

**DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
August 2, 2023**

NOTE: No public comment will be taken on individual applications at the meeting unless the Board schedules a formal public hearing with required notice posted. Comments on applications can be submitted in writing to the Town Planner and will be forwarded to the Planning Board and the applicants.

1. Roll Call & Determination of a Quorum
2. Amendments to the Agenda
3. Acceptance of the Minutes of Prior Meetings (July 5, 2023)
4. Informational Exchange on Non-Agenda Items:
 - a) Town Officials
 - b) Residents (Public comment will be taken)
 - c) Non-Residents (Public comment will be taken)
5. New Business:
 - a) Conditional Use Application for expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will not be taken)
6. Other Business:
 - a) Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (July 5, 2023)

1. Roll Call & Determination of a Quorum

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

Absent: Ron Williams and Anne Torregrossa

Guest: Charles Burnham (Applicant: Deer Creek)

2. Amendments to the Agenda: None**3. Acceptance of the Minutes of prior meeting (June 7, 2023)**

Juliet Caplinger moved to accept the minutes from the June 7, 2023 meeting as presented. Tyler Hutchison seconded. Motion carried 4-0.

4. Informational Exchange on Non-Agenda Items:

a.) **Town Officials – None**

b.) **Residents – None**

c.) **Non-residents – None**

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

Opening Remarks (Town Planner)

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

Subdivision Review Criteria

1. Pollution

Motion made by Tyler Hutchison: The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board has considered the five adopted criteria for pollution, and the applicant has submitted evidence and testimony of compliance with the performance standards for elevation of land and relation to floodplain management contained in Section 6.25, for soils and wastewater disposal in Section 6.19, for management under Section 6.17 and 6.28, and for state and local health rules under Section 6.16 for water supply, 6.19 for sewage disposal, and 6.24 for impact on groundwater quality.

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

2. Sufficient Water

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

3. Erosion

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

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

4. Traffic

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

5. Sewage Disposal

Motion made by Tyler Hutchison: The proposed subdivision will provide for adequate sewage waste disposal. Soil test pits have been submitted to document that each lot will have a septic system location that meets Maine wastewater disposal rules without the need for a variance or off-site easement.

Motion seconded by Juliet Caplinger:

Votes to approve: 4 Votes to deny: 0

6. Municipal Solid Waste Disposal

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

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

7. Aesthetic, Cultural, and Natural Values

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

8. Conformity with Local Ordinances and Plans

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

9. Financial and Technical Capacity

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

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

Motion seconded by Juliet Caplinger:

Votes to approve: 4 Votes to deny: 4

10. Surface Waters

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

11. Groundwater

Motion made by Allan Purinton: Septic systems will be required to meet the Maine subsurface wastewater disposal rules and wells will be required to meet State rules for well drilling, including the well exclusion zones on each lot as shown on the subdivision plan. There are no documented problems with obtaining an adequate supply of potable water in the project area, and the density of the proposed development and projected household water consumption do not raise concerns for the effect of ground water withdrawals.

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

12. Flood Areas

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

13. Fresh Water Wetlands

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

14. Farmland

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

15. River, Stream, or Brook

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

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

16. Storm Water

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

17. Spaghetti-Lots Prohibited

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

18. Great Pond Phosphorus Concentration

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

19. Impact on Adjoining Municipalities

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

Motion seconded by John Talbot:

Votes to approve: 4 Votes to deny: 0

20. Land Subject to Liquidation Harvesting

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

Motion seconded by Tyler Hutchison:

Votes to approve: 4 Votes to deny: 0

Cluster Subdivision Approval

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

Motion seconded by Allan Purinton:

Votes to approve: 4 Votes to deny: 0

Decision on Final Plan Application

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

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

Date of Final Approval: July 5, 2023

6. Adjourn

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

5. New Business:

- a. **Conditional Use Application for expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13.**

TOWN PLANNER COMMENTS:

- Durham Leisure Holdings LLC is seeking conditional use approval for an expansion of the Leisure Campground.
- The application indicates that the current use is a seasonal RV park with 36 sites and the proposed expansion will add another 112 sites in phases of 30 to 40 new sites per year.
- One issue in the application that should be clarified is whether the proposal is for a seasonal or year-round RV park. Page 2 of the application states that “we are mostly a seasonal RV park” but goes on to state that the applicant seeks to “extend the length of rental time for customers.”
- Section 5.8.J establishes occupancy time limits of 12 weeks for a period between May 15 and September 15 and 2 weeks at all other times. The applicant should either propose other specific time frames or approval of a year-round RV park.
- Seasonal and year-round RV parks are not listed in the Land Use Ordinance as a specific permitted or conditional use. As a use, RV parks are somewhere between a campground and a mobile home park in terms of use and intensity.
- Section 3.1.31 of the Durham Land Use Ordinance is a catch-all provision for such unspecified commercial uses, and the conditional use application seeks approval as a “commercial service not otherwise listed.”
- The development of the road network and RV parking pads will trigger site plan review of the project under Section 8.2.C.
- In 2019, the Land Use Ordinance was updated to create a 2-step process for review of such nonresidential uses.
- The first step is a conditional use review to look at the proposed use and determine whether it will meet the criteria for protecting public health, safety, and the environment. The Board will also look at the scale and intensity of the proposed use and determine whether it will be “compatible” with existing uses in the neighborhood, as well as looking at the potential for noise generation.
- If the Planning Board determines that the project can meet the general conditional use criteria, it would then review the more detailed project design under the site plan review criteria and standards of Article 8 as a separate application.
- The subsequent site plan review process will look at utilization of the project site in terms of using the most suitable portions of the site and keeping

development away from sensitive areas like wetlands.

- Site plan review will also look at the adequacy of the road system, vehicular access to the site, and circulation within it. The Board will also consider in detail the utility systems (water, sewer, electrical), lighting, signage, and fire protection. Finally, the Board can consider whether any special buffering is needed to screen public views or neighbors.
- For the current conditional use review, the applicant has submitted a completed conditional use application form with supporting documentation.
- Recognizing that this project will need to go through a detailed site plan review, the Board can discuss and decide whether the documentation provided by the applicant is adequate to make a decision on compliance with the conditional use criteria of Section 7.4.
- If the Board determines that the documentation is adequate, you can decide on the need for a site walk and public hearing and schedule those events.
- If the Board determines that the documentation is not adequate, you should notify the applicant of what information needs to be submitted for the Board to consider the application to be complete.
- If a majority of the Board determines that the applicant can meet the general conditional use criteria for expansion of the campground and conversion to a seasonal RV park, the applicant can proceed with detailed engineering design of the project to meet site plan review standards.
- The Town Planner has prepared draft findings of fact reflecting the applicant's current submissions that can be expanded during the Board's processing of the application and will serve as the template for making a decision to approve, approve with conditions, or deny the application.
- The draft findings of fact can also be used by the Board to identify information needed to make a determination on compliance with the conditional use criteria.



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:

Durham Leisure Holdings LLC
24 Leisure Lane
Durham Maine 04222 %

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

Kenneth & Gwenn Huot
24 Leisure lane
Durham Maine 04222

Property address: 24 Leisure Ln Durham ME 04222

Property tax map: 2 and lot: 13

Property zone(s) (list all): Rural Residential

Property overlay zone(s) (list all):

Current approved property use: Campground.

Is this property in a subdivision: Yes No

Is any part of this property in a flood plain: Yes No

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

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

We are proposing to expand our sites. We currently have 36 sites and would like to expand another 112 sites. The sites will have full hookups. Wooded . We are open from 9:00am to 9:00pm. For waste disposal all sites will be sewered under HHE200. As for traffic increase we are mostly a seasonal RV park so not a lot of in & out with actual RVs. We do not do tenting. We will be doing this in phases not all at once. 30- 40 sites per year. We are applying for commercial services. To extend the length of rental time for customers. We have a lot of travelling nurses. Also the length of time we can be open in general.

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:

All sites are sewerred. Installed leavel spreader in 2018 for rain run off from RV park.. Camp fires are kepted to a minimum of five feet and exstinguished with water before bed. Trash Is serviced by others (Dumpster)..

Relevant documents:

Trash- Pine Tree Waste
 Septic- Stewerts soil and septic

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:

We would have an increase of RVs. & cars. We are mostly seasonals so not a lot of in & out with the RVs. We plan on expanding gradually not all at once. So a slow increase in traffic. Hours: all hours. Most of the people in here are traveling nurses working in the area.

Type of traffic currently on 136 road: regular traffic, dump trucks, tractor trailers, busses. No intersections, etc.

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 is an extension to an existing permit. No primary residence so no kids in school system. All trash taken by others. Pine tree waste. Fire protection: no buildings. Law enforcement: don't see any law enforcement issues in the future.

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

Durham Has no Municipal services used by RV park...

Relevant documents:

road open letter

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:

All sites are wooded. Minimal clearing of trees. Future sites & roads to be built off of existing logging roads. Wetland delineations done by Maine Land Camp Solutions.

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

All gray water/sewage to be going through HHE 200.

Relevant documents:

Wetland Delineations 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:

It will be compatible with surrounding area. Extension of use.. of property.
400 Ft from nearest house. residential homes home businesses, Commercial businesses, Farms. ect.. All In aera
We permote buying local.. To all visitors..
all RVs will be screened by the natural landscape.. From 400 of 100 ft.. min From property line.. Refer to google map.

Relevant documents:

google map.

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:

Office hours are open 9:00 to 9:00. Pool hours are 9:00 to dusk. Quiet time is 10:00pm to 7:00am. This is already an RV park just extending use. Mostly seasonals who are working in the area so very quiet. We do not do tenting.

Relevant documents:

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:

see paperwork deed

Relevant documents:

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:

700K+ -. How we are paying: Bangor savings bank. see bank letter. Wetland Delineation: see wetland report. Map of sites: see site map. Electric: Deblois; Plumbing: Frank Simenou; Excavation: Scott Dugas.

Evidence of financial capacity:

see bank letter

Evidence of technical capacity:

previously developed property by expanding through town. Just looking to do another expansion. Am an electrical lineman. Mainland development consultants inc.

Relevant documents:

IBEW #8104965

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)

Performance standard:

How you meet that standard:

We meet all of the standards & requirements of section 5.8. With the understanding that this is not considered a campground but an RV park by the town. State does not require that we provide bathhouses because all of the sites will be full hookups & are not accepting tenters because were an RV park.

Relevant documents:



TOWN OF DURHAM
630 Hallowell Road
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 and Planning*

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CONDITIONAL USE APPROVAL DECISION
FINDING OF FACTS
Approved _____

PROJECT NAME: Leisure Campground Expansion

Section 7.4 CONDITIONAL USE REVIEW CRITERIA

- A. **Review Criteria:** Before it issues a conditional use permit, the Planning Board shall find, as a matter of fact, that the proposed use meets the following criteria:
1. **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.
 - a. All RV sites will be provided with sewer hookups.
 - b. The applicant will construct a sewer collection piping system that will deliver wastewater from the RV sites to five wastewater disposal fields each serving between 22 and 24 sites.
 - c. The applicant submitted a preliminary site evaluation by Stewart’s Soil & Septic verifying that soils are adequate to support the proposed wastewater disposal system.
 - d. The preliminary site evaluation shows 300-foot well exclusion zones required for the common wells used by the campground.
 - e. The applicant’s submissions are inconsistent as to whether septic treatment fields will be in well exclusion zones.
 - f. The applicant submitted a hand-drawn layout of the sewer conveyance lines to the septic fields.
 - g. The applicant submitted a hand-drawn layout of the water distribution system.
 - h. The applicant submitted a communication from Scott P Temple documenting a flow test on a drilled well in 2016 that produced 28,800 gallons per day.

Motion made by _____ : The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for public health impacts.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

2. **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.

Findings:

- a. The applicant submitted an email from Tony Fontaine of the Maine Department of Transportation stating that MDOT has no record of an Entrance Permit being issued for the location.
- b. The email further indicates that the entrance is “grandfathered” per MDOT Access Management regulations as long as there is no change in use.
- c. The email goes on to state that the entrance predates MDOT regulations that went into effect in May of 2002 and no permit review would be needed to expand its use.
- d. The entrance is located on Route 136, a State Highway that has regular traffic as well as trucking traffic.
- e. The applicant has stated that there would be a slow increase in traffic due to the phasing and seasonal nature of the use.
- f. The applicant has provided no details on the internal circulation drives in terms of widths or directions of travel lanes or on pedestrian facilities.

