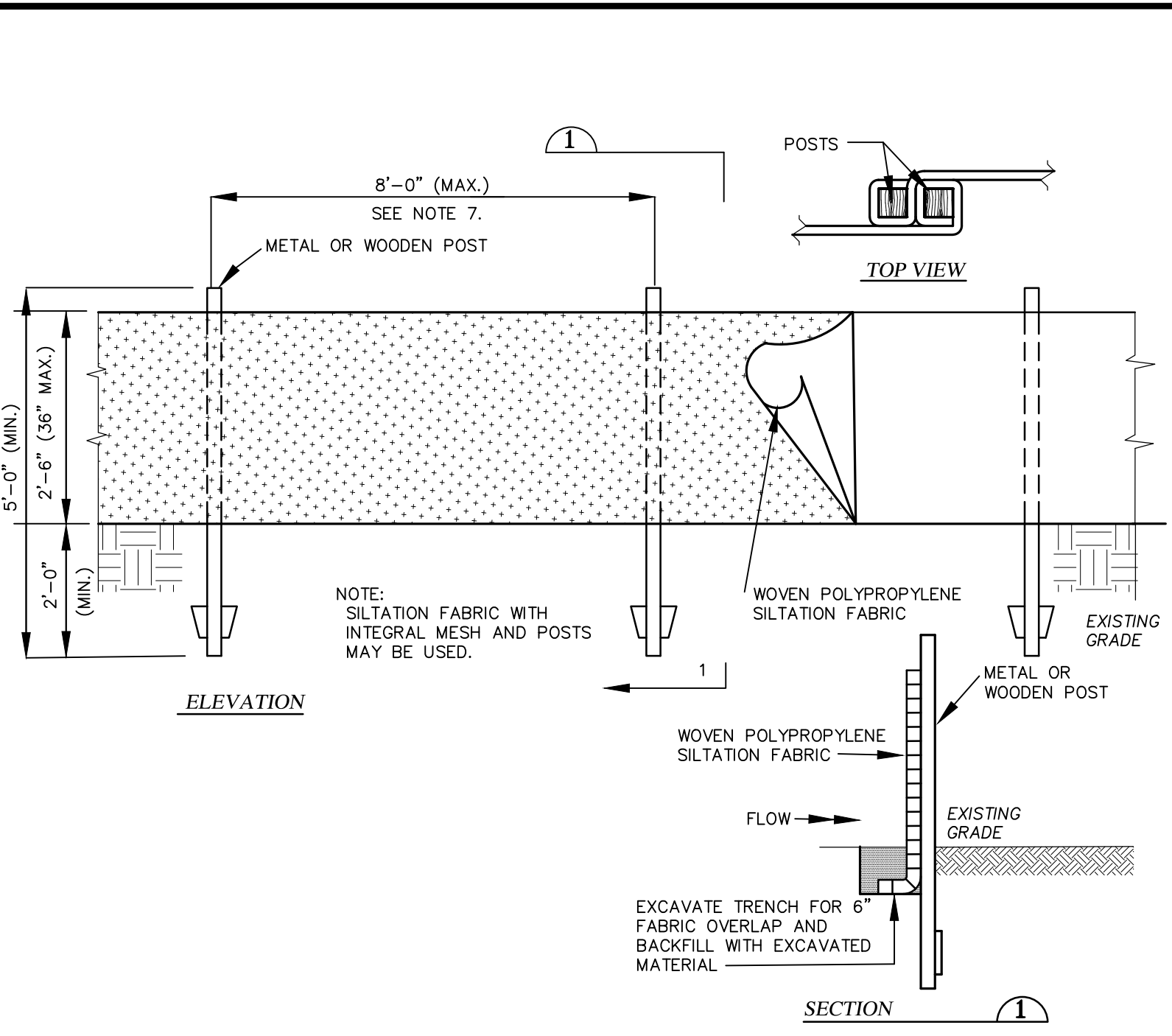
TITLE: SUBDIVISION AMENDMENT PLAN BROWN SUBDIVISION

PROJECT: 43 BROWN ROAD DURHAM, MAINE

OWNER ADDRESS: JAMES & GRACE CULLUM 43 BROWN ROAD, DURHAM, ME 04222

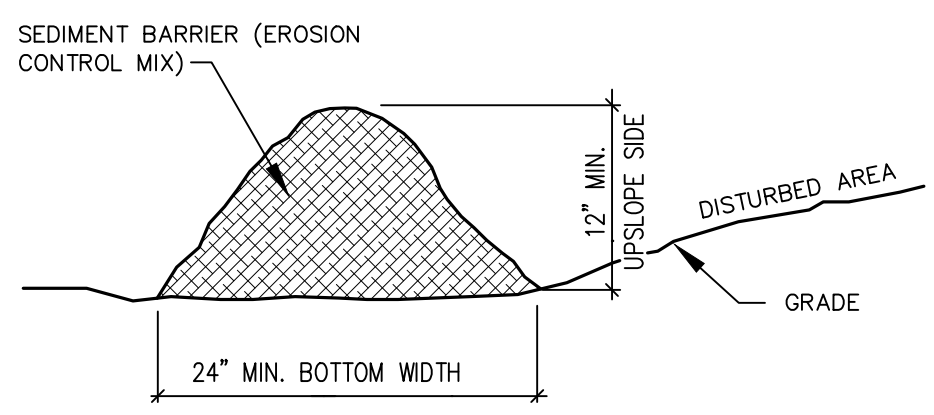
SITELINES
119 PURINTON ROAD, SUITE A
BRUNSWICK, MAINE 04011
207.725.1200
CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS

FIELD WK: CJH	SCALE: 1" = 50'	SHEET: 1
DRN BY: CJH	JOB #: 2918	
CH'D BY: CJH	MAP/PLOT: 1/9A	
DATE: 11/23/2022	FILE: 2918 SV.DWG	



NOTES:

1. THE EROSION CONTROL MIX SHALL CONTAIN A WELL GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4" DIAMETER. EROSION CONTROL MIX MUST BE FREE OF REFUSE, PHYSICAL CONTAMINANTS, AND MATERIAL TOXIC TO PLANT GROWTH.
2. PLACE BARRIER ALONG A RELATIVELY FLAT CONTOUR. CUT TALL GRASSES OR WOODY VEGETATION TO AVOID CREATING VOIDS AND BRIDGES WHERE FINES CAN WASH UNDER THE BARRIER THROUGH GRASS BLADES AND BRANCHES.
3. PLACEMENT OF BARRIER SHOULD BE:
 - AT TOE OF THE SLOPE.
 - FROZEN GROUND, BEDROCK OR ROOTED FORESTED AREAS.
 - THE EDGE OF GRAVEL AND AREAS UNDER CONSTRUCTION.
4. REMOVE SEDIMENT DEPOSITS WHEN THEY REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER.
5. WHEN BARRIER IS DECOMPOSED, CLOGGED WITH SEDIMENT, ERODED OR INEFFECTIVE, IT MUST BE REPLACED OR REPAIRED. THE BARRIER SHOULD BE RESHAPED AS NECESSARY.



A SILT FENCE DETAIL "SEDIMENT BARRIER OPTION"
N.T.S.

B MULCH BERM DETAIL "SEDIMENT BARRIER OPTION"
N.T.S.

EROSION AND SEDIMENTATION PRACTICES:

1. CONTRACTOR SHALL FOLLOW BEST MANAGEMENT PRACTICES OF THE CUMBERLAND COUNTY SOIL CONSERVATION SERVICE AND THE MAINE DEP BEST MANAGEMENT PRACTICES HANDBOOK.

GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES:

EROSION/SEDIMENT CONTROL DEVICES:

THE FOLLOWING EROSION SEDIMENTATION CONTROL DEVICES ARE PROPOSED FOR CONSTRUCTION ON THIS PROJECT. INSTALL THESE DEVICES AS INDICATED ON THE PLANS.

1. SEDIMENT BARRIER: SILT SOXX OR APPROVED EQUAL WILL BE INSTALLED ALONG THE DOWN GRADING EDGES OF DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL THE SITE IS STABILIZED. IN AREAS WHERE STORMWATER DISCHARGES THE SEDIMENT BARRIER WILL BE REINFORCED WITH HAY BALES TO HELP MAINTAIN THE INTEGRITY OF THE SEDIMENT BARRIER AND TO PROVIDE ADDITIONAL TREATMENT.
2. RIPRAP: PROVIDE RIPRAP IN AREAS WHERE CULVERTS DISCHARGE OR AS SHOWN ON THE PLANS.
3. LOAM, SEED, & MULCH: ALL DISTURBED AREAS, WHICH ARE NOT OTHERWISE TREATED, SHALL RECEIVE PERMANENT SEEDING AND MULCH TO STABILIZE THE DISTURBED AREAS. THE DISTURBED AREAS WILL BE REVEGETATED WITHIN 5 DAYS OF FINAL GRADING. SEEDING REQUIREMENTS ARE PROVIDED AT THE END OF THIS SPECIFICATION.
4. STRAW AND HAY MULCH: USED TO COVER DENUDEED AREAS UNTIL PERMANENT SEED OR EROSION CONTROL MEASURES ARE IN PLACE. MULCH BY ITSELF CAN BE USED ON SLOPES LESS THAN 15% IN SUMMER AND 8% IN WINTER. JUTE MESH IS TO BE USED OVER MULCH ONLY.
5. IN LIEU OF MULCH, USE EROSION CONTROL BLANKET (EQUAL TO NORTH AMERICAN GREEN SC150) TO STABILIZE AREAS OF CONCENTRATED FLOW AND DRAINAGE WAYS.

TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES:

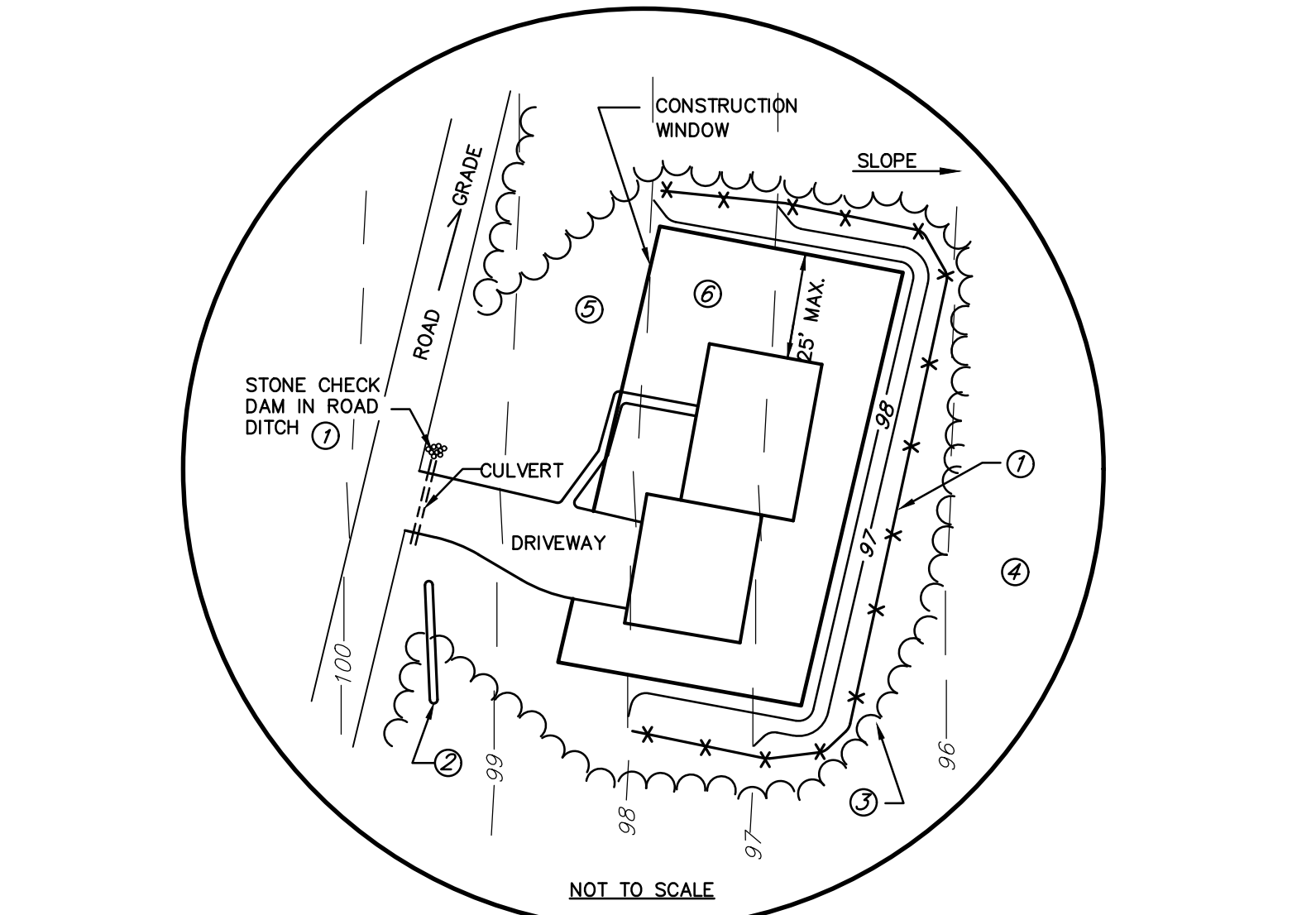
PROVIDE THE FOLLOWING TEMPORARY EROSION/SEDIMENTATION CONTROL MEASURES DURING CONSTRUCTION OF THE DEVELOPMENT:

