



March 20, 2024

23-030

Mr. George Theborge, Town Planner  
Town of Durham  
630 Hallowell Road  
Durham, ME 04222

**Planning Board Request for meeting; Ruby Farmview Subdivision  
Tax Map 5, Lot 78-1 thru 78-13, 78-B and 78-C; Michael Copp**

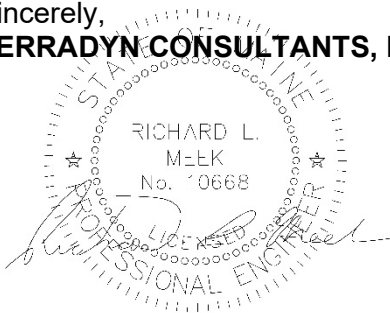
Dear George:

On behalf of the applicant, Michael Copp, we are requesting an extension of the time limit to complete the required improvements for Ruby Farmview Subdivision. Construction of Ruby Lane is complete, except for asphalt paving.

The applicant has an active Subdivision Performance Bond, which will expire December 29, 2024, for the construction of Ruby Lane. Paving is proposed to be completed no later than September 30, 2024.

As recommended, we further request that this extension be reviewed in tandem with the amended subdivision application, submitted on February 29, 2024. Please let me know if you have any questions or require additional information to consider this request.

Sincerely,  
**TERRADYN CONSULTANTS, LLC**



Richard Meek, P.E.  
Sr. Project Engineer

cc: Michael Copp



**TOWN OF DURHAM, MAINE**  
**PLANNING BOARD**  
**REQUEST FOR MEETING**

NAME OF APPLICANT: Michael Copp PHONE #: 207-576-0652  
EMAIL: coppms@aol.com ALT. PHONE#: \_\_\_\_\_  
FULL ADDRESS: 190 Pinkham Brook Rd., Durham, ME 04222  
PROPERTY ADDRESS: Ruby Lane  
MAP: 5 LOT: 78-1 thru 78-13, 78-B, and 78-C

AGENT/REPRESENTATIVE (if other): Richard Meek PHONE #: 207-926-5111  
EMAIL: rick@terradyconsultants.com  
FULL ADDRESS: 41 Campus Dr., Suite 301, New Gloucester

The undersigned requests the Durham Planning Board consider the following application for:

<input type="checkbox"/>	Conditional Use	<input type="checkbox"/>	Amended Subdivision
<input type="checkbox"/>	Subdivision	<input type="checkbox"/>	Site Plan Review
<input checked="" type="checkbox"/>	Other (Specify): <u>Request extension to complete construction of original Ruby Farmview Subdivision (paving)</u>		

**NOTE TO APPLICANT:**

1. This form and 10 printed copies of the application and supporting materials must be filed at the Town Offices no later than (fourteen) 14 days prior to the regular meeting of the Board (first Wednesday monthly). Applications shall be accompanied by all applications fee and materials required by the Select Board's fee schedule. A digital version of all materials must be sent to the Town Planner at [townplanner@durhammaine.gov](mailto:townplanner@durhammaine.gov) for public posting.
2. All applications shall include all materials and copies as specified on the applications and checklists (conditional use, subdivision, & site plan).
3. All materials in color shall be copied in color.

**Application Authorization**

I hereby make application to the Town of Durham for the above-referenced property(ies) and the development as described. To the best of my knowledge, the information provided herein is accurate and is in accordance with the Land Use Ordinances of the Town, except where waivers are requested. The Durham Planning Board and/or Town employees are authorized to enter the property for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at all meetings before the Planning Board.

Signature:  Date: 3-20-2024  
Printed Name: Michael Copp

Please identify yourself (check one): Agent\*:  Property Owner:

630 HOLLOWELL ROAD, DURHAM, MAINE 04222  
PHONE: (207) 353-2561 \* FAX: (207) 353-5367

**SUBDIVISION PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS, that MICHAEL S. COPP, as Principal, and UNITED STATES FIRE INSURANCE COMPANY authorized to do business in the State of MAINE and having an office at 103 PARK STREET, LEWISTON, MAINE 04243, as Surety, are held and firmly bound unto TOWN OF DURHAM as Obligee, in the penal sum of ONE HUNDRED NINE THOUSAND THREE HUNDRED SIXTY AND 00/100 (\$109,360.00) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounded Principal has been granted approval by the above named Obligee for RUBY FARMVIEW SUBDIVISION, TAX MAP:5 LOT:78, 0 SWAMP RD. DURHAM, MAINE, as approved by THE PLANNING BOARD TOWN OF DURHAM, MAINE ON 12/05/2018.

NOW, THEREFORE, the condition of the above obligation is such, that if the said Principal shall complete the above improvements in accordance with the plans and specifications approved by TOWN OF DURHAM within the ONE year period from the date hereof; and shall indemnify and save harmless the Town from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay the Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise it will remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder;

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety at its office at PO BOX 481, 103 PARK STREET, LEWISTON, ME 04243
2. Legal proceeding for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Principal on account of which claim is made.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.
5. Non-renewal by the surety shall not constitute a loss recoverable by the Obligee under this bond.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and the Surety.

SIGNED, SEALED AND DATED: 12/29/2020.

\_\_\_\_\_  
MICHAEL S. COPP

BY \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES FIRE INSURANCE COMPANY

BY \_\_\_\_\_

*Samuel M. Goulet*  
\_\_\_\_\_  
SAMUEL M. GOULET, ATTORNEY-IN-FACT

**BOND VERIFICATION**

This will acknowledge that **UNITES STATES FIRE INSURANCE COMPANY**, the Surety, having received and agreed premium continue in force **BOND# 608-101882-2** on behalf of **MICHAEL S. COPP**, the Principal, and in favor of the **TOWN OF DURHAM, MAINE**, to all its terms and limitations as set forth and expressed in said bond, effective through **DECEMBER 29, 2024**.

**UNITES STATES FIRE INSURANCE COMPANY**  
Surety

**SKILLINGS SHAW AND ASSOCIATES, INC.**  
Agent

**DATE: JANUARY 10, 2024**

By:   
**SAMUEL M. GOULET, ATTORNEY-IN-FACT**

**POWER OF ATTORNEY  
UNITED STATES FIRE INSURANCE COMPANY  
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

01378

**KNOW ALL MEN BY THESE PRESENTS:** That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Robert E. Shaw, Jr., Melanie A. Bonnevie, Heidi Rodzen, Joline L. Binette, Samuel M. Goulet

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **Unlimited**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers. Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

**IN WITNESS WHEREOF**, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 28th day of September, 2021.

**UNITED STATES FIRE INSURANCE COMPANY**



State of New Jersey }  
County of Morris }

*Matthew E. Lubin*  
Matthew E. Lubin, President

On this 28th day of September, 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.



*Melissa H. D'Alessio*  
Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 29th day of DECEMBER 2020

**UNITED STATES FIRE INSURANCE COMPANY**



*Michael C. Fay*  
Michael C. Fay, Senior Vice President



February 29, 2024

23-030

Mr. George Theborge, Town Planner  
Town of Durham  
630 Hallowell Road  
Durham, ME 04222

**Preliminary Subdivision Plan Application, Ruby Farmview Subdivision  
Tax Map 5, Lot 78-B, Michael Copp**

Dear George:

On behalf of the applicant, Michael Copp, we are pleased to submit a Preliminary Subdivision Plan application for an amendment to the Ruby Farmview Subdivision, located off Swamp Road. The original subdivision was reviewed and approved by the Planning Board in December 2018 and included thirteen lots for sale and approximately 10.6 acres of contiguous land (Lot 14) retained by the applicant.

The proposed amendment will consist of construction of approximately 700 feet of new private roadway terminating with a hammerhead turnaround, and creation of four (4) new residential lots within the Lot 14 parcel. The proposed configuration of the new road & four lots provides the required frontage, required lot area and required contiguous buildable area for each lot.

In accordance with Sections 6.6, 6.7, and 6.14 through 6.33, the following statements are provided:

**Section 6.6 – Preliminary Plan Application Phase**

- 6.6.A. To be filed within 12 months of Sketch Plan: As you will recall, we attended the September 6, 2023 Planning Board meeting to review the project's Sketch Plan submission.
- 6.6.B. Application Fee: The required, non-refundable, application fee of \$600.00 is included with the application.
- 6.6.C. Technical Peer Review Escrow Account: The required, refundable, escrow fee of \$1,000.00 is included with the application.
- 6.6.D. Application Receipt and Town Notices:
  - 1. Please return the notice of receipt to Richard Meek c/o Terradyn Consultants, 41 Campus Drive, Suite 301, New Gloucester, ME 04260; or via email to rick@terradynconsultants.com.
  - 2. The project does not abut or cross into a neighboring municipality.

- 6.6.E. Notice to Abutters: Terradyn Consultants will provide a notice of intent to file via certified mail to all abutting property owners within the specified time frames once the date of the first Planning Board meeting has been determined. A copy of the draft notice is attached as **Exhibit 1**.
- 6.6.F. Meeting attendance: It is the intention of both the applicant and a member of the design team to attend the Planning Board meeting.
- 6.6.G. Application Completeness: We will await the Board's determination of completeness.
- 6.6.H. Determination of Completeness: Please return the determination of completeness to Richard Meek c/o Terradyn Consultants, 41 Campus Drive, Suite 301, New Gloucester, ME 04260; or via email to rick@terradyconsultants.com.
- 6.6.I. Site walk: As you will recall, we attended a site walk with the Planning Board on September 20, 2023.
- 6.6.J. through 6.6.M. These process items shall be decided during the course of the Planning Board's review.

### **Section 6.7 – Mandatory Submissions for Preliminary Plan**

- 6.7.A. Application Form: Ten copies of the completed application form and subdivision plan review checklist are attached as **Exhibit 1**.
- 6.7.B. Location Map: A location map, at a scale of one-inch equals 400 feet, is depicted on the cover sheet of the plan set. **Exhibit 2**, depicting the project location, is provided at a scale of one-inch equals 2,000 feet.
- 6.7.C. Preliminary Plan:
1. The attached plan set is provided at a scale of less than one-inch equals 100 feet and includes the required information in items 6.7.C.1.
  2. The applicant currently owns the property.
  3. A standard boundary survey is included in the plan set.
  4. A copy of the parcel deed is attached as **Exhibit 3**. A copy of the existing homeowner's association document is attached as **Exhibit 4**.
  5. No proposed deed restrictions are proposed.
  6. Each lot will include an individual subsurface sewage disposal system. The test pit analysis, prepared by Mark Hampton Associates, is attached as **Exhibit 10**. The test pit locations are depicted on the "Plan and Profile" (sheet C-2.0).
  7. Each lot will be served by an individual drilled well.
  8. Well exclusion zones are depicted on the "Plan and Profile" (sheet C-2.0).
  9. The preliminary plan includes the required information in items 6.7.C.9.
  10. Wetland areas were delineated by Mark Hampton Associates and are depicted on the "Subdivision" and "Plan and Profile" (sheets C-1.0 & C-2.0, respectively).
  11. Existing and proposed topography (one-foot contour interval) is provided for the entire parcel.
  12. No active farmland or prime farmland soils (greater than five acres) are included within the parcel.
  13. The preliminary plan includes the required information in items 6.7.C.13.

14. The preliminary plan includes the required information in items 6.7.C.14.
15. The parcel is located entirely within the Rural Residential and Agricultural Zone.
16. The preliminary plan includes the required information in items 6.7.C.16.
17. The preliminary plan includes the required information in items 6.7.C.17.
18. The preliminary plan includes the required information in items 6.7.C.18.
19. The preliminary plan includes the required information in items 6.7.C.19.
20. The preliminary plan includes the required information in items 6.7.C.20.
21. No public use or common use land is proposed as part of this subdivision.
22. No open space is proposed as part of this subdivision.
23. The preliminary plan includes the required information in items 6.7.C.23.
24. No portion of the subdivision is located within a flood prone area, as depicted on the municipality's Flood Insurance Rate Map (FIRM). A copy of the relevant FIRM is attached as **Exhibit 15**.
25. The Maine Natural Areas Program was contacted via email requesting their review of the project site. Their response is attached as **Exhibit 11**. The Maine Department of Inland Fisheries & Wildlife was contacted via email requesting their review of the project site. Their response is attached as **Exhibit 13**.
26. A copy of the email sent to the Maine Historic Preservation Commission requesting their review of the project site is attached as **Exhibit 12**. Their response will be forwarded upon receipt.

6.7.D. Additional Studies: We will await the Board's decisions regarding the need for additional studies.

6.7.E. Additional Information: We will await the Board's decision regarding the need for additional information.

#### **Section 6.14 – Performance Standards**

The performance and design standards in Sections 6.15 through 6.33 are addressed, as applicable, in the corresponding sections.

#### **Section 6.15 – Pollution Standards**

- A. Refer to Section 6.25.
- B. Refer to Section 6.19.
- C. Refer to Sections 6.17 and 6.28.
- D. Refer to Section 6.16, 6.19 and 6.24.

#### **Section 6.16 – Sufficient Water Standards**

- A. Each lot will be served by an individual drilled well. A note has been added to the plan prohibiting dug wells.
- B. Wells will be located in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules. Well exclusion zones are depicted on the preliminary plan for reference.
- C. Per discussions with the Fire Chief, each new house will require a sprinkler system to be installed which is consistent with the original subdivision. A copy of the Fire Chief's recommendation is attached as **Exhibit 5**. As such, the applicant requests a waiver to exclude a water storage facility from the project.



### **Section 6.17 – Erosion & Sedimentation & Impact on Water Bodies Standards**

A wetland delineation was performed by Mark Hampton Associates, Inc. in May 2023. A letter attesting to their findings is attached as **Exhibit 6**. A vernal pool assessment was performed by Mark Hampton Associates, Inc. in April - May 2023. A letter attesting to their findings is attached as **Exhibit 7**.

- A. Erosion and sedimentation control notes, details and best management practices (BMP) will be incorporated into the final plan. Additionally, an E&S plan is attached as **Exhibit 8**.
- B. The erosion & sedimentation control plan will include instructions for the contractor during construction and the homeowner's association post-construction.
- C. No waterbodies or shorelines are included on or abutting the property.
- D. It is the intent of the developer to utilize the existing topsoil to cover previously denuded areas of the subdivision parcel. Existing stockpiles will be screened for suitable topsoil material. Unsuitable material will be removed from the site.

