

**DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
September 6, 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 (August 2, 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. Old Business
 - a) Public hearing on Conditional Use Application for Expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will be taken)
 - b) Substantive Review of Conditional Use Application for Expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will not be taken)
6. New Business:
 - a) Subdivision Sketch Plan Review for 4 Additional Lots, Ruby Farmview Subdivision, Map 5, Lot 78B (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (August 2, 2023)



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm

August 2, 2023

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Allan Purinton, Tyler Hutchison, Brian Lanoie, and George Theborge (Town Planner).

Absent: Ron Williams (Resigned), Juliet Caplinger (Vice Chair) excused absence, and Anne Torregrossa (Alternate).

The Chairman appointed Brian Lanoie as a voting member for the meeting.

Guest: Kenneth and Gwenn Huot (Applicant: Durham Leisure Campground) & interested parties.

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (July 5, 2023)

Tyler Hutchison moved to accept the July 5th, 2023 meeting minutes, Allan Purinton seconded. Tyler Hutchison amended his motion to accept the minutes with the edits on Item #9, should read zero (0) on votes to deny, not four (4). Allan Purinton seconded, motion carried 4 – 0.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials

George Theborge, Town Planner

Three Items to update the Planning Board:

1. Conservation Commission was asked by the Planning Board to prepare a set of draft amendments for the Town Meeting dealing with the solar energy systems that we currently do not have any standards for in our ordinance, as well as for cell towers. The Commission plans to move forward with the solar standards but will need to put the cell tower standards on hold until next year.
2. The State mandate for increasing housing density (Affordable Housing Law) requires the State to reimburse the Town for all expenses. This includes the Town Planner, Planning Board stipends and any attorney fees that may be incurred for the Town to comply with the State Law.

3. The Town Manager was contacted by GPCOG (Greater Portland Council of Governments) about the availability of a MDOT (Maine Department of Transportation) Grant for doing facility studies in terms of future improvements. The Town Manager and a member of GPCOG put together a proposal that they submitted to MDOT and received a grant for \$8,000 to do a vision plan for Town Properties: Town Hall, Eureka Community Center, Fire Station and Ball Field.

Tyler Hutchison, Union Church Committee Member

The Union Church Committee is meeting every two weeks and they are working on what the plan for the use of the Union Church will be going forward. They are looking into adjusting parking to allow for public events, looking at past construction repairs and looking towards the future and looking to see how much it will cost to preserve this building.

b.) Residents – None

c.) Non-residents – None

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)

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 request 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 decide 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.

Applicant Presentation: Kenneth and Gwenn Huot, 24 Leisure Lane, Durham, ME 04222:

- The applicants would like to expand their thirty-six (36) sites, by adding another one hundred twelve (112) sites for a total of 148 sites.
- They are proposing to have 4,000 square feet per campsite.
- They are currently having issues with large camping units (40 feet or larger) wanting to camp there, as well as tiny homes.
- They would like to extend the current 12 week stay period.
- They would like to accommodate more seasonal campers rather than transit campers.
- Currently they do not have tent sites and nine (9) campsites are grandfathered for year-round stay.

- They would like to have sites available from early April to late October (weather permitting), instead of the 12-week period (May 15th through September 15th).

Board discussion of application in light of the conditional use criteria and draft findings:

John Talbot reviewed the basic requirements for campgrounds and indicated a need for more detailed and clear plans showing compliance with the standards. Documentation of the setbacks, density, and lot coverage should be provided. Mr. Talbot told the applicants they need to give specifics on the requested timeframes for occupancy. The applicant needs to prove that some sites are in fact “grandfathered.”

Mr. Huot claimed that 9 sites are grandfathered and asked whether the Board is reviewing the proposal going forward or looking backward at the campground history.

Allan Purinton pointed to the request for expansion of the existing campground as the basis on which the Board can require documentation of the existing campground use in terms of compliance with ordinance requirements.

John Talbot questioned the proposed wastewater treatment capacity in light of the “park trailer” models that have higher flow rates. He pointed out that on some versions of the plans septic fields are within the well exclusion zones. He asked for details of the capacity of the water wells.

Brian Lanoie asked the applicant for clarification of the current status of the campground.

Mr. Huot stated that they bought the campground 9 years ago with 9 year-round campsites and 52 abandoned sites. They received Planning Board approval to reopen 37 of those campsites. They added electrical, water, and sewer to those campsites.

Mr. Talbot asked for clarification of the two entrances to the property.

Mrs. Huot said one is the farmhouse driveway and the other is the campground entrance. People can't really go through the farmhouse to get to the campground.

Mr. Talbot asked the applicant to clarify the MDOT permit status. He also indicated the need to document the available sight distances at the campground entrance.

Mr. Thebarger explained the process for documenting safe sight distances by a surveyor or engineer. He pointed to the MDOT email provided by the applicant that states they have no record of a permit and the proposed use would not trigger one. That does not mean that MDOT considers it to be safe.

Allan Purinton expressed concern with the larger camping units (40 feet or larger) pulling out onto the main roadway (Route 136) with a 50 mile an hour speed limit and being able to get up to speed safely.

Mr. Talbot pointed to the concerns of the Fire Chief for width of the access roads and water supply for fire protection. He also raised concerns for the safety of the cell tower in terms of fall/drop zones and camper access to the tower. He suggested the applicant contact the cell tower owner for safe distances.

Mr. Talbot asked about pedestrian safety in terms of road widths. He also pointed to a large wetland shown on the map that is not mentioned in the wetland report. He asked for clarification of what areas the wetland report covers.

Mr. Talbot asked for documentation of the setbacks from property lines and abutting structures.

In response to Mr. Talbot's question on hours of operation, the applicants indicated they would stick with the times indicated in the application.

Mr. Talbot asked for an updated document on the state corporate status. He indicated the need for a map showing where individual campsites are located for the Fire Department.

He asked Mr. Theborge to clarify documentation of the financial capacity of the applicant.

Mr. Theborge explained the need to convince the Board that the applicant has the capital ability to complete the project in terms of the infrastructure needed to service the campground.

Mr. Talbot asked the applicant to be clear on what they are asking the Board to approve in terms of length of stays.

Mr. Lanoie asked whether the owners are providing RVs or campers are bringing their own.

Mrs. Huot explained that people are bringing in their own RVs.

Mr. Huot added that 3 years ago they bought 5 RVs. Two were put on year-round sites and they are looking to put the other 3 on other sites.

Mrs. Huot explained that they are looking to service traveling nurses from April 1st when the ground thaws to the end of October. They are not looking to have people living there year-round. Only 9 of the sites can be used year-round. Five of the other sites are capable of being converted to year-round, but the rest are not capable for that due to ledge or other limitations on depth. The five "cabin" RVS they bought they would like to make available to traveling nurses in the winter. The other 113 sites will be closed in winter. They are looking for 5 extra year-round sites beyond the current 9.