1. SEDIMENT BARRIER ALONG THE DOWNGRADE SIDE OF THE PARKING AREAS AND OF ALL FILL SECTIONS. THE SEDIMENT BARRIER WILL REMAIN IN PLACE UNTIL THE SITE IS 85% REVEGETATED.
2. HAY BALES PLACED AT KEY LOCATIONS TO SUPPLEMENT THE SEDIMENT BARRIER.
3. PROTECT TEMPORARY STOCKPILES OF STUMPS, GRUBBINGS, OR COMMON EXCAVATION AS FOLLOWS:
 - A. SOIL STOCKPILE SIDE SLOPES SHALL NOT EXCEED 2:1.
 - B. AVOID PLACING TEMPORARY STOCKPILES IN AREAS WITH SLOPES OVER 10 PERCENT, OR NEAR DRAINAGE SWALES. SEE ITEM 3 IN CONSTRUCTION PHASE NOTES BELOW.
 - C. STABILIZE STOCKPILES WITHIN 7 DAYS BY TEMPORARILY SEEDING WITH A HYDROSEED METHOD CONTAINING AN EMULSIFIED MULCH TACKIFIER OR BY COVERING THE STOCKPILE WITH MULCH.
 - D. SURROUND STOCKPILE SOIL WITH SEDIMENT BARRIER AT BASE OF PILE.
4. ALL DENUDEED AREAS WHICH HAVE BEEN ROUGH GRADED AND ARE NOT LOCATED WITHIN THE BUILDING PAD, OR PARKING AND DRIVEWAY SUBBASE AREA SHALL RECEIVE MULCH WITHIN 30 DAYS OF INITIAL DISTURBANCE OF SOIL, OR WITHIN 7 DAYS AFTER COMPLETING OPERATIONS. IN THE EVENT THE CONTRACTOR COMPLETES FINAL GRADING AND INSTALLATION OF LOAM AND SOD WITHIN THE TIME PERIODS PRESENTED ABOVE, INSTALLATION OF MULCH AND NETTING, WHERE APPLICABLE, IS NOT REQUIRED.
5. EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 10 ACRES OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
6. IF WORK IS CONDUCTED BETWEEN OCTOBER 15 AND APRIL 15, ALL DENUDEED AREAS ARE TO BE COVERED WITH HAY MULCH, APPLIED AT TWICE THE NORMAL APPLICATION RATE, AND ANCHORED WITH FABRIC NETTING. THE PERIOD BETWEEN FINAL GRADING AND MULCHING SHALL BE REDUCED TO A 15 DAY MAXIMUM.
7. TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE HAS BEEN STABILIZED OR IN AREAS WHERE PERMANENT EROSION CONTROL MEASURES HAVE BEEN INSTALLED.
8. WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY WETLAND. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY WETLAND, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE WETLAND, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.
9. AREAS WITHIN 75 FT OF A WETLAND WILL BE STABILIZED WITHIN 48 HOURS OF INITIAL DISTURBANCE OF THE SOIL OR PRIOR TO ANY STORM EVENT, WHICHEVER COMES FIRST.
10. ALL AREAS WITHIN 75 FEET OF A WETLAND MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIERS DURING WINTER CONSTRUCTION (NOVEMBER 1 THROUGH APRIL 15).
11. TEMPORARY SEDIMENT BASINS MAY BE INSTALLED DOWNGRADE OF THE DISTURBED AREAS. THESE BASINS MUST BE DESIGNED TO PROVIDE STORAGE FOR EITHER THE CALCULATED RUNOFF FROM A 2-YEAR, 24-HOUR STORM OR PROVIDE FOR 3,600 CUBIC FEET OF CAPACITY PER ACRE DRAINING TO THE BASIN. OUTLET STRUCTURES MUST DISCHARGE WATER FROM THE SURFACE OF THE BASIN WHENEVER POSSIBLE. EROSION CONTROLS AND VELOCITY DISSIPATION DEVICES MUST BE USED IF THE DISCHARGING WATERS ARE LIKELY TO CREATE EROSION. ACCUMULATED SEDIMENT MUST BE REMOVED AS NEEDED FROM THE BASIN TO MAINTAIN AT LEAST 1/3 OF THE DESIGN CAPACITY OF THE BASIN.

PERMANENT EROSION CONTROL MEASURES:

THE FOLLOWING PERMANENT CONTROL MEASURES ARE REQUIRED BY THIS EROSION/SEDIMENTATION CONTROL PLAN:

1. ALL AREAS DISTURBED DURING CONSTRUCTION, BUT NOT SUBJECT TO OTHER RESTORATION (PAVING, RIPRAP, ETC.), WILL BE LOAMED, LIMED, FERTILIZED AND SEED. NATIVE TOPSOIL SHALL BE STOCKPILED AND REUSED FOR FINAL RESTORATION WHEN IT IS OF SUFFICIENT QUALITY.
2. SLOPES GREATER THAN 2:1 WILL RECEIVE RIPRAP. (NONE ANTICIPATED)



INSTALLATION:

1. INSTALL SEDIMENT BARRIERS ON YOUR SITE BEFORE DISTURBING SOILS. SEE THE "SEDIMENT BARRIERS" MEASURE FOR DETAILS ON INSTALLATION AND MAINTENANCE.
2. CONSTRUCT A DIVERSION DITCH TO KEEP UPSLOPE RUNOFF OUT OF WORK AREA.
3. MARK CLEARING LIMITS ON THE SITE TO KEEP EQUIPMENT OUT OF AREAS WITH STEEP SLOPES, CHANNELIZED FLOW, OR ADJACENT SURFACE WATERS AND WETLANDS.
4. PRESERVE BUFFERS BETWEEN THE WORK AREA AND ANY DOWNSTREAM SURFACE WATERS AND WETLANDS. SEE THE "BUFFERS" MEASURE FOR BUFFER PRESERVATION.
5. USE TEMPORARY MULCH AND RYE-SEED TO PROTECT DISTURBED SOILS OUTSIDE THE ACTIVE CONSTRUCTION AREA. SEE THE "MULCHING" MEASURE AND "VEGETATION" MEASURE FOR DETAILS AND SPECIFICATIONS FOR THESE CONTROLS.
6. PERMANENTLY SEED AREAS NOT TO BE PAVED WITHIN SEVEN DAYS OF COMPLETING FINAL GRADING. SEE "VEGETATION" MEASURE FOR INFORMATION ON PROPER SEEDING.

MAINTENANCE:

EVERY MONTH THE FIRST YEAR AFTER CONSTRUCTION AND YEARLY THEREAFTER, INSPECT FOR AREAS SHOWING EROSION OR POOR VEGETATION GROWTH. FIX THESE PROBLEMS AS SOON AS POSSIBLE. EACH SPRING REMOVE ANY ACCUMULATION OF DEBRIS OR WINTER SAND THAT WOULD IMPEDE RUNOFF FROM ENTERING A BUFFER OR DITCH.

C HOUSE SITE BEST MANAGEMENT PRACTICES
N.T.S.

POST-CONSTRUCTION REVEGETATION:

THE FOLLOWING GENERAL PRACTICES WILL BE USED TO PREVENT EROSION AS SOON AS AN AREA IS READY TO UNDERGO FINAL GRADING.

1. A MINIMUM OF 6" OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND GRADED TO A UNIFORM DEPTH AND NATURAL APPEARANCE, OR STONE WILL BE PLACED ON SLOPES TO STABILIZE SURFACES.
2. IF FINAL GRADING IS REACHED DURING THE NORMAL GROWING SEASON (4/15 TO 9/15), PERMANENT SEEDING WILL BE DONE AS SPECIFIED BELOW. PRIOR TO SEEDING, LIMESTONE SHALL BE APPLIED AT A RATE OF 138 LBS/1000 SQ. FT. AND 10:20:20 FERTILIZER AT A RATE OF 18.4 LBS/1000 SQ.FT WILL BE APPLIED. BROADCAST SEEDING AT THE FOLLOWING RATES:
 - LAWNS SHALL BE: ALLEN, STERLING & LATHROP "TUFTURF", 70% DIAMOND TALL FESCUE, 20% PLEASURE OLUS PERENNIAL RYEGRASS, 10% BARON KENTUCKY BLUEGRASS. SEEDING RATE SHALL BE 7-LBS./1,000 SQ. FT.
3. AN AREA SHALL BE MULCHED IMMEDIATELY AFTER IT HAS BEEN SEEDED. MULCHING SHALL CONSIST OF HAY MULCH, HYDRO-MULCH, JUTE NET OVER MULCH, PRE-MANUFACTURED EROSION MATS OR ANY SUITABLE SUBSTITUTE DEEMED ACCEPTABLE BY THE DESIGNER.
 - A. HAY MULCH SHALL BE APPLIED AT THE RATE OF 2 TONS PER ACRE. HAY MULCH SHALL BE SECURED BY EITHER: (NOTE: SOIL SHALL NOT BE VISIBLE)
 - I. BEING DRIVEN OVER BY TRACKED CONSTRUCTION EQUIPMENT ON GRADES OF 5% AND LESS.
 - II. BLANKETED BY TACKED PHOTODEGRADABLE/BIODEGRADABLE NETTING, OR WITH SPRAY, ON GRADES GREATER THAN 5%.
 - B. HYDRO-MULCH SHALL CONSIST OF A MIXTURE OF EITHER ASPHALT, WOOD FIBER OR PAPER FIBER AND WATER SPRAYED OVER A SEEDED AREA. HYDRO-MULCH SHALL NOT BE USED BETWEEN 9/15 AND 4/15.
4. CONSTRUCTION SHALL BE PLANNED TO ELIMINATE THE NEED FOR SEEDING BETWEEN SEPTEMBER 15 AND APRIL 15. SHOULD SEEDING BE NECESSARY BETWEEN SEPTEMBER 15 AND APRIL 15 THE FOLLOWING PROCEDURE SHALL BE FOLLOWED. ALSO REFER TO NOTE 9 OF WINTER CONSTRUCTION.
 - A. ONLY UNFROZEN LOAM SHALL BE USED.
 - B. LOAMING, SEEDING AND MULCHING WILL NOT BE DONE OVER SNOW OR ICE COVER. IF SNOW EXISTS, IT MUST BE REMOVED PRIOR TO PLACEMENT OF SEED.
 - C. WHERE PERMANENT SEEDING IS NECESSARY, ANNUAL WINTER RYE (1.2 LBS./1000 SQ.FT) SHALL BE ADDED TO THE PREVIOUSLY NOTED SEEDING RATE.
 - D. WHERE TEMPORARY SEEDING IS REQUIRED, ANNUAL WINTER RYE (2.6 LBS./1000 SQ. FT.) SHALL BE SOWN INSTEAD OF THE PREVIOUSLY NOTED SEEDING RATE.
 - E. FERTILIZING, SEEDING AND MULCHING SHALL BE APPLIED TO LOAM THE DAY THE LOAM IS SPREAD BY MACHINERY.
 - F. ALTERNATIVE HAY MULCH SHALL BE SECURED WITH PHOTODEGRADABLE/BIODEGRADABLE NETTING. TRACKING BY MACHINERY ALONE WILL NOT SUFFICE.
5. FOLLOWING FINAL SEEDING, THE SITE WILL BE INSPECTED EVERY 15 DAYS UNTIL 90% COVER HAS BEEN ESTABLISHED. RESEEDING WILL BE CARRIED OUT BY THE CONTRACTOR WITHIN 10 DAYS OF NOTIFICATION BY THE ENGINEER THAT THE EXISTING CATCH IS INADEQUATE.

MONITORING SCHEDULE:

THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING, MONITORING, MAINTAINING, REPAIRING, REPLACING AND REMOVING ALL OF THE EROSION AND SEDIMENTATION CONTROLS OR APPOINTING A QUALIFIED SUBCONTRACTOR TO DO SO. MAINTENANCE MEASURES WILL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, A VISUAL INSPECTION WILL BE MADE OF ALL EROSION AND SEDIMENTATION CONTROLS AS FOLLOWS:

1. HAY BALE BARRIERS, SEDIMENT BARRIER, AND STONE CHECK DAMS SHALL BE INSPECTED AND REPAIRED ONCE A WEEK OR IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL. SEDIMENT TRAPPED BEHIND THESE BARRIERS SHALL BE EXCAVATED WHEN IT REACHES A DEPTH OF 6" AND REDISTRIBUTED TO AREAS UNDERGOING FINAL GRADING. SHOULD THE HAY BALE BARRIERS PROVE TO BE INEFFECTIVE, THE CONTRACTOR SHALL INSTALL SEDIMENT BARRIER BEHIND THE HAY BALES.
2. VISUALLY INSPECT RIPRAP ONCE A WEEK OR AFTER EACH SIGNIFICANT RAINFALL AND REPAIR AS NEEDED. REMOVE SEDIMENT TRAPPED BEHIND THESE DEVICES ONCE IT ATTAINS A DEPTH EQUAL TO 1/2 THE HEIGHT OF THE DAM OR RISER. DISTRIBUTE REMOVED SEDIMENT OFF-SITE OR TO AN AREA UNDERGOING FINAL GRADING.
3. REVEGETATION OF DISTURBED AREAS WITHIN 25' OF DRAINAGE-COURSE/STREAM WILL BE SEEDING WITH THE "MEADOW AREA MIX" AND INSPECTED ON A WEEKLY BASIS OR AFTER EACH SIGNIFICANT RAINFALL AND RESEED AS NEEDED. EXPOSED AREAS WILL BE RESEED AS NEEDED UNTIL THE AREA HAS OBTAINED 100% GROWTH RATE. PROVIDE PERMANENT RIPRAP FOR SLOPES IN EXCESS OF 3:1 AND WITHIN 25' OF DRAINAGE COURSE.