### **Section 6.18 – Traffic Conditions and Streets Standards**

- A. General Standards:
  - 1. The proposed road has been designed in accordance with applicable geometric standards for a private road.
  - 2. Based upon the estimated Average Annual Daily Traffic and the estimated peak hour trip generation from the four new residential lots, no traffic congestion is anticipated on any street. A preliminary assessment is provided as **Exhibit 9**.
  - 3. The proposed road has been designed in accordance with private road standards. A private road will easily accommodate the estimated Average Annual Daily Traffic generated by the three lots with access to the new road.
  - 4. The proposed road has been designed to generally conform with the natural topography, except as required to meet geometric design standards, provide adequate cover over proposed drainage culverts, and provide adequate drainage of subbase aggregate.
- B. General Access Standards:
  - 1. The proposed access will not connect to any State or State-aid highway.
  - 2. The proposed development will not generate greater than 100 peak hour trips.
  - 3. The expected traffic generation will not create congestion on any street. As such, the Level of Service of intersections in the vicinity of the project will not be measurably affected.
- C. General Internal Subdivision Street Standards:
  - 1. The proposed road will terminate in a "hammerhead" configuration meeting the Town's private road turnaround design standard. Connection to the abutting property is not proposed as the abutting property includes frontage on both Swamp Road and Ruby Lane.
  - 2. The current proposed road name is "Ruby Lane Extension".
  - 3. Construction notes addressing requirements of 6.18.C.3 will be added prior to final plan submission.
- D. Specific Access and Street Design Standards:

The proposed road has been designed in accordance with applicable design standards for a private road.

### **Section 6.19 – Sewage Disposal Standards**

A. Compliance with Maine Subsurface Wastewater Rules:

A letter from Mark Hampton Associates, which attests to the site's suitability for subsurface sewage disposal, is attached as **Exhibit 10**.

1. Two test pits within each proposed lot were performed and depicted on the preliminary plan. The test pit logs are attached as **Exhibit 10**.
2. No new system variances are required.
3. The proposed subsurface sewage disposal systems will be installed entirely within the lot served by each system.

### **Section 6.20 – Solid Waste Standards**

According to the Pew Research Center (<https://www.pewresearch.org/fact-tank/2019/10/01/the-number-of-people-in-the-average-u-s-household-is-going-up-for-the-first-time-in-over-160-years>), the average person lives in a household consisting of 3.4 people. Additionally, it is estimated by the US EPA (<https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>) that as of 2017, the average person generates 4.51 lbs per day.

Based upon this data the assumed amount of household waste is approximately 61 lbs/day (11 tons/year) [4.51 lbs/person/day x 3.4 people per household x 4 houses].

### **Section 6.21 – Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public access to the Shoreline Standards**

A. Preservation of Natural Beauty and Aesthetics:

1. The clearing limits will be determined prior to final plan submission. Proposed clearing is intended to be limited to areas necessary for homes, driveways and septic areas.
2. With the exception of clearing for driveway access, a minimum fifty-foot wide buffer of existing trees will be maintained along the Ruby Lane frontage of Lot 14.

B. Retention of Open Spaces and Natural or Historic Features:

1. An email was sent to Maine Natural Areas Program requesting their review of the project site. Their response is attached as **Exhibit 11**.
2. An email was sent to the Maine Historic Preservation Commission requesting their review of the project site. Their response is attached as **Exhibit 12**.
3. No open space is proposed as part of this subdivision.
4. No open space is proposed to be dedicated to the municipality.

C. Protection of Significant Wildlife Habitat:

An email was sent to Maine Department of Inland Fisheries & Wildlife requesting their review of the project site. Their response is attached as **Exhibit 13**.

D. Protection of Important Shoreland Areas

No shoreland areas are located within or abutting the development parcel.

### **Section 6.22 – Conformity with Local Ordinances and Plans Standards**

The four lots are each proposed to meet the minimum dimensional requirements of the Rural Residential and Agricultural District.

### **Section 6.23 – Financial and Technical Capacity Standards**

- A. Financial Capacity:  
The applicant intends to self-finance construction. Proof of financial capacity will be included in the final plan submission.
- B. Technical Capacity:  
A list of consultants involved with the permitting of this project are attached as **Exhibit 14**.

### **Section 6.24 – Impact on Ground Water Quality or Quantity Standards**

- A. Ground Water Quality:  
Each lot is a minimum of two acres in size; the proposed subsurface sewage disposal systems shall be designed in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules; well exclusion zones are identified on the preliminary plan; and Best Management Practices will be utilized to mitigate contamination from stormwater runoff. As such, increases of contaminant concentrations at the drinking water source locations are not generally anticipated. Therefore, a waiver to provide a hydrogeologic assessment is requested.
- B. Ground Water Quantity:  
Each lot is a minimum of two acres in size. For this density of residential use, there is generally no measurable decrease in water table beyond the boundaries of the subdivision. Therefore, a waiver to provide a hydrogeologic assessment is requested.

### **Section 6.25 – Floodplain Management Standards**

No portion of the subdivision is located within a flood prone area, as depicted on the municipality's Flood Insurance Rate Map (FIRM). A copy of the relevant FIRM is attached as **Exhibit 15**.

### **Section 6.26 – Identification of Freshwater Wetlands, Rivers, Streams or Brooks Standards**

All on-site freshwater wetlands were delineated by Mark Hampton Associates in accordance with the 1987 Corps of Engineers Wetland Delineation Manual and are depicted on the preliminary plan. No rivers, streams, or brooks were identified within or abutting the property.

### **Section 6.27 – Identification of Farmland Standards**

No active farmland or prime farmland soils (greater than five acres) are included within the parcel.

### **Section 6.28 – Stormwater Management Standards**

- A. Site Location of Development Permit:  
This project does not exceed the thresholds required for a Site Location of Development Act permit.
- B. Chapter 500 Stormwater Permit:  
This project does not exceed the thresholds required for a Chapter 500 Stormwater permit.
- C. Erosion and Sedimentation Control Plan:

The preliminary plan includes an erosion and sedimentation control plan meeting the recommendations and standards contained in the Maine Erosion and Sediment Control Best Management Practices Manual.

D. Phosphorus Management Plan:

This project is not located in the watershed of Runaround Pond.

E. Analysis for Potential Downstream Flooding:

There are no known areas of the site with a history of flooding or potential for future flooding.

**Section 6.29 – Spaghetti-Lots Prohibited Standards**

None of the proposed lots include shore frontage on a river, stream brook, or great pond.

**Section 6.30 – Impact on Adjoining Municipalities Standards**

This project is located entirely within the municipal boundaries of the Town of Durham.

**Section 6.31 – Compliance with Timber Harvesting Rules Standards**

No liquidation timber harvesting has occurred on the parcel within the last five years.

**Section 6.32 - Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services**

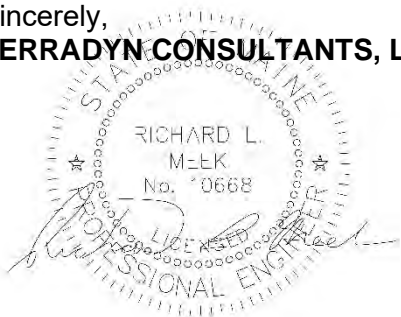
No public use, common use land or open space is proposed as part of this subdivision.

**Section 6.33 – Cluster Development Alternative**

No cluster alternative is proposed for this project.

We look forward to presenting this project to the Planning Board at their next available meeting. In the interim, please let me know if you have any questions or require additional information to consider the preliminary subdivision plan application complete.

Sincerely,  
**TERRADYN CONSULTANTS, LLC**



Richard Meek, P.E.  
Sr. Project Engineer

cc: Michael Copp

**List of Exhibits:**

1. Application Form, Application Checklist, Abutter List and Abutter Notice
2. Location Map
3. Deed
4. Homeowner's Documents
5. Letter from Fire Chief
6. Wetland Delineation Letter
7. Vernal Pool Assessment
8. Erosion and Sedimentation Control Plan
9. Traffic Assessment
10. Subsurface Sewage Disposal System Suitability and Test Pit Logs
11. Correspondence with Maine Natural Areas Program
12. Correspondence with Maine Historic Preservation Commission
13. Correspondence with Maine Department of Inland Fisheries and Wildlife
14. Technical Capacity
15. Flood Insurance Rate Map
16. Proposed Waivers
17. Performance Bond for Ruby Lane (renewal)



**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: Ruby Farmview Subdivision

Application Date: 2/29/2024

### A. Owner & Developer

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

Property owner: Michael Copp Property developer: Same

Address 190 Pinkham Brook Road Address: Same

Durham, ME 04222

Telephone number: 207-576-0652 Telephone number: Same

Email address: coppms@aol.com Email address: Same

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

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

### B. Project Designers

Surveyor: Wayne Wood Engineer: Richard Meek c/o Terradyn Consultants

Address: 30 Wood Dr. Address: 41 Campus Dr. Suite 301

Gray, ME 04039 New Gloucester, ME 04260

Telephone number: 207-657-3330 Telephone number: 207-926-5111

Email address: wtwco1328@gmail.com Email address: rick@terradynconsultants.com

Person to whom all correspondence on project should go: Richard Meek

Subdivision Name: Ruby Farmview Subdivision

**C. General Property Information**

Property location: Ruby Lane

Tax Map/Lot numbers: Map 5, Lot 78-B

Current zoning: Rural Residentail & Agricultural 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)?

Woodlot

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

New lots shall become members of the existing Homeowner's Association

**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: Ruby Farmview Subdivision

Number of proposed lots: 4

What was the date of the sketch plan review with the Planning Board? September 6, 2023

Subdivision Name: Ruby Farmview Subdivision

When is construction being considered to begin (year & season)? Spring 2024

What is the projected year of completion? 2024

How will the project be financed? Self-financed via Copp Excavation

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

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:**

High Intensity Soil Survey - 6.7.D.1

Hydrogeological Assessment - 6.7.d.2, 6.24.A and 6.24.B

Fire Protection Water Supply - 6.16.C

Future Interconnections - 6.18.C.1

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\_\_\_\_\_  
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**F. Review Fees and Escrow**

Non-refundable application fee of \$500 for first 3 lots and \$100 per lot for each lot over 3: \$ 600.00

Technical peer review escrow (unused portions are refundable) of \$250 per lot: \$ 1000.00

Date review fees & escrow paid: 2/29/2024

**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**

*Michael J. Copp*

Printed Name: Michael Copp

2-21-2024

Date





**Town of Durham**  
**630 Hallowell Road**  
**Durham, Maine 04222**

Tel: 207-353-2561  
 Fax: 207-353-5367

*Office of Code Enforcement and Planning*

**SUBDIVISION PLAN REVIEW CHECKLIST**  
**SECTION 6.7 PRELIMINARY PLAN SUBMISSIONS**  
**SECTION 6.14 – PERFORMANCE STANDARDS**

SUBDIVISION NAME Ruby Farmview Subdivision    DATE 02/29/2024

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 application need not contain separate plans as implied below. The perimeter survey, subdivision plan and general engineering plans may be contained on the same drawing for preliminary plan approval. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans should be presented on separate sheets at the final plan stage.

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
<b>6.6 D.&amp;E.</b>	<b>Required public notice sent to:</b> 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)			
<b>6.7</b>	<b>PRELIMINARY PLAN SUBMISSIONS REQUIRED FOR COMPLETENESS REVIEW (10 Copies of application form &amp; all materials)</b>			
A.	Completed application form	RLM	NOT WAIVABLE	NOT WAIVABLE
B.	Location map w/ required information	RLM	NOT WAIVABLE	NOT WAIVABLE
C.	Preliminary plan at readable scale	RLM	NOT WAIVABLE	NOT WAIVABLE
C.1	Proposed subdivision name, Town, & Map & Lot #s	RLM	NOT WAIVABLE	NOT WAIVABLE
C.2	Documentation of legal rights to develop	RLM	NOT WAIVABLE	NOT WAIVABLE

<b>SUBDIVISION REGULATIONS</b>		<b>Submitted by Applicant</b>	<b>Waiver Requested (with waiver request form)</b>	<b>Received by Planning Board</b>	<b>Waiver Granted</b>
C.3	Standard boundary survey	RLM	NOT WAIVABLE		NOT WAIVABLE
C.4	Copy of most recent deed w/ any encumbrances	RLM	NOT WAIVABLE		NOT WAIVABLE
C.5	List of proposed deed restrictions (actual draft legal documents at final plan)	RLM			
C. 6	All septic system test pit logs & map w/ lots	RLM	NOT WAIVABLE		NOT WAIVABLE
C.7	Proposed water supplies for domestic & firefighting purposes	RLM	NOT WAIVABLE		NOT WAIVABLE
C.8	Well exclusion zones (100 ft. from septic systems or per hydrogeological evaluation)	RLM			
C. 9	Names of owner, applicant, plan preparers, & abutters	RLM	NOT WAIVABLE		NOT WAIVABLE
C.10	All wetlands mapped	RLM	NOT WAIVABLE		NOT WAIVABLE
C.11	Topography at 5 ft. & 2 ft. contours (for areas where construction will occur)	RLM			
C.12	Farm lands and farm soils if 5 acres or more	RLM - N/A			
C.13	Number of acres, location of existing & property lines & site features (e.g., stone walls, large rock outcrops)	RLM			
C.14	Location of any water features & indication of location in or out of Runaround Pond watershed	RLM - N/A			
C.15	Zoning district and any district boundaries	RLM	NOT WAIVABLE		NOT WAIVABLE
C.16	Location (w/ size) of existing & proposed culverts & drainage ways shown	RLM			
C.17	Existing streets, easements, buildings, parks, & deeded open spaces	RLM			

<b>SUBDIVISION REGULATIONS</b>		<b>Submitted by Applicant</b>	<b>Waiver Requested (with waiver request form)</b>	<b>Received by Planning Board</b>	<b>Waiver Granted</b>
C.18	Traffic entrance(s) sight distances external & internal roads	RLM			
C.19	Location & width of existing & proposed streets	RLM			
C.20	Proposed lot lines w/ dimensions & area	RLM	NOT WAIVABLE		NOT WAIVABLE
C.21 & 22	Proposed common open spaces (if any) & proposed uses	RLM - N/A			
C.23	Proposed building envelopes & cleared areas	RLM			
C.24	Any flood prone areas per FEMA maps	RLM	NOT WAIVABLE		NOT WAIVABLE
C.25	Any State-identified significant habitats or unique natural areas	RLM	NOT WAIVABLE		NOT WAIVABLE
C.26	Any identified historic resources (listed or eligible for listing)	RLM	NOT WAIVABLE		NOT WAIVABLE
<b>D.</b>	<b>ADDITIONAL STUDIES THAT MAY BE REQUIRED BY THE BOARD</b> (Based on project type & size, site issues, or issues that come up during review)				
D.1	High intensity soil survey	(At final plan stage)		(At final plan stage)	
D.2	Hydrogeological assessment of groundwater availability and potential impacts	(At final plan stage)		(At final plan stage)	
D.3	Traffic trip generation (required for larger projects)	(At final plan stage)		(At final plan stage)	
D.4	Traffic impact study (required for larger projects or if safety issues are identified)	(At final plan stage)		(At final plan stage)	
E.	Additional information required by Planning Board to verify compliance with standards (requires vote of the Board)	(At final plan stage)		(At final plan stage)	