Mr. Huot explained that all of the new units are 400 square feet with one bedroom and they are on chassis with wheels touching the ground.

Mr. Talbot pointed out that the current use does not meet ordinance limitations.

Mr. Theborge pointed to the importance of clearly documenting which sites are year-round and which specific sites are seasonal.

Mr. Talbot asked the applicants to put everything they are asking in writing and on the plans.

Mr. Hutchinson asked whether the Planning Board has authority under the Ordinance to grant approval for year-round use.

Mr. Thebarga said that under the provision for other commercial uses the Planning Board can grant approval subject to other laws such as subdivision requirements.

Mr. Lanoie asked for clear indication of what units the owners will be renting and people staying there will not be bringing in an RV.

The Board is scheduling a Site Walk visit to the Durham Leisure Campground on Wednesday, August 16, 2023 at 5:30pm and is open to the public. The Board will also conduct a public hearing in September at the regular meeting.

6. Other Business:

a) Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)

- 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.
- 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.
- 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.
- The next phase of public participation can test the proposed Planning Board response to those varied resident concerns.
- 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.

7. Adjourn

Allan Purinton motioned to adjourn the meeting. Tyler Hutchison seconded, motion carried 4 – 0. Meeting adjourned at 8:50 pm.

5. Old Business:

- a. Public hearing on Conditional Use Application for Expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will be taken).

TOWN PLANNER COMMENTS:

- The Planning Board bylaws provide that the Chairman is to describe the purpose of the public hearing and the procedures to be followed.
- Per those bylaws, the Board may receive oral or documentary evidence but shall exclude irrelevant, or unduly repetitious evidence. The Chairman shall make a determination of the relevance of any evidence or testimony and that determination can be challenged by a motion of any Board member subject to a majority vote of the Board members.
- Every party shall have the right to present its case in the order determined by the Chairman and without interruption.
- The Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard.
- Every party shall have the right to submit rebuttal evidence and to conduct cross examination of any other party through the Chair, provided however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.
- An aggrieved party is defined as any person who can demonstrate that he or she will suffer a particularized injury by issuance or non-issuance of the license/permit approval in question. A particularized injury is one that directly operates against a party's property, pecuniary or personal rights. An injury suffered by all of the citizens of the Town in an equal and proportionate manner is not a particularized injury (Section 19.7 Durham Land Use Ordinance).
- Comments and questions should be focused on helping the Planning Board determine whether the application meets the adopted conditional use criteria as opposed to debating Town growth management policies which are set at Town Meeting and must be followed by the Planning Board.
- The application and staff comments were made available on the Town website and the purpose of the public hearing is to receive public input on the application and not to have an explanation of the process and Ordinance requirements.
- These procedures and limitations on public input are required to ensure that the applicant and affected parties are given due process and the legal deadlines for a Planning Board decision on the application can be met.

5. Old Business:

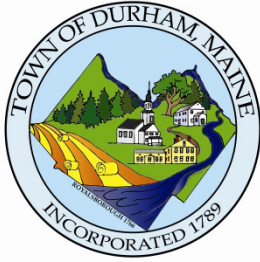
- b. Substantive Review of Conditional Use Application for Expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will be taken).

TOWN PLANNER COMMENTS:

- The Planning Board conducted a site walk for the Leisure Campground application on August 16 from 5:30 to 6:30 p.m. John Talbot, Brian Lanoie, and Tyler Hutchison attended. A photographic record of the site features observed by Board members during the site visit is included in the packet.
- On August 2 the Planning Board reviewed the application and had numerous questions about the existing use and proposed expansion. The packet contains copies of the Planning Board and Board of Appeals past decisions and approval conditions.
- In April of 1986, the Planning Board approved a conditional use permit for 110 campground sites with a maximum of 40 to be installed in the first year and with an 11 pm curfew.
- In June of 1986, the Board of Appeals denied an appeal filed by neighbors of the project to overturn the Planning Board decision.
- In March of 1987, the Planning Board and prior owner affirmed agreement to a campground discontinuance provision (one year) and requirement for Planning Board approval of any transfer of campground ownership.
- In October of 2016, the current applicant applied for and received Planning Board conditional use approval to expand from 9 sites to 34 sites with a finding that the campground was required to comply with the seasonal time limits of the Ordinance which were applied as an approval condition along with all other campground requirements contained therein.
- In November of 2016, the Board of appeals denied a variance request to reduce the required 100-foot property line setback for campsites. In that variance request, the current applicant requested relief from the time limits of the Ordinance, which the Board also denied. The record indicates that when the current applicant acquired the property, there were 9 licensed sites.
- In April of 2017, the applicant obtained ownership of a Town-owned property and received Planning Board conditional use approval to add 2 more campsites. That approval again reiterated the seasonal time of occupancy limits of the Ordinance being applicable to the campground as an approval condition.
- On August 15, the applicant submitted a revised "Existing Conditions Plan" showing a fall zone around the cell tower. The updated plan also indicates that the applicant is now requesting approval of 40 new campsites or a total of 76. The revised plan does not differentiate between existing or proposed seasonal

and year-round campsites.

- On August 28, the applicant provided the following additional submissions:
 - Updated corporate filing report (2022);
 - Campground addressing and site numbering diagram;
 - HHE-606 State of Maine Health Inspection Program License Application for Campground & Event Camping; and,
 - Color-coded diagram showing the proposed year-round and seasonal campsites and utility lines.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
 and Planning*

Tel. (207) 353-2561
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Memo To: Durham Planning Board

From: George Theborge, Durham Town Planner

Date: August 21, 2023

Re: Site Walk Photos

On Wednesday, August 16, 2023, the Durham Planning Board held a site walk at 24 Leisure Lane, to review existing conditions at the Leisure Campground. Board Members in attendance were John Talbot, Brian Lanoie, and Tyler Hutchison. Staff present were Planner George Theborge, Chief Tripp and Captain Salve from Durham Fire & Rescue. The campground owners were present along with two members of the public. The following photos document observations made during the site walk:

Photo 1: Campground Office & Living Quarters



Photo 2: Campground Swimming Pool



Photo 3: Campground Access Road



Photo 4: “Park Model RV” owned by campground operators & rented out beside individually owned RV on rented site:



Photo 5: Year-round cabin



Photo 6: Water supply well (one of three)