Motion made by _____ : The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for traffic safety impacts.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

3. **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.

Findings:

- a. The applicant has stated that no school enrollment will be generated by the project.
- b. The applicant has stated that no buildings are associated with the expansion that would require fire protection.
- c. The applicant doesn't foresee any need for increased law enforcement.
- d. The applicant has provided no information as to the proposed internal drive system to verify access for Public Safety vehicles.
- e. There is an existing transmission tower on the property and the applicant has provided documents indicating easements exist for that use.
- f. The applicant has not provided information as to whether the presence of the tower will present any safety issues for RV park residents in terms of fall zones from the tower or access to the tower by unauthorized personnel.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for public safety impacts.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

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

Findings:

- a. The applicant has submitted a Wetland, Stream, and Cursory Vernal Pool Delineation Report performed by Main-Land Development Consultants, Inc.
- b. That report indicates that no significant vernal pools or potential vernal pools exist on the site.
- c. The report indicates that no streams are on the site.
- d. The report indicates the presence of a small vernal pool of just under 2000 sq. ft. that appears to be a man-made pond located between Route 136 and the gravel access road near the front of the property.
- e. The Existing Conditions Plan shows a much larger wetland system located between the transmission tower and the proposed expansion that is not mentioned in the report.
- f. The applicant has stated that all sites are wooded and minimal clearing of trees will occur.
- g. The applicant has stated that future sites and roads will be built off existing logging roads.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for environmental impacts.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

5. **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.

Findings:

- a. The applicant has stated that the area is characterized by residential homes, home businesses, commercial businesses and farms.
- b. The applicant has stated that the nearest house is 400 feet away. It is not clear if that distance is from the property line, the existing RV park, or the proposed expansion.
- c. The applicant has stated that all RVs will be screened by the natural landscape.
- d. The applicant has stated that from 400 of 100 feet minimum from property line.
- e. The applicant refers to a Google map submitted with the application.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for scale and intensity of use.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

6. **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.

Findings:

- a. The applicant has stated that office hours are 9:00 to 9:00.
- b. The applicant has stated that pool hours are 9:00 to dusk.
- c. The applicant has stated that quiet time is 10:00 pm to 7:00 am.
- d. The applicant has stated that the occupants are mostly seasonal workers and are very quiet.
- e. The applicant has stated that there is no tenting.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for noise & hours of operation.

Motion seconded by _____:

Votes to approve: _____ **Votes to deny:** _____

7. **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.

Findings:

- a. The applicant submitted an Agent’s Certificate identifying Kenneth P. Huot and Gwenn M. Huot as company members of Durham Leisure Holdings LLC.
- b. The applicant submitted a 2016 annual filing report with the Maine Secretary of State characterizing Durham Leisure Holdings LLC as a land holding company.
- c. The applicant submitted a deed of transfer from the estate of Harold Cochrane to Durham Leisure Holdings LLC.
- d. The applicant submitted two exhibits for a communications and access and utility easements along with a map showing access to the transmission tower.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for right, title, or interest.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

8. 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.

Findings:

- a. The applicant stated that the project is estimated to cost \$700,000 +/- and the project will be financed from personal savings.
- b. The applicant submitted a letter from Bangor Savings Bank stating that the applicant has deposit accounts in excess of \$675,000.
- c. The applicant submitted a receipt from the International Brotherhood of Electrical Workers.
- d. The applicant submitted a hand drawn electrical distribution system.
- e. The applicant submitted a campground license from the Maine Department of Health and Human Services.
- f. The applicant stated he is using Main-Land Development as a consultant.

Motion made by _____: The applicant has (or has not) satisfied a reasonable burden of proof of compliance with the criterion for financial & technical ability.

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

Section 7.5 CONDITIONS OF APPROVAL

A. Planning Board Approval Conditions: Upon consideration of the criteria listed in subsection 7.4, the Planning Board may by majority vote attach such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to

ensure compliance with those criteria and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance.

Motion made by _____ : To apply the following conditions of approval to the permit for conditional use.

Motion seconded by _____ :

Votes to approve: _____ **Votes to deny:** _____

1. .

Thomas & Helen Nannery
1435 Royalsborough Rd.
Durham Me. 04222

Juliet Caplinger
1457 Royalsborough Rd.
Durham ME. 04222

Nathan & Elizabeth Hunt
775 Hallowell Rd.
Pownal ME 04069

Robert & Christina Hanscome
84 Granite St.
Portland ME 04102

Nathaniel & Elizabeth Hunt
219 Meadow St.
Sanbornville N.H. 03872

Benjamin & Sandra Pearson
216 Ross Road
Durham ME 04222

Michael Higgins & Maureen Baker
1465 Royalsborough Rd.
Durham ME. 04222

Thomas & Marion Huston
1447 Royalsborough Rd.
Durham ME 04222

Jean Beaulieu
6 Shore Rd.
Nobleboro ME 04555

Stephanie von Glinzky & Mae Gregoire
11 Leisure Ln.
Durham ME. 04222

Naham & Victoria Cloutier
1492 Royalsborough Rd.
Durham ME. 04222

Peter Holbrook
1475 Royalsborough Rd.
Durham ME. 04222

or previous resident

7022 0410 0002 8214 5615

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AUGUST 2, 2023

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
99
Postmark
Here

Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Ben Pearson or current Resident
Street and Apt. No., or PO Box No.
2116 Ross Rd.
City, State, ZIP+4®
Durham ME 04222

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
99
Postmark
Here

Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Mike Higgins or current Resident
Street and Apt. No., or PO Box No.
1465 Royalsborough Rd.
City, State, ZIP+4®
Durham ME 04222

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
99
Postmark
Here

Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Peter Holbrook or current Resident
Street and Apt. No., or PO Box No.
1475 Royalsborough Rd.
City, State, ZIP+4®
Durham ME 04222

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Pownal, ME 04069

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
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Postmark
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Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Nathan Hunt or current Resident
Street and Apt. No., or PO Box No.
775 Hallowell Rd.
City, State, ZIP+4®
Pownal ME 04069

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Sandbornville, NH 03872

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
99
Postmark
Here

Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Nathan Hunt or current Resident
Street and Apt. No., or PO Box No.
219 Meadow St.
City, State, ZIP+4®
Sandbornville NH 03872

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0032
99
Postmark
Here

Postage	\$0.66
Total Postage and Fees	\$5.01

07/20/2023

Sent To
Tom Nannery or current Resident
Street and Apt. No., or PO Box No.
1435 Royalsborough Rd.
City, State, ZIP+4®
Durham ME 04222

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

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Sent To
Stephanie VonGlinisky
Leisure In.
Durham ME 04222

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

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Sent To
Naham Cloutier or current Resident
1492 Royalsborough Rd.
Durham ME 04222

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

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Sent To
Juliet Caplinger or current resident
1457 Royalsborough Rd.
Durham ME 04222

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Nobleboro ME 04555

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

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Sent To
Jean Beaulieu or current Resident
Le Shore Rd.
Nobleboro ME 04555

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Portland ME 04102

OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	99
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

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Sent To
Robert Hanscome or current Res.
84 Granite St.
Portland ME 04102

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	99
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	07/20/2023

Postmark Here

Sent To
Tom Huston or current Resident
1447 Royalsborough Rd.
Durham ME 04222

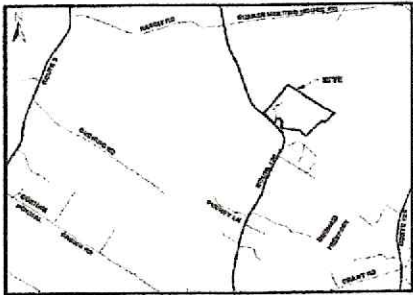
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

DURHAM LEISURE CAMPGROUND
24 LEISURE LANE DURHAM MAINE 04222
207-353-5535

TO: *Abutting neighbors*

SITE ADDRESS: 24 leisure lane Durham Maine 04222

Dear abutting property owner; This notice is to advise abutting property owners of the above named property that the Durham planning board will hold a public hearing at the Durham Town Hall. To consider the application of campground expansion. There are 36 existing sites. We are looking to expand another 112 RV sites. Meeting to be held on _____. Feel free to contact us at the above number if you have any questions or concerns. Thank you Ken & Gwenn Huot