SUBDIVISION REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
6.14	<b>REVIEW STANDARDS TO BE ADDRESSED BY THE APPLICANT'S SUBMISSIONS AFTER THE APPLICATION IS DEEMED COMPLETE BY THE PLANNING BOARD</b>			
6.15	<b>POLLUTION STANDARDS (addressed by compliance w/ 6.16, 6.17, 6.19, 6.24, 6.25 &amp; 6.28)</b>			
6.16	<b>SUFFICIENT WATER</b>			
A.	Note on plan prohibiting dug wells	RLM	NOT WAIVABLE	NOT WAIVABLE
B.	Wells & septic in accordance with Maine rules	RLM	NOT WAIVABLE	NOT WAIVABLE
C.	Proposed fire protection water supply	RLM	RLM	
6.17	<b>EROSION &amp; SEDIMENTATION IMPACTS</b>			
A. & B.	Erosion & sedimentation plan to be submitted w/ final plans	(At final plan stage)		(At final plan stage)
C.	Areas intended for vegetation clearing shown on plans	RLM		
C.	Required buffers along water bodies shown on plans and referenced in notes	RLM - N/A		
D.	Statement of intent for topsoil removal or retention	RLM		
6.18	<b>TRAFFIC CONDITIONS &amp; STREET STANDARDS</b>			
A.	Meets general standards for safety, congestion, level of traffic, and avoiding large cuts and/or fills	RLM		
B.	Meets or will meet any MDOT permit requirements & does not drop service level of access roads (larger projects will require a traffic study)	(At final plan stage)		(At final plan stage)
C.1	Streets laid out for existing & future interconnections unless major cut-through traffic results	RLM	RLM	
C.2	Street names meet addressing requirements	(At final plan stage)		(At final plan stage)

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

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

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

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



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

<b>SUBDIVISION REGULATIONS</b>		<b>Submitted by Applicant</b>	<b>Waiver Requested (with waiver request form)</b>	<b>Approved by Planning Board</b>	<b>Waiver Granted</b>
B.5	Open space at least 50% of parcel & no more than 50% wetland	RLM - N/A			
B.6	No reduction of shore frontage for lots in shoreland zone	RLM - N/A			
B.7	Shore frontage & access included in open space in shoreland zone	RLM - N/A			
B.8	Dry, suitable building sites provided that are relatively level and provide room to build outside required buffers	RLM - N/A	NOT WAIVABLE		NOT WAIVABLE
B.9	Common open space to be properly managed (see 6.32)	(At final plan stage)		(At final plan stage)	
<b>6.34</b>	<b>PERFORMANCE GUARANTEES</b>				
A.	Engineer's construction cost estimates for all improvements, stormwater & erosion controls to be submitted with final plan	(At final plan stage)		(At final plan stage)	
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	(At final plan stage)		(At final plan stage)	
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	(At final plan stage)		(At final plan stage)	

SUBDIVISION REGULATIONS	Submitted by Applicant		Approved by Planning Board	Waiver Granted
6.35	<b>WAIVERS (Based on review of individual waiver requests)</b>			
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		<b>NOT WAIVABLE</b>	<b>NOT WAIVABLE</b>



February 29, 2024

23-030

Subject: Ruby Farmview Subdivision

Dear Property Owner:

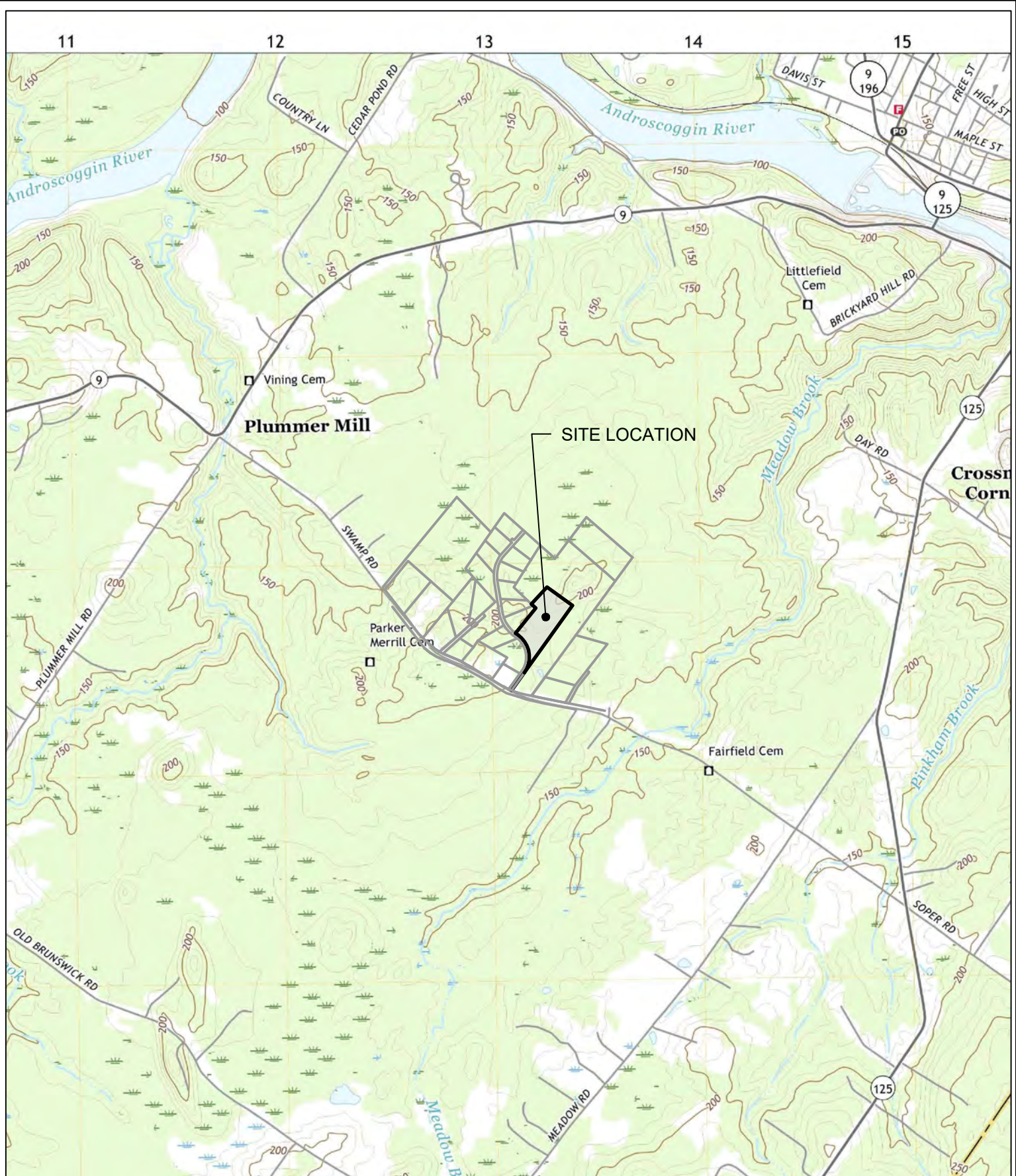
Please take notice that Michael Copp of 190 Pinkham Brook Road, Durham, Maine is preparing an amended subdivision application to the Town of Durham for Planning Board approval. A preliminary meeting with the Planning Board is expected to be scheduled for **April 3, 2024 at 6:30pm** at the Durham Town Office, 630 Hallowell Road, Durham, Maine.

The project site is identified as Lot 78-B on the Town of Durham Property Map 5 and is located on Ruby Lane. The proposed amendment will include construction of approximately 700 feet of private roadway and creation of four (4) new residential lots within the Ruby Farmview Subdivision.

Sincerely,  
**TERRADYN CONSULTANTS, LLC**

A handwritten signature in black ink that reads "Richard L. Meek".

Richard L. Meek, P.E.  
Sr. Project Engineer



**USGS QUADRANGLE MAP**

PROJECT:  
RUBY FARM SUBDIVISION PHASE 2  
DURHAM, MAINE

PREPARED FOR:  
MICHAEL COPP  
190 PINKHAM BROOK ROAD  
DURHAM, MAINE 04222



**PINELAND**  
41 CAMPUS DRIVE, SUITE 301  
NEW GLOUCESTER, ME 04260

**PORTLAND**  
565 CONGRESS STREET, SUITE 201  
PORTLAND, ME 04101

207.926.5111 • info@terradyconsultants.com • www.terradyconsultants.com

PROJECT NO.

23-030

DATE

4/18/2023

SCALE

1"=2,000'

SHEET

1

OF

1

NOT A N O T  
O F F I C I A L O F F I C I A L  
C O P Y C O P Y

**WARRANTY DEED**  
**Maine Statutory Short Form**  
**Know all Persons by these Present,**

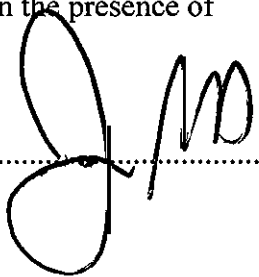
NOT A N O T  
C O P Y C O P Y  
That I, **JEAN P. BEAULIEU**, of Nobleboro, County of Lincoln and State of Maine, grant  
to:

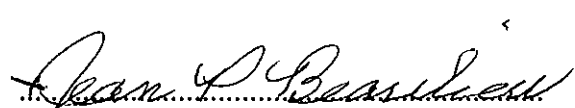
**MICHAEL S. COPP**

whose mailing address is 190 Pinkham Brook Road, Durham, ME 04222, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements thereon, situated in the Town of Durham, County of Androscoggin and State of Maine, more particularly described in the Exhibit A attached hereto and made a part hereof.

Witness my hand and seal this 28<sup>th</sup> day of June, 2016.

Signed, Sealed and Delivered  
in the presence of

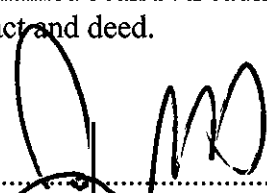
  
.....

  
Jean P. Beaulieu

STATE OF MAINE  
Cumberland, ss.

June 28, 2016

Then personally appeared before me the above named Jean P. Beaulieu and acknowledged the foregoing instrument to be her free act and deed.

  
.....  
Notary Public  
Printed Name:.....  
Jonathan M. Davis, Esq.  
Maine Bar Registration No. 7983

MAINE REAL ESTATE  
TRANSFER TAX PAID



N O T N O T  
**RUBY HILL FARMS SUBDIVISION**  
**DECLARATION OF EASEMENTS, RESTRICTIONS**  
**AND COVENANTS**

This Declaration, dated this 4<sup>th</sup> day of June, 2021, by Michael S. Copp,  
of Durham, County of Androscoggin, and State of Maine, hereinafter referred to as the Declarant.

Whereas, the Declarant owns certain lots or parcels of land in the Town of Durham,  
Maine, more specifically described as a portion of that certain land conveyed to Declarant by  
deed, recorded in Androscoggin County Registry of Deeds in Book 9399, Page 287, as  
delineated on Subdivision Plan of Ruby Hill Farms, Durham, Maine, dated 5/21/21 ~~UPDATE~~  
~~2018~~ and recorded in the Androscoggin County Registry of Deeds in Plan Book 53, Page  
161 ("the Subdivision Plan"), which the Declarant proposes to develop, improve and  
maintain in accordance with said Plan; and

Whereas, the Declarant, being about to sell and convey lots from said Plan desires to  
assure to purchasers of such lots and their several heirs, successors and assigns, their use,  
benefit and enjoyment of said land in accordance with a harmonious plan, and to this end  
desires that certain parts of their lands may be subjected to certain restrictions, reservations,  
servitudes, covenants, agreements and easements as hereinafter set forth.

Now, Therefore, in consideration of these premises, the Declarant hereby declares that  
the property described on said Plan is and shall be held and shall be conveyed subject to the  
restrictions, reservations, servitudes, covenants, agreements and easements as set forth in the  
various clauses of this Declaration, which shall inure to the benefit of and be binding upon the  
Declarant, its successors and assigns, but which Declarant shall be under no obligation to  
enforce, and the several purchasers, their heirs, successors and assigns, and being binding upon  
all the land described on said Plan, to wit:

1. Use: All lots or parcels of land conveyed shall be used solely for residential purposes  
and the usual and natural uses in connection therewith, unless otherwise designated by  
Declarant, its successors and assigns.

2. Structures: No building shall be constructed, erected or placed on any lot other than  
one single-family dwelling not exceeding two and one-half (2 1/2) stories in height, together  
with any appurtenant private garage, barn, greenhouse or toolhouse. Any barns, sheds or  
outbuildings of any nature shall be built of style and materials similar to the dwelling structure.  
No mobile homes are allowed. Modular homes may be approved by the Declarant. Each  
building must meet the following minimum square footage requirements.

- Single story - 1,200 square feet.
- Single to 2 1/2 story - 1,600 square feet.

3. Architectural Review: Prior to commencement of construction of any building or  
other structures including fences, the lot owner shall submit to Declarant the following: (a) a  
site plan showing the location on the lot of the dwelling, the garage, the driveway and all



N O T N O T  
fences, walks, patios and a landscaping plan, (b) floor plans for the dwelling and (c) elevation plans showing all facades of the buildings on the lot. Declarant shall approve such plans in writing provided that they conform to this Declaration and the Declarant determines, in its sole discretion, that construction in accordance with such plans will not be detrimental to the development. Each building on each lot shall be constructed only in conformity with such approved plans. Upon completion, all buildings shall be deemed to have complied with this paragraph.  
N O T N O T  
A N A N

O F F I C I A L O F F I C I A L

4. Construction Standards & Further Division: No building shall ever be erected on any lot hereby conveyed in violation of municipal standards. No individual sewage disposal system shall be permitted on any lot unless said system is designed, located and constructed so as to adequately take care of all septic waste with no odor or other offensive condition, and shall at all times comply with all state and local plumbing and sanitation laws and codes.

No numbered lot within this subdivision shall be subdivided or modified as shown on the recorded Subdivision Plan without the written approval of the Declarant, its successors or assigns, or eighty percent (80%) or more of the owners of record of lots within this subdivision and the Durham Planning Board.

No dwelling or other building erected on any lot shall be covered with tar paper, asphalt siding, or corrugated metal siding but shall be covered with a natural wood, vinyl siding, stone or brick. All siding with exposed nail heads should be fastened with stainless steel nails.