Photos 7 & 8: Cell Tower



Photo 9: Mailbox bank & dumpster



Photos 10 & 11: Entrance sight distances looking south and north on Rt. 136



typed minutes of meeting

PLANNING BOARD MEETING
April 2, 1986

1. Members present: Jabaut, Parker, Daniels, Brooks, ~~XXXXXXXXXX~~
Alternate McLaughlin, **PENDING MEMBER KOENIG**
2. Agenda Item #1: Charles Hoar presented a subdivision description for 3 lots on the Old Brunswick Road. The subdivision is required after the fact due to a defect created in 1977 by the former land owner who did not wait five years prior to selling a parcel. The proposed subdivision was approved unanimously. **(59 mo)**
3. Agenda Item #2: Application for Conditional Use Permit for the Durham Leisure Center on Route 136 (Harold and Lorraine Cochran) for a proposed campground.
 - a. Description of project:
 1. 140 sites proposed.
 2. Formally requested Amendment to prior Conditional Use Permit granted for a health club.
 3. Approximately 1/3 of the lots will have power and 1/2 of the lots on-site water.
 4. State requirements must be met with regard to portable water supply, sewer, and shower facilities. A full State review is required prior to receiving a State license.
 - b. Public comment and response:
 1. Police protection: Residents expressed concern over lack of protection in Durham. With 140 sites, it would be possible to have over 500 people on-site. The applicant responded with a survey he had made of several regional police and sheriff departments. Across the board, he found that campgrounds did not present problems to local residents. Surprisingly the biggest police problem with campgrounds is local residents stealing from campers.
 2. Residents expressed extreme concern over increases of traffic. The response was that the slight increase in traffic from the campground would not be noticeable on a heavily travelled road like Route 136.
 3. Residents asked the type of rental being solicited. Applicant responded that he intended to make it a family campground area with some seasonal rental, some weekly, and nightly sites available.

4. Residents were extremely concerned that the neighborhood was not appropriate for commercial development such as being proposed.
5. Residents expressed concern over fire hazards created by a campground with fires. Applicant responded that any fires would require a fire permit from the fire chief similar to that obtained by any resident in town.

c. Planning board questions/response:

1. Brooks stated that the police issue does not appear valid based upon the thorough survey of police and sheriff departments conducted by the applicant.
2. Brooks stated that based upon evidence presented, the applicant has not demonstrated that the proposal is "compatible with adjacent land use", Item #6 in the conditional use ordinance. Applicant responded with "if this proposal is not compatible, what is"?
3. Members expressed concern that although the applicant's intentions and credibility appeared adequate, there was considerable concern over a change in ownership in the facility. (PERMIT NOT AUTOMATICALLY
4. Jabaut stated that the conditional use permit is required based upon the proposed facilities "commercial" use, in addition to it being a "campground". (TRANSFERRED UPON SALE.)

d. Applicant further described his intentions and implementation as follows:

1. First year: 40 sites.
2. Second year: 25 sites.
3. Third year: 25 sites.
4. Cabins are included in the permit.
5. Although the applicant requesting 140 sites, he was hopeful that only 80 sites will ultimately be installed.

SCREENING DISCUSSED, ALREADY IN ORIGINAL PERMIT

f. After much discussion, the applicant agreed to the following modifications (conditions) to his application.

1. Limit ultimate size to 110 sites maximum.
2. Limit construction to 40 sites during the first year.

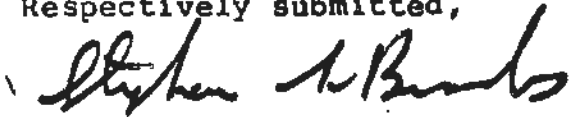
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3. Require a curfew of 11p.m.

9. Upon motion, Duly seconded, it was Voted to approve the applicant's Conditional Use Permit subject to the above outlined additional conditions. Board member Koenig Abstained. Board members ~~Robert~~, Parker, Daniels, and McLaughlin voted for approval. Board member Brooks voted for denial.

4. Be there no other items to come before the board, upon motion Duly seconded, it was Voted to adjourn.

Respectively submitted,



Stephen S. Brooks
Secretary

/lal

READ AND CORRECTED AT REGULAR REG MEETING
5/7/86. APPROVED.

COPY

FINDINGS OF FACT

On February 1, 1984, the Respondents, Harold and Lorraine Cochrane appeared before the Durham Planning Board to support their application for a conditional-use permit to operate a recreational facility on their property located on Route 136 in Durham. That property consists of approximately fifty (50) acres surrounded on three sides by woodland and on the fourth side by Route 136, a major state road between Freeport and Lewiston. That application did not include camp-sites. It did include a site-plan showing the proposed location of several buildings and the size and location of the proposed access from Route 136. It was granted unanimously by the Planning Board.

On May 2, 1984, the Cochranes petitioned the Durham Planning Board to amend the conditional-use permit to allow the relocation of one structure and change the set-back from abutting property located on the northwest side of the Cochranes' property. The amendments were approved as presented. The project as approved at that time contained a requirement that the Cochranes provide visual screening for all neighbors.

In March, 1986, the Cochranes filed a request with the Durham Planning Board to amend the conditional-use permit to allow a 140 site campground on 8-10 acres of their land. That request was subsequently altered to a request for a 110 site campground to include visual screening and phased-development with no more than 40 sites to be built in the first year.

The Planning Board held a meeting on April 2, 1986 to consider the Cochranes' application. Board members present at that meeting were Jabaut, Daniels, Brooks and McLaughlin. Pending member Koenig was also present. Harold and Lorraine Cochrane were present and submitted a written proposed site plan in support of their application, although the Durham Land Use Ordinance does not require that such a plan be submitted, as well as a written summary of a phone survey conducted by the Cochranes of area police departments regarding any problems related to campgrounds. Mr. Cochrane also spoke in support of this plan. A number of opponents to the campground, including Mrs. Mari Loeschner, also appeared and spoke. They specifically expressed their concerns about police protection, traffic hazards, compatibility with surrounding uses and fire hazards. The opponents did not present any written evidence nor did they specifically ask the Planning Board for additional time in which to prepare a case against the campground. Neither side presented expert testimony.

After much discussion before the Planning Board, the Cochranes agreed to modify their original request by reducing the number of campsites from 140 to 110, limiting construction to 40 sites during the first year of operation, and imposing a curfew of 11 p.m. in the campground. The Planning Board

specifically approved the request as amended and noted that the three agreed-upon changes were to be imposed as conditions on the permit. The Planning Board imposed as an additional condition a limitation on the permit that prohibited the transfer of the permit to any other owner of the property without Planning Board approval. The Planning Board also noted the existence of the screening requirements contained in the original permit issued to the Cochranes in 1984 and of the adequacy of those screening requirements to protect neighbors from activities normally associated with campgrounds.

In discussing and deciding issues raised by the application for a campground, the Planning Board followed its established practice of specifically considering only those factors contained in Section 6.2.5 of the Durham Land Use Ordinance that were clearly applicable to a proposed project or that were raised as issues by the parties before the Board. Any factors not specifically addressed were considered to be resolved in favor of the applicant. In this case the Planning Board specifically discussed the adequacy of fire and police protection, access to and from the campsite in relation to traffic hazards, compatibility with adjacent uses, the reliability of the campground operator, the existence and effectiveness of pre-existing screening requirements and health concerns related to garbage, rubbish, vermin and the disposal of human waste. In relation to the health issue, the Planning Board concluded that these concerns were more than adequately covered by the extensive State laws and regulations covering campgrounds and septic disposal and with which the Planning Board was familiar.