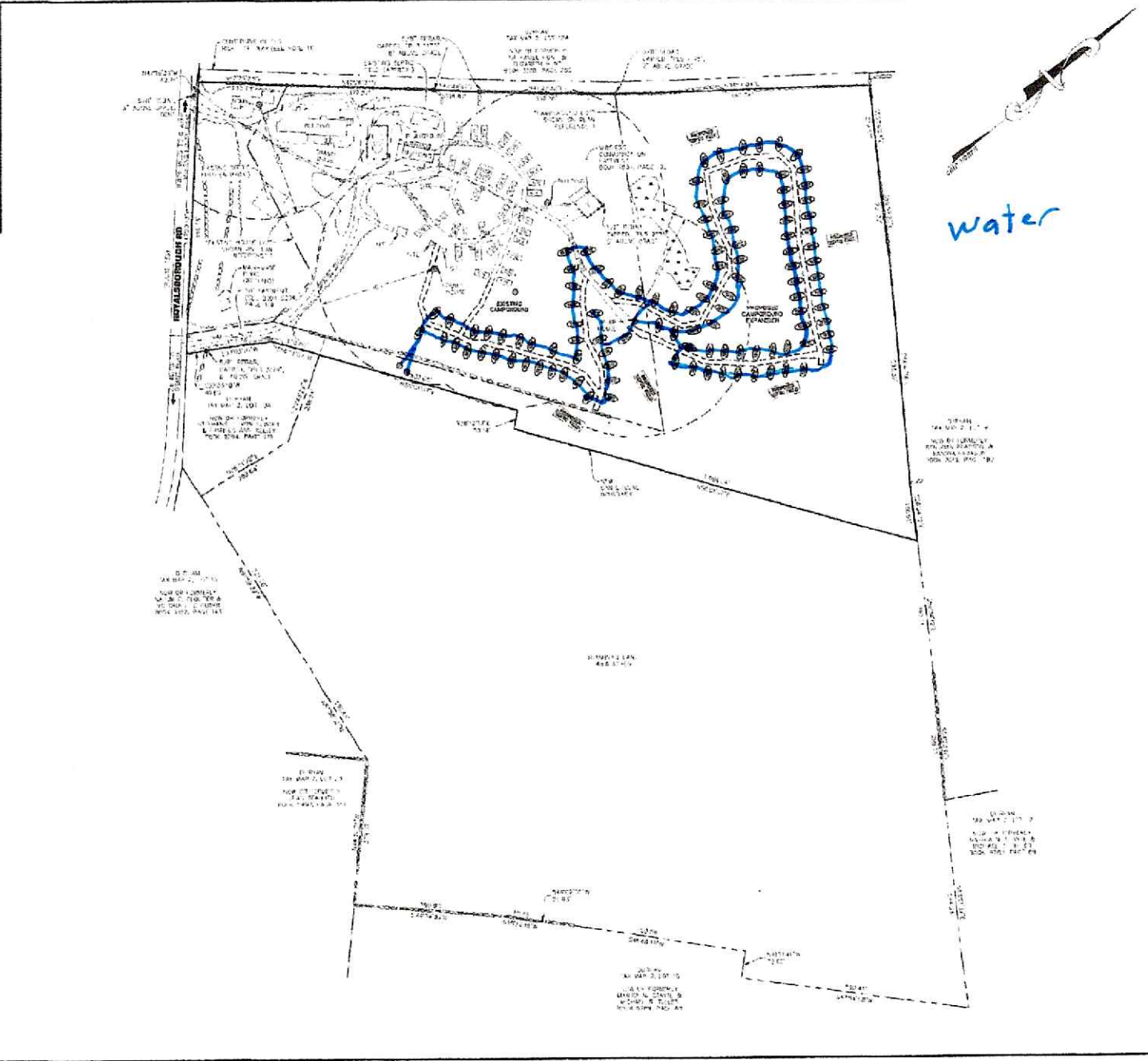


LOCATION MAP OF THE SITE

- NOTES**
- ALL SHOWN ARE SUBJECT TO ALL THE BEST AND MOST RECENT ZONING AND REGULATORY MAPS IN THE CITY OF DURHAM.
 - THE CITY OF DURHAM HAS THE RIGHT TO REVIEW AND APPROVE ANY CHANGES TO THIS PLAN.
 - OWNER OF RECORD AT THE TIME OF THE SUBMITTAL OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DURHAM.
 - ALL UTILITIES SHOWN ARE BASED ON THE MOST RECENT RECORD DRAWINGS AND FIELD SURVEYS.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY UTILITIES AND STRUCTURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY SIGNAGE AND MARKING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LIGHTING AND SOUND BARRIER WALLS.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY FENCING AND SECURITY MEASURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LANDSCAPING AND PLANTING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY PARKING AND TRAVEL FACILITIES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY UTILITIES AND STRUCTURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY SIGNAGE AND MARKING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LIGHTING AND SOUND BARRIER WALLS.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY FENCING AND SECURITY MEASURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LANDSCAPING AND PLANTING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY PARKING AND TRAVEL FACILITIES.
- PLAN REFERENCES**
- THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY UTILITIES AND STRUCTURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY SIGNAGE AND MARKING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LIGHTING AND SOUND BARRIER WALLS.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY FENCING AND SECURITY MEASURES.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY LANDSCAPING AND PLANTING.
 - THE CITY OF DURHAM HAS THE RIGHT TO REQUIRE THE INSTALLATION OF ANY NECESSARY PARKING AND TRAVEL FACILITIES.

LEGEND

- EXISTING UTILITIES
- PROPOSED UTILITIES
- EXISTING STRUCTURES
- PROPOSED STRUCTURES
- EXISTING DRIVEWAYS
- PROPOSED DRIVEWAYS
- EXISTING FENCING
- PROPOSED FENCING
- EXISTING SIGNAGE
- PROPOSED SIGNAGE
- EXISTING LIGHTING
- PROPOSED LIGHTING
- EXISTING SOUND BARRIER WALLS
- PROPOSED SOUND BARRIER WALLS
- EXISTING LANDSCAPING
- PROPOSED LANDSCAPING
- EXISTING PARKING
- PROPOSED PARKING
- EXISTING TRAVEL FACILITIES
- PROPOSED TRAVEL FACILITIES



MAIN-LAND
DEVELOPMENT CONSULTANTS, INC.

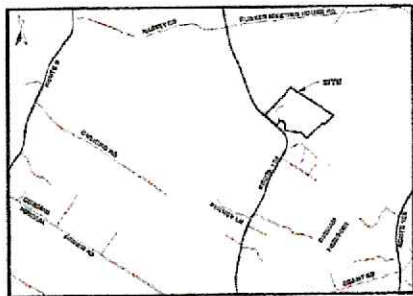
DURHAM LEISURE CAMPGROUND

DURHAM LEISURE HOLDINGS, LLC

DURHAM LEISURE CAMPGROUND

DRAFT

S2.1



LOCATION MAP 1" = 1/2 MILE

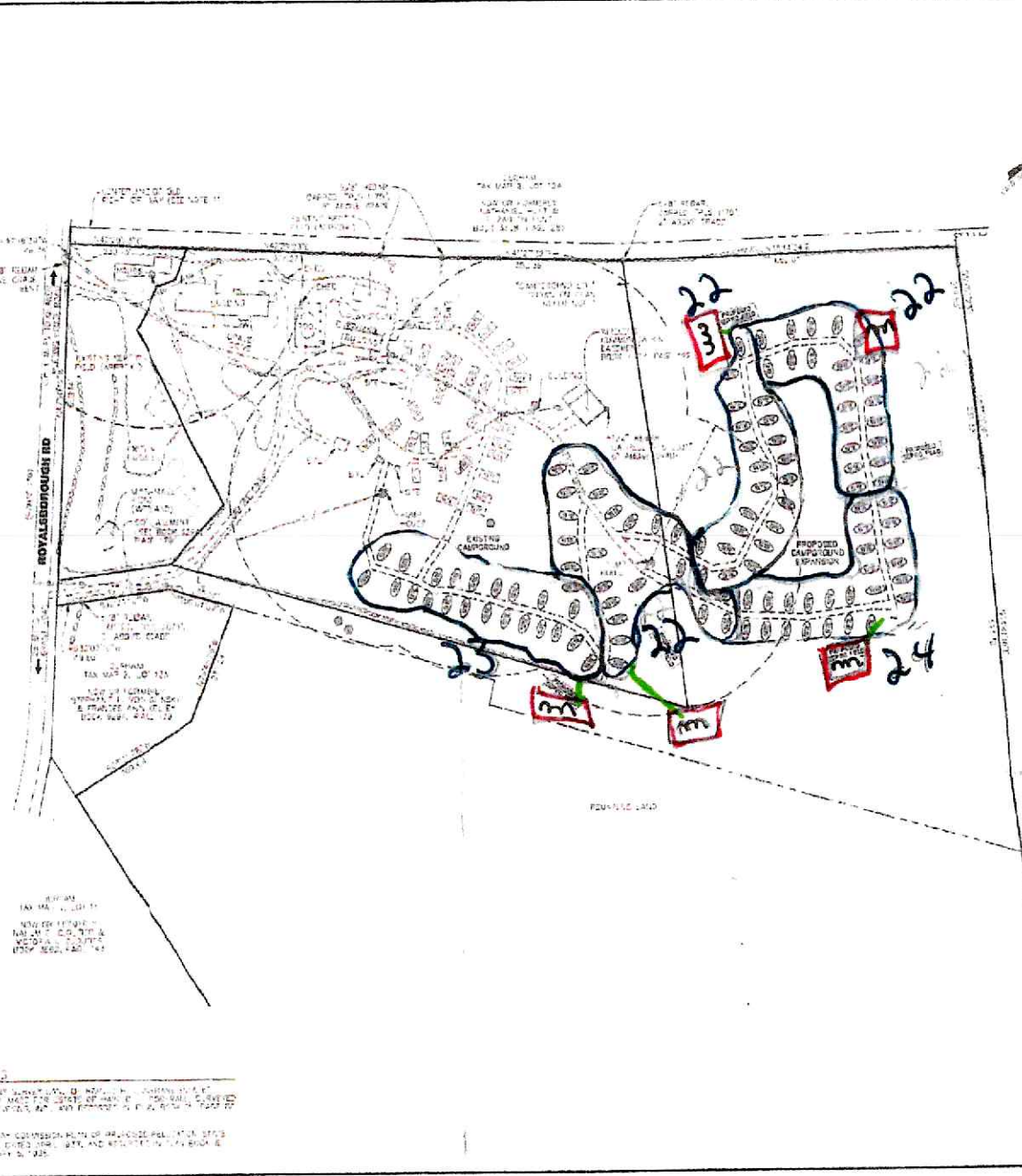
NOTES

1. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
2. DATE OF SURVEY: 05/11/2023, 05/12/2023
3. BOUNDARY LINES AT THE CORNER OF THE ROAD SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
4. AREA SUMMARY:

TOTAL AREA OF SITE	33.4 ACRES MORE OR LESS
EXISTING CAMPGROUND	12.8 ACRES MORE OR LESS
PROPOSED EXPANSION	20.6 ACRES MORE OR LESS
TOTAL AREA	54.0 ACRES MORE OR LESS
5. ALL WORK SHALL BE DONE TO THE SATISFACTION OF THE ENGINEER.
6. THE PLAN SHOWS AND APPROXIMATE AND APPROXIMATE FROM CORNER TO CORNER.
7. NO ADJACENT CAMPGROUNDS HAVE BEEN IDENTIFIED.
8. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
9. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
10. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
11. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
12. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
13. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
14. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
15. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.
16. ALL MEASUREMENTS SHALL BE TAKEN FROM THE CORNER OF THE ROAD AND SHALL BE MEASURED TO THE CENTERLINE OF THE ROAD.

LEGEND

- EXISTING ROAD (AS SHOWN IN RECORD AS NOTED)
- NEW ROAD (AS NOTED)
- EXISTING PROPOSED
- PROPERTY LINE (AS NOTED)
- BOUNDARY LINE (AS NOTED)
- ADJUTING BOUNDARY LINES (AS NOTED)
- EXISTING CURB
- EDGE OF GRADE (EXISTING)
- EDGE OF GRADE (PROPOSED)
- WELL OF BACK
- CONCRETE
- BRICK OR CONCRETE
- MAJOR DRAINAGE LINE
- CHINA WALL ROAD
- RAILROAD
- CONCRETE
- CAMPFIRE (EXISTING - APPROX)
- CAMPFIRE (PROPOSED - APPROX)



Sewer



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.

PLANNING BOARD PRESENTATION
DATE: 08/02/2023
TIME: 09:00 AM
LOCATION: 100 S. MAIN ST., DURHAM, NC 27701

DURHAM LEISURE
CAMPGROUND
PROPOSED EXPANSION
STATE OF NORTH CAROLINA
COUNTY OF DURHAM

DURHAM LEISURE
HOLDINGS, LLC
100 S. MAIN ST., SUITE 100
DURHAM, NC 27701

DURHAM LEISURE
CAMPGROUND
100 S. MAIN ST., SUITE 100
DURHAM, NC 27701

DURHAM LEISURE
CAMPGROUND
100 S. MAIN ST., SUITE 100
DURHAM, NC 27701



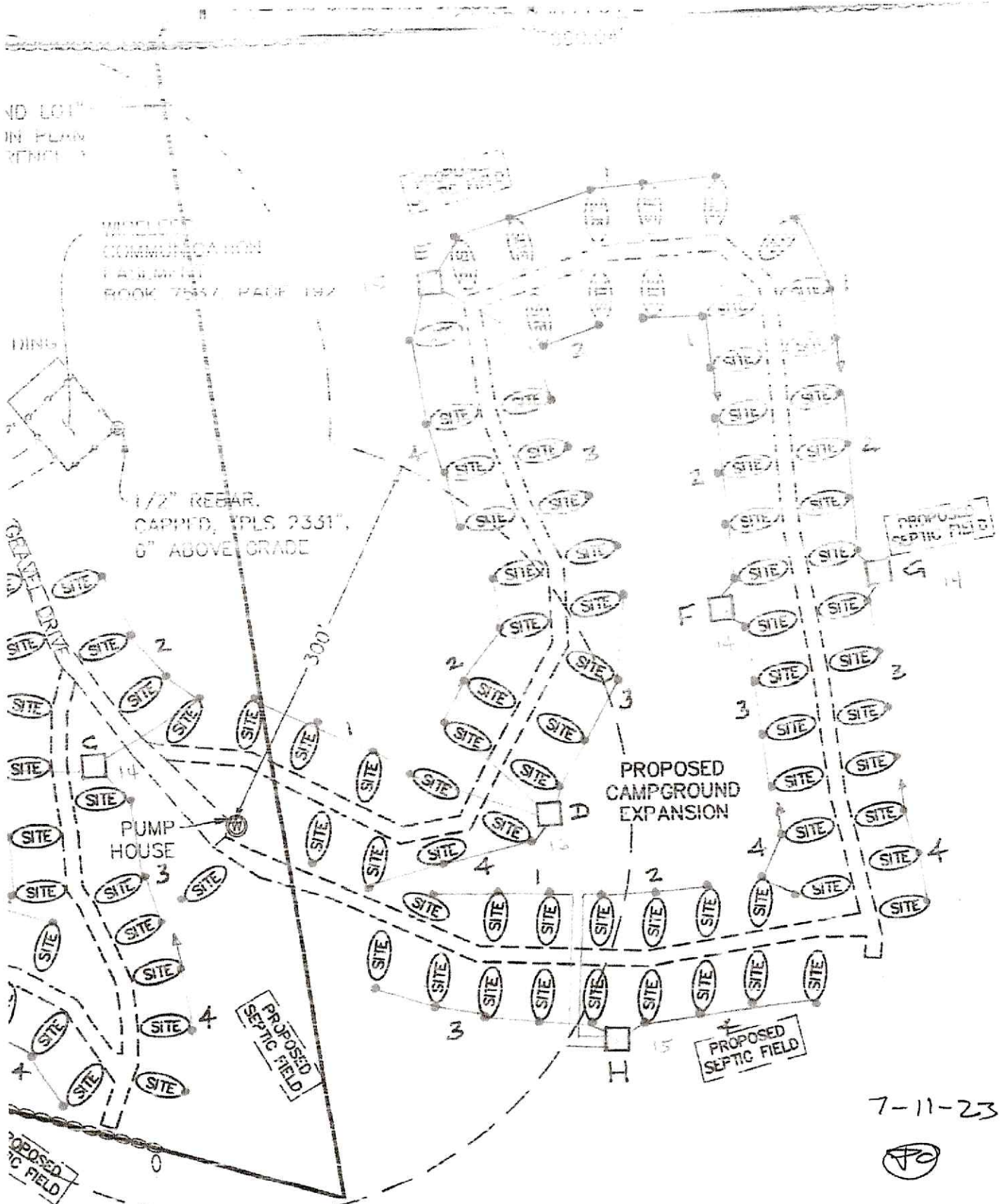
DATE: 08/02/2023
TIME: 09:00 AM
LOCATION: 100 S. MAIN ST., DURHAM, NC 27701

EXISTING
CONDITIONS
PLAN

DRAFT

S2.1

electric



7-11-23

(Signature)

Stewart's Soil & Septic
Bonnie J.S. Cobb, CSS, LSE

73 Quaker Ridge Road
Durham, Maine 04222
(207) 899-8397

July 7, 2023
Project # 23057R

Durham Leisure Holdings, LLC
Attn: Ken Huot
24 Leisure Lane
Durham, ME 04222
(207) 229-6132
dllcampground@gmail.com

Preliminary Site Evaluation: Durham Leisure Campground Expansion, Leisure Ln., Durham, ME

On June 21, 2023, I performed a preliminary site evaluation at the above-mentioned property for the purpose of subsurface wastewater disposal. Currently, Maine Subsurface Wastewater Disposal Rules specify a minimum of 9-inches of suitable soil prior to a seasonal-high watertable, restrictive layer, or bedrock (limiting factors) outside of the Shoreland Zone.

The proposed campground expansion will consist of approximately 113 new camp sites with individual water and sewer hookups. Each campsite is calculated at 75 gallons per day (gpd) per site. There is potential for some of the sites to utilize park model trailers, in which case the daily design flow is calculated at 125gpd per site. To keep the proposed wastewater disposal fields below the engineered system threshold, the total daily design flow for each system must be below 2,000gpd. Potentially, flow from groups of 22-24 campsites will be directed to one of five disposal fields. To avoid exceeding the maximum daily flow threshold, in cases where flow from 24-campsites is directed to a disposal field, the maximum number of park-model trailers allowed would be (3) three (i.e.: 21-traditional camp sites @ 75gpd = 1,575 gpd, plus 3-park model sites @ 125gpd = 375gpd totals 1,950gpd). If flow from 22 campsites is directed to an individual disposal field, up to (5) five of those sites could utilize park-model trailers (ie: 17-traditional camp-sites @ 75gpd = 1,275gpd, plus 5-park model sites @ 125gpd = 625gpd totals 1,900gpd).

Machine-dug test pits were performed throughout the 18+-acre parcel dedicated to the expansion. Twelve "passing" test pits were identified, and approximate locations are shown on the attached sketch plan. Additional borings and/or test pits performed which did not meet minimum suitability requirements were not officially documented. Soil pits were flagged in the field using pink survey tape and labeled TP1 - TP-12 (locations were not survey or GPS located). These "passing" soil borings are composed of soils originating in glacial till deposits (sandy loam throughout, in some cases over compact dense till and/or ledge), with limiting factors ranging from 12-inches to 28-inches. The areas documented are sufficient in size for typical wastewater disposal systems for the proposed campground sites. Proposed disposal field

locations should be survey or GPS located prior to establishing the final campsite layout to verify location and ensure proper setbacks.

Due to proposed daily design flows and site constraints, it is likely the use of proprietary devices such as Eljen In-Drains will be necessary for best fit. An Eljen In-Drain disposal field on this soil type accommodating a daily design flow of 1,950gpd would be approximately 31ft x 68ft.

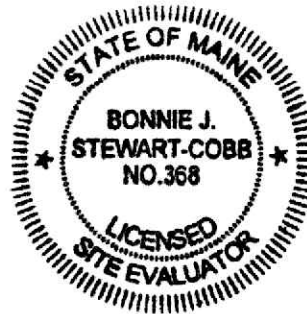
It is important to note that there are multiple drilled wells within the existing campground as well as the proposed expansion site. Due to the nature of the development, they are considered "public water supply wells" which require a minimum 300ft setback for any proposed subsurface wastewater disposal system. Additionally, disposal systems within 100ft of each other are considered to have a cumulative daily design flow. To avoid exceeding the engineered system threshold, proposed disposal systems should be sited a minimum of 100ft apart.

Attached you will find a sketch plan showing the approximate locations of the soil explorations and their corresponding soil logs. Please feel free to contact me with any questions regarding the soils on this site.

Sincerely,

Bonnie J. Cobb

STEWART'S SOIL & SEPTIC
Bonnie J.S. Cobb, CSS, LSE



SOIL PROFILE/CLASSIFICATION INFORMATION

Detailed Description of Subsurface Conditions at Project Sites

Project Name: Durham Leisure Campground	Applicant Name: Durham Leisure Holdings, LLC (c/o Ken Huot)	Project Location (municipality): Leisure Lane	Durham
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SOIL DESCRIPTION AND CLASSIFICATION				
Exploration Symbol	TP-10	Test Pit	Boring	
1.2 Depth of Organic Horizon Above Mineral Soil				
Texture	Consistency	Color	Mottling	
0				
1				
2	FINE SANDY LOAM	FRIABLE	BROWN	
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4				
5				
6			DARK YELLOWISH BROWN	
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16			YELLOWISH BROWN	
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TP = TEST PIT
B = SOIL BORING
IPF = IRON PIN FOUND
⊕ DRILLED WELL

PROPERTY LINE
(APPROX.)

NOTE: TEST PIT LOCATIONS
ARE APPROXIMATE, THEY
WERE NEITHER GPS NOR
SURVEY LOCATED.

1195'±

POSSIBLE DISPOSAL
FIELD LOCATIONS
(APPROX.)

PROPOSED
CAMP SITE
TRAILS
(APPROX.)

TP-FAIL
(LEDGE)

TP-8

TP-7

TP-5

TP-4

TP-3

660'±

TP-8

TP-9

TP-12

TP-2

1084'±

TP-1

TP-11

TP-10

PROPOSED
CAMPGROUND
EXPANSION
(APPROX.)

PROPERTY LINE
(APPROX.)

*THIS LINE SUBJECT
TO SHIFTING AS
NECESSARY

300' WELL
EXCLUSION
ZONE
(APPROX.)

B-FAIL
(WET)



EXISTING
CAMPGROUND
(APPROX.)

663'±

PUBLIC WATER
SUPPLY WELLS
(APPROX.)

1,080'±

660'±

ROYALSBORO RD.

PRELIMINARY SKETCH PLAN

SITE LOCATION: LIESURE LANE
DURHAM, ME 04222
(ADJACENT TO #24)

FOR: DURHAM LEISURE HOLDINGS, LLC

PREPARED BY: STEWART'S SOIL & SEPTIC
BONNIE J.S. COBB, SE #368

SCALE: 1" = 200'

DATE 6/28/23

JOB #23057

Ken Huot

to Ken Huot

Mon, Feb 29 4:52 PM

Fwd: Road opening Durham Leisure Campground..

Sent from my HTC One on the Verizon Wireless 4G LTE network

----- Forwarded message -----

From: "Fontaine, Anthony" <Anthony.Fontaine@maine.gov>

To: "Ken Huot" <dlcampground@gmail.com>

Subject: Road opening Durham Leisure Campground..

Date: Tue, Feb 23, 2016 10:24 AM

Ken,

I have searched our data bases and find no record of an Entrance Permit being issued for this location. This is a common occurrence since permitting of entrances was not begun until sometime in the late 80s. I also reviewed historical aerial imagery and the referenced entrance predates the existing regulations which went into effect in May 2002.

Therefore, Leisure Lane (approximate GPS 43.93542, -70.11170) is grandfathered per MaineDOT Access Management regulations as long as there is no change in use. As I interpret the images and per your proposed usage noted below, this access is classified as an Entrance (vs the lower volume access classified as a Driveway) and therefore does not require a permit review should you wish to expand its use.

In summary, you do not need to apply for a new Permit and the Department has no objections to your proposal.

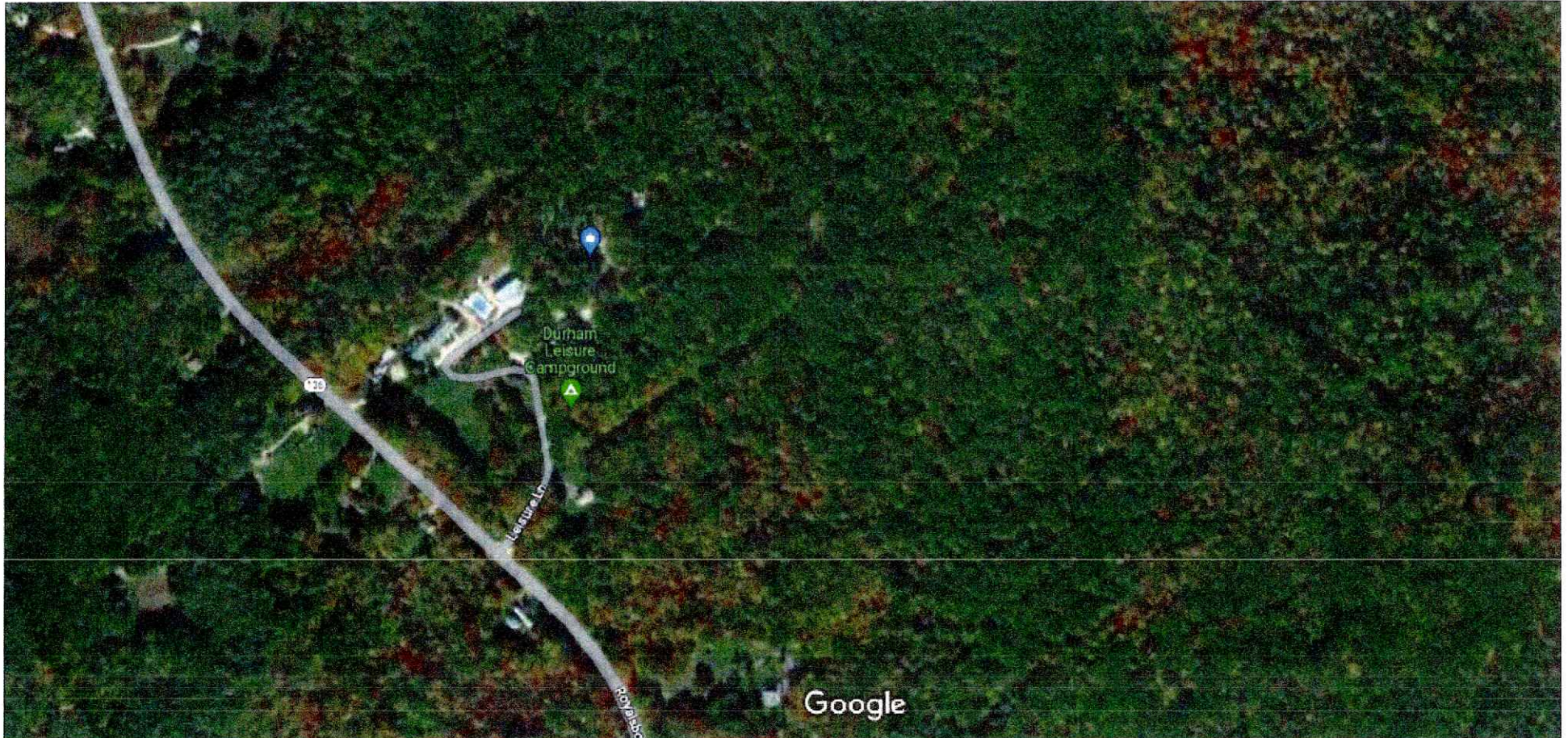
Feel free to contact me if you or others require additional information.

Thanks,

Tony Fontaine



An overview of the tree growth in the park. Also a view of houses within 450 ft..



Imagery ©2023 CNES / Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 200 ft

Samuel M. Sherry, Esq.

Transactions, Litigation and Collection Since 1992

P. O. Box 7875
Portland, ME 04112-7875

Sam@FineAttorney.com
Board Certified - Creditors Rights Law

Telephone: (207) 799-8485
Facsimile: (207) 482-0018

AGENT'S CERTIFICATE

The undersigned Registered Agent of Durham Leisure Holdings, LLC (the "Company") hereby certifies that as of October 13, 2016 the following are true and correct:

1. The Company was organized on November 13, 2014 and is in good standing with the Office of the Secretary of State for the State of Maine.

2. The Company's Members are as follows:
Kenneth P. Huot and Gwenn M. Huot, Joint Tenants 100%

3. The officers of the Company are as follows:

REGISTERED AGENT: Samuel M. Sherry

4. A true and correct copy of the Company's most recent Secretary of State filing is attached.

IN WITNESS WHEREOF, I have executed my name as Registered Agent of the above-named Company this 13th of October, 2016.



Samuel M. Sherry, Registered Agent



June 13, 2023

DURHAM LEISURE CAMPGROUNDS INC
DURHAM LEISURE HOLDINGS, LLC
24 LEISURE LANE
DURHAM ME 04222

To Whom It May Concern:

Please accept this letter as it relates to the financial capacity of Durham Leisure Campgrounds and Durham Leisure Holdings, LLC and its member Kenneth Huot. In providing this letter, we (Bangor Savings Bank) do not assume any financial liability or contractual relationship with any party involved as a result of the information contained herein. We certify that:

- Mr. Huot has been a valued client of Bangor Savings Bank for the last 9 years. During this time, all deposit and loan accounts have been handled as agreed.
- They are not in arrears.
- Have deposit accounts in excess of \$675,000.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Meg Loubier", is written over a faint, illegible printed name.

Meg Loubier
Vice President

FORM 1 LASER INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS® SERIES KP20

MEMBER'S COPY

CC

OFFICIAL RECEIPT

Ctt#75136

0754116

P. Bal \$0.00

N. Bal \$0.00

I.O. PORTION AMOUNT	CODE	AMOUNT	LOCAL UNION PORTION CODE	AMOUNT	CODE	DATE	PAID	TOTAL
286.00	9	35.10	10			03/06/2023		594.10
273.00	25							

Dues Paid	L.U. NO.	MEMB. TYPE	CARD NO.
13 Pmts. (Jan 2023 - Jan 2024)	0104	A X	8104965

REC'D OF

- KENNETH P HUOT
- 24 LEISURE LN
- DURHAM
- DURHAM ME 04222

Journeyman Lineman

TRADE CLASSIFICATION

BRIAN T MURPHY

FINANCIAL SECRETARY

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 5180

CAMPGROUND TIER 2 36 T&T sites

DURHAM LEISURE CAMPGROUND
 24 LEISURE LN
 DURHAM ME 04222

EXPIRES: 10/04/2023

FEE: \$240.00

ATTN KEN HUOT
 DURHAM LEISURE CAMPGROUND
 DURHAM LEISURE CAMPGROUND
 21 LEISURE LN
 DURHAM ME 04222



Jeanne A. Lambert
 Commissioner

Commissioner

NON-TRANSFERABLE

EXHIBIT B-1

COMMUNICATION EASEMENT

That portion of the Property on which any Facilities exist on the date of this Agreement together with the portion of the Property leased by Site Owner under the Existing Agreements, and the portion of the Property described as follows:

Commencing at N43 degrees 56' 17.90" W70 degrees 08' 36.40", located on the property described on Exhibit A hereto, said point being the center of the existing Communications Easement; thence a distance of 35 feet Northwest to the Northwest corner of the Communications Easement and point of beginning ("Point of Beginning"); thence a distance of 50 feet South to a point, said point being the Southwest corner of the Communications Easement; thence a distance of 70 feet East to a point, said point being the Southeast corner of the Communications Easement; thence a distance of 50 feet North to a point, said point being the Northeast corner of the Communications Easement; thence a distance of 70 feet West to the Point of Beginning.

Site Owner herein agrees that this legal description may be substituted at a later date upon presentation of a survey of the property more clearly defining the location thereof.

Agreed and Approved:

Site Owner:

Harold H. Cochran
Harold H. Cochran
Date: 9/11/08

Unison:

[Signature]
By: _____
Name: James R. Holmes
Title: Authorized Signatory
Date: 8/25/2007

EXHIBIT B-2

ACCESS AND UTILITY EASEMENTS

That portion of the Property on which any Facilities exist on the date of this Agreement or provided by Site Owner under the Existing Agreements for access and utility providers, including the following:


ACCESS AND UTILITY EASEMENT:

All rights of ingress and egress across the Property, more fully described on Exhibit "A" hereof, to and from the Communication Easement described in Exhibit B-1 hereof, providing access to a publicly dedicated roadway, including but not limited to Royalsborough Road (aka Leisure Lane), and Site Owner's interest in that portion of the old country roads that abuts the Property (hereinafter the "Access Easement"), along with the right to use said Access Easement for the development, repair, maintenance and removal of utilities providing service to the Communication Easement and the Facilities, as defined herein, and any related activities and uses.


Site Owner herein agrees that this legal description may be substituted at a later date upon presentation of a survey of the property more clearly defining the location thereof.

Agreed and Approved:

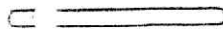
Site Owner:


Harold H. Cochrane
Date: 9/11/08

Unison:


By:
Name: James R. Holmes
Title: Authorized Signatory
Date: 8/25/2008

CCE04212016_00000.jpg



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upgrade to a supported I

April 20, 2016

RE: DLC Water Supply- Ken Huot

We have flow tested the drilled well for the DLC Campground : 13 (2 days ago) 28,800 gallons per day. The well depth is 176' deep. This will b campground. If you have any further questions, please feel fre

Sincerely,

Scott P Temple
President/Master Driller
Temple Well Drilling Inc.
324 Post Road
Bowdoinham, ME 04808
207-751-0032 cell
207-666-3026 office

Maine Secretary of State**2016 Annual Report
Electronic Filing Acknowledgment**

For Limited Liability Companies on file as of December 31, 2015

Charter Number: 20151836DC

DCN Number: 2160019128461

Legal Name: DURHAM LEISURE HOLDINGS, LLC

Registered Agent's Name and Address:

SAMUEL M. SHERRY
PO BOX 7875
PORTLAND, ME 041127875

Brief statement of the character of the business:

LAND HOLDING COMPANY

Name and Address of Members, Managers or other Authorized Persons:

GWENN M. HUOT
24 LEISURE LANE, DURHAM, ME 04222

KENNETH P. HUOT
24 LEISURE LANE, DURHAM, ME 04222

Date of Filing: March 9, 2016

Name and Capacity of Authorizing Party:

SAMUEL M. SHERRY, AGENT



MAIN-LAND

DEVELOPMENT
CONSULTANTS, INC.

ENGINEERS, SURVEYORS, SCIENTISTS

P.O. BOX Q LIVERMORE FALLS, ME 04254
367 US ROUTE 1, S. BUILDING, FALMOUTH, ME 04105
TEL: (207) 897-6752/FAX: (207) 897-5404
WWW.MAIN-LANDDCI.COM

Wetland, Streams, and Cursory Vernal Pool Delineation Report Durham Leisure Campground Leisure Lane, Durham, Maine

INTRODUCTION

A wetland, stream, and cursory vernal pool delineation was performed by Main-Land Development Consultants (Mainland) to determine potential natural resource features on the project site. The project site is defined as the "Campground Lot" shown on "Standard Boundary Survey Land of Harold H. Cochrane Estate", dated May 12, 2010, recorded in Plan Book 51, Page 86 on March 4, 2016. Wetland delineation, stream identification, and a cursory vernal pool screening were included in this mapping process.

The purpose of this report is to document wetlands and water resources that fall under the federal jurisdiction of the U.S. Army Corps of Engineers (USACE) and the Clean Water Act (CWA), and under the state jurisdiction of the Maine Department of Environmental Protection (Maine DEP) and the Natural Resources Protection Act (NRPA). Refer to associated "Existing Conditions Plan" Site Plan S1.1 for locations of features described in this report.

METHODOLOGY

Preliminary Data

Prior to performing the field delineation, steps were taken to gather preliminary data on the project site. Data made available by the Maine Office of GIS was consulted. This data included National Wetlands Inventory (NWI) wetlands, USDA Natural Resource Conservation Soil Survey Maps, and digital aerial photography.

Wetland and Stream Delineation

On May 25, 2022, a wetland and stream delineation was performed within the project site. Wetlands were identified/delineated in accordance with the *1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands* and the *2012 Regional Supplement to The Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*. Eric Whitney, L.S.E., S.S., observed wetland boundaries on site and inferred the locations using aerial imagery and LiDAR data. All the wetlands identified contain the three required elements of a wetland: hydric soils, hydrophytic vegetation, and hydrology indicators.

The stream delineation methodology follows the guidance provided by the Maine DEP Natural Resource Protection Act (NRPA) "*Identification Guide for Rivers, Streams, and Brooks*", and the definition of a stream in Maine State Statute, as follows:

River, stream or brook. "River, stream or brook" means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the

following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining stormwater or a grassy swale.

Wetland and Stream features are classified using the *Classification of Wetlands and Deepwater Habitats of the United States, Cowardin et al. 1979*.

Cursory Vernal Pool Survey

A cursory vernal pool survey was completed using guides and standards established by the DEP and Army Corps of Engineers (ACOE). Significant Vernal Pools are defined by the NRPA as "*naturally occurring, temporary or semi-permanent pools that provide habitat for a specific abundance of vernal pool amphibian species*". If any potential vernal pools were identified during this review, then a full survey (amphibian breeding area survey) during the Spring must be completed to verify.

Wetlands of Special Significance (WOSS)

Wetlands were evaluated under criteria of Wetlands of Special Significance (WOSS). Wetlands of Special Significance are defined in NRPA Chapter 310: Wetlands and Waterbodies Protection Section 4. According to Chapter 310, WOSS include all coastal wetlands and great ponds, and freshwater wetlands that exhibit one or more of the following characteristics:

1. Critically imperiled or imperiled community. The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program.
2. Significant wildlife habitat. The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. § 480-B (10).
3. Location near coastal wetland. The freshwater wetland area is located within 250 feet of a coastal wetland.
4. Location near GPA great pond. The freshwater wetland area is located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S.A. § 465-A.



5. Aquatic vegetation, emergent marsh vegetation or open water. The freshwater wetland contains under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, unless the 20,000 or more square foot area is the result of an artificial ponds or impoundment.
6. Wetlands subject to flooding. The freshwater wetland area is inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency or other site-specific information.
7. Peatlands. The freshwater wetland is or contains peatlands, except that the department may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance.
8. River, stream or brook. The freshwater wetland area is located within 25 feet of a river, stream or brook.

RESULTS

Project Area Overview

The objective of this delineation is to determine the feasibility of further development on the project site. The project site is accessed by and abuts Route 136 to the south. Most of the site is currently developed as a RV campground. The eastern portion of the site is undeveloped and forested with some recreational trails throughout.

The delineation was focused on the campground lot and did not extend to the entire property.

Wetlands

One freshwater wetland complex was identified within the project area. The wetland complex is located between Route 136 and the gravel access road. The wetland was created as a man-made pond and has retained wetland criteria since then. The wetland is classified as a Semi-Permanently Flooded Palustrine Emergent Wetland (PEM1Ff).

PEM wetlands characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. PEM wetlands cover most of the project areas wetlands. See Table 1 for information on the identified wetland complexes.



Table 1. Wetland Identification summary.

Wetland ID	Delineated Area (Square Feet)	Cowardin Classification	Hydrology Indicator	Hydric Soil Indicator	WOSS Characteristics Present	Comments
Man-made Pond	1,966	PEM1Ff	Surface Water (A1)	Histosol (A1)	No	Appears to be man-made and once used for farming.

Streams

During the survey, there were no NRPA streams identified at the project site.

Vernal Pools

At the time of the cursory vernal pool survey, there were no potential vernal pools identified.

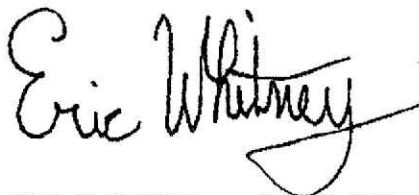
Wetlands of Special Significance (WOSS)

There are no Wetlands of Special Significance identified on the project site.

SUMMARY

A wetland, stream, and cursory vernal pool delineation was completed for the project site. The delineation was completed on May 25, 2022. Within the project site, **NRPA wetlands were identified during the wetland delineation.** The wetland complex is classified as palustrine emergent.

Please find associated “Existing Conditions Plan” Site Plan S1.1 depicting locations of environmental features.



Eric R.T. Whitney S.S., L.S.E
7/19/2022

#15

DEED OF SALE BY PERSONAL REPRESENTATIVE
(TESTATE)

KNOW ALL MEN BY THESE PRESENTS

THAT PAUL L. COCHRANE, of Raymond, County of Cumberland and State of Maine, duly appointed and acting Personal Representative of the ESTATE OF HAROLD H. COCHRANE, deceased (testate), as shown by the probate records of the County of Androscoggin, Maine, Docket No. 2009-527, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, grants to DURHAM LEISURE HOLDINGS, LLC, a Maine Limited Liability Company with a principal place of business in Saco, County of York and State of Maine, with a mailing address of 376 Ferry Road, Saco, Maine 04072, the real property in Durham, County of Androscoggin, State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon situated on the East side of the Royalsborough Road, also known as Route 136, in the Town of Durham, County of Androscoggin and State of Maine, bounded and described as follows:

MAINE REAL ESTATE
TRANSFER TAX PAID

BEGINNING at the point of intersection formed by the Northeasterly boundary line of the county road leading from Southwest Bend, so called, to Freeport and the Southeasterly boundary line of the old county road leading from the aforementioned road to Brunswick, also known as the School House Road; thence N 61° 13' 28" E along said School House Road, a distance of 208.21 feet to a point; thence S 06° 42' 48" E a distance of 69.76 feet to a point; thence S 38° 17' 12" W a distance of 38.25 feet to a point; thence S 06° 42' 48" E a distance of 95.00 feet to a point; thence S 57° 38' 43" E a distance of 379.86 feet to a point on the West side of the existing traveled way; thence S 11° 06' 18" W along said traveled way, a distance of 154.34 feet to a point; thence S 74° 45' 02" W, partly along a stone wall, a distance of 156.19 feet to a point on the Northeast sideline of the old county road leading from Southwest Bend to Freeport; thence N 19° 29' 28" W along said old county road, a distance of 228.30 feet to a point; thence N 41° 29' 28" W along said old county road line a distance of 365.82 feet to the point of beginning of the parcel herein described, containing 90,169 square feet.

This conveyance is TOGETHER WITH AND SUBJECT TO an easement for ingress and egress by foot or vehicle of any nature, installation of utilities and including the right to pave, over the 50' right of way, also described as a gravel drive or traveled

way, from Route 136 and running along the full length of the easterly sideline of the above-described premises, known as Leisure Lane, including the rights of others with a deeded interest in said Leisure Lane and a right-of-way to be deeded to Durham Leisure Holdings, LLC, its successors and assigns.

Being a portion of the premises conveyed to Harold H. Cochrane and Lorraine C. Cochrane as joint tenants by deed of Robert P. Raubeson and Florence M. Raubeson dated October 20, 1976 and recorded at the Androscoggin County Registry of Deeds in Book 1234, Page 296. The said Lorraine C. Cochrane having died on September 27, 2005 and the said Harold H. Cochrane being the surviving joint tenant.

Together with and subject to all rights, easements, privileges and appurtenances belonging to the premises hereinabove described, as they may affect the premises or any portions thereof:

1. Easement Deed from Harold H. Cochrane and Lorraine C. Cochrane to Central Maine Power Company and N.E. Tel. & Tel. Co. dated October 10, 1984 and recorded at said Registry of Deeds in Book 1771, Page 158.
2. Easement Deed from Harold Cochrane to Central Maine Power Company and N.E. Telephone & Telegraph Co. dated April 25, 1988 and recorded at said Registry of Deeds in Book 2303, Page 189.
3. Easement Deed from Harold Cochrane to Central Maine Power Company and N.E. Telephone & Telegraph Co. dated May 11, 1990 and recorded at said Registry of Deeds in Book 2591, Page 285.
4. Easement Deed from Harold H. Cochrane to Verizon Communications, Inc. dated April 6, 2006 and recorded at said Registry of Deeds in Book 6732, Page 319.
5. Standard Easement from Harold H. Cochrane to Central Maine Power Company and Verizon New England Inc. dated June 20, 2006 and recorded at said Registry of Deeds in Book 6843, Page 72.
6. Wireless Communication Easement and Assignment Agreement between Harold H. Cochrane and T4 Unison Site Management LLC dated September 12, 2008 and recorded at said Registry of Deeds in Book 7537, Page 192.
7. Standard Easement to Central Maine Power Company and Northern New England Telephone Operations, LLC dated September 27, 2010 and recorded at said Registry of Deeds in Book 8089, Page 280.

8. Also releasing any interest Grantor may have to that area described as "Assumed Old Road Line", being the premises located easterly of the center line of said abandoned road, to the Grantee herein. Reference is made to a Standard Boundary Survey for the Estate of Harold H. Cochran dated May 12, 2010 by Brian Smith Surveying, Inc., extending from the southerly sideline of the Old County Road, also known as School House Road, in a southerly direction to the westerly sideline of Route 136.

Also conveying all right, title and interest Grantor may have, if any, in the old county road, also known as School House Road, extending from the easterly sideline of Route 136 in an easterly direction to land now or formerly of Benjamin and Sandra Pearson (Book 2649, Page 182).

Bearings used in this description are based on observed magnetic 1993.

WITNESS my hand and seal this 16th day of JANUARY, 2015.

Signed, Sealed and Delivered in presence of:

[Signature]

ESTATE OF HAROLD H. COCHRANE

By: Paul Cochran
Paul L. Cochran
Personal Representative

STATE OF MAINE
COUNTY OF CUMBERLAND

January 16, 2015

Then personally appeared the above-named PAUL L. COCHRANE in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Signature]
~~Attorney at Law/Notary Public~~
Print Name: RICHARD H. HOLT JR
My Commission Expires: _____

6. **Other Business:**

a. **Board Discussion of Draft Land Use Ordinance Amendments**

7. At the July 10 Planning Board workshop, the Board endorsed moving forward with a combined proposal for presentation of the draft amendments for complying with the new State law on housing density.
8. The slide presentation has been updated to reflect comments from Board members at the workshop.
9. On Slide 4, the heading has been changed from “Durham Comprehensive Plan Recommendation” to “Durham Comprehensive Plan Approach.”
10. The Comprehensive Plan recommends consideration of making allowance for multi-family housing in 3-family and 4-family configurations:
2.1 With elimination of the Southwest Bend Growth District, consider allowing 3-unit and 4-unit multifamily housing in addition to duplexes in the Rural Residential District with design standards to make them compatible with typical Durham housing (e.g., duplex with accessory apartment, farmhouse-style 4-plex).
11. Although the proposal to allow a single-family home with 2 accessory apartments or a duplex with 1 accessory apartment is consistent with the Comprehensive Plan recommendation, the Plan does not technically make that specific recommendation.
12. Slide 5 has been revised to describe “potential outcomes” of the Planning Board proposal to:
 1. Follow the Comprehensive Plan for Smaller Accessory Apartments and
 2. Follow LD 2003 for Full Sized Housing Units.
13. This small change in phraseology attempts to move away from the presentation of “options” or “choices” for voters to simply and objectively presenting the anticipated results of amending the Land Use Ordinance as proposed.
14. The message going forward would be that the Planning Board is recommending that voters follow the Comprehensive Plan in terms of addressing housing needs for Durham residents while also increasing lot sizes to offset the impacts of the State’s requirement for increased housing density.
15. This approach is supported by the prior public participation process where survey respondents were evenly split between those concerned about housing needs for family members and those more concerned with the impacts of added housing.
16. The next phase of public participation can test the proposed Planning Board response to those varied resident concerns.
17. The second part of the messaging will be that if Durham voters take no action on April 6 2024, the outcomes illustrated on Slide 5 will take effect on July 1 of next year.
18. In addition to these changes to the LD 2003 presentation, the Town Planner

contacted MMA legal services to explore two questions raised by Planning Board members at the workshop:

1. Will landowners and developers be able to do both the multiple, full-sized dwelling units and an accessory apartment under LD 2003?
 2. Can Durham require an increased lot size for a second accessory dwelling unit?
- The Town Planner also drafted a new definition of “housing unit” to enable differentiating between the treatments of multiple accessory apartments and multiple, full-sized dwelling units, applying increased lot size to the latter situation required by LD 2003.

LD 2003 Implementation

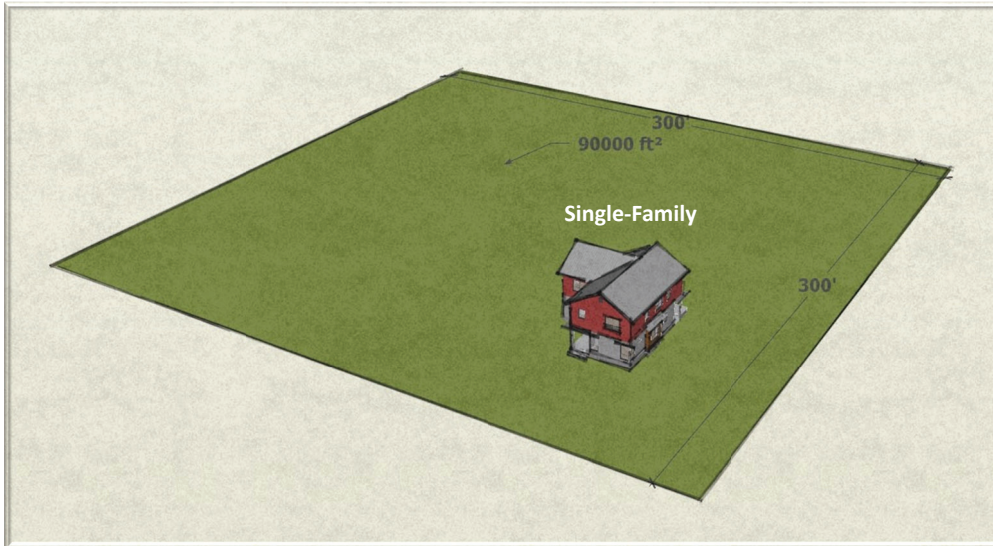
BASELINE IMPACTS OF THE
LEGISLATION ON DURHAM

WHAT WILL CHANGE?

WHAT ARE THE OPTIONS
FOR RESPONDING TO
THE STATE MANDATE?

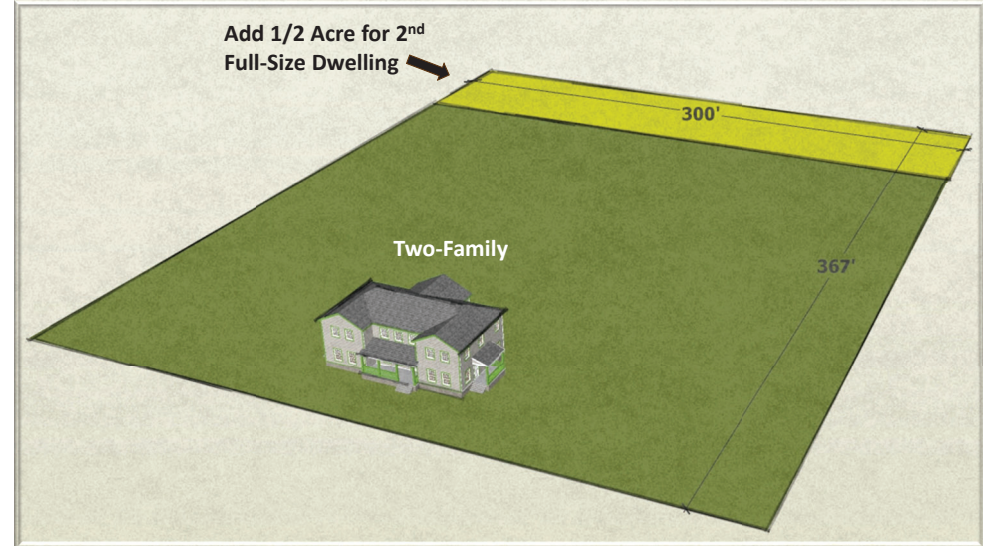
Current Durham Requirements

SINGLE-FAMILY



- 2 Acre Lot for a Single-Family
- 300 Ft Road Frontage
- 1 Accessory Apartment
- 50% Floor Area of House
- Maximum of 2 Housing Units

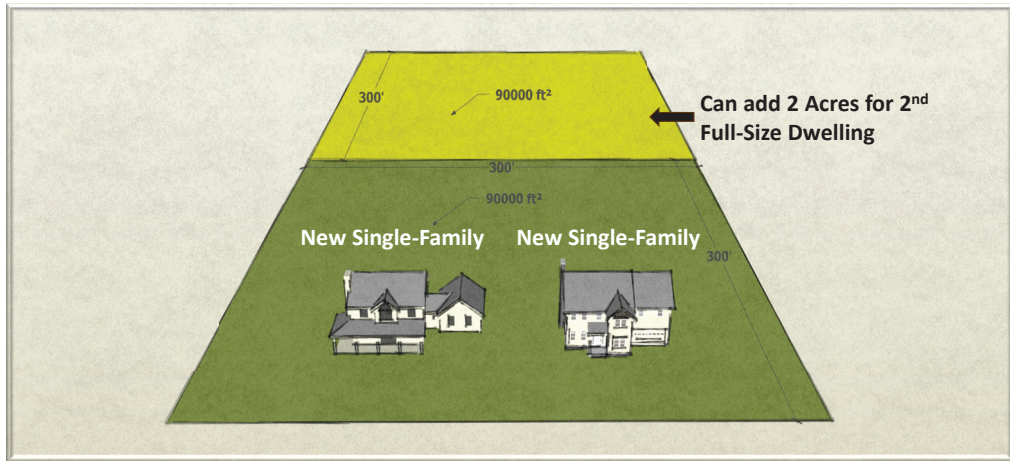
TWO-FAMILY (DUPLEX)



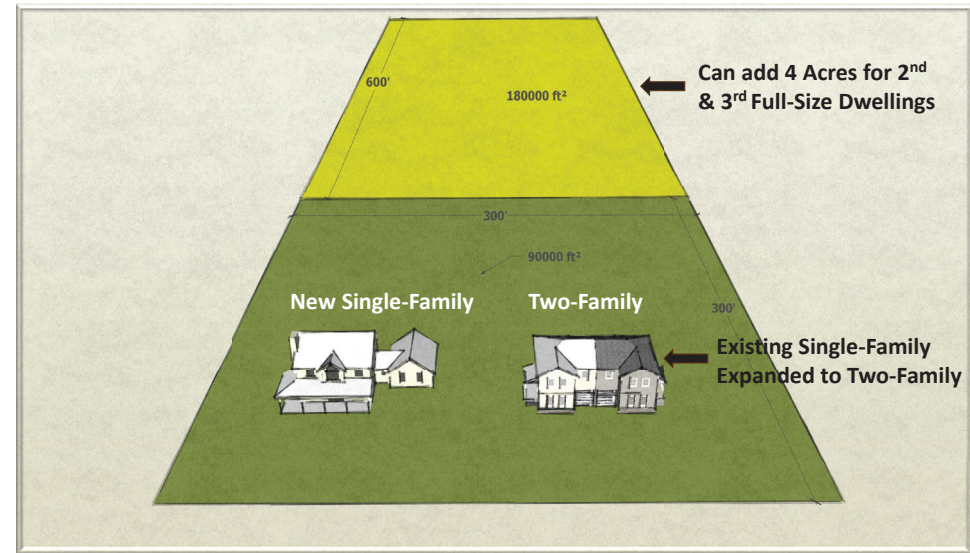
- 2^{1/2} Acre Lot for a Two-Family
- 300 Ft Road Frontage
- No Accessory Apartment
- Maximum of 2 Housing Units

LD 2003 Requirements (Effective July 1, 2024)

VACANT LOT



DEVELOPED LOT

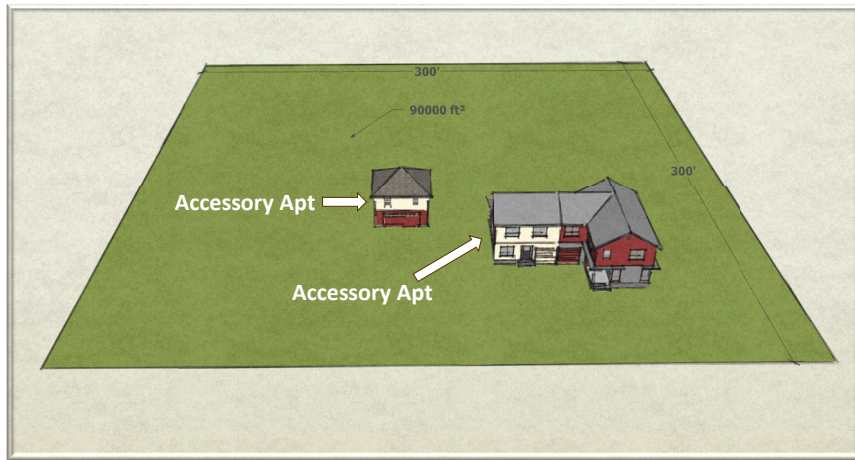


- Must allow 2 Dwelling Units on a vacant lot
- Can be Duplex or 2 Single-Family Homes
- Maximum of 2 Units
- Can Require 2 Acres per Dwelling Unit
- (Without Town Action by July 1 2024, Must Allow on 2 Acres)

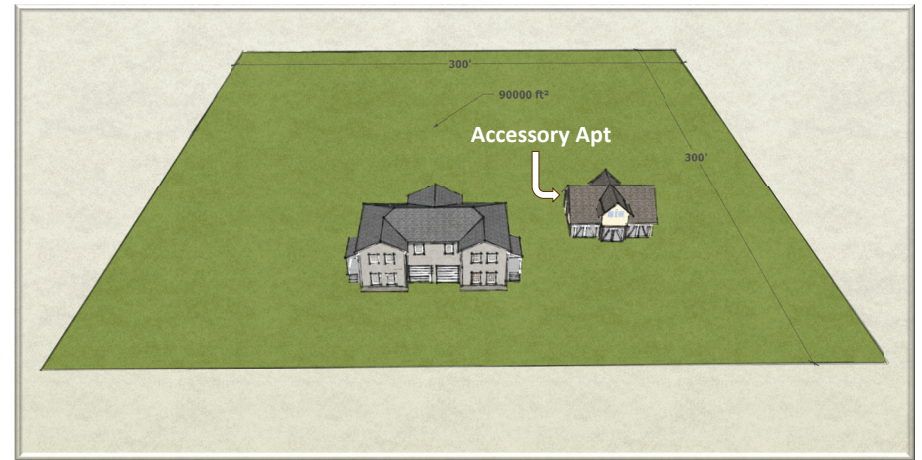
- Must allow 3 Dwelling Units on a lot with an existing home
- Can be One Attached, One Detached, or One of Each
- Maximum of 3 Units
- Can Require 2 Acres per Dwelling Unit
- (Without Town Action by July 1 2024, Must Allow on 2.5 Acres)

DURHAM COMPREHENSIVE PLAN APPROACH

SINGLE-FAMILY



TWO-FAMILY



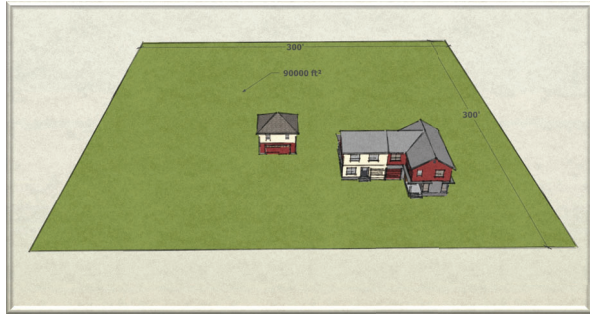
- Allow 2 Accessory Apartments with any Single-family home
- Limit Size to 50% of Main Dwelling Unit
- Maximum of 3 Housing Units

- Reduce Lot Size from 2^{1/2} Acres to 2 Acres for a Two-family home
- Allow 1 Accessory Apartment
- Limit Size to 50% of Either Dwelling Unit
- Maximum of 3 Housing Units

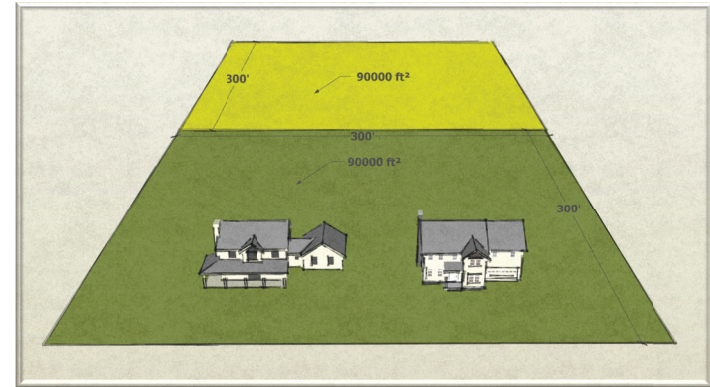
POTENTIAL OUTCOMES OF PLANNING BOARD PROPOSAL

1. FOLLOW COMPREHENSIVE PLAN FOR SMALLER ACCESSORY APARTMENTS

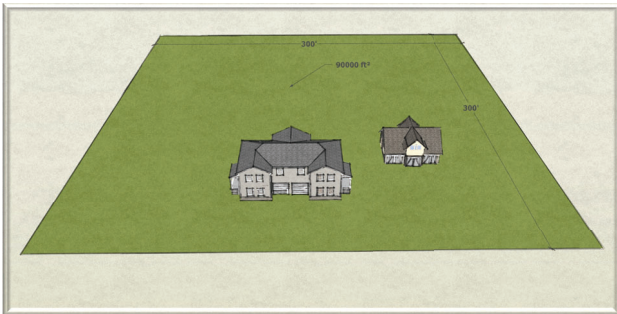
2. FOLLOW LD 2003 FOR FULL SIZED HOUSING UNITS



- Single-Family with 2 Accessory Apartments
- 2-Acre Lot
- Maximum of 3 Housing Units



- 2 Single-Family Homes
- 4-Acre Lot
- Maximum of 2 Housing Units



- Two-Family with 1 Accessory Apartment
- 2-Acre Lot
- Maximum of 3 Housing Units