Each building and structure on the premises shall be supported by a solid masonry foundation or slab. Any fireplace or chimney located on the exterior of the house shall be of brick or stone construction. No cinderblock or metal chimneys shall be allowed on the exterior of any building.

5. Time for Construction: When the construction of the buildings on a lot is once begun, work thereon must proceed in a diligent manner and must be completed within one (1) year from the date that construction (including excavation) begins, including two coats of paint, stain or varnish on any exterior wood surface. Exterior walls must be finished with approved siding materials compatible with the neighborhood. All disturbed areas not built upon or landscaped, shall be loomed and seeded at the close of construction but, in any event, must be completed within nine (9) months of occupancy. The prohibitions contained herein shall not be construed to prevent the use of trailers, vehicles or temporary structures during the period of actual construction.

6. Restrictive Uses: Motor homes, campers, boats and satellite dish-type antennae, shall be placed and maintained on said parcels in a manner which shields the placement of same from view of abutting lots and parcels. At no time shall house trailers, mobile homes, shacks, structures of a temporary character, carports, fuel tanks or radio towers be kept, maintained or stored on any part of the lot.

Clotheslines and drying racks shall be screened or located so as not to be visible from any point on public roadways or adjacent lots.

N O T

N O T

No signs or advertising devices, other than temporary signs less than three square feet in size, will be allowed on any lot or parcel of land without the prior written consent of Declarant.

C O P Y

C O P Y

No livestock, poultry or other animals shall be kept or maintained on any part of any lot, except dogs, cats or other household pets may be kept thereon in reasonable numbers for the pleasure and use of the occupants, but not for any commercial use or purpose. Pets shall not be a nuisance and shall be kept on their owner's lot.

O F F I C I A L

O F F I C I A L

Outdoor area lights shall be installed so as not to unreasonably interfere with the use and enjoyment of adjacent lots. All exterior lighting within seventy-five feet (75') of all property shall be incandescent and two hundred (200) watts or less. No sodium vapor lights shall be used. No flashing lights are permitted. This restriction does not apply to seasonal holiday lighting.

No lot shall be used or maintained as dumping ground for rubbish, trash, junk, cuttings or other refuse. Trash, garbage or other waste shall not be kept except in suitably located sanitary containers and shall be properly screened. No unregistered or inoperable motor vehicles or trailers of any nature shall be kept or stored on any part of the property except within an enclosed garage.

7. Road/Easement: The road as set forth on the Subdivision Plan shall be subject to the terms of the attached Road Maintenance Agreement.

All lots are further subject to an easement for drainage purposes in the event that Declarant wishes to construct the same.

8. Building Envelope: All buildings shall be erected or placed on the lot within the building envelope as shown upon the plan. There shall be no cutting of trees other than in the envelope unless previously approved by 80% of the lot owners.

9. Assessments & Association: Until such time as Declarant forms the Ruby Hill Farms Road Association, a non-profit non-stock corporation to be organized under the laws of the State of Maine (the "Association"), the owner of each numbered lot on the Subdivision Plan shall be responsible for and shall timely pay Declarant a share of the annual cost of snow removal, sanding, and maintenance of the road as set forth in the attached Road Maintenance Agreement.

Declarant shall form the Ruby Hill Farms Road Association upon the earliest of the following: (a) sale of all of the remaining land abutting the Subdivision described in a deed recorded in the Androscoggin County Registry of Deeds in Book 9399, Page 287; or (b) municipal approval for the division of said remaining land. Upon creation of the Road Association, the owner of each lot served by the road, including the Declarant prior to the conveyance of each Lot, shall automatically become and be a member of the Association as long as said Owner continues as owner of a Lot. Upon termination of interest of an owner in a Lot, the Owner's membership and any interest in the Association shall automatically terminate and transfer and inure to the next successive owner of the Lot. Each owner of a Lot shall be bound by the By-Laws of the Association, as same may be amended from time to time, and each

N O T

N O T

Owner of a Lot shall comply strictly with said By-Laws of the Association. No holder of a mortgage of a Lot shall be considered as a Lot owner until such holder shall acquire title to a Lot by foreclosure, by deed in lieu of foreclosure, or by maintaining possession of the Lot.

10. Amendments: This Declaration may be amended at any time and from time to time by written instrument duly executed by the owners of record of eighty percent (80%) or more of the Lots. Any such amendment shall be recorded in the Androscoggin County Registry of Deeds. Said Subdivision Plan, however, shall not be modified without Planning Board approval.

11. Rights of Declarant: The Declarant shall be the undersigned or any successor or assign. The Declarant reserves the right until the construction, marketing and sale of all Lots is completed to:

- (a) Change the size, number and location of drainage easements, road rights-of-way, other improvements; and the size, configuration or layout of any Lot for which a purchase and sale agreement has not been executed by the Declarant or with respect to which the purchaser is in default. The change shall be effective upon the recording of an amendment to this Declaration and/or the filing of modified Subdivision Plan indicating the changes made. No such changes shall be accomplished without obtaining proper local and/or state approvals and permits and after giving all other lot owners reasonable advance notice of any such changes.
- (b) Locate on the premises, even though not depicted on the Plan, and grant and reserve easements and rights-of-way for the installation, maintenance, repair, replacement and inspection of utility lines, wires, pipes, conduits, and facilities, including, but not limited to, water, electric, telephone, fuel oil, natural gas, and sewer.
- (c) Connect with and make use of utility lines, wires, pipes and conduits, located on the property, for construction and sales purposes, provided that the Declarant shall be responsible for the cost of service so used.
- (d) Place "For Sale" signs or other signs to aid in the marketing of the lots and houses thereon.
- (e) Appoint and remove the officers of the Association and members of the executive board and veto any action of the Association or the executive board, in accordance with the provisions of the By-Laws. The Declarant shall relinquish all special rights expressed or implied through which it may directly or indirectly control, direct, modify or veto any action of the Association, its Board of Directors or the majority of Lot Owners and all of its rights set forth herein, and control of the Owner's Association shall pass to the Owners of Lots within the project on the date on which eighty percent (80%) of the Lots have been conveyed to purchasers or as soon thereafter as is practicable. The requirements of this paragraph shall not affect the Declarant's rights, as a Lot Owner, to exercise the votes allocated to Lots owned by the Declarant.

N O T

N O T

This Paragraph 11 shall not be amended without the consent of the Declarant.

O F F I C I A L O F F I C I A L

12. Purpose/Effect These covenants, easements and restrictions are imposed as part of a general scheme for the protection and benefit of Declarant and each subsequent owner of lots or parcels of said Declarant's land in addition to any land all provisions of any municipal, county or state ordinance, regulation or law. All present and future Owners of Lots are subject to the terms and provisions contained or referred to in this Declaration. The acceptance of a Deed or conveyance of a lot other than as security, or the entering into of occupancy of any Lot shall signify that the provisions contained or referred to in this declaration and the decisions of the Association are accepted and ratified by such owner or occupant. All the provisions contained or referred to herein shall be deemed and taken to be covenant running with the land and shall bind any person having at any time any interest or estate in a Lot (except as mortgage security) as though such provision were recited and stipulated at length in each and every Deed or conveyance of a Lot.

13. Separate Provisions: Each and every provision contained herein shall be independent and separate, and in the event that any one or more shall for any reason be held to be invalid and unenforceable, all the remainder hereof shall, nevertheless, remain in full force and effect.

WITNESS my hand and seal this 4th day of JUNE 2021

*Pamela L Cloutier*  
WITNESS

*Michael S. Copp*  
MICHAEL S. COPP

STATE OF MAINE  
County of Androscoggin

June 4 2021

Then personally appeared before me the above-named Michael Copp and acknowledged the foregoing to be his free act and deed.

*Pamela L Cloutier*  
NOTARY PUBLIC/ ATTORNEY AT LAW  
PRINT NAME: Pamela L Cloutier  
my commission expires 2/9/2022

SEAL

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

# RUBY HILL FARMS SUBDIVISION DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS

This Declaration, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Michael S. Copp, of Durham, County of Androscoggin, and State of Maine, hereinafter referred to as the Declarant.

Whereas, the Declarant owns certain lots or parcels of land in the Town of Durham, Maine, more specifically described as a portion of that certain land conveyed to Declarant by deed, recorded in Androscoggin County Registry of Deeds in Book 9399, Page 287, as delineated on **Subdivision Plan of Ruby Hill Farms**, Durham, Maine, dated \_\_\_\_\_, 2018 and recorded in the Androscoggin County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (“the Subdivision Plan”), which the Declarant proposes to develop, improve and maintain in accordance with said Plan; and

Whereas, the Declarant, being about to sell and convey lots from said Plan desires to assure to purchasers of such lots and their several heirs, successors and assigns, their use, benefit and enjoyment of said land in accordance with a harmonious plan, and to this end desires that certain parts of their lands may be subjected to certain restrictions, reservations, servitudes, covenants, agreements and easements as hereinafter set forth.

Now, Therefore, in consideration of these premises, the Declarant hereby declares that the property described on said Plan is and shall be held and shall be conveyed subject to the restrictions, reservations, servitudes, covenants, agreements and easements as set forth in the various clauses of this Declaration, which shall inure to the benefit of and be binding upon the Declarant, its successors and assigns, but which Declarant shall be under no obligation to enforce, and the several purchasers, their heirs, successors and assigns, and being binding upon all the land described on said Plan, to wit:

1. Use: All lots or parcels of land conveyed shall be used solely for residential purposes and the usual and natural uses in connection therewith, unless otherwise designated by Declarant, its successors and assigns.

2. Structures: No building shall be constructed, erected or placed on any lot other than one single-family dwelling not exceeding two and one-half (2 1/2) stories in height, together with any appurtenant private garage, barn, greenhouse or toolhouse. Any barns, sheds or outbuildings of any nature shall be built of style and materials similar to the dwelling structure. No mobile homes are allowed. Modular homes may be approved by the Declarant. Each building must meet the following minimum square footage requirements.

Single story	- 1,200 square feet.
Singe to 2 ½ story	- 1,600 square feet.

3. Architectural Review: Prior to commencement of construction of any building or other structures including fences, the lot owner shall submit to Declarant the following: (a) a site plan showing the location on the lot of the dwelling, the garage, the driveway and all

fences, walks, patios and a landscaping plan, (b) floor plans for the dwelling and (c) elevation plans showing all facades of the buildings on the lot. Declarant shall approve such plans in writing provided that they conform to this Declaration and the Declarant determines, in its sole discretion, that construction in accordance with such plans will not be detrimental to the development. Each building on each lot shall be constructed only in conformity with such approved plans. Upon completion, all buildings shall be deemed to have complied with this paragraph.

4. Construction Standards & Further Division: No building shall ever be erected on any lot hereby conveyed in violation of municipal standards. No individual sewage disposal system shall be permitted on any lot unless said system is designed, located and constructed so as to adequately take care of all septic waste with no odor or other offensive condition, and shall at all times comply with all state and local plumbing and sanitation laws and codes.

No numbered lot within this subdivision shall be subdivided or modified as shown on the recorded Subdivision Plan without the written approval of the Declarant, its successors or assigns, or eighty percent (80%) or more of the owners of record of lots within this subdivision and the Durham Planning Board.

No dwelling or other building erected on any lot shall be covered with tar paper, asphalt siding, or corrugated metal siding but shall be covered with a natural wood, vinyl siding, stone or brick. All siding with exposed nail heads should be fastened with stainless steel nails.

Each building and structure on the premises shall be supported by a solid masonry foundation or slab. Any fireplace or chimney located on the exterior of the house shall be of brick or stone construction. No cinderblock or metal chimneys shall be allowed on the exterior of any building.

5. Time for Construction: When the construction of the buildings on a lot is once begun, work thereon must proceed in a diligent manner and must be completed within one (1) year from the date that construction (including excavation) begins, including two coats of paint, stain or varnish on any exterior wood surface. Exterior walls must be finished with approved siding materials compatible with the neighborhood. All disturbed areas not built upon or landscaped, shall be loomed and seeded at the close of construction but, in any event, must be completed within nine (9) months of occupancy. The prohibitions contained herein shall not be construed to prevent the use of trailers, vehicles or temporary structures during the period of actual construction.

6. Restrictive Uses: Motor homes, campers, boats and satellite dish-type antennae, shall be placed and maintained on said parcels in a manner which shields the placement of same from view of abutting lots and parcels. At no time shall house trailers, mobile homes, shacks, structures of a temporary character, carports, fuel tanks or radio towers be kept, maintained or stored on any part of the lot.

Clotheslines and drying racks shall be screened or located so as not to be visible from any point on public roadways or adjacent lots.

No signs or advertising devices, other than temporary signs less than three square feet in size, will be allowed on any lot or parcel of land without the prior written consent of Declarant.

No livestock, poultry or other animals shall be kept or maintained on any part of any lot, except dogs, cats or other household pets may be kept thereon in reasonable numbers for the pleasure and use of the occupants, but not for any commercial use or purpose. Pets shall not be a nuisance and shall be kept on their owner's lot.

Outdoor area lights shall be installed so as not to unreasonably interfere with the use and enjoyment of adjacent lots. All exterior lighting within seventy-five feet (75') of all property shall be incandescent and two hundred (200) watts or less. No sodium vapor lights shall be used. No flashing lights are permitted. This restriction does not apply to seasonal holiday lighting.

No lot shall be used or maintained as dumping ground for rubbish, trash, junk, cuttings or other refuse. Trash, garbage or other waste shall not be kept except in suitably located sanitary containers and shall be properly screened. No unregistered or inoperable motor vehicles or trailers of any nature shall be kept or stored on any part of the property except within an enclosed garage.

7. Road/Easement: The road as set forth on the Subdivision Plan shall be subject to the terms of the attached Road Maintenance Agreement.

All lots are further subject to an easement for drainage purposes in the event that Declarant wishes to construct the same.

8. Building Envelope: All buildings shall be erected or placed on the lot within the building envelope as shown upon the plan. There shall be no cutting of trees other than in the envelope unless previously approved by 80% of the lot owners.

9. Assessments & Association: Until such time as Declarant forms the Ruby Hill Farms Road Association, a non-profit non-stock corporation to be organized under the laws of the State of Maine (the "Association"), the owner of each numbered lot on the Subdivision Plan shall be responsible for and shall timely pay Declarant a share of the annual cost of snow removal, sanding, and maintenance of the road as set forth in the attached Road Maintenance Agreement.

