TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

Office of Code Enforcement and Planning

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

CONDITIONAL USE PERMIT APPLICATION

Please read the Conditional User Permit Application Instructions and meet with the Code Enforcement Officer before completing this Application.

PART I. PROPERTY INFORMATION

Applicant's name and address:

Bowie's LLC
Clayton "Chip" Bowie
477 River Rd., Topsham, Maine 04086

Owner's name and address: (if different than applicant)

Property address: Cushing Road, Durham, Maine

Property tax map: 8 and lot: 14

Property zone(s) (list all): Rural, Residential & Agricultural

Property overlay zone(s) (list all): Aquifer Protection (Partial)

Current approved property use: Commercial use

Is this property in a subdivision: Yes [ ] No [X]

Is <u>any part</u> of this property in a flood plain: Yes [ ] No [X]

Will there be any new structures, expansions of existing structures, or the construction or expansion of parking areas: Yes [ ] No [X]

PART II. PROPOSED USE

Please fully describe the proposed use; including all of the following (you may attach separate or additional sheets):

- Describe the proposed use in detail
- Hours of operation
- Plans for waste disposal
- Anticipated traffic (deliveries, customers, etc.)
- Other relevant information on the proposed use

The Biomass and Compost recycling site was historically used extensively and continuously by several owners/ operators for a variety of construction purposes. These historical uses operated for several decades and included a mineral extraction/gravel pit, construction materials storage, sorting and processing, producing, and managing off-site excavated construction materials, an asphalt batch plant and storage of site clearing debris such as stumps, brush, and excavated topsoil. Bowie operated the site for several of the historical uses including storage of logs for future processing on and off site. The construction materials, biomass recycling/grinding, and firewood business evolved into what is now BOWIE'S ORGANICS.

PART III. CONDITIONAL USE STANDARDS

For each standard, describe how what potential impacts your project might have, how your project meets the standard, and what documents the Planning Board should refer to that support your position.

A. Public Health Impacts: The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

Please include how you will address any sewage disposal (septic, etc.), any fumes or air emissions, any discharge or runoff that might pollute water, trash, and other potential public health impacts.

Why your project won't create any public health impacts:

THERE WILL BE NO WATER POLLUTION DISCHARGES FROM THIS SITE. SEE STORMWATER MANAGEMENT PLANS IN THE APPLICATION EXHIBIT 1.

THERE WILL BE NO AIR POLLUTION REQUIRING A PERMIT FROM USEPA OR MAINE DEP. OPERATING EQUIPMENT IS FITTED WITH MUFFLERS AND TREATMENT EQUIPMENT REQUIRED BY FEDERAL AND STATE AIR POLLUTION LAWS, RULES AND REGULATIONS. DUST WILL BE CONTROLLED AS NEEDED USING WATER FROM THE STORMWATER POND AND A TANK TRUCK AS NEEDED.

THERE WILL BE A NEW WELL AND STORMWATER MANAGEMENT POND

SITE PLAN (EXHIBIT 2) AND STORMWATER DETAILS (SHEET 2 EXHIBIT 1) SHOWS FIRE/STORMWATER POND AND DRY HYDRANT PORTABLE PUMP. ALSO SHOWN IS A WATER SUPPLY WELL FOR DRINKING WATER. THERE WILL BE NO HARM TO THE AQUIFER OR THE OFF-SITE WATER WELLS USED BY OTHERS.

Relevant documents:

STORMWATER MANAGEMENT PLAN EXHIBIT 1

SITE PLAN EXHIBIT 2

B. **Traffic Safety Impacts:** The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

Please include how much and the type of traffic you anticipate, hours of traffic, type of traffic currently on the road, any entrance permits, entrance sight distances, hazardous intersections in the area, traffic studies, etc.

Why your project won't create any traffic safety impacts:

THIS PROJECT WILL NOT CAUSE TRAFFIC CONGESTION OR UNSAFE CONDITIONS BECAUSE THE PROPOSED TRAFFIC WILL BE LESS THAN THE HISTORICAL USE OF THE SITE FOR LAND CLEARING, DEBRIS STORAGE AND GRAVEL EXCAVATION.