HOUSEKEEPING:

SPILL PREVENTION CONTROLS MUST BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON SITE TO ENTER STORMWATER, WHICH INCLUDES STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER. THE SITE CONTRACTOR MUST DEVELOP, AND IMPLEMENT AS NECESSARY, APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING MEASURES.

NOTE: ANY SPILL OR RELEASE OF TOXIC OR HAZARDOUS SUBSTANCES MUST BE REPORTED TO THE DEPARTMENT. FOR OIL SPILLS, CALL 1-800-482-0777 WHICH IS AVAILABLE 24 HOURS A DAY. FOR SPILLS OF TOXIC OR HAZARDOUS MATERIAL, CALL 1-800-452-4664 WHICH IS AVAILABLE 24 HOURS A DAY. FOR MORE INFORMATION, VISIT THE DEPARTMENT'S WEBSITE AT : [HTTP://WWW.MAINE.GOV/DEP/SPILLS/EMERGSPILLSRSP/](http://www.maine.gov/dep/spills/emergspillsrsp/)

GROUNDWATER PROTECTION. DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER MAY NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL, DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS. ANY PROJECT PROPOSING INFILTRATION OF STORMWATER MUST PROVIDE ADEQUATE PRE-TREATMENT OF STORMWATER PRIOR TO DISCHARGE OF STORMWATER TO THE INFILTRATION AREA, OR PROVIDE FOR TREATMENT WITHIN THE INFILTRATION AREA, IN ORDER TO PREVENT THE ACCUMULATION OF FINES, REDUCTION IN INFILTRATION RATE, AND CONSEQUENT FLOODING AND DESTABILIZATION.

NOTE: LACK OF APPROPRIATE POLLUTANT REMOVAL BEST MANAGEMENT PRACTICES (BMPs) MAY RESULT IN VIOLATIONS OF THE GROUNDWATER QUALITY STANDARD ESTABLISHED BY 38 M.R.S.A. §465-(C1).

FUGITIVE SEDIMENT AND DUST. ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL, BUT OTHER WATER ADDITIVES MAY BE CONSIDERED AS NEEDED. A STABILIZED CONSTRUCTION ENTRANCE (SCE) SHALL BE INSTALLED AT THE END OF THE EXIST PAVED ACCESS TO THE SITE TO MINIMIZE TRACKING OF MUD AND SEDIMENT. IF OFF-SITE TRACKING OCCURS, PUBLIC ROADS SHOULD BE SWEEP IMMEDIATELY AND NO LESS THAN ONCE A WEEK AND PRIOR TO SIGNIFICANT STORM EVENTS. OPERATIONS DURING DRY MONTHS, THAT EXPERIENCE FUGITIVE DUST PROBLEMS, SHOULD WET DOWN UNPAVED ACCESS ROADS ONCE A WEEK OR MORE FREQUENTLY AS NEEDED WITH A WATER ADDITIVE TO SUPPRESS FUGITIVE SEDIMENT AND DUST.

DEBRIS AND OTHER MATERIALS. MINIMIZE THE EXPOSURE OF CONSTRUCTION DEBRIS, BUILDING AND LANDSCAPING MATERIALS, TRASH, FERTILIZERS, HERBICIDES, DETERGENTS, SANITARY WASTE AND OTHER MATERIALS TO PRECIPITATION AND STORMWATER RUNOFF. THESE MATERIALS MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

EXCAVATION DE-WATERING. EXCAVATION DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES, FOUNDATIONS, COFFER DAMS, PONDS, AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. NO EXCAVATION DEWATERING IS ANTICIPATED FOR THIS PROJECT. SHOULD IT BE NECESSARY, THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE. A DEWATERING DISCHARGE PLAN SHALL BE SUBMITTED TO THE OWNER'S REPRESENTATIVE FOR APPROVAL.

AUTHORIZED NON-STORMWATER DISCHARGES. IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES ARE NECESSARY, THEY MUST BE IDENTIFIED AND STEPS SHOULD BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:

- (a) DISCHARGES FROM FIREFIGHTING ACTIVITY;
- (b) FIRE HYDRANT FLUSHINGS;
- (c) VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
- (d) DUST CONTROL RUNOFF IN ACCORDANCE WITH PERMIT CONDITIONS AND APPENDIX C(3);
- (e) ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
- (f) PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
- (g) UNCONTAMINATED AIR CONDITIONING AND REFRIGERATION CONDENSATE;
- (h) UNCONTAMINATED GROUNDWATER OR SPRING WATER;
- (i) FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
- (j) UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN APPENDIX C(5));
- (k) POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS; AND
- (l) LANDSCAPE IRRIGATION.

UNAUTHORIZED NON-STORMWATER DISCHARGES. THE MDEP APPROVAL UNDER CHAPTER 500 DOES NOT AUTHORIZE A DISCHARGE THAT IS MIXED WITH A SOURCE OF NON-STORMWATER, OTHER THAN THOSE DISCHARGES IN COMPLIANCE WITH THE AUTHORIZED NON-STORMWATER DISCHARGES INDICATED ABOVE. SPECIFICALLY, THE DEPARTMENT'S APPROVAL DOES NOT AUTHORIZE DISCHARGES OF THE FOLLOWING:

- (a) WASTEWATER FROM THE WASHOUT OR CLEANOUT OF CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS OR OTHER CONSTRUCTION MATERIALS;
- (b) FUELS, OILS OR OTHER POLLUTANTS USED IN VEHICLE AND EQUIPMENT OPERATION AND MAINTENANCE;
- (c) SOAPS, SOLVENTS, OR DETERGENTS USED IN VEHICLE AND EQUIPMENT WASHING; AND
- (d) TOXIC OR HAZARDOUS SUBSTANCES FROM A SPILL OR OTHER RELEASE.

CONSTRUCTION PHASE:

THE FOLLOWING GENERAL PRACTICES WILL BE USED TO PREVENT EROSION DURING CONSTRUCTION OF THIS PROJECT.

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE AND MAINTAIN UNTIL SITE IS PAVED.
2. ONLY THOSE AREAS NECESSARY FOR CONSTRUCTION WILL BE DISTURBED.
3. PRIOR TO THE START OF CONSTRUCTION, SEDIMENT BARRIER WILL BE INSTALLED ACROSS THE SLOPE(S), ON THE CONTOUR, AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT TRAVELLED WAY TO PROTECT IT FROM CONSTRUCTION-RELATED EROSION.
4. CLEAR AND GRUB WORK SITE AS NEEDED TO EXECUTE PLANS USING CAUTION NOT TO OVER EXPOSE THE SITE.
5. STORMWATER MANAGEMENT SYSTEM WILL BE INSTALLED PRIOR TO CONSTRUCTION OF SITE ELEMENTS THAT DISCHARGE TO THESE SYSTEMS. CATCH BASIN INLET PROTECTION SHALL BE INSTALLED IN ALL NEW AND EXISTING CATCH BASINS THAT WILL RECEIVE RUNOFF FROM THE PROJECT. NO STORMWATER SHOULD BE DIRECTED TO THE WET POND UNTIL THE SITE IS COMPLETELY STABILIZED.
6. DISTURBED AREAS WILL BE PERMANENTLY STABILIZED WITHIN 15 DAYS OF FINAL GRADING, OR TEMPORARILY STABILIZED WITHIN 30 DAYS OF THE INITIAL DISTURBANCES OF SOILS. DISTURBED AREAS WILL BE STABILIZED BEFORE STORMS. LOAM WILL BE SAVED FOR LATER USE WHERE POSSIBLE. EXCESS SOIL MATERIALS WILL BE USED AS FILL OR REMOVED FROM SITE TO AN APPROVED LOCATION.
7. AT A MINIMUM, THE EROSION CONTROL MEASURES SHALL BE REVIEWED AND REPAIRED ONCE A WEEK OR IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOWMELT. SEDIMENT TRAPPED BEHIND THESE BARRIERS SHALL BE EXCAVATED WHEN IT REACHES A DEPTH OF 6 INCHES AND BE DISCARDED ON THE SITE. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AS INDICATED ON THE DRAWINGS.
8. LOAM, LIME, FERTILIZE, SEED, AND MULCH LANDSCAPED AND OTHER DISTURBED AREAS.
9. ONCE THE SITE IS STABILIZED AND A 90% CATCH OF VEGETATION HAS BEEN OBTAINED, REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
10. TOUCH UP LOAM AND SEED.

NOTE: ALL DENUDEED AREAS NOT SUBJECT TO FINAL PAVING, RIPRAP OR GRAVEL SHALL BE REVEGETATED.

EROSION CONTROL DURING WINTER CONSTRUCTION:

1. WINTER CONSTRUCTION PERIOD: NOVEMBER 1 THROUGH APRIL 15.
2. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
3. EXPOSED AREA SHALL BE LIMITED TO THOSE AREAS TO BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. AT THE END OF EACH WORK WEEK NO AREAS MAY BE LEFT UNSTABILIZED OVER THE WEEKEND.
4. CONTINUATION OF EARTHWORK OPERATIONS ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED, SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION AS LISTED IN ITEM 2 ABOVE.
5. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR HAY AT A RATE OF 150 LB. PER 1000 S.F. (WITH OR WITHOUT SEEDING) OR DORMANT SEED, MULCH AND ANCHORED SUCH THAT SOIL SURFACE IS NOT VISIBLE THROUGH THE MULCH. NOTE: AN AREA IS ALSO CONSIDERED STABLE IF SODDED, COVERED WITH GRAVEL (PARKING LOTS) OR STRUCTURAL SAND.
6. BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES THE SLOPES SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1 AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, ALL EXPOSED AREAS SHALL BE CONTINUOUSLY GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT UNEXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER. UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW, DITCHES TO BE FINISHED WITH SURFACE TREATMENT. EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF HAY, SEDIMENT BARRIER OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS SHOWN ON THE DESIGN DRAWINGS. NOTE: DORMANT SEEDING SHOULD NOT BE ATTEMPTED UNLESS SOIL TEMPERATURE REMAINS BELOW 50 DEGREES AND DAY TIME TEMPERATURES REMAIN IN THE 30'S.
7. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS, SLOPES GREATER THAN 3% FOR LINES EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 8%. VEGETATED DRAINAGE SWALES SHALL BE SLOPED WITH STRAW-COCONUT EROSION CONTROL BLANKET (NORTH AMERICAN GREEN SC150 OR APPROVED EQUAL).
8. BETWEEN THE DATES OF OCTOBER 15 TO NOVEMBER 1, WINTER RYE IS RECOMMENDED FOR STABILIZATION. AFTER NOVEMBER 1, WINTER RYE IS NOT EFFECTIVE. AROUND NOVEMBER 15 OR LATER, ONCE TEMPERATURES OF THE AIR AND SOIL PERMIT, DORMANT SEEDING IS EFFECTIVE.
9. IN THE EVENT OF SNOWFALL (FRESH OR CUMULATIVE) GREATER THAN 1 INCH DURING WINTER CONSTRUCTION PERIOD ALL SNOW SHALL BE REMOVED FROM THE AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.

SITE INSPECTION AND MAINTENANCE:

1. WEEKLY INSPECTIONS, AS WELL AS ROUTINE INSPECTIONS FOLLOWING EACH RAINFALL, SNOWSTORM, OR THAWING, SHALL BE CONDUCTED BY THE GENERAL CONTRACTOR OF ALL TEMPORARY AND PERMANENT EROSION CONTROL DEVICES UNTIL FINAL ACCEPTANCE OF THE PROJECT (90% GRASS CATCH). RAINFALL OF 0.5 INCHES OR MORE IN 24 CONSECUTIVE HOURS SHALL TRIGGER AN INSPECTION. SNOWFALL OF 2 INCHES OR MORE SHALL TRIGGER AN INSPECTION. CORRECTIVE ACTION SHALL BE STARTED BY THE END OF THE NEXT WORK DAY AND COMPLETED WITHIN SEVEN (7) DAYS OR BEFORE THE NEXT STORM EVENT AS NOTED ABOVE. INSPECTIONS SHALL BE PERFORMED BY SOMEONE WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT ISSUED FOR THE PROJECT. THE SCOPE OF CONSTRUCTION INSPECTIONS INCLUDES DISTURBED AREAS AND IMPERVIOUS AREAS, MATERIAL STORAGE AREAS, AND VEHICLE ACCESS POINTS IN ADDITION TO ESC MEASURES. NECESSARY REPAIRS SHALL BE MADE TO CORRECT UNDERMINING OR DETERIORATION. FINAL ACCEPTANCE SHALL INCLUDE A SITE INSPECTION TO VERIFY THE STABILITY OF ALL DISTURBED AREAS AND SLOPES UNTIL FINAL INSPECTION. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL IMMEDIATELY BE CLEANED, AND REPAIRED BY THE GENERAL CONTRACTOR AS REQUIRED. DISPOSAL OF ALL TEMPORARY EROSION AND CONTROL DEVICES SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. RECORDS OF INSPECTIONS SHALL BE KEPT FOR THREE (3) YEARS.

IT IS RECOMMENDED THAT THE OWNER HIRE THE SERVICES OF THE DESIGN ENGINEER TO PROVIDE COMPLIANCE INSPECTIONS (DURING ACTIVE CONSTRUCTION) RELATIVE TO IMPLEMENTATION OF THE STORMWATER AND EROSION CONTROL PLANS. SUCH INSPECTIONS SHOULD BE LIMITED TO ONCE A WEEK OR AS NECESSARY AND BE REPORTABLE TO THE OWNER, MUNICIPALITY, AND DEP.

DURING WINTER CONSTRUCTION, THE EROSION CONTROL MEASURES SHALL BE INSPECTED AFTER EACH RAINFALL, SNOWSTORM, OR THAWING, AND A MINIMUM OF ONCE PER WEEK.

2. SHORT-TERM SEDIMENTATION MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CLEAN OUT ALL SWALES AND STRUCTURES PRIOR TO TURNING PROJECT OVER.
3. LONG-TERM PROVISIONS FOR PERMANENT MAINTENANCE OF ALL EROSION AND SEDIMENTATION CONTROL DEVICES AFTER ACCEPTANCE OF THE PROJECT SHALL BE THE RESPONSIBILITY OF THE OWNER.

PROGRESS PRINT
THIS PLAN IS ISSUED FOR REVIEW AND INFORMATION PURPOSES ONLY. THIS PLAN IS SUBJECT TO CHANGE AND IS NOT FOR PRICING OR CONSTRUCTION. PRICING BASED ON THIS PLAN IS NOT BINDING UNLESS SIGNED BY BOTH CONTRACTOR AND OWNER.

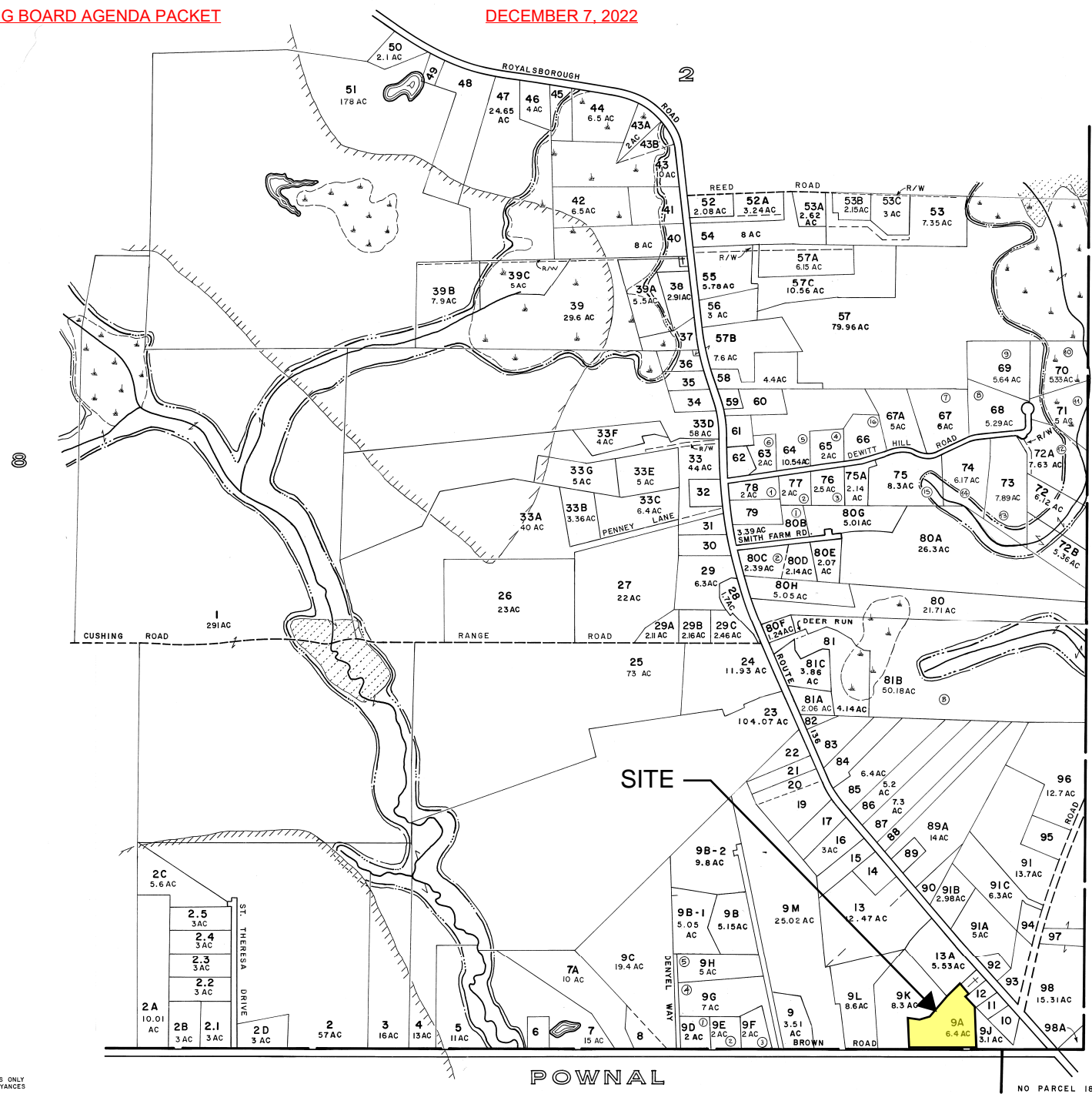
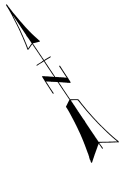
TITLE: **SUBDIVISION AMENDMENT PLAN**
BROWN SUBDIVISION

PROJECT: **43 BROWN ROAD**
DURHAM, MAINE

OWNER ADDRESS: **JAMES & GRACE CULLUM**
43 BROWN ROAD, DURHAM, ME 04222

SITELINES
119 PURINTON ROAD, SUITE A
BRUNSWICK, MAINE 04011
207.725.1200
CIVIL ENGINEERS • PLANNERS • LAND SURVEYORS

FIELD WK: CJH	SCALE: 1" = 50'	SHEET: 2
DRN BY: CJH	JOB #: 2918	
CH'D BY: CJH	MAP/PLOT: 1/9A	
DATE: 11/23/2022	FILE: 2918_DET.DWG	



FREEPORT

SITE

POWNAI

NO PARCEL 18

FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

PREPARED BY PHOTOGRAMMETRIC METHODS BY
JOHN E. O'DONNELL & ASSOCIATES
AUBURN, MAINE
1975

LEGEND
ADJACENT SHEET NO.
COMMON OWNERSHIP
DEVELOPMENT LOT NO.
SCALED DIMENSION

12
OR
1
±

PROPERTY MAP
DURHAM
MAINE

SCALE IN FEET
0 500 1000



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 RECEIPT OF SUBDIVISION APPLICATION

Date: November 23, 2022

The Planning Board of the Town of Durham has received an application for a one lot subdivision at 43 Brown Road Road.

Town records indicate that you own property abutting the parcel proposed to be subdivided. In accordance with Title 30-A M.R.S.A., §4403.3, the Planning Board is required to notify you it has received this application. The Planning Board has not yet determined that the application is complete and has not reviewed the application.

The application is available for your review at the Town Offices at 630 Hallowell Road. The next scheduled meeting to discuss the application is December 7, 2022 at 6:30 p.m. At that meeting, the Planning Board will review the application to determine if it is complete and ready for formal review. When the Board determines that it has received a complete application, it will decide whether to conduct a site walk and/or a public hearing before reviewing the application for consistency with the subdivision review criteria and performance standards.

The Planning Board welcomes public comment submitted in writing or by email. The Board is required by law to approve a subdivision application if it meets all of the adopted review criteria and standards. It must deny any application that fails to meet any of the criteria and standards. Please focus any public comments on whether the application, in your view, meets or fails to meet requirements of the subdivision regulations. If you have questions about those requirements, you can contact Alan Plummer, the Code Enforcement Officer at **207-376-6558** or email to: aplummer@durhammaine.gov.

Abutting Property	Mailing Address
N/F YOUNG, KENNETH JR MAP 1, LOT 11 BK. 1289, PG. 96	YOUNG, KENNETH JR KILCOLLINS, CONNIE E PO BOX 913 SCARBOROUGH ME 04070-0913
N/F SEYMOUR, CASEY G. WILLIAM W. MAP 1, LOT 12 BK. 6863, PG. 246	SEYMOUR, CASEY G 1875 ROYALSBOROUGH RD DURHAM ME 04222-5243
N/F DANIELS, DALE DAGGETT MAP 1, LOT 13A BK. 8733, PG. 150	DANIELS, DALE DAGGETT 1815 ROYALSBOROUGH RD DURHAM ME 04222-5243
N/F HOLLAND, WILLIAM W. MAP 1, LOT 9J BK. 6863, PG. 246	HOLLAND, WILLIAM W HOLLAND, GRACE E 29 BROWN RD DURHAM ME 04222-5279
N/F WELLS, NARRISSA MAP 1, LOT 9K BK. 5569, PG. 173	WELLS, NARRISSA WELLS, ANDREW 63 BROWN RD DURHAM ME 04222-5279
N/F BROWN, JACQUELINE MAP 1, LOT 7.01	BROWN, JACQUELINE 2 BROWN RD POWNALE ME 04069
N/F DAY, KATHERINE BOND MAP 1, LOT 7.05	DAY, KATHERINE BOND 143 POLAND RANGE ROAD POWNALE ME 04069
N/F LEROYER, KATHARINE P MAP 1, LOT 7.07.01	LEROYER, KATHARINE P 48 BROWN RD POWNALE ME 04069
N/F SHATNEY, WAYNE A SHATNEY, SANDRA J MAP 1, LOT 7.02	SHATNEY, WAYNE A SHATNEY, SANDRA J 96 BROWN RD POWNALE ME 04069
N/F ROY, MATTHEW M CULBERTSON, CAROLINE A MAP 1, LOT 7	ROY, MATTHEW M CULBERTSON, CAROLINE A 72 BROWN RD POWNALE ME 04069
N/F ROY, MATTHEW M CULBERTSON, CAROLINE A MAP 1, LOT 7.07	ROY, MATTHEW M CULBERTSON, CAROLINE A 72 BROWN RD POWNALE ME 04069
N/F WEAVER, TIMOTHY J., JR. WEAVER, MEREDITH S MAP 1, LOT 7.04	WEAVER, TIMOTHY J., JR. WEAVER, MEREDITH S 28 BROWN RD POWNALE ME 04069

N/F COLLARD, MARK J COLLARD, MELISSA (JT) MAP 1, LOT 8	COLLARD, MARK J COLLARD, MELISSA (JT) 6 BROWN RD POWNALE ME 04069
---	--

N O T W A R R A N T Y D E E D N O T
A N A N
O F F I C I A L O F F I C I A L
C O P Y C O P Y

Peter F. Liscomb and Elizabeth A. Liscomb of Bar Harbor, Hancock County, Maine, for consideration paid, grant to James L. Cullum and Grace M. Cullum of Port St. Lucie, St. Lucie County, Florida, with Warranty Covenants, as joint tenants and not as tenants in common, the real property situated in Durham, Androscoggin County, Maine, more particularly described as follows:

A certain lot or parcel of land, with any buildings thereon, situated on the Northeasterly side of Brown Road in the Town of Durham, County of Androscoggin and State of Maine, more particularly described as follows:

Being Lot 9A-2, "Remaining Land of Kevin Brown" 6.4 Acres as depicted on the Brown Subdivision Plan prepared by Daniel T. C. LaPoint, PLS, dated November 1, 1995 and recorded in the Androscoggin County Registry of Deeds in Plan Book 39, Page 31.

MEANING AND INTENDING to convey the premises set forth in Deed from Peter F. Liscomb to Peter F. Liscomb and Elizabeth A. Liscomb dated August 10, 2006, and recorded in Book 6863, Page 248.

Witness our hands and seals this 18 day of September, 2014.

Signed, Sealed and Delivered in presence of:

Amanda G. Horton
Witness

Peter F. Liscomb
Peter F. Liscomb

Amanda G. Horton
Witness

Elizabeth A. Liscomb
Elizabeth A. Liscomb

STATE OF MAINE

Sept 15, 2014 Hancock County, ss.

September

Personally appeared the above named Peter F. Liscomb and acknowledged the foregoing instrument to be his free act and deed, before me, Elizabeth A. Liscomb

Sylvia B. Cunningham
Notary Public

SYLVIA B. CUNNINGHAM
Notary Public, Maine
My Commission Expires April 15, 2017



November 22, 2022

2918.01

James & Grace Cullum
43 Brown Road
Durham, ME 04222

**Re: Designation of Agent Authorization
43 Brown Road, Durham, ME
Tax Map 1, Lot 9A**

Dear James & Grace:

As required by various approval agencies, please indicate by signing below that Sitelines, PA is authorized to act as your agent for the specific purpose of preparation and submission of local and state permitting applications on your behalf for the proposed Subdivision Amendment of Lot K of the Brown Subdivision Plan, identified as Tax Map 1, Portion of Lot 9A in Durham, Maine.

Very truly yours,

Kevin P. Clark

Kevin P. Clark, PLS
President

The undersigned hereby gives Sitelines, PA the authority to act as agent for James & Grace Cullum for the specific purpose of preparation and submission of local and state permitting applications for the project specifically identified above.

James & Grace Cullum
James Cullum

11-22-22
Date

Preliminary Wastewater Disposal Investigation Cullum Property, 43 Brown Road, Durham

Date: November 20, 2020

To: Jim & Grace Cullum
43 Brown Road
Durham, ME 04222

Date of Investigation: November 12, 2020

Location of Investigation:

The property investigated is located at 43 Brown Road, Durham. It is a proposed lot division.

Purpose of Investigation:

The purpose of the investigation was to assess the suitability under the *Maine Subsurface Wastewater Disposal Rules (the Rules)* for on-site wastewater disposal systems to serve a single-family residence.

Method of Investigation:

A soil auger and probe were used. The tested site was flagged for location by the surveyor.

Results of the Investigation:

The property is located on the westerly slope of a small knoll (see Figure 1). Drainage is southwesterly to Chandler Brook, East Branch. The site is depicted as an association of

Charlton very stony fine sandy loam and Sutton very stony loam on the *National Cooperative Soil Survey* (see Figure 2). On-site soil testing generally agrees with this mapping.

A soil description log and sketch map are enclosed. The soil is a fine sandy loam with a seasonally high-water table and a restrictive horizon 18 inches below the surface. The soils are rated Medium-Large by the *Rules* for wastewater disposal sizing and are categorized as 3C. There is a minor water course on the property that requires a 50 foot setback to a disposal area.

A typical septic system for a three-bedroom home on these soils is a stone bed, 20' x 45' in size. Other disposal options include space saving chambers and Eljen Indrain devices. Any disposal area will be mounded 12 to 24 inches above existing grades. A wastewater pump can be avoided by proper foundation height.

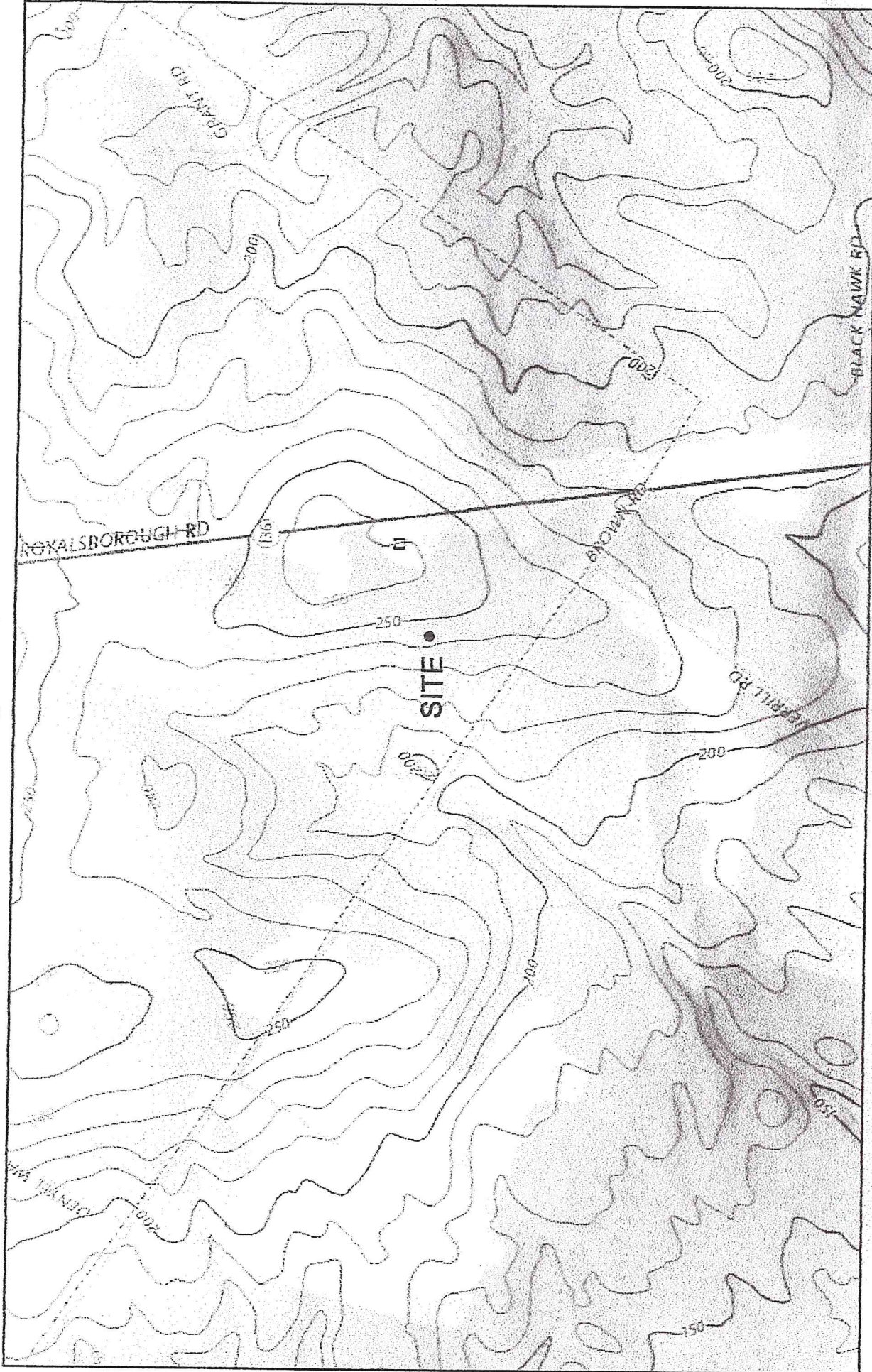
Conclusions:

A suitable site for subsurface wastewater disposal to serve a single-family residence was located. Further investigations will be required to design a specific wastewater disposal system on any site.



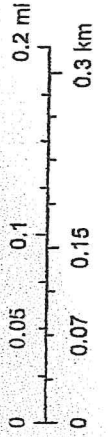
Mark Cenci
Site Evaluator #262

Figure 1,



11/13/2020 1:44:43 PM

1:9,028



Normal Intermediate Contours

Normal Index Contours

Soil Map—Androscoggin and Sagadahoc Counties, Maine, and Cumberland County and Part of Oxford County, Maine

Figure 2.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	6.5	6.6%
CfB	Charlton fine sandy loam, 0 to 8 percent slopes	1.2	1.2%
ChB	Charlton very stony fine sandy loam, 0 to 8 percent slopes	10.0	10.1%
ChC	Charlton very stony fine sandy loam, 8 to 15 percent slopes	16.4	16.6%
ChD	Charlton very stony fine sandy loam, 15 to 25 percent slopes	0.6	0.7%
HfB	Hartland very fine sandy loam, 2 to 8 percent slopes	7.5	7.7%
NgB	Ninigret fine sandy loam, 0 to 8 percent slopes	0.9	0.9%
PbB	Paxton loam, 2 to 8 percent slopes	0.9	0.9%
PfC	Paxton very stony loam, 8 to 15 percent slopes	1.1	1.1%
ScA	Scantic silt loam, 0 to 3 percent slopes	2.5	2.6%
SuD2	Suffield silt loam, 15 to 30 percent slopes, eroded	0.3	0.3%
SyB	Sutton very stony loam, 0 to 8 percent slopes	11.3	11.5%
WsB	Woodbridge very stony loam, 0 to 8 percent slopes	6.4	6.5%
Subtotals for Soil Survey Area		65.7	66.8%
Totals for Area of Interest		98.4	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	0.2	0.2%
EmB	Elmwood fine sandy loam, 0 to 8 percent slopes	3.6	3.7%
HfB	Hartland very fine sandy loam, 3 to 8 percent slopes	0.3	0.3%
PbB	Paxton fine sandy loam, 3 to 8 percent slopes	3.5	3.6%
PbC	Paxton fine sandy loam, 8 to 15 percent slopes	11.7	11.9%
PbD	Paxton fine sandy loam, 15 to 25 percent slopes	7.3	7.4%

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Health Services
Division of Health Engineering, Station 10
(207) 287-5872 Fax (207) 287-3165

Town, City, Plantation

DURHAM

Street, Road, Subdivision

43 BROWN ROAD

Owner or Applicant Name

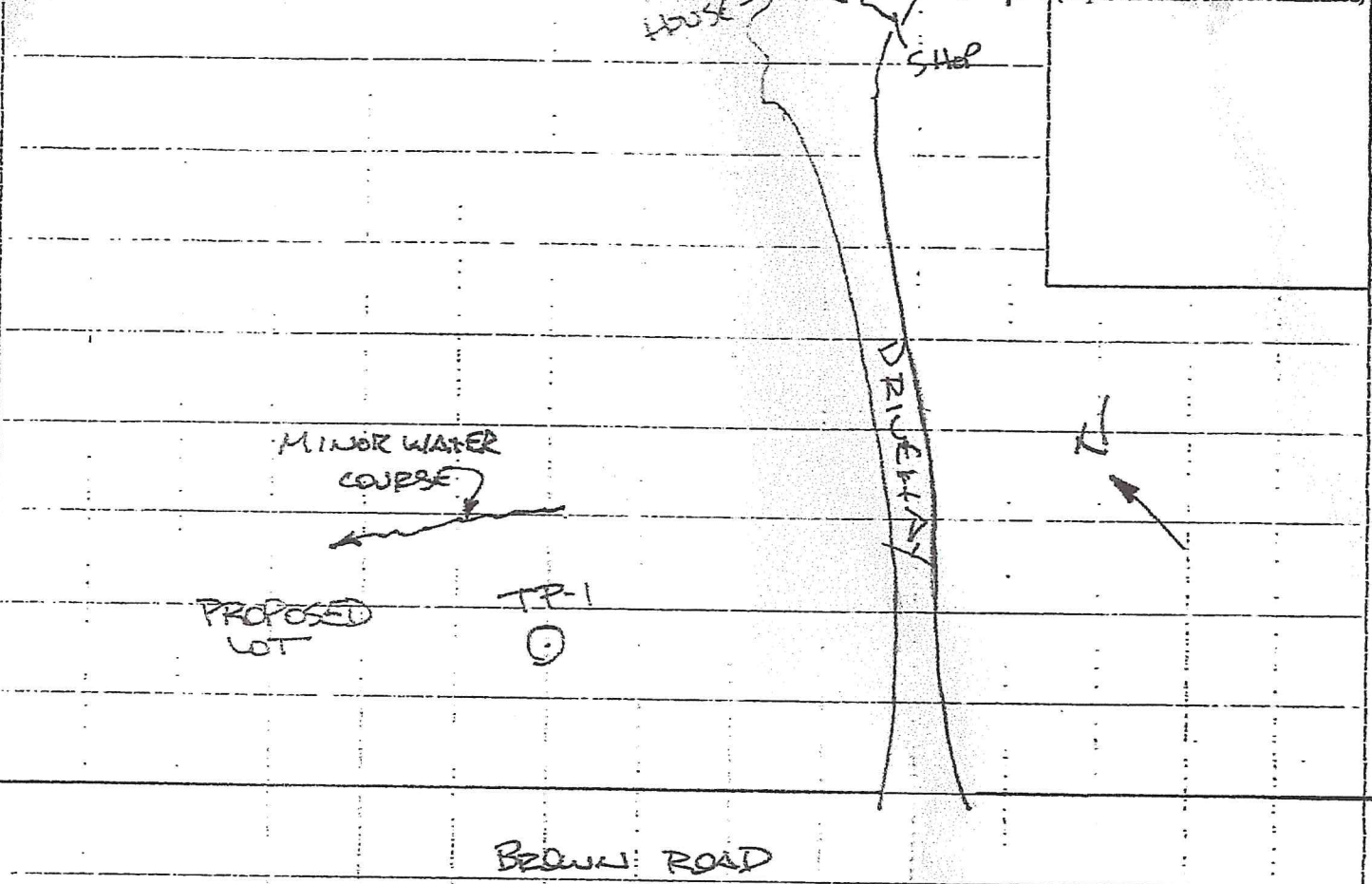
CULLUM

SITE PLAN

Scale 1" = 80 ft $\frac{1}{80}$

SITE LOCATION PLAN

(map from Maine Atlas recommended)



SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # TP-1 Test Pit Boring

" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	FINE			
6	SANDY FINE	FINE	YELLOW	
12	LOAM		BROWN	
18	<hr/>			
24	SILT LOAM	FIRM	BROWN	FE
30				
36				
42				
48				

Observation Hole # _____ Test Pit Boring

" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

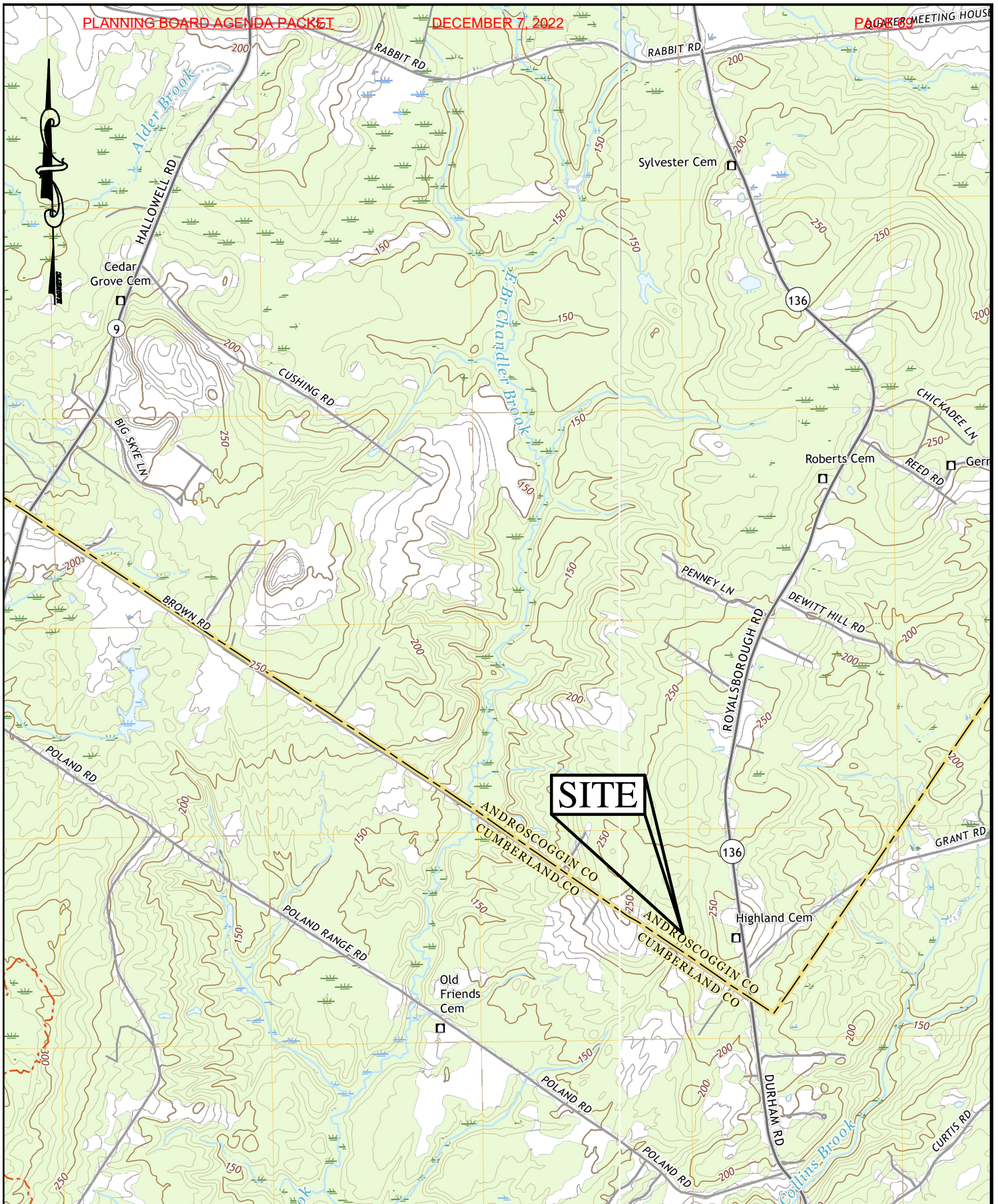
Soil Profile	Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Groundwater
7	C		18	<input type="checkbox"/> Restrictive Layer
	Condition	Percent	Depth	<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

Soil Profile	Classification	Slope	Limiting Factor	<input type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

Site Evaluator Signature Mark J. [Signature]

SE # 262

Date 11-25-20



SITE

SITELINES
 119 PURINTON ROAD, SUITE A
 BRUNSWICK, ME 04011
 207.725.1200
CIVIL ENGINEERS • LAND SURVEYORS

USGS LOCATION MAP
 BROWN SUBDIVISION
 JAMES & GRACE CULLUM
 43 BROWN ROAD

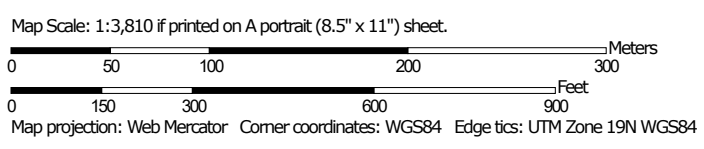
DATE: 11/22/2022
SCALE: 1" = 2000'
JOB: 2918
FILE: 2918 USGS

SHEET: 1 OF 1

Soil Map—Androscoggin and Sagadahoc Counties, Maine, and Cumberland County and Part of Oxford County, ... (BROWN SUBDIVISION SOILS MAP)




Soil Map may not be valid at this scale.





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at scales ranging from 1:15,800 to 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Androscoggin and Sagadahoc Counties, Maine
Survey Area Data: Version 23, Aug 30, 2022

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 19, Aug 30, 2022

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

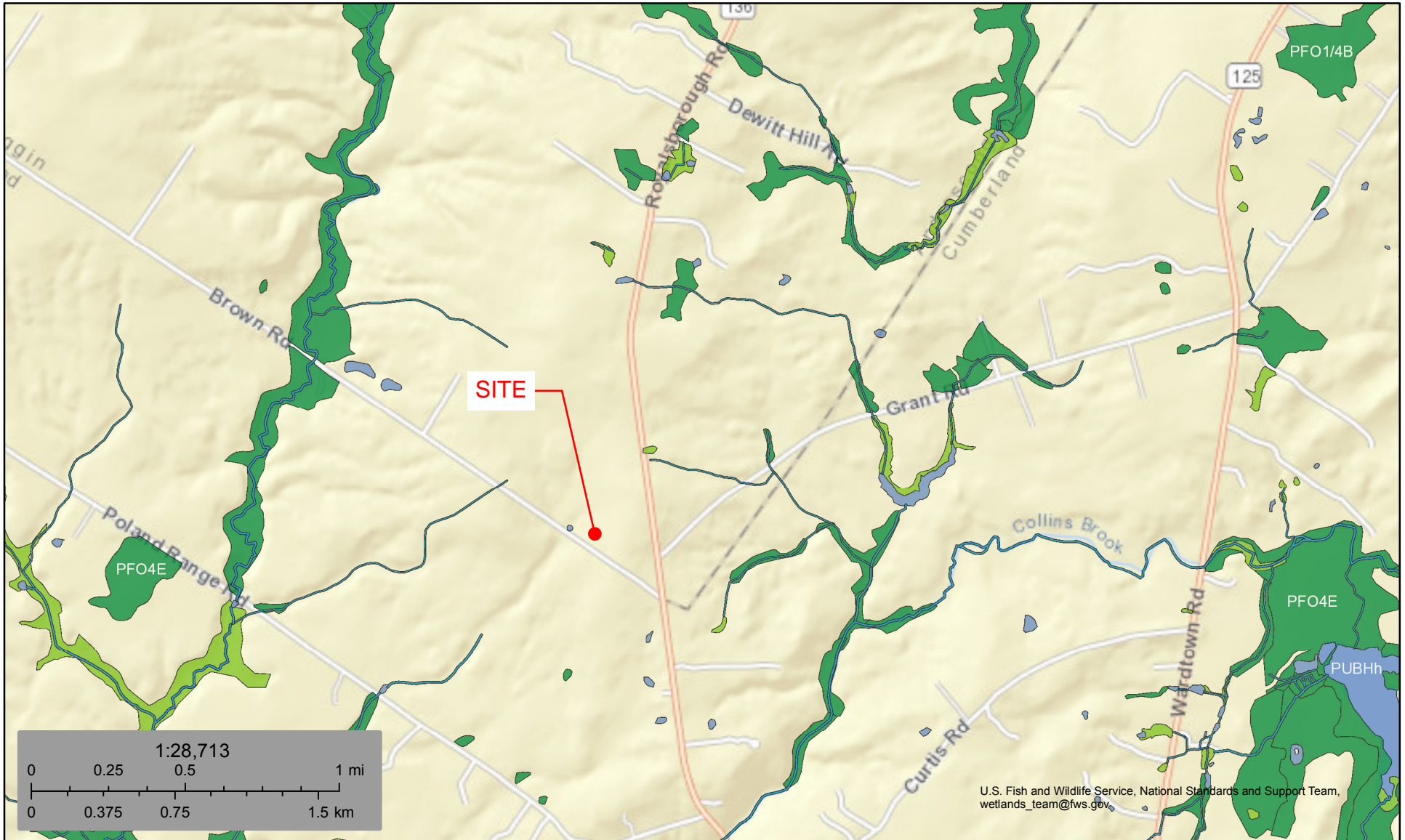
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

MAP LEGEND

MAP INFORMATION

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov

November 22, 2022

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

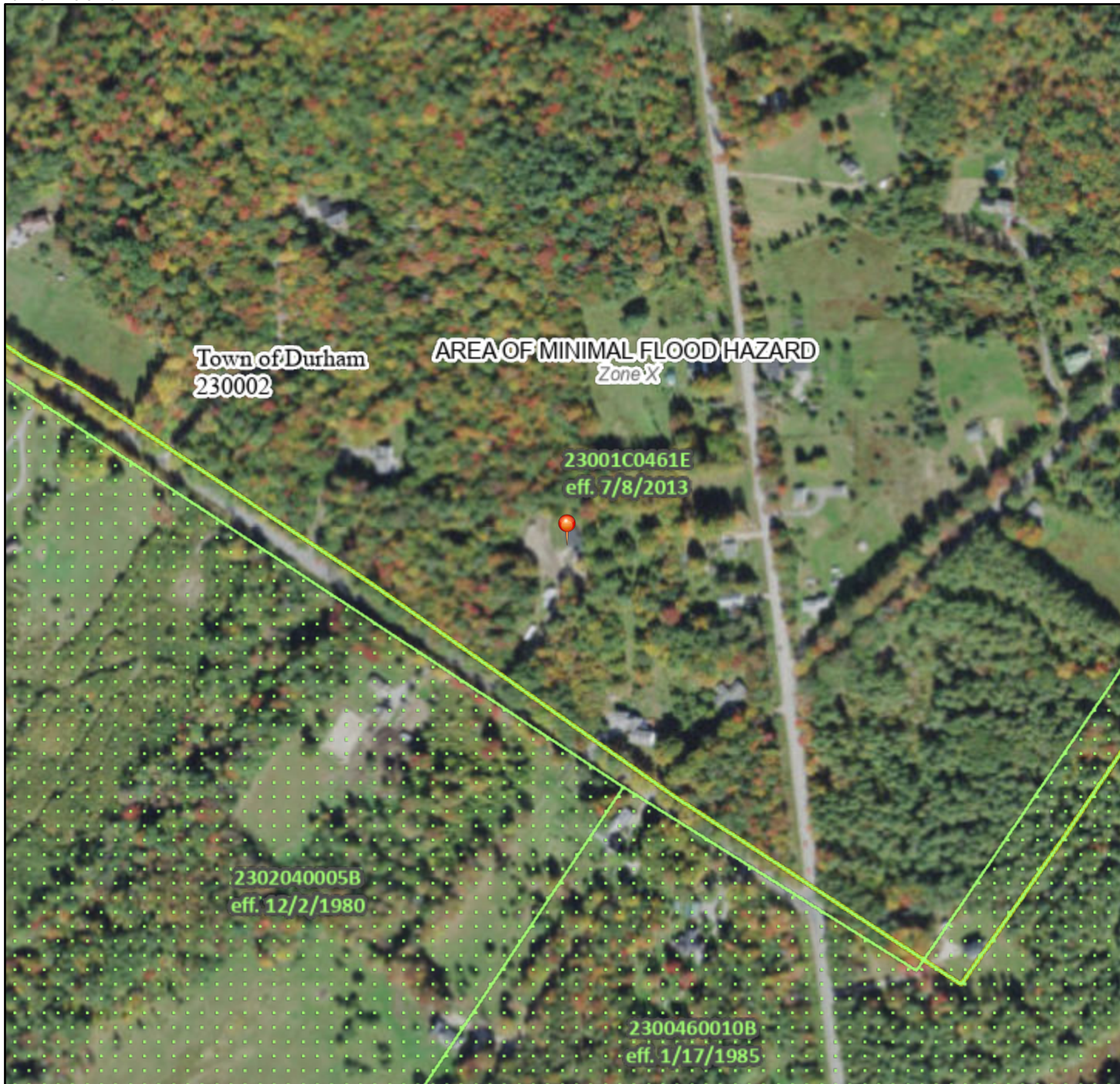
National Flood Hazard Layer FIRMette

PLANNING BOARD AGENDA PACKET

DECEMBER 7, 2022



70°7'29"W 43°54'48"N



70°6'51"W 43°54'22"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend PAGE 74