Declarant shall form the Ruby Hill Farms Road Association upon the earliest of the following: (a) sale of all of the remaining land abutting the Subdivision described in a deed recorded in the Androscoggin County Registry of Deeds in Book 9399, Page 287; or (b) municipal approval for the division of said remaining land. Upon creation of the Road Association, the owner of each lot served by the road, including the Declarant prior to the conveyance of each Lot, shall automatically become and be a member of the Association as long as said Owner continues as owner of a Lot. Upon termination of interest of an owner in a Lot, the Owner's membership and any interest in the Association shall automatically terminate and transfer and inure to the next successive owner of the Lot. Each owner of a Lot shall be bound by the By-Laws of the Association, as same may be amended from time to time, and each

Owner of a Lot shall comply strictly with said By-Laws of the Association. No holder of a mortgage of a Lot shall be considered as a Lot owner until such holder shall acquire title to a Lot by foreclosure, by deed in lieu of foreclosure, or by maintaining possession of the Lot.

10. Amendments: This Declaration may be amended at any time and from time to time by written instrument duly executed by the owners of record of eighty percent (80%) or more of the Lots. Any such amendment shall be recorded in the Androscoggin County Registry of Deeds. Said Subdivision Plan, however, shall not be modified without Planning Board approval.

11. Rights of Declarant: The Declarant shall be the undersigned or any successor or assign. The Declarant reserves the right until the construction, marketing and sale of all Lots is completed to:

- (a) Change the size, number and location of drainage easements, road rights-of-way, other improvements; and the size, configuration or layout of any Lot for which a purchase and sale agreement has not been executed by the Declarant or with respect to which the purchaser is in default. The change shall be effective upon the recording of an amendment to this Declaration and/or the filing of modified Subdivision Plan indicating the changes made. No such changes shall be accomplished without obtaining proper local and/or state approvals and permits and after giving all other lot owners reasonable advance notice of any such changes.
- (b) Locate on the premises, even though not depicted on the Plan, and grant and reserve easements and rights-of-way for the installation, maintenance, repair, replacement and inspection of utility lines, wires, pipes, conduits, and facilities, including, but not limited to, water, electric, telephone, fuel oil, natural gas, and sewer.
- (c) Connect with and make use of utility lines, wires, pipes and conduits, located on the property, for construction and sales purposes, provided that the Declarant shall be responsible for the cost of service so used.
- (d) Place "For Sale" signs or other signs to aid in the marketing of the lots and houses thereon.
- (e) Appoint and remove the officers of the Association and members of the executive board and veto any action of the Association or the executive board, in accordance with the provisions of the By-Laws. The Declarant shall relinquish all special rights expressed or implied through which it may directly or indirectly control, direct, modify or veto any action of the Association, its Board of Directors or the majority of Lot Owners and all of its rights set forth herein, and control of the Owner's Association shall pass to the Owners of Lots within the project on the date on which eighty percent (80%) of the Lots have been conveyed to purchasers or as soon thereafter as is practicable. The requirements of this paragraph shall not affect the Declarant's rights, as a Lot Owner, to exercise the votes allocated to Lots owned by the Declarant.



This Paragraph 11 shall not be amended without the consent of the Declarant.

12. Purpose/Effect: These covenants, easements and restrictions are imposed as part of a general scheme for the protection and benefit of Declarant and each subsequent owner of lots or parcels of said Declarant's land in addition to any land all provisions of any municipal, county or state ordinance, regulation or law. All present and future Owners of Lots are subject to the terms and provisions contained or referred to in this Declaration. The acceptance of a Deed or conveyance of a lot other than as security, or the entering into of occupancy of any Lot shall signify that the provisions contained or referred to in this declaration and the decisions of the Association are accepted and ratified by such owner or occupant. All the provisions contained or referred to herein shall be deemed and taken to be covenant running with the land and shall bind any person having at any time any interest or estate in a Lot (except as mortgage security) as though such provision were recited and stipulated at length in each and every Deed or conveyance of a Lot.

13. Separate Provisions: Each and every provision contained herein shall be independent and separate, and in the event that any one or more shall for any reason be held to be invalid and unenforceable, all the remainder hereof shall, nevertheless, remain in full force and effect.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
MICHAEL S. COPP

STATE OF MAINE

\_\_\_\_\_, 2018

County of \_\_\_\_\_

Then personally appeared before me the above-named Michael Copp and acknowledged the foregoing to be his free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC/ATTORNEY AT LAW  
PRINT  
NAME: \_\_\_\_\_

## **ROAD MAINTENANCE AGREEMENT RUBY HILL FARMS SUBDIVISION**

WHEREAS, **Michael S. Copp**, of Durham, County of Androscoggin and State of Maine (“Declarant”) owns certain real estate conveyed to Declarant by deed, recorded in Androscoggin County Registry of Deeds in Book 9399, Page 287, as delineated on **Subdivision Plan of Ruby Hill Farms**, Durham, Maine, dated \_\_\_\_\_, 2018 and recorded in the Androscoggin County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_ (“the Subdivision Plan”); and,

WHEREAS, Declarant wishes to establish rights and ownership of the road shown on the Subdivision Plan (“the Road”), and to provide for the orderly construction and maintenance of said road to benefit himself, his retained land, and the numbered lots shown on the Subdivision Plan.

NOW THEREFORE, Declarant hereby declares and covenants for himself, his heirs, successors, and assigns, as follows, which shall be deemed covenants running with the land and shall bind Declarant and future owners of the numbered lots shown on the Subdivision Plan:

1. The Declarant shall be responsible for the construction of the Road.
2. Each owner of the lots on shown on the Subdivision Plan shall be responsible for an equal share of maintenance, repair and snow plowing of the Road. Said share shall be calculated by dividing the total cost annual of said snow removal, sanding, and maintenance by the total of the numbered lots shown on the Subdivision Plan. Until such time as Declarant forms the Ruby Hill Farms Road Association (“the Association”) as set forth below, which will be a non-profit non-stock corporation to be organized under the laws of the State of Maine, the owner of each numbered lot on the Subdivision Plan shall be responsible for and shall timely pay Declarant his/her/their/its share of the annual cost of snow removal, sanding, and maintenance of the road; and, thereafter shall pay said share to the Association.
3. The ownership of the Road will be retained by Declarant until such time as Declarant forms the Association. Upon formation of the Association, the Road will be conveyed to the Association.
4. Owners of numbered lots shown on the Subdivision Plan shall have an easement over, across, and under the Road for all purposes for which public roads are used in the State of Maine, including the installation and maintenance of utility and/or data transmission services.
5. In the event any of the lots shown on the Subdivision Plan are divided or in the event any remaining land of the Declarant is subsequently divided into lots which are served

by the Road, then such resulting lot or lots shall become subject to the this Road Maintenance Agreement and to any modifications to the Road Maintenance Agreement advisable to adjust the duties and responsibilities equitably among the owners of all the lots served by the Road.

6. Declarant and those who acquire any lot served by the Road acknowledge that the Town of Durham is not responsible for the construction, maintenance, repair or plowing of the Road.
7. The duties and obligations imposed by this Road Maintenance Agreement run with the land and shall be transferred to donees, purchasers or other transferees of any portion of the real estate subject to this Road Maintenance Agreement and that, upon such transfer, the Planning Board shall be notified in writing and provided with a copy of any changes or amendments to this Road Maintenance Agreement.
8. This Road Maintenance Agreement shall be referenced in all deeds to any lots served by the private way.
9. The Road is not an extension of an existing private way which served lots created prior to March 6, 2004.
10. Declarant, and upon formation, the Association, and owners of lots subject to this Road Maintenance Agreement are permitted and authorized to place a lien on any lot subject to this Road Maintenance Agreement for failure to pay the share of expenses allocated to them in the amount of the unpaid assessment for costs for the Road.
11. Declarant shall form the Association upon the earliest of the following: (a) sale of all of the remaining land abutting the Subdivision described in a deed recorded in the Androscoggin County Registry of Deeds in Book 9399, Page 287; or (b) municipal approval for the division of said remaining land. The purposes of the Association shall be to maintain said road.
12. Upon creation of the Association, the owner of each lot served by the road, including Declarant prior to the conveyance of each Lot, shall automatically become and be a member of the Association as long as said Owner continues as owner of a Lot. Upon termination of interest of an owner in a Lot, the Owner's membership and any interest in the Association shall automatically terminate and transfer and inure to the next successive owner of the Lot. Each owner of a Lot shall be bound by the By-Laws of the Association, as same may be amended from time to time, and each Owner of a Lot shall comply strictly with said By-Laws of the Association. No holder of a mortgage of a Lot shall be considered as a Lot owner until such holder shall acquire title to a Lot by foreclosure, by deed in lieu of foreclosure, or by maintaining possession of the Lot.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
MICHAEL S. COPP

STATE OF MAINE

\_\_\_\_\_, 2018

County of \_\_\_\_\_

Then personally appeared before me the above-named Michael Copp and acknowledged the foregoing to be his free act and deed.

\_\_\_\_\_  
NOTARY PUBLIC/ATTORNEY AT LAW

PRINT

NAME: \_\_\_\_\_



# DURHAM FIRE & RESCUE

615 HALLOWELL RD  
DURHAM, MAINE 04222  
207 353-2473  
FAX 207 353-8917

December 4, 2023

Ruby Lane subdivision:

After reviewing the town ordinance (section 6.16) and subsequent provision (6.16.7), I feel the current fire protection plans, first approved by the planning board in December of 2018, is sufficient for the remaining four new lots and residential structures. All residences of the 17-lot subdivision will be protected by residential sprinklers. No further water storage in the subdivision will be required.

Durham Fire Chief

Rob Tripp



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

7425

May 10, 2023

Mr. Mike Copp  
Copp Excavating  
190 Pinkham Brook Road  
Durham ME, 04222

Re: Wetland Delineation, 10+ acres on Ruby Lane, Durham

Dear Mike,

We have completed a delineation of wetlands on the 10+ acre parcel on Ruby Lane in Durham, Maine. The wetland delineation was completed in accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual for the Northcentral and Northeast Regions dated January 2012. These manuals require the presence of three parameters for a wetland to be present, wetland hydrology, hydrophytic vegetation, and hydric soils.

The wetlands we found on the parcel were flagged with yellow flagging. The flagging was labeled in an alphanumeric sequence. The wetland flags were located by GPS equipment capable of locating a point to within three feet. The wetlands are mainly comprised of forested wetlands with small area of scrub shrub wetland along Ruby Lane. The wetlands do not meet the definition of wetlands of special significance as defined by Maine Department of Environmental Protection. There is a large non forested wetland off the property to the north, which is zoned as Resource Protection by the town of Durham. Some of the wetlands at the northern end of the property may fall within the Resource Protection/Shoreland Zoning area depicted on the Durham Zoning Map.

The wetland GPS data has been shared with Richard Meek at Terradyn Consultants to be incorporated into the plan.

If you have any questions or require additional information, please contact me.

Sincerely,

Mark J. Hampton C.S.S., L.S.E.  
Certified Soil Scientist #216  
Licensed Site Evaluator #263



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

7425

May 10, 2023

Mr. Mike Copp  
Copp Excavating  
190 Pinkham Brook Road  
Durham ME, 04222

Re: Vernal Pool Assessment, 10+ acres on Ruby Lane, Durham

Dear Mike,

We have completed a vernal pool assessment on the 10+ acre parcel on Ruby Lane in Durham, ME. The vernal pool assessment was conducted in accordance with Chapter 335 Significant Wildlife Habitat, Section 9 Significant Vernal Pools for the Maine Department of Environmental Protection. This section outlines the definition of a vernal pool as well as the requirements of a vernal pool to meet the definition of significance as related to the number of amphibian egg masses counted during the breeding season.

Two site visits were made to the property over the course of six weeks beginning the first week in April. No vernal pools were found on the property.

If you have any questions or require additional information, please contact me.

Sincerely,

Mark J. Hampton C.S.S., L.S.E.  
Certified Soil Scientist #216  
Licensed Site Evaluator #263

# RUBY FARMVIEW SUBDIVISION DURHAM, MAINE

## EROSION & SEDIMENTATION CONTROL INSPECTION & MAINTENANCE PLAN CONSTRUCTION PHASE

**Project Owner/Developer:** Michael Copp  
190 Pinkham Brook Road  
Durham, Maine 04222  
(207) 353-7174

**Responsible Party:** Copp Excavating  
1099 Royalsborough Rd.  
Durham, ME 04222  
(207) 353-7174

**Prepared By:** Richard Meek, P.E.  
Terradyn Consultants, LLC  
41 campus Drive, Suite 301  
New Gloucester, ME 04260  
(207) 926-5111

### **INTRODUCTION:**

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Anyone who conducts or directs an activity that involves exposing, filling or displacing soil or other earthen materials must take appropriate measures to prevent erosion and the loss of sediment beyond the project site or into a sensitive resource.

Erosion and sediment control measures should be in place before the activity begins and should remain functional until the site is permanently stabilized. All measures should remain effective until all areas are permanently stabilized. Any disturbed area should be regularly inspected until the site is fully stabilized with either 90% grass cover or a permanent impervious surface such as pavement.

The following information describes the Inspection, Maintenance and Documentation necessary during construction to comply with the Town of Durham Pollution Standards, Erosion and Sedimentation Standards, and Stormwater Management Standards.

### **INSPECTION**

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Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. For the purposes of this plan, a storm event is rainfall greater than 0.5 inches in a 24 hour period.



The person conducting inspections shall have knowledge of erosion and sedimentation practices, stormwater management, and the standards and conditions of all local, state and federal permits for the project.

## **MAINTENANCE AND CORRECTIVE ACTION**

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If best management practices (BMPs) need to be repaired, the repair work should be initiated upon discovery of the problem but no later than the end of the next workday. If additional BMPs or significant repair of BMPs are necessary, implementation must be completed within 7 calendar days and prior to any storm event (rainfall). All measures must be maintained in effective operating condition until areas are permanently stabilized.

## **DOCUMENTATION**

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Keep a log (report) summarizing the inspections and any corrective actions taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken.

The log attached at the end of this plan is from the *Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (May 2016)*. The log may be used or adapted for this project.

Documentation must be retained for a minimum of three years after permanent stabilization has been achieved on the site and must be made accessible to the Town of Durham upon request.

## **INSPECTION DURING CONSTRUCTION**

1. **Inspection:** For the duration of construction activity, it is the Site Contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. These responsibilities include inspecting disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as before and after a storm event, and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in any applicable permits, shall conduct the inspections.
2. **Maintenance:** All measures shall be maintained in an effective operating condition until areas are permanently stabilized. If Best Management Practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within seven (7) calendar days and prior to any storm event (rainfall).
3. **Documentation:** A log summarizing the inspections and any corrective action taken must be maintained on-site. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the

operation and maintenance of erosion and sedimentation controls, material storage areas, and vehicle access points to the site. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and locations where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken.

