



Town Of Durham

Planning Board Minutes

Fire Station Meeting Room, 6:30 pm

October 2, 2024

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Brian Lanoie, Marc Derr and George Theborge (Town Planner).

2. Amendments to the Agenda: None

3. Acceptance of Meeting Minutes (September 4, 2024)

Allan Purinton motioned to accept the meeting minutes for September 4th. **Marc Derr seconded;** motion carried 5 – 0.

4. Informational Exchange on Non-Agenda Items:

a) Town officials (George Theborge, Town Planner)

- The Community Facilities Steering Committee has met and the Greater Portland Community of Governments (GPCOG) is preparing a citizen survey asking Durham residents what their concerns are about the existing Town facilities as well as what they might have for goals for these properties. They will be holding a site walk to inspect all the facilities to determine what issues they may have as well as their potential.
- In November the Steering Committee will host a stakeholders meeting inviting Boards, members of the Fire Department, Eureka Community Center and Town Office Staff and the public. They will be meeting during the day as well as in the evening.
- November 13th – Public Information Meeting for Changes to the Land Use Ordinance, Durham Fire Station, 6:30pm.

b) Residents: None

c) Non-Residents: None

5. New Business:

a.) **Completeness Review of Site Plan Application for Daycare Center at 706 Hallowell Road, Map 7, Lot 35**

The applicant submitted and the Board reviewed the following documents:

1. Project Narrative by Acorn Engineering dated September 18, 2024
2. Site Plan Review Application for Building & Site Improvements by David St. Clair Associates & Acorn Engineering dated September 17, 2024
3. Site Plan Review Checklist dated September 18, 2024
4. Site Plan Review Waiver request for erosion sedimentation control plan dated September 18, 2024
5. Site Plan Review Waiver request for stormwater management plan dated September 18, 2024
6. Location Map by Acorn Engineering dated September 18, 2024
7. Notice to Abutters dated September 9, 2024
8. Warranty Deed for 706 Hallowell Rd property dated September 20, 2019

9. Letter of Financing Commitment from Coastal Enterprises, Inc. dated July 26, 2024
10. Demonstration of Technical Capacity by Acorn Engineering
11. Subsurface Wastewater Disposal System Application by Bonnie J Cobb, site evaluator dated November 22, 2021
12. Lighting Plan by Charron Reflex Lighting dated September 12, 2024
13. Turning Exhibit for Vehicular Access by Acorn Engineering dated September 18, 2024
14. Site Plans for Kids Next Door Daycare Expansion by Acorn Engineering and St. Clair Associates dated September 18, 2024:
 - a. Drawing C-01 Cover Sheet & Legend
 - b. Sheet 1 Boundary & Topographic Survey (dated August 9, 2024)
 - c. Drawing C-03 Construction Management Plan
 - d. Drawing C-10 Site Plan
 - e. Drawing C-20 Grading Plan
 - f. Drawing C-40 Site Details
 - g. Drawing C-41 Erosion & Sedimentation Control Notes & Details
 - h. Sheet G-000 Coversheet by Woodhull Architecture dated August 15, 2024
 - i. Sheet G-001 Life Safety Plan by Woodhull Architecture dated August 15, 2024
 - j. Sheet G-002 Code Analysis & ADA Plan by Woodhull Architecture dated August 15, 2024
 - k. Sheet A-101 1ST Floor Plan & Schedules by Woodhull Architecture dated August 15, 2024
 - l. Sheet A-201 1ST Building Elevations by Woodhull Architecture dated August 15, 2024
15. Response Letter from Acorn Engineering dated October 1, 2024
16. Beginning with Habitat Natural Resources Inventory Map dated October 1, 2024
17. State Fire Marshal Construction Permit No. 30592 dated August 30, 2024
18. Email from Durham Fire Chief dated September 25, 2024

Allan Purinton motioned that section C.8 (All Wetlands Mapped) of the Site Plan Review Checklist is not applicable, because the developed area is not within the wetland. **John Talbot seconded. Motion carried 4 – 1.**

John Talbot motioned that the applicant has met the submission requirements for site plan approval. **Allan Purinton seconded. Motion carried 4 – 1.**

The applicants are requesting waivers of the requirement for formal erosion & sedimentation control, stormwater management plans and to reduce the two-way aisle width from 24 to 20 feet for 90-degree parking.

John Talbot motioned to approve the waiver to reduce the two-way aisle width from 24 to 20 feet, with the condition that the area along the parking spaces is 22 feet. **Allan Purinton seconded. Motion carried 5 – 0.**

John Talbot motioned to approve the site plan waiver request for erosion & sedimentation control per paragraph 8.7. **Allan Purinton seconded. Motion carried 5 – 0.**

John Talbot motioned to approve the waiver for stormwater management plans. **Juliet Caplinger seconded. Motion carried 5 – 0.**

SITE PLAN REVIEW CRITERIA

A. Utilization of the Site

1. The project proposes building and site improvements to accommodate the expansion of an existing, licensed home day care (12-child capacity) to a small daycare facility with a 20-child capacity.

2. To accommodate the daycare expansion, an addition of approximately 1360 sf will be constructed on the existing garage, which is attached to the single-family home. Approximately 370 sf of the building addition will serve the residential use of the site as storage. The remaining 990 sf of the addition will serve commercial use.
3. The commercial portion of the addition is positioned to meet the 100-foot commercial front and side setbacks from the property lines.
4. The proposed building and parking improvements will be located on currently cleared portions of the project site that lack any environmentally sensitive areas.
5. Based on site observations, there are no wetlands in the project vicinity. This is also supported by the National Wetland Inventory Mapping, which is included on the Maine Department Inland Fisheries and Wildlife “Beginning with Habitat” online GIS viewer.

Motion made by John Talbot: The site plan reflects natural capabilities of site to support the development, buildings and parking are located on suitable land, environmentally sensitive portions of site have been avoided & protected, and natural drainage is maintained to the maximum extent practical.

Motion seconded by Marc Derr: Votes to approve: 4 Votes to deny: 1

B. Adequacy of Road System

1. The project is located on State Route 9, an arterial with adequate capacity to accommodate the proposed development.

Motion made by Marc Derr: The access road has capacity to take the added traffic proposed and the project does not generate peak hour trips that affect traffic safety on that road.

Motion seconded by Allan Purinton: Votes to approve: 5 Votes to deny: 0

C. Vehicular Access into the Site

1. The engineer for the project confirmed the entrance on Route 9 has sight distances of > 475 feet looking north and south.
2. An access drive of 20-foot width will be extended off the existing driveway to provide access to the new parking spaces located in front of the daycare center expansion parking and entrance.
3. The Durham Fire Chief indicated that access to the site is adequate.

Motion made by Allan Purinton: The project entrance meets safe sight distances and traffic safety standards.

Motion seconded by Juliet Caplinger: Votes to approve: 5 Votes to deny: 0

D. Internal Vehicular Circulation

1. The site is relatively level with adequate room for safe operations.
2. The building expansion location and configuration provides access to emergency vehicles.
3. The Durham Fire Chief has indicated that the access is adequate.

Motion made by John Talbot: The site plan minimizes cut and fill alterations and provides adequate room for safe operations, the entrance and circulation are adequate for the types of vehicles anticipated, and fire lanes around buildings are adequate and clearly marked.

Motion seconded by Brian Lanoie: Votes to approve: 5 Votes to deny: 0

E. Parking Lot Layout & Design:

1. The expanded parking area and driveway consists of approximately 3,740 sf of reclaim asphalt pavement with 5 new parking spaces, one of which is ADA van accessible.
2. Four spaces currently exist on the site in the garage and existing driveway, and will be preserved as part of this project, which totals 9 spaces to serve the proposed use.
3. The number of parking spaces is based on a calculation for a day care center land use from the ITE “Parking Generation, 4th Edition” manual.
4. Based on the adequacy of the site improvements for vehicular access and to reduce impervious surface area, the Board grants a waiver of the 24-foot aisle width requirement for perpendicular parking. The drive leading to the parking spaces can be 20 feet in width and the aisle access to the parking spaces can be 22 feet in width.

Motion made by Juliet Caplinger: Proposed parking meets the design standards for setbacks, aisles and parking spaces, prevention of damage to lighting and landscaping, and for safe pedestrian access.

Motion seconded by Marc Derr Votes to approve: 5 Votes to deny: 0

F. Utilities

1. Utilities will be routed to the building expansion internally.
2. An expansion of the existing septic system will be required to serve the additional flows from the proposed use.
3. Solid waste generated from the site will utilize the existing curbside pickup system for disposal.

Motion made by Allan Purinton: Adequate utilities are provided.

Motion seconded by Marc Derr: Votes to approve: 5 Votes to deny: 0

G. Lighting Design Standards

1. Lighting of the proposed parking area will be accomplished with wall packs mounted on the building.
2. Downward directed lighting packs will be installed to provide adequate illumination of the new parking area while limiting glare on adjacent properties.
3. The lighting plan demonstrates that the illumination will be limited to the parking lot and will not cause sky glow.

Motion made by Allan Purinton: Adequate lighting is provided for the proposed use.

Motion seconded by Juliet Caplinger: Votes to approve: 5 Votes to deny: 0

H. Signage: No signage proposed

I. Fire Protection

1. The project has no on-site water source for fire protection.
2. A hydrant is located approximately 0.4 miles away at a pond along Patriot Way.
3. The project is also located approximately 0.4 miles from the Durham Fire & Rescue station at 615 Hollowell Road, which also has a hydrant on-site.

4. Sprinklers or fire alarms are not required for this project per building code given the size and relative low level of hazard (details are included on sheet G-002 of the architectural permit set).
5. A Maine State Fire Marshal permit has been issued for the addition which also notes the building as non-sprinklered and without a fire alarm.
6. The Durham Fire Chief indicated that there are no fire safety concerns with the proposed plans.
7. Motion made by Marc Derr: The water supply will sustain fire suppression requirements of NFPA 1142, Water Supplies for Suburban & Rural Fire Fighting.

Motion made by Marc Derr: The water supply will sustain fire suppression requirements of NFPA 1142, Water Supplies for Suburban & Rural Fire Fighting.

Motion seconded by Alan Purinton: Votes to approve: 4 Votes to deny: 1

J. General Buffering Standards

1. Adequate buffering is provided to the property to the west by preserving the existing forested buffer.
2. An additional evergreen buffer will be provided along Route 9 to further screen the proposed parking area.

Motion made by John Talbot: The applicant’s plan adequately buffers abutters and the public from views of parking, garbage storage, utilities, and outdoor storage and is designed for adequate long-term maintenance.

Motion seconded by Allan Purinton: Votes to approve: 5 Votes to deny: 0

K. Historic & Archeological Resources:

1. The nearest potential historic resource to the project per section 5.14 of the land use ordinance would be the Strout Cemetery, which is located approximately 500 feet north on Hallowell Road.
2. There will be no impacts to any markers, granite posts, or abutments older than 100 years old and no sites listed in the National Register of Historic Places are within the project area.
3. Per the town tax assessor information, the existing home was constructed in 1962.

Motion made by John Talbot: There are no historic or archaeological resources on the site that would be affected by the project’s development.

Motion seconded by Allan Purinton: Votes to approve: 4 Votes to deny: 1

L. Financial Capacity

1. The applicants submitted a letter of commitment from Coastal Enterprises stating that their organization is prepared to loan the applicant \$250,000 for the project.

Motion made by Juliet Caplinger: The applicant has adequate financial resources to construct improvements in keeping with the standards.

Motion seconded by John Talbot: Votes to approve: 5 Votes to deny: 0

M. Technical Ability

1. The development team includes qualified survey, engineering, and architectural consultants.

Motion made by Juliet Caplinger: The applicant has adequate experience with site development and/or has retained qualified consultants & contractors to complete the project in keeping with the standards.

Motion seconded by Marc Derr: Votes to approve: 5 Votes to deny: 0

PLANNING BOARD DECISION

Motion made by John Talbot: The Planning Board grants site plan approval of the Kids Next Door Daycare site plan application subject to the following conditions of approval to be noted on the site plan:

1. The project is to be constructed in accordance with the plans, maps, diagrams, specifications, textual submissions, and testimony presented by the applicant and approved by the Board.
2. Per Section 8.7.B., the Board grants a waiver of the driveway and aisle width. The driveway can be 20 feet and the aisle at the parking spaces must be 22 feet.
3. Per Section 8.4.K., if the applicant wishes to make any changes to the approved site plan, the applicant must meet all the requirements for a site plan approval for that changed part of the application, i.e., the applicant will go through the site plan review process only for the section of the permit they want changed.
4. Per Section 8.4.L., the applicant shall commence construction of the required improvements within twelve (12) months of plan approval and shall complete said improvements within thirty-six (36) months.
5. Per Section 8.4.M., one copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved site plan, including any conditions of approval.

Motion seconded by Allan Purinton: Votes to approve: 3 Votes to deny: 2

5. New Business: (continued)

b.) Sketch Plan Review of a Proposed Subdivision on Newell Brook Road, Map 6, Lot 49

- The subject property is a 64-acre land tract off Newell Brook Road with frontage on the Androscoggin River. The property currently has one dwelling accessed by an old range road that will be upgraded to provide road access to a new road extension that will serve the 7 proposed lots.
- The proposed road extension follows a ridge line running northeast to southwest across the land tract, limiting slopes of the road and building sites.
- The project narrative explains the applicant is proposing to establish a family subdivision/compound and the lots will not be listed on the open market for sale of individual lots.
- One lot is currently under development, and another is proposed for 2025, with four lots serving as future home sites for family members and a seventh lot will be common area for the six lots and will have a fire pond as a water source for fire protection.
- One lot with legal frontage on Newell Brook Road will have a driveway access easement to the home site from the proposed private internal road across an abutting lot. This will avoid construction of a driveway from Newell Brook Road up the steep hillside to the proposed home site.

- The applicant has submitted the required supporting documentation for sketch plan review and has also submitted most of the required engineering plans for preliminary subdivision, giving greater detailed understanding of the proposed project for the sketch plan discussion.
- Sketch plan review is an opportunity for the Planning Board and applicant to review the project site and plan for development so that both entities are “on the same page” when the formal legal review process commences.
- The purpose of the Planning Board/applicant discussion is to set clear understanding and expectations for the review process to promote effective and timely review of the application.
- Upon submission of the full preliminary plan application, the plan will be reviewed for compliance with the submission requirements and performance standards.
- If the Board finds that the preliminary plan is in substantial compliance with the subdivision standards, it grants preliminary approval pending reviews by outside agencies, full engineering design and peer review by the Town’s consulting engineer, and submission of legal and financial documentation for construction of the subdivision. • The final plan is the third and final stage of the review process that focuses on ensuring that the project design is complete and mechanisms are put in place to ensure completion of the subdivision improvements in compliance with the approved plan and regulations. The final plan also looks at the formation of a homeowner’s association with responsibility for long-term maintenance of those improvements.

Applicant: David Brackett (one of the property owners)

Connor Bourassa representing Northeast Civil Solutions

- The Planning Board is waiting to hear back from the applicant and project engineer for a date to schedule a site walk.

6. Other Business:

a.) Planning Board Discussion of Land Use Policy Issues for Next Town Meeting

- November 13, 2024 – Public Information Meeting at the Fire Station, 6:30pm

7. Adjourn

Juliet Caplinger motioned to adjourn. Brian Lanoie seconded; motion carried 5 – 0.

Meeting adjourned at 8:21 pm.