The Planning Board also addressed whether the campsite complied with size requirement for campgrounds contained in section 4.3 of Durham's Land Use Ordinance. After applying the concept of clustering to the map presented by the Cochranes, the Planning Board concluded that the requirements of section 4.3 were met. The ordinance does not explicitly allow or prohibit the use of the concept of clustering. The Planning Board has used it in the past in other matters not involving campgrounds. A different plan of the proposed campground was presented to the Durham Board of Appeals. However, if clustering is applied, that plan also complies with section 4.3 of the ordinance.

Legal Issues

- (1) Whether the Planning Board conducted the review required by law.
- (2) Whether the Durham Land Use Ordinance allows clustering.
- (3) Whether the petition to reverse the decision of the Planning Board should be granted.

Decision

- (1) The Planning Board conducted the review required by law.

The Durham Land Use Ordinance articulates 16 factors that the Planning Board should consider before it issues or denies a conditional-use permit

(See Section 6.2.5). The petitioners cite the failure of the Planning Board to explicitly address factors number 12 and 13; however, the silence of the Planning Board on those issues only means that the Planning Board did not consider it necessary to engage in a discussion of those issues because the Planning Board was in unanimous agreement that the proposed plan would have no adverse impact on the concerns protected by those factors. Furthermore, none of the opponents before the Planning Board raised concerns about topography drainage or erosion. Before the Board of Appeals (BOA), the petitioners limited their complaint to the fact that the Planning Board did not address those factors. The petitioners did not seek to demonstrate as a factual matter that the proposed plan would adversely affect the concerns protected by Section 6.2.5 (12) and (13). Nor is it clear that the petitioners would have been allowed to do so had they tried since Durham's Land Use Ordinance states that "the Board of Appeals may reverse the decisions of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly (emphasis added) contrary to specific provisions of this Ordinance (§6.3.2)" While at least two members of the BOA believe that the Planning Board may have been somewhat hasty in its review and that the Planning Board would be well advised to make specific findings for each of the 16 factors listed in §6.2.5., even if such findings consist only of a short statement concluding that a particular factor is not relevant to the application before the Board and the reasons supporting that conclusion, the BOA as a whole concludes that it cannot say that the silence of the Planning Board is clearly contrary to a specific provision of the ordinance.

Nor does the fact that the Planning Board didn't create conditions in relation to fire or police protection mean that the Planning Board didn't evaluate those issues as required by the ordinance. It simply means that the Cochranes presentation was sufficient on those issues. The petitioners may disagree, but they haven't demonstrated that the Planning Board's action on those issues is clearly contrary to a specific provision of the Land Use Ordinance.

For similar reasons, the petitioners' complaints as articulated in paragraphs 2, 3 and 4 of their Exhibit #2 must fail. The concerns about access, intensity of use and the location of structures articulated in those paragraphs were all addressed by the Planning Board to the degree that the Planning Board felt necessary to comply with the ordinance. In reaching its decision on these issues the Planning Board clearly relied on evidence submitted by the Cochranes as part of their initial application in 1984, but that practice is not a clear violation of any specific provision of the ordinance. Nor can the BOA properly question the Planning Board's decision about how much time needed to be spent on any particular issue or what evidence was sufficient to support the applicant's burden. Those are discretionary decisions and the scope of review established by the ordinance clearly prohibits the BOA from substituting its judgment for the Planning Board's on such matters. The record before the BOA, when viewed in its entirety, is sufficient to support the conclusion that the Planning Board's decision does not clearly violate a specific provision of the Durham ordinance.

Petitioners also attack the Planning Board's failure to impose any conditions addressing sewage and trash disposal. Once again, the failure to impose conditions does not mean that the matter wasn't considered by the

Planning Board. In this case, the Planning Board concluded that since the State had extensive laws controlling both of those issues (see the rules promulgated for Tent and Recreational Vehicles in Chapter 205 by the Department of Human Services and the State statutes on septic disposal, including the State plumbing code), there was no need for the Planning Board to duplicate the effort represented by those laws. The Planning Board knew that the Cochranes had to get both campground and plumbing permits from the State before they could begin to operate. Since those laws are relatively comprehensive and detailed, the Planning Board's reliance was not misplaced, particularly in light of the fact that the Durham ordinance contains no criteria or standards for the Planning Board to apply on those issues. No specific provision of the Durham ordinance clearly prohibits such reliance nor does it clearly violate any existing provision of the ordinance.

Petitioners have further complained that the campground project violates the Durham ordinance because it is incompatible with adjacent land uses (§6.2.5.6). The legality of that provision of the Durham ordinance is highly questionable in light of Chandler v. Town of Pittsfield, 496 A. 2d 1058 (Me. 1985), since the ordinance contains no standards for determining compatibility. Legality aside, there was sufficient evidence before the Planning Board and the BOA to conclude either that the use was compatible or incompatible, and for that reason the petitioners did not demonstrate that the Planning Board's decision on that issue clearly violated a specific provision of the ordinance.

(2) The Durham Land Use Ordinance allows clustering. Another attack levelled by the petitioners focuses on the concept of clustering. The Planning Board applied that concept to the map before it and concluded that the proposal met the requirement contained in Section 4.3.1 of the Durham ordinance that "camping areas shall contain a minimum of 2,500 square feet of suitable land, not including roads and driveways, for each site." The words "site" and "area" are not defined in the ordinance, so the ordinance is ambiguous at best on this issue. No specific provision of the ordinance prohibits the use of the concept. Furthermore, the Planning Board has apparently applied the concept in the past to other projects and the town has not reacted by amending the ordinance so as to prohibit or limit the use of the concept. Based on these facts and the fact that the plan presented to the BOA also satisfies the ordinance if clustering is applied, the BOA concludes that the Planning Board has not clearly violated a specific provision of the ordinance by using the concept of clustering.

(3) The petition to reverse the decision of the Planning Board is not granted. The petition is denied.

Based on the entire record, including testimony before the BOA of both parties and of members of the Planning Board, and the finding of fact and conclusions of law previously noted in this opinion, it is the decision of the undersigned that the petition is not granted. It is denied.

Date of Original
Decision: June 5, 1984

Date upon which this
written decision was
signed:
July 19, 1984

Benjamin A. Hall
A. B. Hall/Durham Board of Appeals

Mildred Munn
Mildred Munn/Durham Board of Appeals

Margaret Wentworth
Margaret Wentworth/Durham Board of Appeals

John Morang
John Morang/Durham Board of Appeals

6.2.5 Factors Applicable to conditional uses

In considering a Conditional Use Permit the Planning Board shall evaluate the immediate and long-range effects of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution and sedimentation.
- (3) The control of building sites, placement of structures and land uses.
- (4) The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
- (5) The conservation of shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.
- (6) The compatibility of the proposed use with adjacent land uses.
- (7) The need of a particular location for the proposed use.
- (8) Access to the site from existing or proposed roads.
- (9) The location of the site with respect to flood plains and floodways of rivers or streams.
- (10) The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
- (11) The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
- (12) Existing topographic and drainage features and vegetative cover.
- (13) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (14) The impact of the proposed use on transportation facilities.
- (15) The impact of the proposed use on local population and community facilities.
- (16) The impact of the proposed use on local water supplies.