The log must be made accessible to the appropriate regulatory agency upon request. The permittee shall retain a copy of the log for a period of at least three (3) years from the completion of permanent stabilization.

4. **Specific Inspection and Maintenance Tasks:** The following is a list of erosion control and stormwater management measures and the specific inspection and maintenance tasks to be performed during construction.

A. Sediment Barriers:

- Hay bale barriers, silt fences, and filter berms shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
- If the fabric on a silt fence or filter barrier should decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, it shall be replaced.
- Sediment deposits should be removed after each storm event. They must be removed before deposits reach approximately one-half the height of the barrier.
- Filter berms shall be reshaped as needed.
- Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared, and seeded.

B. Riprap Materials:

- Once a riprap installation has been completed, it should require very little maintenance. It shall, however, be inspected periodically to determine if high flows have caused scour beneath the riprap or dislodged any of the stone.
- Annually inspect riprap and remove woody vegetation when discovered.

C. Erosion Control Blankets:

- Inspect these reinforced areas semi-annually and after significant rainfall events for slumping, sliding, seepage, and scour. Pay close attention to unreinforced areas adjacent to the erosion control blankets, which may experience accelerated erosion.
- Review all applicable inspection and maintenance procedures recommended by the specific blanket manufacturer. These tasks shall be included in addition to this plan.

D. Temporary Storm Drain Inlet Protection:

- The inlet protection structure shall be inspected before each rain event and repaired as necessary.

- Sediment shall be removed and the storm drain sediment barrier restored to its original dimensions when the sediment has accumulated to half of the design depth of the trap.
- Structures shall be removed upon permanent stabilization of the tributary area.
- Upon removal of the structure, all accumulated sediments downstream of the structure shall be cleaned from the storm drain system.
- The permanent storm drainage system shall be flushed and cleaned once the site is stabilized and prior to demobilization from the site.

E. Stabilized Construction Entrances/Exits:

- The exit shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way.
- When the control pad becomes ineffective, the stone shall be removed along with the collected soil material. The entrance should then be reconstructed.
- Areas that have received mud-tracking or sediment deposits shall be swept or washed. Washing shall be done on an area stabilized with aggregate, which drains into an approved sediment-trapping device (not into storm drains, ditches, or waterways).

F. Temporary Seed and Mulch:

- Mulched areas should be inspected after rain events to check for rill erosion.
- If less than 90% of the soil surface is covered by mulch, additional mulch shall be applied in bare areas.
- In applications where seeding and mulch have been applied in conjunction with erosion control blankets, the blankets must be inspected after rain events for dislocation or undercutting.
- Mulch shall continue to be reapplied until 95% of the soil surface has established temporary vegetative cover.

G. Stabilized Drainage Swales:

- Sediment accumulation in the swale shall be removed once the cross section of the swale is reduced by 25%.
- The swales shall be inspected after rainfall events. Any evidence of sloughing of the side slopes or channel erosion shall be repaired and corrective action should be taken to prevent recurrence of the problem.
- In addition to the stabilized lining of the channel (i.e. erosion control blankets), stone checkdams may be needed to further reduce channel velocity.

H. Concrete Washout Area

- The site contractor shall establish a concrete washout area on-site which shall include sediment barrier to mitigate the transport of the washout material to the environment.
- The washout area shall be located a minimum of 25 feet from any storm drain structure or culvert and a minimum of 25 feet from any slope greater than 4:1.

- The washout area shall be inspected daily when concrete work is active and prior to any storm event.
- Accumulated concrete sediments shall be removed weekly, when concrete work is active, or when visibly encroaching on sediment barrier.

I. Dewatering

- The site contractor shall establish an on-site containment area which shall include sediment barrier to mitigate the transport of the sediment to the environment from dewatering activity.
- The containment area shall be located a minimum of 25 feet from any storm drain structure or culvert and a minimum of 25 feet from any slope greater than 4:1.
- The containment area shall include a dirt bag or similar sediment trap for treatment of the collected water.
- The containment area shall be inspected after each use to ensure that no downgradient erosion or sedimentation offsite is occurring.

## **REFERENCES**

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Design Drawings:

C-2.0 Plan and Profile

C-3.0 Erosion Control Notes and Details

*Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (May 2016)*, Maine Department of Environmental Protection

*Maine Erosion and Sediment Control Practices Field Guide for Contractors*, Maine Department of Environmental Protection

**CONSTRUCTION INSPECTION FORM FOR EROSION AND SEDIMENT CONTROL**

**General Information:**

Site Name:	Date:	Inspected by:			
Owner:					
Retained 3PI:	Last Rain Date:	Amount:			
Reason for Inspection:	Weekly	Winter	Final	Rain Event	Complaint
Description of disturbed area:					
Photos:					

	YES/NO/NA	COMMENTS
--	-----------	----------

**1. Is an Erosion and Sediment Control Plan available?**

ESC plan on-site and followed		
Other:		

**2. Are all erosion control practices installed properly, maintained and functioning?**

Disturbed areas stable		
Concentrated flow inlet/outlet protection		
All areas at final grade		
Disturbed dormant areas stabilized		
Access roads and parking		
Hillsides and stockpiles		
Other:		

**3. Are all sedimentation control practices installed properly, maintained and functioning?**

Construction entrance		
Sedimentation basins/traps/diversions		
Perimeter controls		
Check dams		
Other:		

**4. Is maintenance of ESC measures, construction activities and housekeeping kept-up?**

Sedimentation/erosion in ditches		
Tracked Sediment or dust at exits		
Hazardous material storage and spill control practices		
Waste management (concrete, hazardous material, etc.)		
Other:		

**5. Violation, Corrective Actions, Recommendations**

Sediment discharged from site?		
Corrective action required?		
Site compliant with all permits?		
Notice of violation or stop work order issued?		

Comments/Corrective Actions (complete corrective actions before the next rain event and within 7 day)

# Preliminary Traffic Assessment

**Date:** February 16, 2024

**To:** **Richard Meek, P.E., Terradyn Consultants, LLC**

**From:** Jacob Sirois, E.I.  
Engineer II  
Barton & Loguidice, LLC.

John Q. Adams, P.E., PTOE  
Associate, Senior Transportation Engineer  
Barton & Loguidice, LLC.

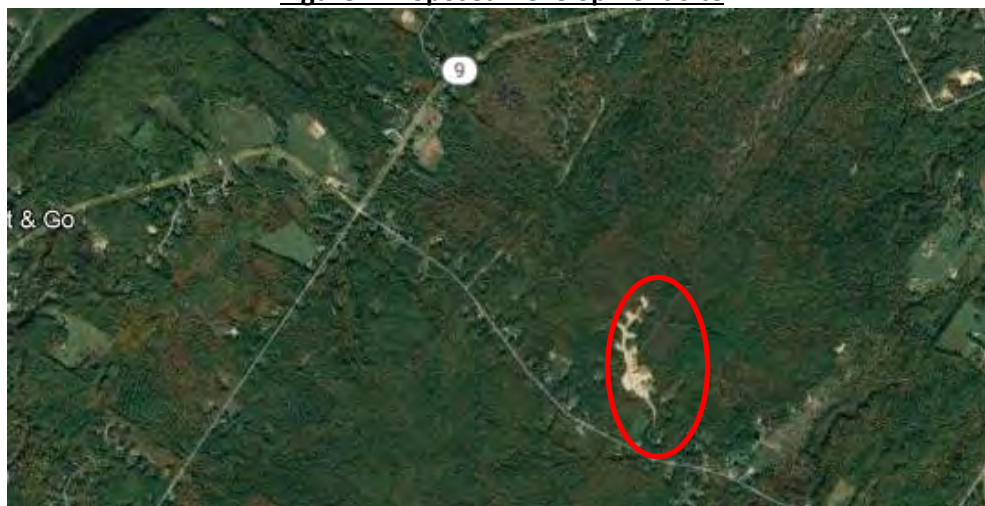
**Re:** **Ruby Farmview Subdivision**  
Ruby Lane, Durham, Maine

## Introduction

Michael Copp, is proposing an amendment to the Ruby Farmview Subdivision, adding four (4) new lots to the 13-lot subdivision. The subdivision is located on Ruby Lane, a dead-end private roadway in the Town of Durham (refer to Image 1 for location of proposed project). Each of the existing and proposed lots will include a single-family home. The 4 proposed lots will be provided access via Ruby Lane through the existing intersection of Swamp Road and Ruby Lane. Ruby Lane is located on the northern side of Swamp Road approximately 1,060-feet west of Evergreen Lane.

The purpose of this traffic assessment is to evaluate and measure the level of impact on traffic operations and safety resulting with the development of the proposed project. Site generated trip projections are provided for "key" peak hour time periods throughout a typical week; road safety conditions were determined based upon a review of MaineDOT's latest road safety data and intersection sight distance was field reviewed and measured to ensure safe and acceptable sight distance is provided at Ruby Lane's existing intersection with Swamp Road.

**Figure 1 Proposed Development Site**



**Site Trip Generation**

Daily and peak hour trip generation was determined for the proposed project based upon trip tables presented in the eleventh edition of the Institute of Transportation Engineers (ITE) “TRIP GENERATION” Manual. The ITE publication provides numerous land use codes (LUC) and the average volume of trips generated by each category.

Site trip estimates for the Ruby Farmview Subdivision are based upon LUC #210 – Single-Family Detached Housing, described in the ITE manual as: *a single-family detached housing site includes any single-family detached home on an individual lot. A typical site surveyed is a suburban subdivision.* Because the 13 initial lots were developed within the past 10-years, we have included them alongside the 4 proposed lots. Calculations of the trips generated by the subdivision per each corresponding time period are summarized below in Table 1.

Table 1 ITE Trip Generation Calculations						
Land Use	Single-Family Detached Housing - LUC 210					
Time Period	Dwelling Units	Trip Generation Rate Trips/Dwelling Units	Trips Generated	Distribution Entering / Exiting	Enter	Exit
Weekday	17	9.43	161	50% / 50%	81	80
AM Weekday Peak Hour (Street)	17	0.70	12	26% / 74%	3	9
PM Weekday Peak Hour (Street)	17	0.94	16	63% / 37%	10	6
AM Weekday Peak Hour (Generator)	17	0.75	13	26% / 74%	3	10
PM Weekday Peak Hour (Generator)	17	0.99	17	64% / 36%	11	6
Saturday Peak Hour	17	0.92	16	54% / 46%	9	7

As presented in the preceding table, this subdivision will generally be a low trip generator; producing 13 trips during the AM peak hour of the street, 17 trips in the PM peak hour of the street, and 16 trips during the Saturday peak hour. During the typical weekday, the site is forecasted to generate 161 daily trips.

**Vehicle Sight Distance**

The Maine Department of Transportation’s Highway Entrance and Driveway Rules require the following sight distances for a non-mobility roadway:

Sight Distance Standards	
Speed Limit	Sight Distance
25 mph	200 feet
30 mph	250 feet
35 mph	305 feet
40 mph	360 feet
<b>45 mph</b>	<b>425 feet</b>
50 mph	495 feet

The section of Swamp Road fronting the proposed residential development is presently posted at 45mph, requiring an unobstructed sight distance of 425-feet. MaineDOT’s Rules and Regulations require sight distance to be measured in accordance with the following procedures: *“Sight distance is measured to and*



*from the point on the centerline of the proposed access that is located 10-feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 4¼ feet above the pavement."*

Our field measurements looking both left and right from Ruby Lane, the existing site driveway, directionally onto Swamp Road indicate existing sight distances meet or exceed the requirements based upon a posted speed of 45mph. Looking to the left from the site entrance we measured an unobstructed sight distance of 425-feet. Looking right out of the site entrance we recorded a sight distance measurement in excess of 450-feet. See photos below and on the following page.

**Looking Left Out of Entrance**



**Looking Right Out of Entrance**





### Existing Road Safety Conditions

The Maine Department of Transportation’s (MaineDOT) Accident Records Section provided the latest three-year (2020-2022) crash data for the section of Swamp Road/Soper Road between the intersection of Swamp Road, Plummer Mill Road and Route 9, easterly to the intersection of Soper Road and Route 125. Their report is presented as follows:

**2020 -2022 Traffic Accident Summary**

Location	Total Crashes	Critical Rate Factor
1. Swamp Road @ Newell Brook Road/Plummer Mill Road	7	3.84
2. Soper Road @ Pinkham Brook Road	7	2.70
3. Swamp Road @ Soper Road/Meadow Road	2	2.25
4. Swamp Road @ Evergreen Road	0	0.00
5. Swamp Road btw. Newell Brook Road/Plummer Mill Road and Evergreen Lane	4	0.37
6. Swamp Road btw. Evergreen Lane and Soper Road/Meadow Road	0	0.00
7. Soper Road btw. Pinkham Brook Road and Meadow Road	0	0.00

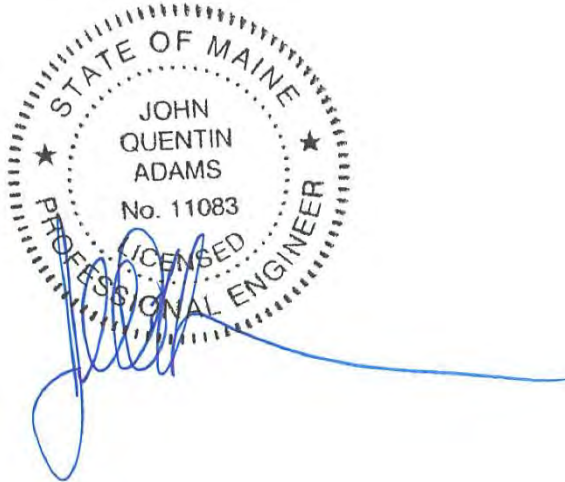
The MaineDOT considers any roadway intersection or segment a high crash location if both of the following criteria are met:

- **8 or more accidents**
- **A Critical Rate Factor greater than 1.00**

As the data presented in the chart shows there are not intersections or roadway segments within the defined study area which meet MaineDOT’s dual criteria as a high crash location.

### Summary

1. The expected trip generation for the proposed development is estimated to be 161 weekday daily trips. The project is forecasted to generate a total of 13 trips during the weekday AM peak hour, 17 trips during the weekday PM, and 16 trips during the Saturday peak hour. Overall the project will be a low volume trip generator and will be well below the minimum MaineDOT threshold of 100 new peak hour trips ends that would require a Traffic Movement Permit.
2. MaineDOT Crash data for the latest three-year period (2020 – 2022) for the segment of Swamp Road/Soper Road between the intersection of Swamp Road, Plummer Mill Road and Route 9, easterly to the intersection of Soper Road and Route 125 was reviewed. The review shows that there are no high crash locations within the study area.
3. Our field measurements looking both left and right from Ruby Lane, the existing site driveway, directionally onto Swamp Road indicate existing sight distances meet or exceed the requirements based upon a posted speed of 45mph. Looking to the left from the site entrance we measured an unobstructed sight distance of 425-feet. Looking right out of the site entrance we recorded a sight distance measurement in excess of 450-feet.