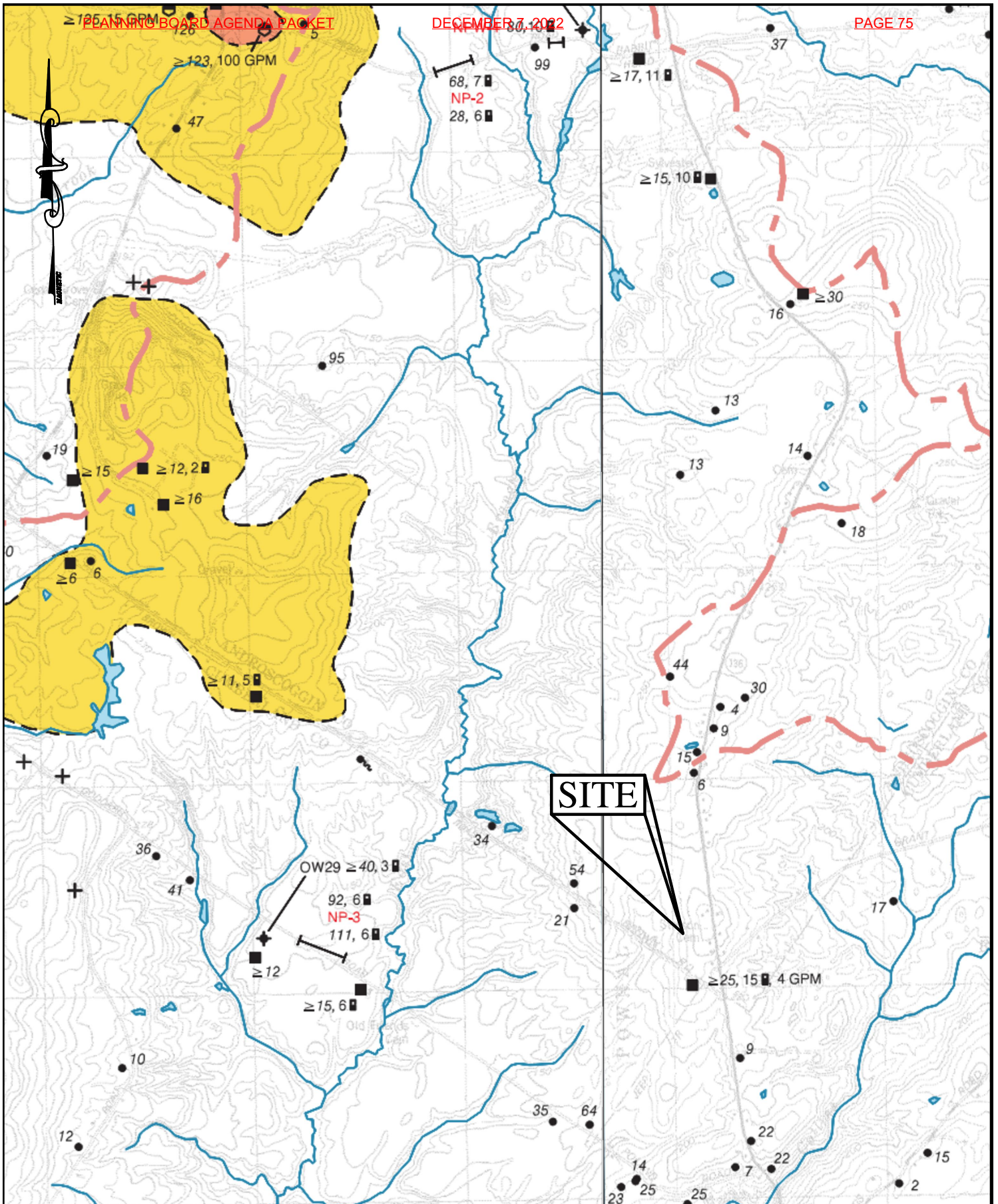
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i>
With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
Effective LOMRs
Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES | Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall |
| OTHER FEATURES | Cross Sections with 1% Annual Chance Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature |
| MAP PANELS | Digital Data Available
No Digital Data Available
Unmapped |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/22/2022 at 8:47 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



SITELINES
 119 PURINTON ROAD, SUITE A
 BRUNSWICK, ME 04011
 207.725.1200
CIVIL ENGINEERS • LAND SURVEYORS

SAND AND GRAVEL AQUIFERS MAP
 BROWN SUBDIVISION
 JAMES & GRACE CULLUM
 43 BROWN ROAD

DATE: 11/22/2022
 SCALE: 1" = 2000'
 JOB: 2918
 FILE: 2918 AQUIFERS

SHEET: 1 OF 1



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

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

SUBDIVISION WAIVER REQUEST

A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED

Subdivision Name: Brown Subdivision Amendment

Application Date: 11/22/2022

A. Applicant Contact Information

Applicant: James & Grace Cullum Address: 43 Brown Road
Telephone number: 207-798-0317 Durham, ME 04222
Email address: pacearrow@hotmail.com

B. Identification of Waiver Request

Waiver Type: Submissions _____ Procedures _____ Performance Standards X _____
Land Use Ordinance Section Number: 6.16.C

C. Explanation of Waiver Request

Why is the waiver being requested by the applicant?

As there is only one new lot proposed, the requirement to provide facilities to ensure adequate water supply is onerous.

D. Justification of Waiver Request

Why do you think that a waiver of the subdivision requirements is justified in this case?

We request a waiver of this section because the cost to install a tank or a pond with a hydrant is onerous to the applicant. We recommend that the Board grant a waiver provided that a Condition of Approval is included within the approval to require a Residential Sprinkler System when a new home is constructed on the property.

E. Supporting Documentation

What supporting documentation for the waiver has been included with the subdivision application?

N/A

F. Signature of Applicant

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

Kevin P. Clark, PLS Digitally signed by Kevin P. Clark, PLS
DN: c=US, E=kclark@stltnespa.com, O="Stltnespa,
PA", OU=President, CN="Kevin P. Clark, PLS"
Date: 2022.11.23 16:30:49-0500

11/22/2022

Printed Name: Kevin Clark (Agent)

Date

Subdivision Name: Brown Subdivision Amendment

SUBDIVISION WAIVER REQUEST FINDINGS OF FACT

Section 6.35 WAIVERS

A. **Waivers of Certain Submission Requirements:** Where the Board makes written findings of fact that there are special circumstances of a particular tract proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning regulations, or these subdivision regulations.

Motion made by _____: The special circumstances of the particular tract proposed for development and the simple nature of the application indicate that the following submission item is unnecessary to verify compliance with the subdivision review criteria and standards and would not nullify the intent and purpose of the comprehensive plan, zoning regulations, or these subdivision regulations:

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

B. **Waivers of Procedural Requirements:** The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a “Permit by Rule;”
3. The Board agrees to approve a waiver from the requirements to submit a stormwater management plan and sedimentation and erosion control plan; and,
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted by the Planning Board.

Motion made by _____: The proposed subdivision meets the criteria for granting a waiver to combine preliminary and final approvals.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

Subdivision Name: Brown Subdivision Amendment

C. **Waivers of Performance Standards:** Where the Board makes written findings of fact that due to special circumstances of a particular tract proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or an alternative design is equal to or better in meeting the statutory review criteria, it may waive the design standards, subject the following criteria:

1. The applicant has provided the Planning Board with a factual basis for granting the waiver that is supported by sound engineering and/or environmental analysis (cost considerations are not justification);
2. The waiver(s) do not have the effect of nullifying the intent and purpose of the zoning regulations or these subdivision regulations;
3. The performance standards of these regulations have been substantially met and the criteria of the subdivision statute have been or will be met by the proposed subdivision; and,
4. The requested performance standard waivers are noted on the recorded subdivision plan (submission waivers and procedural waivers are not noted on the plan).

Motion made by _____: The applicant has provided documentation based on sound engineering and/or environmental analysis that the following standard can be waived for the proposed subdivision and is not requisite to provide for the public health, safety, and welfare subject to the proposed conditions of subdivision approval:

_____.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____



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Durham, Maine 04222

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and Planning**

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SUBDIVISION WAIVER REQUEST

A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED

Subdivision Name: Brown Subdivision Amendment

Application Date: 11/22/2022

A. Applicant Contact Information

Applicant: James & Grace Cullum Address: 43 Brown Road
Telephone number: 207-798-0317 Durham, ME 04222
Email address: pacearrow@hotmail.com

B. Identification of Waiver Request

Waiver Type: Submissions X Procedures _____ Performance Standards _____
Land Use Ordinance Section Number: 6.9.B.6

C. Explanation of Waiver Request

Why is the waiver being requested by the applicant?

The location of the soils test pit is shown on the plan. Due to the low density of only one new lot of more than 2-acres, a waiver is being requested for showing the well exclusion zone or performing a hydrogeological assessment.

Subdivision Name: Brown Subdivision Amendment

D. Justification of Waiver Request

Why do you think that a waiver of the subdivision requirements is justified in this case?

As the project consists of only one new lot and it creates a nominal change in density in the area, a Ground Water Impact Study is not warranted. If the septic system and well are installed and maintained in accordance with existing regulations, no adverse impact is anticipated.

E. Supporting Documentation

What supporting documentation for the waiver has been included with the subdivision application?

N/A

F. Signature of Applicant

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

Kevin P. Clark, PLS Digitally signed by Kevin P. Clark, PLS
DN: c=US, E=kevicla@stetlinespa.com, O="Stetlines, PA",
OU=President, CN="Kevin P. Clark, PLS"
Date: 2022.11.23 16:19:19-05'00'

11/22/2022

Printed Name: Kevin Clark (Agent)

Date

Subdivision Name: _____

SUBDIVISION WAIVER REQUEST FINDINGS OF FACT

Section 6.35 WAIVERS

A. **Waivers of Certain Submission Requirements:** Where the Board makes written findings of fact that there are special circumstances of a particular tract proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning regulations, or these subdivision regulations.

Motion made by _____: The special circumstances of the particular tract proposed for development and the simple nature of the application indicate that the following submission item is unnecessary to verify compliance with the subdivision review criteria and standards and would not nullify the intent and purpose of the comprehensive plan, zoning regulations, or these subdivision regulations:

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

B. **Waivers of Procedural Requirements:** The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
3. The Board agrees to approve a waiver from the requirements to submit a stormwater management plan and sedimentation and erosion control plan; and,
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted by the Planning Board.

Motion made by _____: The proposed subdivision meets the criteria for granting a waiver to combine preliminary and final approvals.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

Subdivision Name: _____

C. **Waivers of Performance Standards:** Where the Board makes written findings of fact that due to special circumstances of a particular tract proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or an alternative design is equal to or better in meeting the statutory review criteria, it may waive the design standards, subject the following criteria:

1. The applicant has provided the Planning Board with a factual basis for granting the waiver that is supported by sound engineering and/or environmental analysis (cost considerations are not justification);
2. The waiver(s) do not have the effect of nullifying the intent and purpose of the zoning regulations or these subdivision regulations;
3. The performance standards of these regulations have been substantially met and the criteria of the subdivision statute have been or will be met by the proposed subdivision; and,
4. The requested performance standard waivers are noted on the recorded subdivision plan (submission waivers and procedural waivers are not noted on the plan).

Motion made by _____: The applicant has provided documentation based on sound engineering and/or environmental analysis that the following standard can be waived for the proposed subdivision and is not requisite to provide for the public health, safety, and welfare subject to the proposed conditions of subdivision approval:

_____.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

Subdivision Name: _____

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
6.6.I.1	(THE APPLICANT HAS INCORPORATED REQUIRED CHANGES CONTAINED IN THE PRELIMINARY APPROVAL CONDITIONS)			
6.8.A	(THE APPLICANT HAS SUBMITTED THE FINAL PLAN APPLICATION WITHIN 6 MONTHS OF PRELIMINARY APPROVAL)			
6.14	REVIEW STANDARDS TO BE ADDRESSED BY THE APPLICANT'S SUBMISSIONS AFTER THE APPLICATION IS DEEMED COMPLETE BY THE PLANNING BOARD			
6.15	POLLUTION STANDARDS (addressed by compliance w/ 6.16, 6.17, 6.19, 6.24, 6.25 & 6.28)			
6.16	SUFFICIENT WATER			
A.	Note on plan prohibiting dug wells		NOT WAIVABLE	NOT WAIVABLE
B.	Wells & septic in accordance with Maine rules		NOT WAIVABLE	NOT WAIVABLE
C.	Proposed fire protection water supply			
6.17	EROSION & SEDIMENTATION IMPACTS			
A. & B.	Erosion & sedimentation plan to be submitted w/ final plans			
C.	Areas intended for vegetation clearing shown on plans			
C.	Required buffers along water bodies shown on plans and referenced in notes			
D.	Statement of intent for topsoil removal or retention			
6.18	TRAFFIC CONDITIONS & STREET STANDARDS			
A.	Meets general standards for safety, congestion, level of traffic, and avoiding large cuts and/or fills			
B.	Meets or will meet any MDOT permit requirements & does not drop service level of access roads (larger projects will require a traffic study)			
C.1	Streets laid out for existing & future interconnections unless major cut-through traffic results			

Subdivision Name: _____

SUBDIVISION REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
C.2	Street names meet addressing requirements		NOT WAIVABLE		NOT WAIVABLE
C.3	Clearing in road rights of way limited and stump disposal areas (if any) noted on plans				
D.	Final plans to contain engineered drawings of streets meeting all requirements of Appendix 1				
6.19	SEWAGE DISPOSAL STANDARDS				
A.	Test pit logs by site evaluator indicate suitable site for septic system on each lot with no variance or easement required				
6.20	SOLID WASTE STANDARDS				
	Level of waste generation within Town's capacity or alternative arrangement				
6.21	IMPACT ON NATURAL BEAUTY, AESTHETICS, HISTORIC SITES, WILDLIFE HABITAT, RARE NATURAL AREAS OR PUBLIC ACCESS TO THE SHORELINE STANDARDS				
A.	Final plans to delineate & note limits of tree clearing & 50-ft buffer along existing roads				
B.1	If any portion is in a designated unique natural area, appropriate preservation measures included in plans				
B.2	If any portion in designated historic or archaeological area or site, appropriate preservation measures included in plans				
B.3	Proposed open space (if any) suitable for intended purposes				
B.4	Intent to transfer any open space to the Town stated if planned				

Subdivision Name: _____

SUBDIVISION REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
C.	If any portion within 250 ft of endangered or threatened species habitat, no adverse impacts documented per:				
C.1	75-ft buffer maintained along habitat (if along or within property)				
C.2	Consultation with IF&W with written comments				
C.3	If recommended by IF& W, wildlife biologist's report on potential impacts & recommended mitigation measures				
D.1	Any existing public access to water bodies maintained with legal protections				
D.2	Final plan notes and deeds to list restrictions on clearing within 100 ft of any resource protected under shoreland zoning				
6.22	CONFORMITY WITH LOCAL ORDINANCES AND PLANS STANDARDS				
	All lots meet zoning dimensional standards & other Land Use Ordinance requirements		NOT WAIVABLE		NOT WAIVABLE
6.23	FINANCIAL AND TECHNICAL CAPACITY STANDARDS				
A.	Bank letter of commitment or equivalent documentation to be provided with final plan (intent indicated)				
B.	Applicant and consultants have documented experience to properly carry out project & no prior violations				