6.3 Appeals and Variances

6.3.1 Variances

A copy of all variances granted by the Board of Appeals shall be submitted to the State Planning Office. The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Ordinance under the following conditions:

- a. The strict application of the terms of this Ordinance would result in undue hardship to the applicant;
- b. The hardship is not the result of action taken by the applicant or a prior owner; and
- c. The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of paragraph 6.2.5.

TOWN OF DURHAM
PLANNING BOARD

DURHAM, MAINE

P. O. BOX 209

LISBON FALLS, MAINE 04252

To Whom it may concern:

As of this date April 2, 1986, the Durham Planning Board hereby grants conditional approval to: Harold & Lorraine Cochran of Rte 136 Box 276, RFD #3 Freeport, Me. 04032 (name/s) (legal and mail address/es)

for the purpose of Expanding Durham Leisure Ctr's operation to in- as clude a 110 site Campground described on the attached.

This approval shall remain in effect on a continuing basis so long as the use remains as requested. If the conditions upon which this permit is granted change, the holder/s of this permit shall request an amendment to this permit. Should the activity described above cease for more than a period of one year, this approval will no longer be in effect. ~~Additional conditions to the above named person/s and is non-transferable without planning board approval.~~

I/we have read, understand, and agree to abide by the terms as stated: Harold H. Cochran 3/24/87 (signature/s of applicant/s) (date)

Additional conditions required of applicant:

Phasing in the development with the first year including a maximum of 40 sites, and providing visual screening for the neighbors. A curfew of 11:00 P.M. will also be enforced.

(Continued on a 2nd page)

Planning Board:	<u>Roger C. [Signature]</u>	date <u>3-28-87</u>
	<u>[Signature]</u>	<u>3/28-87</u>
	<u>[Signature]</u>	<u>3/28-87</u>
	<u>[Signature]</u>	<u>3/24/87</u>

TOWN OF DURHAM
PLANNING BOARD

DURHAM, MAINE

P. O. BOX 209

LISBON FALLS, MAINE 04252

March 27, 1987

Re: Conditional permission granted to Harold and Lorraine Cochrane to expand their Durham Leisure Center's operation to include a LIO site campground.

Dear Mr. and Mrs. Cochrane:

In response to your recent request for a clarification of the Planning Board's approval of the above named practice, I have spoken to each regular Board member and we agree to the following:

1. This conditional permission is non-transferrable without planning board approval to the extent that the above named persons have not completed construction of the recreational facility. To the extent the construction of all or a portion of the recreational facility has been completed, this conditional permission is transferrable without further planning board approval to permit the use and operation as described herein of that portion of the recreation facility for which construction is complete.
2. Whereas you have yet to begin operating your campground, the cessation provision does not apply at this time. This restriction applies after construction is completed and operation has begun.

Sincerely yours,

Russell Jabaut
Russell Jabaut, Ch.

Planning Board: *Stephen J. K... 3/29/87* date
Beverly L... 3/28/87
James L. Daniels 3/24/87

COPY

The Board next reviewed the Approval Criteria for Campgrounds with Mindy Woerter recording.

Vice Chairman Anne Torregrossa Moves that the applicants meet the Campground Requirements with the condition that they comply with all plumbing and DHHS Regulations, if any, Item #3-k for campgrounds – number of stays allowed up to 180 days or twelve weeks from May 15th through September 15th , then two weeks at a time in winter. John Simoneau Second. Motion Carried 5-0.

Copies of the following recorded by Mindy Woerter will be placed by Secretary Toher in the Applicants file: Conditional Use Permit Application Check List, Approval Criteria – Conditional Use Permit and Conditional Use Permit Criteria – Campgrounds Application Check List.

The Houts were advised that they would need a Variance from the Appeals Board to include those campsites that do not conform with the required setbacks.

Other Business – Codes Official: Codes Official Baines stated that the MMA has recommended language changes to the existing Sign Ordinance. The Ordinance Workshop will work on this.

Chairman's Comments:

Chairman Beaulieu announced the following:

- a. **Land Use Ordinance WORKSHOP, Wednesday, October 18th 2016 at the Town Office beginning at 6:30 p.m.**
- b. **Next Meeting – Wednesday, November 2nd 2016 at the Town Office at 7:00 p.m.**
- c. **Applications Due – Monday, October 24th 2016 by 4:30 p.m. at the Town Office.**

Adjournment: Mindy Woerter Moves to Adjourn at 9:08 p.m. Michael Fitzpatrick Second. Motion Carried 5-0.

Respectfully submitted,

Jill S. Toher
Meetings Secretary

Town of Durham
 Planning Board

Applicant(s) : **Durham Leisure Holdings LLC**

Date:10/5/16

To Expand the existing 9 site campground to a 34 site campground. Two of the originally proposed campsites under this application did not meet the setback requirements or the Town of Durham Land Use Ordinance. The applicant agreed to amend the application to a total of 34 sites so as to comply with the current ordinance.

Map #, 2 Lot # 13

Recorded by: *Mindy Woerter*

Approval Criteria – Conditional Use Permit:

The following criteria are to be used by the Planning Board in judging applications for conditional use approval and shall serve as minimum requirements for approval of the conditional use. The conditional use shall not be approved if in the judgment of the Planning Board the applicant is not able to reasonable meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application and persuade the Board. All conditional uses must be shown by the applicant to satisfy the following criteria:

- 1) will not result in undue water or air pollution.**

COMPLETE

A. Torregrossa moves to find that the proposed project will not impact air or water quality.
 M. Fitzpatrick seconds.
 Motion carries 5-0

- 2) Has sufficient water available for the reasonably foreseeable needs of the proposed use, including fire protection. Will not cause an unreasonable burden on existing water supply, if one is to be utilized. This criteria shall include use of an aquifer and the applicant must show that its use will not harm the wells of those currently relying upon said aquifer.**

INCOMPLETE

J. Simoneau moves to find that the project meets this criteria with the condition that the applicant provides the flow rate report. A. Torregrossa seconds.
 Motion carries 5-0

3) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

COMPLETE

J. Simoneau moves to find that the project will not cause soil erosion due to the land previously being developed. M. Fitzpatrick seconds.
Motion carries 5-0

4) Will not cause highway or public road congestion or unsafe conditions with respect to use of the highway or public road existing or proposed.

COMPLETE

J. Simoneau moves to find that the project will not cause road congestion or unsafe conditions based on the review by the Maine Department of Transportation. M. Fitzpatrick seconds.
Motion carries 5-0

5) Will provide for adequate sewage disposal in conformity with the State Plumbing Code and all other applicable regulations.