John Q. Adams, PE, PTOE,                      Date: 02/16/2024



MARK HAMPTON ASSOCIATES, INC.

SOIL EVALUATION • WETLAND DELINEATIONS • SOIL SURVEYS • WETLAND PERMITTING

7425

September 27, 2023

Mr. Mike Copp  
Copp Excavating  
190 Pinkham Brook Road  
Durham ME, 04222

Re: Preliminary soil evaluation, 4 proposed lots on 10+ acres off of Ruby Lane, Durham

Dear Mike,

I have completed a preliminary soil evaluation on the proposed 4 lots as part of Phase 2, Ruby Farm subdivision located in Durham. The soil evaluation was conducted in accordance with the Maine Subsurface Wastewater Disposal Rules dated September 2023, as amended. I evaluated two hand excavated test pits on each lot. The soils found on the upland portions of the lots are moderately well drained to well drained glacial outwash soils, with a limiting factor at approximately 26 to greater than 48 inches.

The soils as evaluated meet the minimum requirements of the state rules. In my opinion, there are suitable soils and enough area on each lot for a septic system. A disposal bed for a 3-bedroom home could be a 20 foot wide by 35 foot long stone and pipe bed. Septic designs can be completed at some time in the future.

If you have any questions or require additional information, please contact me.

Sincerely,

Hope Hampton L.S.E.  
Licensed Site Evaluator #427

**SOIL PROFILE / CLASSIFICATION INFORMATION**

**DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES**

Project Name: Ruby Farm Subdivision Phase 2      Applicant Name: Copp Excavating, Inc.      Project Location (municipality): Durham

Exploration Symbol # TP-1     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 2 Percent    Limiting Factor: 26 Depth     Groundwater     Restrictive Layer     Bedrock     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-2     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 2 Percent    Limiting Factor: 30 Depth     Groundwater     Restrictive Layer     Bedrock     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-3     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 4 Percent    Limiting Factor: 30 Depth     Groundwater     Restrictive Layer     Bedrock     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-4     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 2 Percent    Limiting Factor: 30 Depth     Groundwater     Restrictive Layer     Bedrock     Hydric     Non-hydric    Hydrologic    Soil Group

**INVESTIGATOR INFORMATION AND SIGNATURE**

Signature: Hope Hampton      Date: 9/27/23  
 Name Printed/typed: Hope Hampton      Cert/Lic/Reg. #: 427  
 Title:  Licensed Site Evaluator     Certified Soil Scientist     Certified Geologist     Professional Engineer

*affix professional seal*

**SOIL PROFILE / CLASSIFICATION INFORMATION**

**DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES**

Project Name: Ruby Farm Subdivision Phase 2      Applicant Name: Copp Excavating, Inc.      Project Location (municipality): Durham

Exploration Symbol # TP-5     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 2 Percent    Limiting Factor: 26 Depth     Groundwater     Restrictive Layer     Bedrock  
 S.S.    Soil series/phase name: \_\_\_\_\_     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-6     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 4 Percent    Limiting Factor: 24 Depth     Groundwater     Restrictive Layer     Bedrock  
 S.S.    Soil series/phase name: \_\_\_\_\_     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-7     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12				
18	Loamy Sand	Friable	Yellow Brown	
24				
30				
36	Sand	Friable	Tan	None Noted
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    B Condition    Slope: 4 Percent    Limiting Factor: >48 Depth     Groundwater     Restrictive Layer     Bedrock  
 S.S.    Soil series/phase name: \_\_\_\_\_     Hydric     Non-hydric    Hydrologic    Soil Group

Exploration Symbol # TP-8     Test Pit     Boring  
 \_\_\_\_\_ " Organic horizon thickness    Ground surface elev. \_\_\_\_\_  
 \_\_\_\_\_ " Depth of exploration or to refusal

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0	Loamy Sand	Friable	Dark Brown	
6				
12	Loamy Fine Sand	Friable	Yellow Brown	
18				
24				
30	Loamy Fine Sand	Friable	Olive	Common and Distinct
36				
42				
48				
54				
60				

Soil Details by S.E.    Soil Classification: 5 Profile    C Condition    Slope: 2 Percent    Limiting Factor: 24 Depth     Groundwater     Restrictive Layer     Bedrock  
 S.S.    Soil series/phase name: \_\_\_\_\_     Hydric     Non-hydric    Hydrologic    Soil Group

**INVESTIGATOR INFORMATION AND SIGNATURE**

Signature: *Hope Hampton*      Date: 9/27/23  
 Name Printed/typed: Hope Hampton      Cert/Lic/Reg. #: 427  
 Title:     Licensed Site Evaluator     Certified Soil Scientist     Certified Geologist     Professional Engineer

affix professional seal



**STATE OF MAINE**  
**DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY**

177 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

**JANET T. MILLS**  
GOVERNOR

**AMANDA E. BEAL**  
COMMISSIONER

November 21, 2023

Richard Meek  
Terradyn Consultants  
41 Campus Drive, Suite 301  
New Gloucester, ME 04260

Via email: [rick@terradyconsultants.com](mailto:rick@terradyconsultants.com)

Re: Rare and exemplary botanical features in proximity to: #23-030, Ruby Farm Subdivision, Phase 2, Durham, Maine

Dear Richard Meek:

I have searched the Maine Natural Areas Program's Biological and Conservation Data System files in response to your request received November 21, 2023 for information on the presence of rare or unique botanical features documented from the vicinity of the project in Durham, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

**MOLLY DOCHERTY, DIRECTOR**  
MAINE NATURAL AREAS PROGRAM  
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-8044  
WWW.MAINE.GOV/DACF/MNAP

Letter to Terradyn  
Comments RE: Ruby Farm Phase 2, Durham  
November 21, 2023  
Page 2 of 2

The Maine Natural Areas Program (MNAP) is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. MNAP welcomes coordination with individuals or organizations proposing environmental alteration or conducting environmental assessments. If, however, data provided by MNAP are to be published in any form, the Program should be informed at the outset and credited as the source.

The Maine Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using MNAP in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

*Lisa St. Hilaire*

Lisa St. Hilaire | Information Manager | Maine Natural Areas Program  
207-287-8044 | [lisa.st.hilaire@maine.gov](mailto:lisa.st.hilaire@maine.gov)

**Rare and Exemplary Botanical Features within 4 miles of  
Project: #23-030, Ruby Farm Subdivision Phase 2, Durham, ME**

Common Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
<b>Adder's Tongue Fern</b>						
	E	S1	G5	1905-08-10	7	Non-tidal rivershore (non-forested, seasonally wet),Open
<b>Climbing Hempweed</b>						
	PE	SH	G5	1916-08	1	Dry barrens (partly forested, upland),Open wetland, not
<b>Clothed Sedge</b>						
	E	S1	G5	1898-06-15	1	Dry barrens (partly forested, upland)
<b>Dry Land Sedge</b>						
	SC	S2	G5	2007-10-14	13	Old field/roadside (non-forested, wetland or upland)
<b>Great Blue Lobelia</b>						
	PE	SX	G5	1900	2	Forested wetland,Non-tidal rivershore (non-forested,
<b>Mountain Honeysuckle</b>						
	E	S2	G5	1933-09	4	Dry barrens (partly forested, upland),Hardwood to mixed
<b>Narrow-leaf Arrowhead</b>						
	SC	S2	G4G5	2000-09-14	1	
<b>Sassafras</b>						
	SC	S2	G5	1906	10	Hardwood to mixed forest (forest, upland),Old field/
<b>Showy Lady's-slipper</b>						
	SC	S3	G4G5	1907-07-09	38	Forested wetland,Open wetland, not coastal nor
<b>Smooth Winterberry Holly</b>						
	SC	S3	G5	1989	22	Forested wetland
<b>Unicorn Root</b>						
	E	S1	G5	1884	1	Dry barrens (partly forested, upland)

Date Exported: 2023-11-21 16:06



## Conservation Status Ranks

**State and Global Ranks:** This ranking system facilitates a quick assessment of a species' or habitat type's rarity and is the primary tool used to develop conservation, protection, and restoration priorities for individual species and natural habitat types. Each species or habitat is assigned both a state (S) and global (G) rank on a scale of critically imperiled (1) to secure (5). Factors such as range extent, the number of occurrences, intensity of threats, etc., contribute to the assignment of state and global ranks. The definitions for state and global ranks are comparable but applied at different geographic scales; something that is state imperiled may be globally secure.

The information supporting these ranks is developed and maintained by the Maine Natural Areas Program (state ranks) and NatureServe (global ranks).

Rank	Definition
<b>S1</b> <b>G1</b>	<b>Critically Imperiled</b> – At very high risk of extinction or elimination due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
<b>S2</b> <b>G2</b>	<b>Imperiled</b> – At high risk of extinction or elimination due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
<b>S3</b> <b>G3</b>	<b>Vulnerable</b> – At moderate risk of extinction or elimination due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
<b>S4</b> <b>G4</b>	<b>Apparently Secure</b> – At fairly low risk of extinction or elimination due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.
<b>S5</b> <b>G5</b>	<b>Secure</b> – At very low risk of extinction or elimination due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
<b>SX</b> <b>GX</b>	<b>Presumed Extinct</b> – Not located despite intensive searches and virtually no likelihood of rediscovery.
<b>SH</b> <b>GH</b>	<b>Possibly Extinct</b> – Known from only historical occurrences but still some hope of rediscovery.
<b>S#S#</b> <b>G#G#</b>	<b>Range Rank</b> – A numeric range rank (e.g., S2S3 or S1S3) is used to indicate any range of uncertainty about the status of the species or ecosystem.
<b>SU</b> <b>GU</b>	<b>Unrankable</b> – Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
<b>GNR</b> <b>SNR</b>	<b>Unranked</b> – Global or subnational conservation status not yet assessed.
<b>SNA</b> <b>GNA</b>	<b>Not Applicable</b> – A conservation status rank is not applicable because the species or ecosystem is not a suitable target for conservation activities (e.g., non-native species or ecosystems).
<b>Qualifier</b>	<b>Definition</b>
<b>S#?</b> <b>G#?</b>	<b>Inexact Numeric Rank</b> – Denotes inexact numeric rank.
<b>Q</b>	<b>Questionable taxonomy that may reduce conservation priority</b> – Distinctiveness of this entity as a taxon or ecosystem type at the current level is questionable. The “Q” modifier is only used at a global level.
<b>T#</b>	<b>Intraspecific Taxon (trinomial)</b> – The status of intraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank.

**State Status:** Endangered and Threatened are legal status designations authorized by statute. Please refer to MRSA Title 12, §544 and §544-B.

Status	Definition
<b>E</b>	<b>Endangered</b> – Any native plant species in danger of extinction throughout all or a significant portion of its range within the State or Federally listed as Endangered.
<b>T</b>	<b>Threatened</b> – Any native plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range in the State or Federally listed as Threatened.
<b>SC</b>	<b>Special Concern</b> – A native plant species that is rare in the State, but not rare enough to be considered Threatened or Endangered.
<b>PE</b>	<b>Potentially Extirpated</b> – A native plant species that has not been documented in the State in over 20 years, or loss of the last known occurrence.

**Element Occurrence (EO) Ranks:** Quality assessments that designate viability of a population or integrity of habitat. These ranks are based on size, condition, and landscape context. Range ranks (e.g., AB, BC) and uncertainty ranks (e.g., B?) are allowed. The Maine Natural Areas Program tracks all occurrences of rare plants and natural communities/ecosystems (S1-S3) as well as exemplary common natural community types (S4-S5 with EO ranks A/B).

Rank	Definition
<b>A</b>	<b>Excellent</b> – Excellent estimated viability/ecological integrity.
<b>B</b>	<b>Good</b> – Good estimated viability/ecological integrity.
<b>C</b>	<b>Fair</b> – Fair estimated viability/ecological integrity.
<b>D</b>	<b>Poor</b> – Poor estimated viability/ecological integrity.
<b>E</b>	<b>Extant</b> – Verified extant, but viability/ecological integrity not assessed.
<b>H</b>	<b>Historical</b> – Lack of field information within past 20 years verifying continued existence of the occurrence, but not enough to document extirpation.
<b>X</b>	<b>Extirpated</b> – Documented loss of population/destruction of habitat.
<b>U</b>	<b>Unrankable</b> – Occurrence unable to be ranked due to lack of sufficient information (e.g., possible mistaken identification).
<b>NR</b>	<b>Not Ranked</b> – An occurrence rank has not been assigned.

Visit the Maine Natural Areas Program website for more information  
<http://www.maine.gov/dacf/mnap>





JANET T. MILLS  
GOVERNOR

MAINE HISTORIC PRESERVATION COMMISSION  
55 CAPITOL STREET  
65 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333

KIRK F. MOHNEY  
DIRECTOR

December 4, 2023

Mr. Richard Meek, P.E.  
Terradyn Consultants, LLC  
41 Campus Drive  
Suite 301  
New Gloucester, ME 04260

Project: MHPC# 1768-23 Copp; Ruby Farm; On Ruby Lane  
Amendment to Existing Residential Subdivision  
Town: Durham, ME

Dear Mr. Meek:

In response to your recent request, I have reviewed the information received November 21, 2023 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA).

Based on the information submitted, I have concluded that there will be no historic properties (architectural or archaeological) affected by this proposed undertaking, as defined by Section 106.

Please contact Megan Rideout at (207) 287-2992 or [megan.m.rideout@maine.gov](mailto:megan.m.rideout@maine.gov) if we can be of further assistance in this matter.

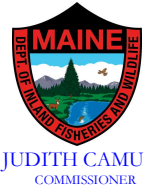
Sincerely,

Kirk F. Mohney  
State Historic Preservation Officer



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
353 WATER STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041



JUDITH CAMUSO  
COMMISSIONER

January 30, 2024

Richard Meek  
Terradyn Consultants, LLC  
41 Campus Drive, Suite 301  
New Gloucester, ME 04260

**RE: Information Request – Durham, Swamp Road Subdivision Project (ERID 2947)**

Dear Richard:

Per your request, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and inland fisheries habitat concerns within the vicinity of the *Durham, Swamp Road Subdivision* project. Please note as project details are lacking, our comments should be considered preliminary.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

***Endangered, Threatened, and Special Concern Species***

Bat Species – Of the eight species of bats that occur in Maine, four species are afforded protection under Maine’s Endangered Species Act (MESA, 12 M.R.S §12801 et. seq.): little brown bat (State Endangered), northern long-eared bat (State Endangered), eastern small-footed bat (State Threatened), and tri-colored bat (State Threatened). The four remaining bat species are designated as Species of Special Concern: big brown bat, red bat, hoary bat, and silver-haired bat. While a comprehensive statewide inventory for bats has not been completed, based on historical evidence, it is likely that several of these species occur within the project area during spring/fall migration, the summer breeding season, and/or for overwintering. However, our Agency does not anticipate significant impacts to any of the bat species as a result of this project.