THE EXISTING DRIVEWAY WILL NOT BE RELOCATED. LINE OF SITE DISTANCE IS GREATER THAN 200 FT.

Relevant documents:

C. **Public Safety Impacts:** The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal services than existing uses in the neighborhood.

Please include a description of the types of surrounding uses (residential, home businesses, commercial businesses, farms, etc.); the types of public safety problems your use might pose and how you will address them; and the types of municipal services your use will require (education, trash disposal, fire protection, law enforcement protection, etc.).

Why your project won't create public safety problems that are substantially different from the surrounding uses:

THIS PROJECT WILL NOT CAUSE NOISE, ODOR, GLARE, OR VIBRATION TO DISTURB THE PEACEFUL ENJOYMENT OF ADJACENT PROPERTYBECAUSE IT WILL COMPLY WITH DURHAM'S VERY RESTRICTIVE NOISE STANDARD FOR DAYTIME OPERATION. THE OPERATING SCHEDULE WILL BE 7 AM TO 7 PM MONDAY THROUGH SATURDAY AND 10 AM TO 4 PM ON SUNDAYS. THERE WILL BE NO FIREWOOD PROCESSING ON SUNDAYS (EXHIBIT 2: COMPLIANCE SOUND LEVEL STUDY)

Why your project won't require a substantially greater degree of municipal services than the surrounding uses:

THIS PROJECT WILL NOT PLACE AN EXCESSIVE BURDEN ON THE ABILITY OF THE TOWN TO PROVIDE MUNICIPAL, GOVERNMENTAL OR EDUCATIONAL SERVICES

Relevant documents:

COMPLIANCE SOUND LEVEL STUDY: EXHIBIT 3

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

Please identify any nearby natural resources (ponds, streams, vernal pools, etc.) and describe whether your project could have an impact on any of those resources and the steps you are taking to prevent any such impact. If you are removing any vegetation or doing any site work, describe those plans and what erosion or sedimentation control procedures you will be taking. If your project could have runoff or leaching, identify the nearby wells and resources that could be impacted and the measures you are taking to prevent any impact.

Why your project won't result in sedimentation or erosion:

THE SITE PLAN SHOWS THAT THE NEW TOPOGRAPHY WILL DIRECT THE STORMWATER RUNOFF TO THE STORMWATER POND. See STORMWATER MANAGEMENT PLAN AND DETAILS IEXHIBT 1

SOILS REFER TO EXHIBIT 4 MARK CENCI, GEOLOGIST REPORT

Why your project won't have an adverse effect on water supplies:

THIS SITE IS NOT WITHIN 250' OF ANY POND, LAKE OR RIVER. THE PROPOSED DEVELOPMENT MEETS MAINE DEP'S REQUIREMENTS FOR SETBACKS FROM STREAMS OF SPECIAL SIGNIFICANCE AND WETLANDS AND CONFORMS TO THE MAINE DEP'S STTANDARDS FOR A PERMIT BY RULE.

THIS PROJECT WILL NOT AFFECT THE QUALITY OR QUANTITY OF GROUND WATER BECAUSE THERE WILL BE NO ADVERSE IMPACT OF THE ADJACENT AQUIFER AND SITE GRADING WILL PROVIDE A MARGIN OF SAFETY FROM GROUNDWATER IN THE DEVELOPED PORTION OF THE SITE. SEE EXHIBIT 1 AND 3

Relevant documents:

EXHIBT 1 STORMWATER MANAGEMENT PLAN

EXHIBT 4 MARK CENCI SOILS REPORT

E. **Scale & Intensity of Use:** The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, and proximity to other structures.

Please include a description of the types of surrounding uses (residential, home businesses, commercial businesses, farms, etc.), how close they will be to your project, and whether and how much those surrounding uses will be able to see your operations. Describe how your project fits in with the neighborhood and identify any screening or other steps you will take to minimize the impact on surrounding uses.