- 1 Single-Family and 1 Two-Family
- 6-Acre Lot
- Maximum of 3 Housing Units

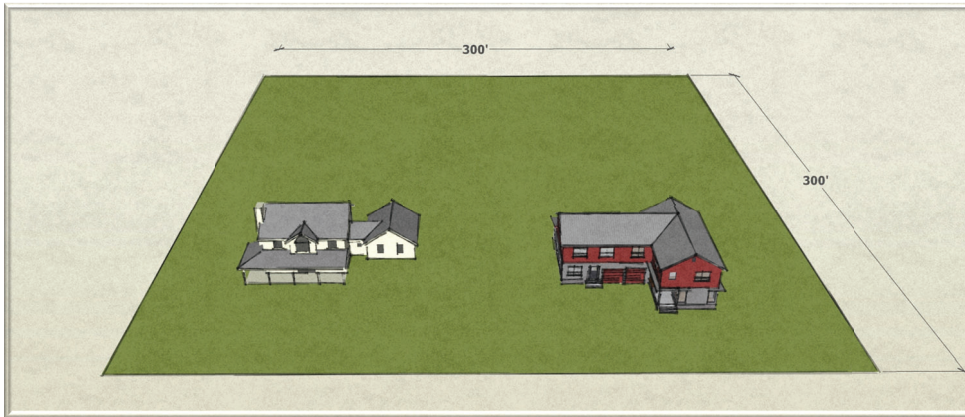
- OR -



- OR -

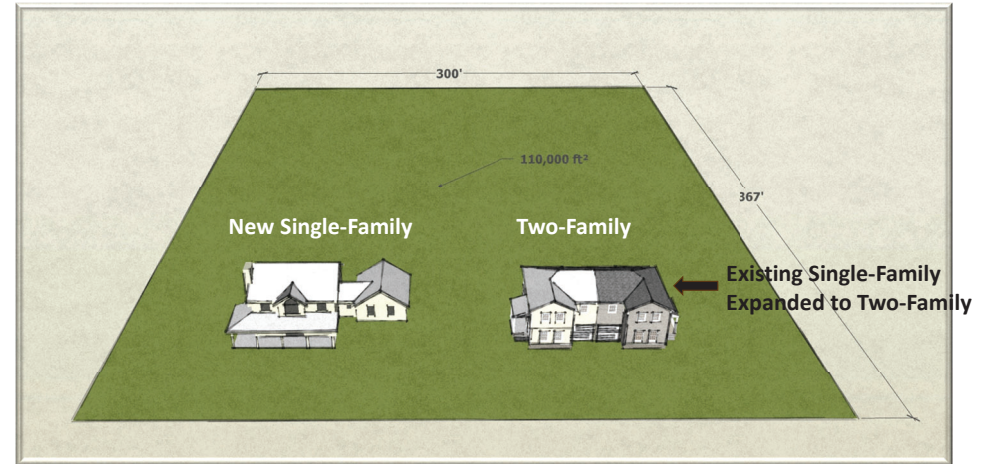
LD 2003 Requirements (Effective July 1, 2024)

VACANT LOT



- Must allow 2 Dwelling Units on a vacant lot
- Can be Duplex or 2 Single-Family Homes
- Maximum of 2 Units
- Lot size is 90,000 sq. ft.

DEVELOPED LOT



- Must allow 3 Dwelling Units on any lot with an existing home
- Can be One Attached, One Detached, or One of Each
- Maximum of 3 Units
- Lot size is 110,000 sq. ft.

IF DURHAM VOTERS TAKE NO ACTION

ARTICLE 4: SPATIAL STANDARDS IN ZONING DISTRICTS

Section 4.1 DISTRICT REQUIREMENTS

A. Rural Residential & Agricultural District

1. Minimum Lot Size Single-Family or Two-Family – 90,000 sq. ft.
 - a. Minimum Buildable Area – Each lot must contain a contiguous 40,000 sq. ft. building envelope which does not contain areas in Resource Protection District, wetlands, or slopes greater than twenty (20%) percent.
2. Minimum Access to Lots – ~~Only one single family detached dwelling or two-family dwelling shall be permitted on a lot.~~ No dwelling shall be erected except on a lot that fronts on a street as defined, and the minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.
3. Minimum Road Frontage – 300 ft.
4. Minimum Setbacks
 - a. Front Lot Line Residential – 50 ft.
 - b. Front Lot Line Non-residential – 100 ft.
 - c. Side Lot Line Residential – 20 ft.
 - d. Side Lot Line Non-residential – 100 ft.
 - e. Rear Lot Line Residential – 20 ft.
 - f. Rear Lot Line Non-residential – 100 ft.
5. Maximum Structure Height¹ – 35 ft.
 - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. Minimum Lot Area Size Two-Family Multiple Dwellings – ~~110,000~~ 90,000 sq. ft. per dwelling if the lot contains more than a single-family detached dwelling or a two-family dwelling (accessory apartments are exempt from lot area requirements).
8. Maximum Number of Housing Units per Lot- Three (3)

NOTE: To address future housing needs in Durham, the 2018 Comprehensive Plan recommends using the same lot size for a duplex (two-family) as a single-family home and allowing additional smaller accessory apartments on those lots to better fit neighborhoods and the Town’s rural character. The State has mandated that additional housing units be added without size restrictions but allows lot sizes to be increased for those full-sized units. This “hybrid” proposal allows the smaller accessory apartments on standard lots to favor that outcome while requiring 2 acres per full-sized housing unit to discourage increased housing that detracts from neighborhood and rural character. Thus, building a single-

¹ Features of structures such as chimneys, towers, spires and structures for electric power transmission and distribution lines may exceed the maximum structure height requirement.

family home and a duplex on the same lot will require 6 acres of land. In both cases, the maximum number of housing units allowed on any lot will be three. Landowners will be able to pursue either option, multiple smaller housing units on a standard lot or multiple larger housing units on a larger lot. If the proposed Ordinance changes are not adopted, landowners will be legally entitled to build a single-family home and a duplex on 2.5 acres as of July 1, 2024.

ARTICLE 5: PERFORMANCE STANDARDS

Section 4.1 ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for town residents while protecting the ~~single-family rural~~ community character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as in-law accommodations subject to the following requirements. If the accessory apartment does not meet all of said requirements, then a conditional use permit shall be required:

- A. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted. No open or enclosed outside stairways shall be permitted above the first story.
- B. The main dwelling unit shall have at least fifteen hundred (1500 sq. ft.) square feet of floor area and the accessory apartment shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- C. ~~Only one accessory apartment shall be permitted per lot. It~~ An accessory apartment shall be made part of the main residence or located in a separate building whose primary function is not as a dwelling unit, such as a garage or barn.
- D. Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

***NOTE:** To address future housing needs in Durham, the 2018 Comprehensive Plan recommends using the same lot size for a duplex (two-family) as a single-family home and allowing additional smaller accessory apartments on those lots that better fit neighborhoods and the Town's rural character. When combined with changes to Articles 4 (District Standards) and 9 (Definitions), the draft amendments will allow two smaller accessory apartments with a single-family home and one accessory apartment with a duplex for a maximum of three housing units on a 2-acre lot. A duplex and single-family home on the same lot will require 6 acres. While either option of smaller units or full-sized units will be allowed as required by State law, the changes will favor smaller units. If the proposed Ordinance changes are not adopted, landowners will be legally entitled to build a single-family home and a duplex on 2.5 acres as of July 1, 2024.*

ARTICLE 19: DEFINITIONS

Section 19.1. DEFINITIONS

ACCESSORY APARTMENT: A separate, secondary housing unit located on a property with a single-family or two-family dwelling that is subordinate to the main dwelling(s) in terms of size and use.

DWELLING: Any building or structure or any portion thereof designed or used for residential purposes.

- a. **Single-Family Dwelling:** A Structure containing only one Dwelling Unit for occupation by not more than one family. The terms shall include modular homes and mobile homes as defined herein.
- b. **Two-Family Dwelling:** A single Structure containing two Dwelling Units on one parcel of land, such building being designed for residential use and occupancy two families living independently of each other.
- c. **Multi-Family Dwelling:** A single Structure containing three to six Dwelling Units, where each Dwelling Unit is designed for residential house and occupancy by a family living independently of families in the other Dwelling Units.

DWELLING UNIT: A room or group of rooms, used primarily as living quarters for one Family, and that includes provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.

HOUSING UNIT: A room group of rooms designed and equipped exclusively for use as permanent living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities, including accessory apartment, single-family dwelling, and two-family dwelling.

MULTI-FAMILY DWELLING: See Dwellings.

RESIDENTIAL DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. [Article 9, Shoreland Zoning]

SINGLE FAMILY DWELLING: See Dwellings.

NOTE: *To address family housing needs, proposed amendments to the Land Use Ordinance will allow up to three housing units (new definition) on a lot in combinations of a single-family with two accessory apartments or a duplex with one accessory apartment. To address concerns for impacts on neighborhoods and rural character, lots that add full-sized dwellings as the three allowable housing units will require two acres of land per dwelling unit.*


LD 2003 Implementation Follow-UP

George Theborge <townplanner@durhammaine.gov>

Mon 7/17/2023 1:19 PM

To: Legal Services Department <legal@memun.org>

Cc: John Talbot <jtalbot@durhammaine.gov>; Alan Plummer <ceo@durhammaine.gov>

 1 attachments (3 MB)

ATTACHMENTS FOR MMA LD 2003 QUESTIONS 7-17-2023.pdf;

I had previously received confirmation that Durham's concept for a dual track approach to implementing LD 2003 (Ch 672) is viable. Under this proposed set of amendments to the Land Use Ordinance, the Town would allow the owner of a single-family home to add a second accessory apartment where the current limit is one accessory apartment. Similarly, the owner of a duplex would be allowed to add an accessory apartment where none are currently allowed. In both cases, the accessory apartments must be limited in size to 50 percent of the main dwelling unit(s). Both options would be available to every owner of a 2-acre lot, which is the current minimum lot size. This track is intended to implement comprehensive plan recommendations for increasing housing diversity while protecting neighborhoods and the town's rural character from the visual impacts of increased housing density.

The second track is intended to comply with LD 2003's requirements for increased housing density with full-sized housing units per Section 3 of the new law that goes into effect on July 1, 2024. As required by Section 3, multiple housing units on the same lot involving full-sized dwellings will, per Durham's proposed changes, require a per dwelling land area of 2 acres. This track is intended to address citizen concerns for impacts on the Town's rural character and town service costs. Thus, doing two single-family homes on the same lot will require 4 acres of land and doing a single-family and a duplex will require 6 acres of land.

Attachment A contains the draft amendments to implement these changes in the Durham Land Use Ordinance and Attachment B contains diagrams illustrating the potential results of the changes.

In discussing this proposal at a recent workshop, Planning Board members raised a couple of questions that we would like MMA legal staff to address. The first is whether a landowner/developer under the second development track explained above would be able to claim a legal right to add an accessory apartment (ADU) on top of the 3, full-sized housing units per Section 4 of LD 2003, which requires allowance for an accessory dwelling unit on any lot where a single-family home is permitted. As indicated in Attachment C, the language of DECD's draft administrative rule clearly prohibited "double-dipping," but it is unclear under the final rule language whether someone could add a fourth unit (ADU) on the second Durham implementation track, notwithstanding the adoption of Durham's changes that will limit all lots to a maximum of three housing units.

Planning Board members also questioned whether the Town could legally apply the lot area per dwelling unit of the second track to the first track if the increased lot area was only applied to the second, (excess) accessory apartment. Although the law states that towns cannot apply increased lot size for one accessory dwelling unit, it doesn't clearly apply that restriction to multiple accessory dwellings if the municipality chooses to allow more density than required by LD 2003. The majority of the Planning Board do not seem inclined to move in that direction, but some members asked that we explore it as an option.

So, the two questions we are looking for guidance on at this point in the implementation process are:

1. Can a landowner who is allowed three, full-sized dwelling units on a 6-acre lot also claim the right to add an accessory dwelling unit for a total of four housing units?
2. Can the Town require 4 acres of land area for a single-family home with 2 accessory apartments/accessory dwelling units if the base density remains at 2 acres for a single-family home and for a single-family home with one accessory apartment/accessory dwelling unit?

In response to earlier MMA inquiries, Durham has no designated growth areas or public utilities and received a letter of consistency from DACF in 2019 for an exemption from the growth/rural areas requirements of the Maine Growth Management Act.

George

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