Rare Turtle Species - Occurrences of Blanding’s turtle (State Endangered) and wood turtle (Special Concern – Rare) have been documented near the proposed project. Blanding’s turtles are most frequently associated with small, acidic wetlands and vernal pools located in large, intact landscapes. They also use small streams, shrub swamps, wet meadows, bogs, and forested swamps. If these habitats are present in the project area, we recommend that they be avoided and adequately buffered with a 250-foot undisturbed, intact vegetative cover. Wood turtles use a mix of aquatic and terrestrial habitats throughout the year including riparian meadows, shrub thickets, farmland, and deciduous forests as well as bogs, forested wetlands, vernal pools, and streams. We recommend 300-foot intact riparian buffer zones along all mapped and unmapped streams, with no new no development or permanent habitat conversion within this zone. Alternatively, we recommend that surveys be conducted for these two species within the project area, conducted by qualified biologists with experience surveying for these species, following MDIFW’s most recent survey protocols. MDIFW is willing to work closely with the applicant to design a project that attempts to limit potential impacts to these listed species.

### ***Significant Wildlife Habitat***

Significant Vernal Pools - At this time MDIFW Significant Wildlife Habitat (SWH) maps indicate no known presence of Significant Vernal Pools (SVPs) in the project search area. However, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. SVPs are not included on MDIFW maps until project areas have been surveyed using approved methods and the survey results confirmed. Thus, their absence from resource maps is not necessarily indicative of an absence on the ground. Therefore, we recommend that surveys for vernal pools be conducted within the project boundary by qualified wetland scientists prior to final project design to determine whether there are Significant Vernal Pools present in the area. These surveys should extend up to 250 feet beyond the anticipated project footprint because of potential performance standard requirements for off-site Significant Vernal Pools, assuming such pools are located on land owned or controlled by the applicant. Once surveys are completed, survey forms should be submitted to our Agency for review well before the submission of any necessary permits. Our Department will need to review and verify any vernal pool data prior to final determination of significance.

### ***Aquatic Resources***

Fish Habitat - We recommend that 100-foot undisturbed vegetated buffers be maintained along streams. Buffers should be measured from the edge of stream or associated fringe and floodplain wetlands. Maintaining and enhancing buffers along streams that support coldwater fisheries is critical to the protection of water temperatures, water quality, natural inputs of coarse woody debris, and various forms of aquatic life necessary to support conditions required by many fish species. Stream crossings should be avoided, but if a stream crossing is necessary, or an existing crossing needs to be modified, it should be designed to provide full fish passage. Small streams, including intermittent streams, can provide crucial rearing habitat, cold water for thermal refugia, and abundant food for juvenile salmonids on a seasonal basis and undersized crossings may inhibit these functions. Generally, MDIFW recommends that all new, modified, and replacement stream crossings be sized to span at least 1.2 times the bankfull width of the stream. In addition, we generally recommend that stream crossings be open bottomed (i.e., natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts as eroding soils from construction activities can travel significant distances as well as transport other pollutants resulting in direct impacts to fisheries and aquatic habitat. In addition, we recommend that any necessary instream work occur between July 15 and October 1.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance, we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Letter to Richard Meek, Terradyn  
Comments RE: Durham, Swamp Road Subdivision  
January 30, 2024

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

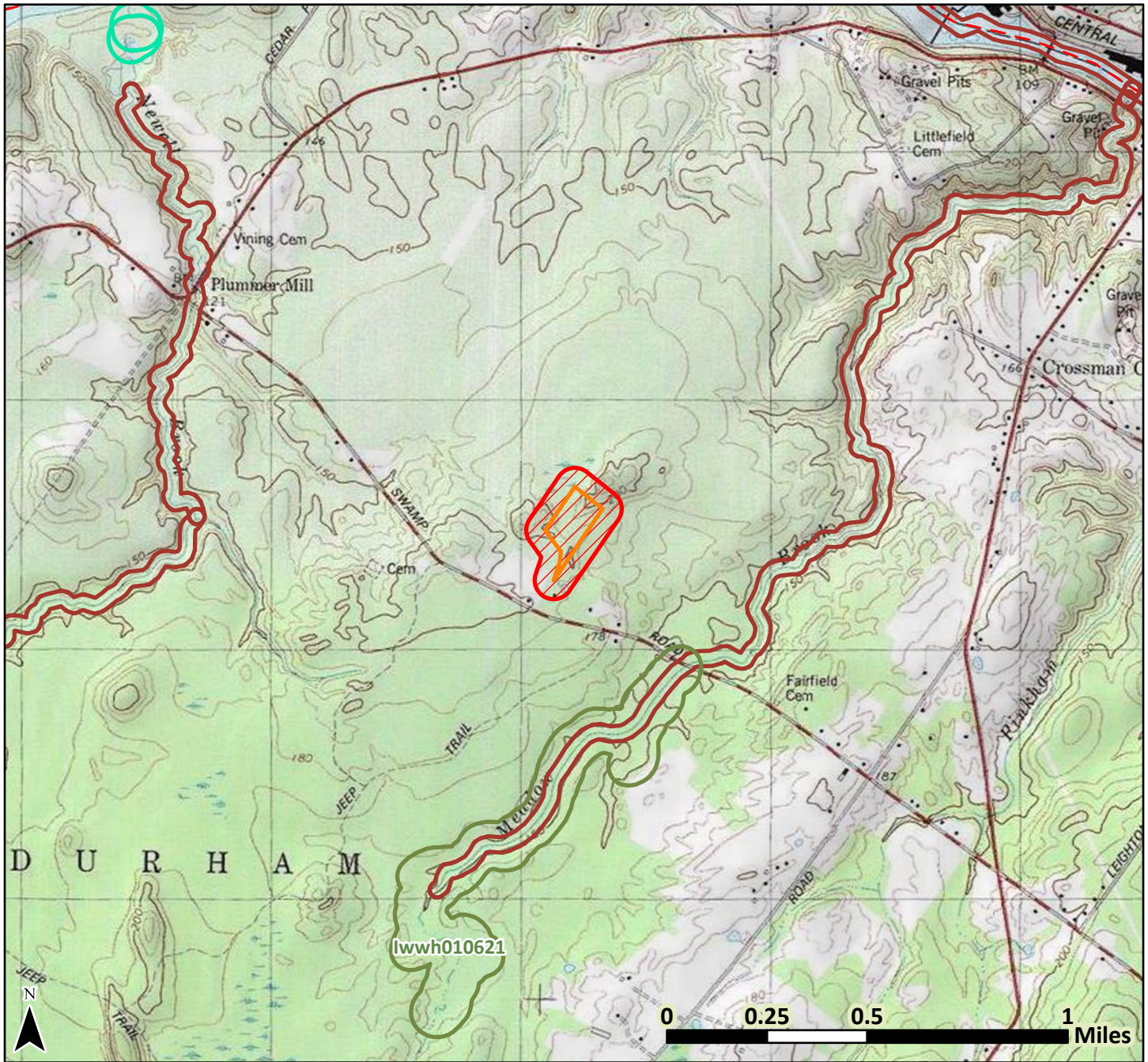
A handwritten signature in blue ink, appearing to read "Ciara Wentworth". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ciara Wentworth  
Resource Biologist



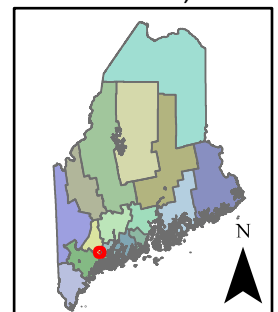
# Maine Department of Inland Fisheries and Wildlife Project Area Review of Fish and Wildlife Observations and Priority Habitats

## Durham, Swamp Road subdivision



- |                   |                              |
|-------------------|------------------------------|
| County Boundary   | Inland Waterfowl/Wading Bird |
| Township Boundary | Significant Vernal Pool      |
| Project Footprint | Special Concern Fish         |
| Search Area       |                              |

Date: 11/27/2023  
 Projection:  
 UTM Zone 19N, NAD83



*Legend only lists resources visible in the map; see response letter for all resources that were evaluated.*



## Exhibit 14 - Technical Capacity

The applicant, Michael Copp, has development and permitting experience within the Town of Durham, including the first phase of the Ruby Farmview Subdivision. The design phase of this project includes the preparation of the subdivision plan, roadway plan & profile, erosion & sediment control plan and site detail plans. The permitting phase of this project consists of the preparation of all required state and local permit applications, including the MDEP Tier 1 Natural Resources Protection Act Permit, Maine General Construction Permit, and Subdivision application with the Town of Durham.

The applicant has retained Wayne T. Wood & Co. to prepare the boundary and partial topographic survey for the property. Wayne Wood, PLS 1328 has been providing Maine clients with surveying services since 1993.

The applicant has retained Mark Hampton Associates, Inc. to delineate the onsite wetlands and prepared a site suitability assessment for subsurface sewage disposal systems. Mark Hampton, CSS #216, LSE #263 is a recognized expert in these fields.

The applicant has retained Terradyn Consultants, LLC (Terradyn) to lead the design and permitting effort for this project. Terradyn was established in 2005 and currently has seven professional engineers on staff. Terradyn provides land planning, stormwater management design, environmental permitting, and technical assistance to developers, contractors, and municipalities for commercial, residential, and industrial developments. Project manager, Richard Meek, P.E., has been involved in the successful design and permitting of numerous projects of similar size and scope. Terradyn has subcontracted with Barton & Loguidice to prepare the Traffic Assessment.





FEMA MAP - FIRM 23001C0452E

PROJECT:  
RUBY FARM SUBDIVISION PHASE 2  
DURHAM, MAINE

PREPARED FOR:  
MICHAEL COPP  
190 PINKHAM BROOK ROAD  
DURHAM, MAINE 04222



207.926.5111 • info@terradyconsultants.com • www.terradyconsultants.com

PINELAND  
41 CAMPUS DRIVE, SUITE 301  
NEW GLOUCESTER, ME 04260

PORTLAND  
565 CONGRESS STREET, SUITE 201  
PORTLAND, ME 04101

PROJECT NO.

23-030

DATE

4/18/2023

SCALE

1"=500'

SHEET

1

OF

1



**Town of Durham**  
**630 Hallowell Road**  
**Durham, Maine 04222**

**Tel: 207-353-2561**  
**Fax: 207-353-5367**

*Office of Code Enforcement and Planning*

## **SUBDIVISION WAIVER REQUEST**

***A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED***

Subdivision Name: Ruby Farmview Subdivision

Application Date: \_\_\_\_\_

### **A. Applicant Contact Information**

Applicant: Michael Copp Address: 190 Pinkham Brook Road  
Telephone number: 207-576-0652 Durham, ME 04222  
Email address: coppms@aol.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?

The original subdivision was approved, with a favorable recommendation from the Fire Chief, without the need for on-site water storage.

Subdivision Name: Ruby Farmview Subdivision

**D. Justification of Waiver Request**

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

Each lot/dwelling in the subdivision is required to be protected by a residential sprinkler system meeting the requirements of NFPA 13D.

**E. Supporting Documentation**

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

A letter from the Fire Chief is attached.

**F. Signature of Applicant**

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

\_\_\_\_\_  
Printed Name: Michael Copp

\_\_\_\_\_  
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: \_\_\_\_\_**



**Town of Durham**  
**630 Hallowell Road**  
**Durham, Maine 04222**

**Tel: 207-353-2561**  
**Fax: 207-353-5367**

*Office of Code Enforcement and Planning*

## **SUBDIVISION WAIVER REQUEST**

***A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED***

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Application Date: \_\_\_\_\_

### **A. Applicant Contact Information**

Applicant: Michael Copp Address: 190 Pinkham Brook Road  
Telephone number: 207-576-0652 Durham, ME 04222  
Email address: coppms@aol.com \_\_\_\_\_

### **B. Identification of Waiver Request**

Waiver Type: Submissions \_\_\_\_\_ Procedures \_\_\_\_\_ Performance Standards X  
Land Use Ordinance Section Number: 6.18.C.1

### **C. Explanation of Waiver Request**

Why is the waiver being requested by the applicant?

Future connection to an abutting parcel appears unnecessary.

Subdivision Name: Ruby Farmview Subdivision

**D. Justification of Waiver Request**

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

The abutting parcel, Tax Map 5 - Lot 79, includes frontage on Swamp Road and Ruby Lane

**E. Supporting Documentation**

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

None

**F. Signature of Applicant**

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

\_\_\_\_\_  
Printed Name: Michael Copp

\_\_\_\_\_  
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:** \_\_\_\_\_

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1. No new streets are proposed;
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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:

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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:** \_\_\_\_



**Town of Durham**  
**630 Hallowell Road**  
**Durham, Maine 04222**

**Tel: 207-353-2561**  
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***A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED***

Subdivision Name: Ruby Farmview Subdivision

Application Date: \_\_\_\_\_

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Applicant: Michael Copp Address: 190 Pinkham Brook Road  
Telephone number: 207-576-0652 Durham, ME 04222  
Email address: coppms@aol.com \_\_\_\_\_

### **B. Identification of Waiver Request**

Waiver Type: Submissions \_\_\_\_\_ Procedures \_\_\_\_\_ Performance Standards X  
Land Use Ordinance Section Number: 6.24.A and 6.24.B

### **C. Explanation of Waiver Request**

Why is the waiver being requested by the applicant?

The scope of the project does not appear to warrant the need for a Hydrogeologic Assessment.

Subdivision Name: Ruby Farmview Subdivision

**D. Justification of Waiver Request**

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

Each proposed lot is a minimum of two acres in size.  
The proposed subsurface sewage disposal systems shall be designed in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.  
Well exclusion zones are identified on the preliminary plan.  
Best Management Practices will be utilized to mitigate contamination from storm water runoff.  
Based upon the proposed density, there is generally no measurable decrease in water table beyond the boundaries of the subdivision.

**E. Supporting Documentation**

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

None

**F. Signature of Applicant**

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

\_\_\_\_\_  
Printed Name: Michael Copp

\_\_\_\_\_  
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: \_\_\_\_\_**