Why your project will be compatible with surrounding uses:

THIS PROJECT WILL NOT CAUSE NOISE, ODOR, GLARE, OR VIBRATION TO DISTURB THE PEACEFUL ENJOYMENT OF ADJACENT PROPERTYBECAUSE IT WILL COMPLY WITH DURHAM'S VERY RESTRICTIVE NOISE STANDARD FOR DAYTIME OPERATION. THE OPERATING SCHEDULE WILL BE 7 AM TO 7 PM MONDAY THROUGH SATURDAY AND 10 AM TO 4 PM ON SUNDAYS. THERE WILL BE FIREWOOD PROCESSING ON SUNDAYS

THE EXISTING "LANDSCAPING" WILL NOT BE REMOVED. VISUAL BUFFERING WILL BE PROVIDED BY A NOISE CONTROL BERM AS SHOWN ON THE SITE PLAN

Relevant documents:

EXHIBIT 3COMPLIANCE SOUND LEVEL STUDY

F. **Noise & Hours of Operation:** The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

Please describe your hours of operation and any noise that your use may generate. Describe the impact those hours and noise could have on surrounding uses and how your use will not be incompatible with the surrounding uses.

Why your project will be compatible with existing uses in terms of noise and hours of operation:

THIS PROJECT WILL NOT CAUSE NOISE, ODOR, GLARE, OR VIBRATION TO DISTURB THE PEACEFUL ENJOYMENT OF ADJACENT PROPERTYBECAUSE IT WILL COMPLY WITH DURHAM'S VERY RESTRICTIVE NOISE STANDARD FOR DAYTIME OPERATION. THE OPERATING SCHEDULE WILL BE 7 AM TO 7 PM MONDAY THROUGH SATURDAY AND 10 AM TO 4 PM ON SUNDAYS. THERE WILL BE NO FIREWOOD PROCESSING ON SUNDAYS

Relevant documents:

EXHIBIT 3 COMPLIANCE SOUND LEVEL STUDY

G. **Right, Title, or Interest:** The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Identify the type of right, title, and interest that you hold in the property (deed, purchase and sale agreement, lease, easement, etc.).

Right, title, and interest:

REFER TO DEED EXHIBIT 5

Relevant documents:

EXHIBIT 5

H. **Financial & Technical Ability:** The applicant has the financial and technical ability to meet the standards of this Section and to comply with any conditions imposed by the Planning Board pursuant to subsection 7.5.

Please identify the cost of the project and any required compliance measures. Provide evidence that you have the financial capacity to meet those standards. Please also identify the experience that you have with the type of proposed use. If your project involves building construction and/or site development, what types of professional services have you or will you employ to address technical design issues like wetland mapping and storm drainage analysis? Who will be inspecting the work to ensure that it meets required regulatory performance standards and industry quality standards? The details of construction and financial & technical capacity will be reviewed during site plan approval (if required), but a general indication and discussion is needed for conditional use review and also for implementation of required conditions of approval (if any).

Estimated cost of the project and compliance:

Bowie's site work to date has been self- financed. The balance of Site Work financing will be from Bath Savings EXHIBIT 6 LETTER FROM BATH SAVINGS INSTITUTION AE HODSDON AND RESOURCE SYSTEMS ENGINEERING CONDUCT SITE VISITS AND REPORT TO BOB FORREST, CEO

Evidence of financial capacity:

EXHIBIT 6 BSI LETTER

Evidence of technical capacity:

BOWIE'S HAS BEEN IN THIS BUSINESS FOR MANY YEARS.

THE SITE WORK TO DATE HAS BEEN COMPLETED BY BOWIE'S.

AE HODSDON AND RESOURCE SYSTEMS ENGINEERING CONDUCT SITE VISITS AND REPORT TO BOB FORREST, CEO

Relevant documents:

PART IV. SPECIFIC PERFORMANCE STANDARDS

Per Section 7.4.B., please identify any additional performance standards contained in the Land Use Ordinance that apply to your project and identify how you meet those standards (add additional standards/sheets as required). As an example, if your project is a campground, you need to document how you meet the specific standards of Section 5.8 as well as the general criteria for a conditional use review. If your project requires separate site plan review and approval, you can address the site plan performance standards in your site plan application.

A. Specific Standard: (Section Reference) SEE EXHIBIT 7

Performance standard:

How you meet that standard:

Relevant documents: