



**Planning Office Review Notes
Planning Board Meeting – June 2, 2026**

Site Address: 378 Middle Road Agent: Peter Biegel, Land Design Solutions Property Owner/Applicant: Brush & Hammer Builders, Inc.	Map/Lot #: U20-005-001 Zoning District(s): RB
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Project Summary:

This application is for a Fill Permit for the associated work related to driveway construction requiring wetland and stream crossings for access to a desired building site in the rear of the property at 378 Middle Road. The applicant is seeking approval for the placement of fill within 10 feet of a stream and wetland areas. The project proposes a natural bottom 36" stream crossing culvert for the construction of the driveway. The project proposes to impact 1,922 SF of wetlands and 190 SF of a stream. The applicant has received both Maine DEP and ACOE approvals prior to applying to the Planning Board.

Applicable Ordinance Sections:

The following represent the primary applicable ordinance criteria for this application:

- **Section 19-67** (Placement or Removal of Fill Material)
- **Section 19.71** (Buffers and Setbacks Adjacent to Streams, Ponds, and Wetlands)
- **Section 19-72** (Erosion and Sedimentation Control)

**NOTE: In the review notes that follow, below, direct quotes from the Ordinances are italicized*

Section 19-71.5.B: Exemptions

Section 19-71.5.B outlines specific improvements that qualify for exemption from buffers and setbacks to wetlands and streams if the improvement meets the four criteria outlined in this provision (See below). The applicant did not address how the proposed improvement qualifies for the exemption in the application. The Planning Board should determine if the proposed design qualifies for the exemption per the ordinance criteria outlined in **Section 19.71.5.B**.

Section 19.71.5.B: *Subject to the following qualification, buffers and setbacks do not apply to the following improvements:*

1. *Stormwater management facilities;*
2. *Road crossings, bridges, culverts, and the installation of utilities needed to access property on the other side of wetlands and water bodies; and*
3. *Docks, boat ramps, and other structures necessary for direct access to water bodies.*

In order to qualify for the exemptions in this paragraph B, the design and location of the improvements must:

- 1. Be integrated with the natural topographic condition and minimize the need for cuts and fills;*
- 2. Minimize impacts on protected resources and their respective buffers and setbacks as defined in subsection 19-71.3;*
- 3. Incorporate accepted best management practices; and*
- 4. Be determined by the permitting authority to be the best alternative.*

Plan Buffer Labels: There is a 25-foot designation on C-301 plan that is unlabeled, however, a 50-foot no disturbance buffer is required for high value wetlands and streams and is not shown on this plan. A 50-foot no disturbance buffer should be added to sheet C-301 for final plan submittal.

Proposed Conditions of Approval

Below, staff have drafted proposed conditions of approval for the Board's consideration in the event the Board determines that a conditional approval is warranted.

1. The development 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. Prior to commencement of site work, and prior to issuance of a building permit.
 - a. Erosion control measures shall be installed to the satisfaction of the Town Engineer.
 - b. Applicant should obtain all necessary approvals from outside regulatory authorities.
 - c. Applicant shall update plans to address staff comments.
 - d. The applicant shall obtain a stamped copy of final plans from the Planning Office.
 - e. Limits of clearing shall be marked in the field with snow fence or equivalent to the satisfaction of the Town Engineer.
 - f. Applicant shall pay inspection fee per **Section 19-67.g** (\$200)