COMPLETE

J. Simoneau moves to find that the submitted evidence shows the project has adequate sewage disposal and complies with the state plumbing code. M. Fitzpatrick seconds.
Motion carries 5-0

6) The proposed development will have adequate fire protection.

COMPLETE

A. Torregrossa moves to find that this condition is met since the project is within one mile of a water source. M. Fitzpatrick seconds.
Motion carries 5-0

7) Will not have any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas, any deer wintering areas identified by the Maine Department of Fish and Wildlife or other agency or public rights for physical or visual access to water bodies.

COMPLETE

A. Torregrossa moves to find that the project will not create adverse conditions for scenic areas or wildlife because the campground has been at the site for a long time and because it's fully screened. M. Fitzpatrick seconds.
Motion carries 5-0

8) Is in conformance with the Town's Comprehensive Plan, and all other applicable Town Ordinances.

INCOMPLETE

A. Torregrossa moves to find that this criteria is not met as the project is proposed, but is met with the condition that the applicants either maintain a 100-foot setback from all property lines or obtain a variance. M. Fitzgerald seconds.
Motion carries 5-0

9) The applicant has adequate financial and technical capacity to meet the standards required by this Ordinance.

INCOMPLETE

A. Torregrossa moves to find that this criteria is met with the condition that the applicant provide documentation to show that Durham Leisure Holdings LLC has adequate financial capacity. M. Fitzgerald seconds.
Motion carries 5-0

10) Whenever situated in whole or in part, within 250 feet of any pond, lake, stream or river waters, will not adversely affect the quality of such body of water or reasonably affect the shoreline of such body of water.

N/A

A. Torregrossa moves to find that this criteria does not apply. T. Beaulieu seconds.
Motion carries 5-0

11) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

COMPLETE

A. Torregrossa moves to find that this project will not affect ground water because it will not be discharging anything. M. Fitzgerald seconds.
Motion carries 5-0

12) The applicant will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood insurance Rate Maps, whether the site of the proposed use is in a flood-prone area .If the site of proposed use, or any part of it, is in such an area the applicant will determine the 100-year flood elevation and flood hazard boundaries within the site. The proposed use shall include a condition of plot approval requiring that principal structures on any lots where the proposed use is to be conducted shall be constructed with their lowest floor including the basement, at least three (3) feet above the 100-year flood elevation and will only be constructed if permitted under the Town's Flood Hazard Ordinance.

N/A

A. Torregrossa moves to find that this criteria does not apply because the project is not in a flood plain. M. Fitzpatrick seconds.
 Motion carries 5-0

13) will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

COMPLETE

A. Torregrossa moves to find that the project will not adversely affect wildlife habitat as it's a low impact project. M. Fitzpatrick seconds.
 Motion carries 5-0

14) Will not cause noise, odor, glare, or vibration to disturb the peaceful enjoyment of adjacent property.

COMPLETE

A. Torregrossa moves to find that the project will not cause noise, odor, glare or vibration because it's adequately buffered and because of the noise ordinance. M. Woerter seconds.
 Motion carries 5-0

15) Will not place an excessive burden on the ability of the Town to provide municipal, governmental or educational services.

COMPLETE

A. Torregrossa moves to find that the project will not place an excessive burden on the town because the campers will not have small children using the school system, nor will they be utilizing municipal services. M. Fitzpatrick seconds.
 Motion carries 5-0

CAMPGROUND REQUIREMENTS

A. Torregrossa moves to find that the project meets the campground requirements with the following conditions:

- The project comply with Maine State Plumbing Codes and DHHS requirements, if any apply
- The project comply with the time limits of operation in Article 6, Section A, Use Specific Performance Requirements for campgrounds

J. Simoneau seconds.
 Motion carries 5-0

APPLICATION CONDITIONS

A. Torregrossa moves to approve the amended application with the following conditions:

- The applicant, Durham Leisure Holdings LLC, show sufficient financial resources of at least \$67,000
- The applicant provide the LLC incorporation papers and certificate of good standing from the Secretary of State
- The project comply with Maine State Plumbing Codes and DHHS requirements, if any apply
- The project comply with the time limits of operation in Article 6, Section A, Use Specific Performance Requirements for campgrounds

M. Fitzgerald seconds.
Motion carries 5-0

Signed by:

Dated: 12-7-2016
for 10-5-2016

David P. Beaulieu Chairman

James Torregrossa Vice Chairman A.T

Andy Walker Member

[Signature] Member J.S.

[Signature] Member

[Red Line] Member

COPY

Ms. Allen also stated late last year she filed for a Declaratory Judgment with the Court, which seeks a ruling on the right-of-way/easement which was shortly after the Babcocks filed for a Declaratory Judgment on the same matter. She asserted that the Babcocks moved first for a Declaratory Judgment.

Attorney Shane Wright stated the matter of both requests for Declaratory Judgments are currently in the discovery phase. Attorney Wright stated he also agreed with the Motion on the floor that there is nothing more that can currently be done and to close that loop at the Town level. Attorney Wright stated, for the record, that the creation of a back lot does not require a fifty foot right of way, but construction does.

Attorney Wright asserted, for the record, that the construction on the back lot doesn't comply with the original or subsequent building permit and that construction took place after the Appeal was initiated and he questions the degree of good faith in having a valid permit in place. Attorney Wright reiterated he agrees, in general, with the Motion on the floor.

Sheila Babcock stated she came in good faith and believed the permits were good. Ms. Babcock added that she came before the Planning Board previously for an Occupational permit to do her woodcuts and to have her farm there adding since 2011 she has done exactly just that. She added that the Jersey Barriers were placed there during a period which both she and her husband, Jerel were at the hospital. The placement of these barriers prevented a logger from transporting wood from their property. Mrs. Babcock continued that the logs had to be cut up into firewood.

Mrs. Babcock added she has documents from the Fire Chief stating that fire equipment and an ambulance needs twenty (20') feet to pass and she has given copies of these documents to the appropriate parties. She added that since 1978, she and her husband maintained the right-of-way for Francis Babcock, now deceased.

VOTE ON MOTION: 5-0, Unanimous. Alternate Paul First Abstains.

Re: Durham Leisure Holdings, LLC – Request for a Variance for Two Additional Campsites and Length of Stay Allowed at Campsites - Kenneth and Gwenn Huot:

Kenneth and Gwenn Huot personally appeared before the Appeals Board to request a Variance for two campsites which do not have a 100 foot setback from the adjoining property line. He stated this is a pie shaped piece which is 57 feet. The adjoining property use to house an old school and he asserted that this small piece of property may belong to the Town.

Mr. Huot also requested that the length of stay for campers be increased from the two week limit, especially in the winter as the campers need to be skirted off to prevent freezing below. He asserted the campground was set up for year-round camping and the major portion of their clientele are R.V. Campers.

The Codes Official stated in October, 2016, the Huots requested to expand the existing 9 site campground to 34 sites, noting that two of the sites lacked the 100 foot setback requirement per the Ordinance. He stated the Planning Board approved 34 sites after the Huots amended their application from the original request.

The Codes Official referred the Board to page 66 through 67, provision 3-K, which delineates a summer and winter the length of time one camper can occupy a particular site. The Codes Official pointed out the original Conditional Use Permit was granted for 100 campsites with the provision that any development that had not occurred in a timely fashion or any development abandoned would be vacated. He stated when the Huots purchased the campground, the State license had been brought down to 9 sites.

The Huots are asking relief from the time constraints for camping asserting their campsite is not used for mobile homes.

Gary Wood stated the Appeals Board is very limited as to what the Board can do when it comes to approving a Variance because the Appeals Board cannot re-write the Town's law. He continued the type of change the Huots are requesting requires an Article to come before the annual Town Meeting which indicates which performance standard they are asking be changes for a vote.

He continued that the request for relief regarding the Huots' request regarding the setbacks is appropriate for the Appeals Board to consider.

Mr. Huot stated the abutter appears to be Town owned property. The Huots were advised by

Paul First to bring a request before the Selectmen to see if they would consider selling them this small piece of land which abuts the two campsites. If the Selectmen would consider the purchase, the Huots would have the 100 foot setback required by the Ordinance and would not need to get a Variance. Mrs. Huot stated that she has some paperwork which states the Town owned lot must be kept up. She asserted this has not been done as it is covered with junk and the barb wire fence has deteriorated into pieces.

The Huots were advised that the next Selectmen's meeting is Tuesday, November 29th 2016 and that they should meet with AA/TA Glaeser to ask to be placed on the Agenda for that meeting.

A lengthy discussion followed regarding how the the writing of Ordinances takes place as well as how they can be changed.

Chairman Schneider explained to the Huots that a Variance request can be sought due to an undue hardship, by asserting that the lack of the 100 foot setback causes undue economic hardship as the Huots can't earn money on the rental of these two sites.

Gary Wood concurred that proving an undue hardship is very difficult for the Appeals Board to decide.

Terry Kirk wanted clarification of the lot lines as he questions why two lots only have 57 feet to the lot line, while the next campsite meets the 100 foot setback. During review of the plan, it was noted that the lot line does not run straight, but rather runs at an angle.

It was the general consensus of the members that the Huots best and easiest course of action would first be to see whether the Selectmen would consider selling this small piece to them so they would meet the required setback for these two campsites.

MOTION: Gary Wood Moves that the application for a Variance be denied and the reason for that is in order to grant it, the Appeals Board must determine whether the land can yield a reasonable return unless a Variance is Granted, and in this case, the application did not meet that standard because an established campground was already operating on that land. Dean Clark Second.

Vote on Motion: 5-0, Unanimous.

Adjournment: Terry Kirk Moves to Adjourn at 8:17 p.m. Gary Wood Second. Motion Carried 5-0.

Respectfully submitted,

Jill S. Toher
Meetings Secretary

**Durham Planning Board
Conditional Use Permit – Campgrounds
Application Checklist**

Name(s): Kenneth & Gwenn Huot _____ Date: 4/5/17 _____

Map#: 2 _____ Lot #: 13 _____

Conditional Use Permit for: re-open two campsites _____

Campgrounds -

a. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter shall apply):

Motion:

Torregrossa moves to find that this criteria is met as long as the applicant receives all applicable state licenses. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

b. A campground must be constructed on at least 20 acres of land and all camping units or structures shall be located at least 1090 feet from any property line and at least 400 feet from any residence (except residences belonging to the campground owners).

Motion:

A. Torregrossa moves to find that this criteria is complete with the condition that the applicant obtain ownership of the pie-shaped parcel to allow for 100-foot setbacks. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

c. Campsites (i.e. Sites where tents, recreation vehicles (RV's) are placed) shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, existing residences (including from the second floor windows thereof) or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the locations described above.

Motion:

A. Torregrossa moves to find that this criteria is met because the project has sufficient vegetation and screening. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

d. No overnight sleeping shall be allowed in vehicles except for Recreational Vehicles (and trailers).

Motion:

A. Torregrossa moves to find that this criteria is met with the condition that the applicant not allow any overnight sleeping in cars. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

e. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each

developed acre of land does not exceed 11 campsites per acre.

Motion:

A. Torregrossa moves to find that this criteria is met because the density is well above the requirement. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

f. Campsites shall only be allowed on land defined as Moderate or Slight according to the County Soil Survey of the U.S.D.A. Soil Conservation Service.

Motion:

J. Simoneau moves to find that this criteria is met because the project is on previously developed land. A. Torregrossa seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

h. The area intended for placement of the recreational vehicle, tent or shelter and utility service buildings, shall be set back a minimum of 250 feet from the normal high water mark or any pond or river.

Motion:

A. Torregrossa moves to find that this criteria is met because there is no pond or river within 250 feet. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

i. Campsites intended for placement of a recreational vehicle, tent shelter or structure for human use will not be permitted in a Resource Protection Zone. Notwithstanding the provisions of Article 5, a campground may conduct Non-Intensive Recreation Primitive Recreation, Open Space Uses in Resource Protection Zones, and may build Piers, Docks and Marinas as associated uses to the campground so long as those uses comply with the applicable requirements of this Ordinance.

Motion:

A. Torregrossa moves to find that this criteria is not applicable because the project is not in the Resource Protection Zone. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

j. A campground shall provide water and sewerage systems, sanitary stations and convenience facilities in accordance with the regulations of the State Plumbing Code and the State of Maine Department of Human Services. In no case shall fewer than one toilet, lavatory and shower be provided for each sex for every ten (10) camping and tent sites.

Motion:

A. Torregrossa moves to find that this criteria is met with the condition that the project receive Department of Health and Human Services approval. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

k. A time limit is placed on the occupancy of any one camping space on a continuing basis as followed: Twelve (12) weeks for the d May 15th to September 15th of each year, and two (2) weeks for all other times. Only camping units such as defined herein (plus a towing vehicle), shall be permitted within any camper park, temporarily or otherwise.

Motion:

A. Torregrossa moves to find that this criteria is met with the condition that the applicant adhere to the time limits. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

l. Clearing within 250 feet of Runaround Pond, the East Branch of the Royal River, Chandler River, Gerrish Brook, Newell Brood, Meadow Brook, Dyer Brook or the Androscoggin River – clearing of trees and

converting to other vegetation is permitted for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the normal high water mark) may be created in the strip extending fifty (50) feet from the normal high water mark and paralleling the shoreline. Where natural vegetation that is equally effective in retarding erosion and preserving natural beauty. Adequate screening or Buffer Strips shall be built, planted or maintained to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

Motion:

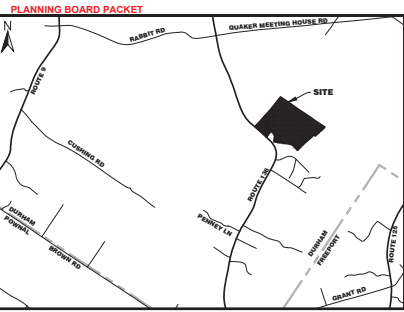
A. Torregrossa moves to find that this criteria is not applicable because the project is not within 250 feet of these bodies of water. J. Simoneau seconds.

