



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
July 5, 2023

1. Roll Call & Determination of a Quorum

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

Absent: Ron Williams and Anne Torregrossa

Guest: Charles Burnham (Applicant: Deer Creek)

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (June 7, 2023)

Juliet Caplinger moves to accept the minutes from the June 7, 2023 meeting as presented. Tyler Hutchison seconds. Motion carries 4-0.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials – None

b.) Residents – None

c.) Non-residents – None

5. Continuing Business

a.) Substantive Review of Final Plan Application for the Deer Creek Crossing Subdivision Map 7, Lot 32A (Public comment will not be taken)

Opening Remarks (Town Planner)

- Application was tabled on June 7th, 2023 at the request of the applicant.
- Applicant has since received the permit for the stream crossing from the Army Corps of Engineers.
- Peer Reviewer, Will Haskell, has indicated that the applicant has satisfied all peer-reviewed comments including the hydraulic calculations for the fire pond.
- The Fire Chief has indicated acceptance of the fire pond design.

Subdivision Review Criteria

1. Pollution

Motion made by Tyler Hutchison: The proposed subdivision 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 management under Section 6.17 and 6.28, and for state and local health rules under Section 6.16 for water supply, 6.19 for sewage disposal, and 6.24 for impact on groundwater quality.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

2. Sufficient Water

Motion made by Juliet Caplinger: The proposed subdivision will be served by individual wells per the requirements of Section 6.16.A. and B., and the proposed fire protection water supply has been reviewed and approved by the Fire Chief per the requirements of Section 6.16.C.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

3. Erosion

Motion made by Allan Purinton: The proposed subdivision will prevent soil erosion and sedimentation through the procedures outlined in the erosion and sedimentation control plan meeting the requirements of Appendix 2 as determined by the Town's peer review engineer. Topsoil will be retained and used on site.

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

4. Traffic

Motion made by John Talbot: The proposed subdivision will not create unreasonable highway or public road congestion or unsafe conditions. Sight distances on Hallowell Road are adequate, and the slight intersection offset with Patriot Way does not constitute a safety hazard. The roadway serving the subdivision has adequate capacity to serve the anticipated levels of traffic and all road construction will meet the engineering standards of Appendix 1 as determined by the Town's peer review engineer.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

5. Sewage Disposal

Motion made by Tyler Hutchison: The proposed subdivision will provide for adequate sewage waste disposal. Soil test pits have been submitted to document that each 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 Juliet Caplinger:

Votes to approve: 4 Votes to deny: 0

6. Municipal Solid Waste Disposal

Motion made by Juliet Caplinger: Solid waste generated by the proposed subdivision can be accommodated within the capacity of the Town's current solid waste disposal services.

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

7. Aesthetic, Cultural, and Natural Values

Motion made by Allan Purinton: The project will not have undue adverse effects on aesthetic, cultural, and natural values. The project limits clearing of trees to those areas designated on the plan and maintains a 50-foot vegetative buffer along existing roadways. The applicant has consulted with State agencies on historic resources, significant wildlife habitat, and unique natural areas, and available data indicates the absence of such natural and cultural resources on or adjacent to the project site.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

8. Conformity with Local Ordinances and Plans

Motion made by John Talbot: The proposed subdivision is in conformance with requirements of the Land Use Ordinance, which is consistent with the Comprehensive Plan. The Code Enforcement Officer has conducted inspections of the project site and determined that there are no current violations of the Land Use Ordinance and that standards of the Aquifer Protection District will be met with the proposed road construction.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

9. Financial and Technical Capacity

Motion made by Tyler Hutchison: The applicant has demonstrated financial capacity under Section 6.23.A. by submitting engineering cost estimates for required improvements. A conditional agreement per Section 6.34.C. will require the completion of all project infrastructure prior to sale of lots or issuance of building permits until a performance guarantee is approved by the Board. The applicant has

demonstrated adequate technical capacity under Section 6.23.B. through the submission of technical drawings and studies that have been per reviewed, and through the provision of an inspection escrow fund to verify satisfactory completion of the project improvements, which is a condition of final approval.

Motion seconded by Juliet Caplinger:

Votes to approve: 4 Votes to deny: 4

10. Surface Waters

Motion made by Juliet Caplinger: The proposed subdivision is not located within the watershed of Runaround Pond and is not located on property subject to mandatory shoreland zoning. Construction of the new stream crossing and removal of the existing stream crossing have been approved by the Maine Department of Environmental Protection and Army Corps of Engineers. The stormwater treatment facilities have been moved away from the stream in accordance with DEP standards.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

11. Groundwater

Motion made by Allan Purinton: 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, including the well exclusion zones on each lot as shown on the subdivision plan. 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 Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

12. Flood Areas

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

13. Fresh Water Wetlands

Motion made by Tyler Hutchison: All freshwater wetlands within the proposed subdivision have been mapped by qualified professionals.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

14. Farmland

Motion made by Juliet Caplinger: There is no active farmland nor prime farmland of five or more acres within the project site.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

15. River, Stream, or Brook

Motion made by Allan Purinton: All streams meeting the definition of a regulated stream under the Natural Resources Protection Act have been identified on maps by the applicant and appropriate stream buffers are shown on the subdivision plan.

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

16. Storm Water

Motion made by John Talbot: Per Section 5.28.B., the applicant has submitted a stormwater management plan meeting the requirements of DEP regulations and that stormwater management plan has been peer reviewed. The applicant will follow the detail on the stormwater treatment basin provided by Gorrill Palmer Associates on March 1, 2023.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

17. Spaghetti-Lots Prohibited

Motion made by Tyler Hutchison: No lots are proposed within an area regulated by Mandatory Shoreland Zoning that would violate the “spaghetti-lot” rule.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

18. Great Pond Phosphorus Concentration

Motion made by Juliet Caplinger: The project site is not located within the watershed of Runaround Pond.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

19. Impact on Adjoining Municipalities

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

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

20. Land Subject to Liquidation Harvesting

Motion made by John Talbot: The applicant has submitted certification by a licensed forester that timber harvesting on the site was conducted in compliance with Maine forestry management rules.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

Cluster Subdivision Approval

Motion made by Tyler Hutchison: The proposed subdivision meets the intent of clustering lots to allow for creation of open space, to provide recreational opportunities, and to protect important natural features and complies with the density limitations and design standards for cluster developments of Section 6.33.B.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

Decision on Final Plan Application

The Planning Board reviewed the draft Subdivision Approval Decision Findings of Fact prepared by the Town Planner and voted on compliance of the subdivision application with each of the twenty subdivision review criteria and cluster development plan, with a majority finding that the project did, in fact, satisfy all of the review criteria and the purposes of clustering.

John Talbot moved, Allan Purinton seconded, and the Board voted 4 – 0 for approval of the final subdivision application with the twelve approval conditions as amended.

Date of Final Approval: July 5, 2023

6. Adjourn

Allan Purinton motioned to adjourn, Tyler Hutchison seconded, motion carried 4 – 0.