Subdivision Name: _____

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
6.24	IMPACT ON GROUND WATER QUALITY OR QUANTITY STANDARDS			
A.	If required by vote of Planning Board, hydrogeological study to document project will meet safe drinking water standards			
B.	If required by vote of Planning Board, hydrogeological study to document project will have adequate water & not lower the water table			
6.25	FLOODPLAIN MANAGEMENT STANDARDS For projects with identified flood-prone areas:			
A.	Utilities located to avoid flood damage		NOT WAIVABLE	NOT WAIVABLE
B.	Drainage provided to avoid flooding		NOT WAIVABLE	NOT WAIVABLE
C.	Final plan to contain note prohibiting structures in floodplain			
D.	Road crossings & driveways evaluated for emergency access & will withstand 100-year flood			
E.	Project complies with Article 11 floodplain management regulations		NOT WAIVABLE	NOT WAIVABLE
6.26	IDENTIFICATION OF FRESHWATER WETLANDS, RIVERS, STREAMS, OR BROOKS STANDARDS			
	All wetlands delineated by qualified professional & all streams within or abutting project mapped		NOT WAIVABLE	NOT WAIVABLE
6.27	IDENTIFICATION OF FARMLAND STANDARDS			
	All active farmland or prime farmland soils of 5 or more acres mapped			

Subdivision Name: _____

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted	
6.28	STORMWATER MANAGEMENT STANDARDS				
A.	If DEP Site Location Permit required, permits submitted with final plan		NOT WAIVABLE		NOT WAIVABLE
B.	If DEP Stormwater Permit required, permit & plans meeting Appendix 3 submitted with final plan		NOT WAIVABLE		NOT WAIVABLE
C.	Engineer's erosion & sedimentation control plan meeting Appendix 2 to be submitted with final plan				
D.	Projects within watershed of Runaround Pond to submit phosphorus management plan meeting Appendix 4				
E.	If potential for downstream flooding, Board to vote on hydrologic analysis				
6.29	SPAGHETTI-LOTS PROHIBITED STANDARDS				
	No lots within shoreland zone have lot depth to shore frontage ratio in excess of 5 to 1				
6.30	IMPACT ON ADJOINING MUNICIPALITIES STANDARDS				
	If project crosses town boundary, no unreasonable traffic or unsafe conditions in adjoining community				
6.31	COMPLIANCE WITH TIMBER HARVESTING RULES STANDARDS				
A.	No liquidation harvesting on property in the past 5 years		NOT WAIVABLE		NOT WAIVABLE
B.	If question of violation, DACF to be consulted or applicant must submit a licensed forester's letter.				

Subdivision Name: _____

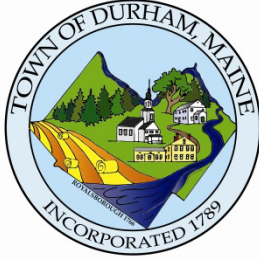
SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
6.32	RESERVATION OR DEDICATION AND MAINTENANCE OF OPEN SPACE AND COMMON LAND, FACILITIES AND SERVICES			
A.	Proposed ownership and maintenance of open space (if any)			
B.	Proposed use and restrictions on open space (if any) clearly stated			
C.	Terms of open space to be noted on final plans			
D.	Final plans to include draft covenants, articles of incorporation & bylaws for homeowners association using Town Attorney approved template (applicant may pay for review of proposed changes)			
E.	Legal documents to adequately address legal responsibility & authority of association			
6.33	CLUSTER DEVELOPMENT ALTERNATIVE			
A.	Planning Board reviewed and endorsed pursuing cluster development at sketch plan stage			
B.1	Site plan integrates home sites and open spaces for views and recreational opportunities of subdivision residents			
B.2	All cluster lots have at least 50% of required road frontage & lot size		NOT WAIVABLE	NOT WAIVABLE
B.3	Maximum number of lots established with net residential acreage calculations		NOT WAIVABLE	NOT WAIVABLE
B.4	Net residential acreage calculations deduct areas for roadways, flood areas, all non-buildable areas, and land in easements		NOT WAIVABLE	NOT WAIVABLE

Subdivision Name: _____

SUBDIVISION REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
B.5	Open space at least 50% of parcel & no more than 50% wetland				
B.6	No reduction of shore frontage for lots in shoreland zone				
B.7	Shore frontage & access included in open space in shoreland zone				
B.8	Dry, suitable building sites provided that are relatively level and provide room to build outside required buffers		NOT WAIVABLE		NOT WAIVABLE
B.9	Common open space to be properly managed (see 6.32)				
6.34	PERFORMANCE GUARANTEES				
A.	Engineer's construction cost estimates for all improvements, stormwater & erosion controls to be submitted with final plan				
B.	Performance guarantee in form of cash or bank letter of credit approved by Town attorney for all costs in 6.34.A to be submitted with final plan application, issued prior to release of recording plan				
C.	Conditional agreement restricting lot sales & building permits prior to completion of improvements proposed & approved by Planning Board with notes on plan & performance guarantee for site stabilization				

Subdivision Name: _____

SUBDIVISION REGULATIONS	Submitted by Applicant		Approved by Planning Board	Waiver Granted
6.35	WAIVERS (Based on review of individual waiver requests)			
A.	For submission waivers, applicant has demonstrated all performance standards have been met	(Attach waiver requests)		
B.	For procedural waivers, no streets proposed, no DEP permits required, no stormwater plan, & all preliminary & final plan submissions met	(Attach waiver requests)		
C.1	For waivers of performance standards, the applicant has provided sound engineering and/or environmental analysis to support the request	(Attach waiver requests)		
C.2	The waivers will not have the effect of nullifying any regulation			
C.3	All performance standards are substantially met without application of the regulation waived			
C.4	Any performance standard waivers are noted on the final plan		NOT WAIVABLE	NOT WAIVABLE



TOWN OF DURHAM
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*Office of Code Enforcement
and Planning*

Tel. (207) 376-6558
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SUBDIVISION APPROVAL DECISION FINDING OF FACTS

PROJECT NAME: ____Amendment of Brown Road Subdivision____

A. PROJECT DESCRIPTION

The proposed project consists of dividing the property into a proposed lot of 2.07 acres and a remaining lot of 4.33 acres. Lot will have frontage on and access from the Brown Road. Each lot will be supported by individual private on-site wells and septic systems. Dug wells are no longer permitted within subdivisions in the Town of Durham. Each lot will have access to electrical and telecommunications service from existing lines and poles located within the Brown Road right-of-way.

B. PROJECT PLAN SUBMISSIONS

1. Subdivision Amendment Plan Brown Subdivision dated November 23, 2022 prepared by Site Lines Civil Engineers, Planners & Surveyors.

C. SUBDIVISION REVIEW CRITERIA

Section 6.2 SUBDIVISION REVIEW CRITERIA

- A. When reviewing any application for a subdivision, the Planning Board shall find that the following criteria as found in 30-A M.R.S.A. §4404 as well as all applicable provisions of this Land Use Ordinance have been met before granting approval. The proposed project:
 1. **Pollution:** Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - a. The elevation of the land above sea level and its relation to the flood plains;
 - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - c. The slope of the land and its effect on effluents;
 - d. The availability of streams for disposal of effluents; and,
 - e. The applicable State and local health and water resources rules and regulations;

Motion made by _____ : The proposed subdivision amendment will not result in undue water or air pollution. In making this determination, the Board has considered the five adopted criteria for pollution, and the applicant has submitted evidence and testimony of compliance with the performance standards for elevation of land and relation to floodplain management contained in Section 6.25, for soils and wastewater disposal in Section 6.19, for slope of land and effects on effluents through erosion control plans and stormwater management under Section 6.17 and 6.28, and for state and local health rules under Sections 6.16 for water supply, 6.19 for sewage disposal, and 6.24 for impact on groundwater quality.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

2. **Sufficient Water:** Has sufficient water available for the reasonably foreseeable needs of the subdivision;

Motion made by _____ : The proposed lot will be served by an individual well. Per Section 6.35.C, given the limited development proposed, the Board grants a waiver of the requirement of Section 6.16.C. for on-site fire protection water supply with the condition that the home to be built on the lot be protected by a residential sprinkler system meeting Fire Code requirements.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

3. **Erosion:** Will not cause unreasonable soil erosion or reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results;

Motion made by _____ : The proposed subdivision amendment will prevent soil erosion and sedimentation through the procedures outlined in the erosion and sedimentation control plan meeting the requirements of Appendix 2. Topsoil will be retained and used on site.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

4. **Traffic:** 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 and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to 23 M.R.S.A. §704 and any rules adopted under that section;

Motion made by _____ : The proposed subdivision amendment will not create unreasonable highway or public road congestion or unsafe conditions. One driveway will be added on Brown Road.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

5. **Sewage Disposal:** Will provide for adequate sewage waste disposal;

Motion made by _____ : The proposed subdivision amendment will provide for adequate sewage waste disposal. Soil test pits have been submitted to document that the lot will have a septic system location that meets Maine wastewater disposal rules without the need for a variance or off-site easement.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

6. **Municipal Solid Waste Disposal:** Will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste if municipal services are to be utilized;

Motion made by _____ : Solid waste generated by the proposed lot can be accommodated within the capacity of the Town’s current solid waste disposal services.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

7. **Aesthetic, Cultural, and Natural Values:** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the 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 the shoreline;

Motion made by _____ : The project will not have undue adverse effects on aesthetic, cultural, and natural values. The project maintains a 50-foot vegetative buffer along the existing roadway. Generally available data on historic resources, significant wildlife habitat, and unique natural areas, and available data indicate the absence of such natural and cultural resources on or adjacent to the project site.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

8. **Conformity with Local Ordinances and Plans:** Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;

Motion made by _____ : The proposed subdivision amendment is in conformance with requirements of the Land Use Ordinance, which is consistent with the Comprehensive Plan.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

9. **Financial and Technical Capacity:** The developer has adequate financial and technical capacity to meet the standards of this Article;

Motion made by _____ : No infrastructure improvements are required for creation of the new lot. The applicant has demonstrated adequate technical capacity under Section 6.23.B. through the submission of technical drawings and studies prepared by qualified design professionals.

Motion seconded by _____ :

Votes to approve: _____ Votes to deny: _____

- 10. **Surface Waters:** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250’) feet of any wetland, great pond or river as defined in 38 M.R.S.A. §§ 435-490, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

Motion made by _____ : The proposed lot is not located within the watershed of Runaround Pond and is not located on property subject to mandatory shoreland zoning.

Motion seconded by _____ :

Votes to approve: _____ Votes to deny: _____

- 11. **Groundwater:** Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

Motion made by _____ : Septic systems will be required to meet the Maine subsurface wastewater disposal rules and wells will be required to meet State rules for well drilling. There are no documented problems with obtaining an adequate supply of potable water in the project area, and the density of the proposed development and projected household water consumption do not raise concerns for the effect of ground water withdrawals.

Motion seconded by _____ :

Votes to approve: _____ Votes to deny: _____

- 12. **Flood Areas:** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant determine whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval prohibiting the construction of any dwellings or other structures except for access roads and essential utilities within the 100-year floodplain;

Motion made by _____ : No development is proposed within areas mapped as being flood-prone.

Motion seconded by _____ :

Votes to approve: _____ Votes to deny: _____

- 13. **Fresh Water Wetlands:** All freshwater wetlands within the proposed subdivision have been identified on maps submitted as part of the application, regardless of the size of these wetlands;

Motion made by _____ : No freshwater wetlands within the proposed lot have been identified.

Motion seconded by _____ :

19. **Impact on Adjoining Municipalities:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Motion made by _____ : The proposed lot will not generate levels of traffic that would cause unreasonable traffic congestion within Durham or any adjacent municipality.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

20. **Land Subject to Liquidation Harvesting:** Timber on the tract being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A §8869.14.

Motion made by _____ : No timber harvesting has occurred on the property in the past five years.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

D. CONDITIONS OF APPROVAL & DECISION

Section 6.8. FINAL PLAN APPLICATION PHASE

- J. **Decision on Final Plan Application:** Within thirty (30) days from the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board by majority vote finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If by majority vote the Board finds that any of the individual criteria of the statute or the performance standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

Motion made by _____ : To approve the final subdivision application with the following conditions of approval.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

1. Per Section 6.10.E., the recording plan must be recorded in the Androscoggin County Registry of Deeds within ninety (90) days of the Planning Board signing. Failure to record within that time frame will require resubmission and reapproval of the final plan.
2. Per Section 6.10.G., no changes, erasures, modifications, or revisions shall be made unless an amended plan is submitted per the terms of Section 6.11.

7. Other Business:

a. Board Discussion of Affordable Housing Response Options

- A public opinion survey on the three options is being conducted on the Town website.
- The three options are:
 - Be less restrictive than current zoning and the minimum State requirements per recommendations in the Comprehensive Plan and the need for more housing options.
 - Be more restrictive than current zoning as allowed by the new State requirements based on concerns over impacts of allowing more housing units.
 - Be neutral and simply adopt the new State requirements.
- The Town Planner has drafted Ordinance amendments to move in any of the three policy directions.
- Once a policy direction is chosen, the draft amendments for that option can be further refined.
- If the citizen survey strongly favors one of the options, going to Town Meeting with another alternative is likely to fail.
- If survey responses are scattered between the three options, the Planning Board and/or Select Board will need to determine which option(s) to put on the Town Meeting warrant.
- A public hearing should be held by mid-February to meet all the Town Meeting schedule requirements and allow for follow-up changes based on the public hearing input.