Motion carries 4-0-1 with J. Caplinger abstaining

Prepared by: Mindy Woerter
4/20/17



Date:



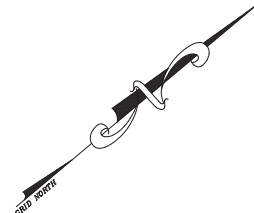
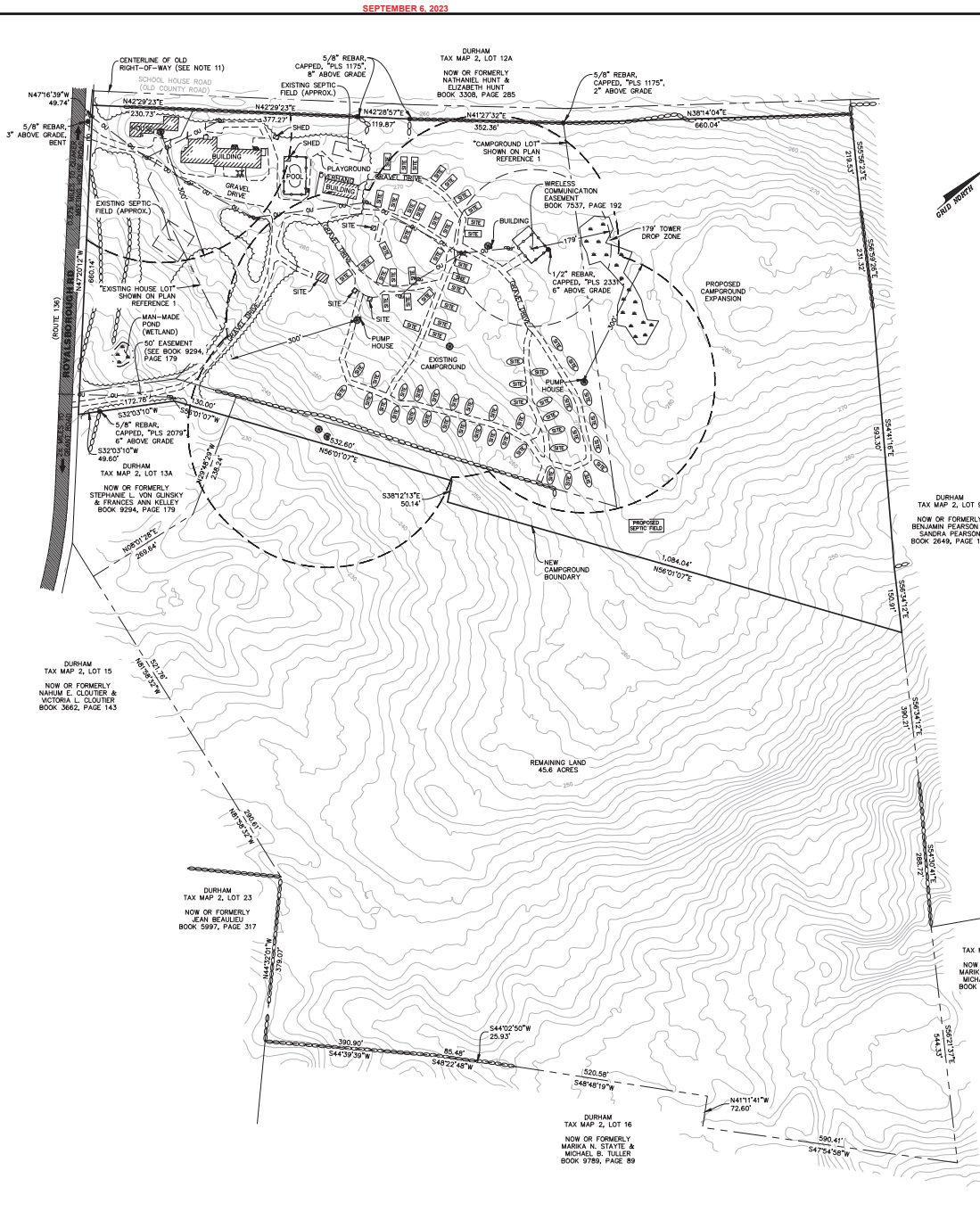
LOCATION MAP 1" = 1/2 MILE

- NOTES**
- ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 AND BASED ON GPS OBSERVATIONS NEAR THE SURVEYED PARCEL.
 - TOWN OF DURHAM: TAX MAP 2, LOT 13 & LOT 14.
 - OWNER OF RECORD AT TIME OF SURVEY: DURHAM LEISURE HOLDINGS, LLC; BOOK 9285, PAGE 95, BOOK 10045, PAGE 350, AND BOOK 8992, PAGE 184.
 - AREA SUMMARY:
 EXISTING HOUSE LOT 3.3 ACRES, MORE OR LESS.
 EXISTING CAMPGROUND 15.8 ACRES, MORE OR LESS.
 CAMPGROUND EXPANSION 18.0 ACRES, MORE OR LESS.
 REMAINING LAND 85.6 ACRES, MORE OR LESS.
 TOTAL AREA 125.7 ACRES, MORE OR LESS.
 - ALL BOOK AND PAGES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
 - TREELINES SHOWN ARE APPROXIMATE AND WERE DIGITIZED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY.
 - NO APPARENT ENCROACHMENTS WERE OBSERVED AT TIME OF SURVEY.
 - BOUNDARY LINES SHOWN ARE BASED ON PLAN REFERENCE 1. NO DEED RESEARCH WAS COMPLETED TO VERIFY THESE BOUNDARY LINES. THE PURPOSE OF THIS PLAN IS TO SHOW A PARTIAL EXISTING CONDITIONS SURVEY FOR DESIGN AND PLANNING AND TO SHOW POTENTIAL NEW SITES.
 - CONTOURS SHOWN ARE BASED ON STATE OF MAINE LIDAR DATA AND WERE DOWNLOADED FROM [HTTPS://GOAST1N0AA.GOV](https://goast1n0aa.gov) WITH A CONTOUR INTERVAL OF 2'-FOOT. THE VERTICAL DATUM IS NAVD83.
 - THE LOCATION OF UNDERGROUND UTILITIES WAS NOT PERFORMED AS PART OF THIS SURVEY. MAIN-LAND RECOMMENDS THE USE OF DDD SATE OR OTHER ENTITIES TO MARK ANY UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION.
 - NO RESEARCH WAS COMPLETED TO DETERMINE THE STATUS OF SCHOOL HOUSE ROAD. IT IS ASSUMED TO BE ABANDONED OR DISCONTINUED AND OWNERSHIP MAY EXTEND TO CENTERLINE. MAIN-LAND RECOMMENDS CONSULTING WITH AN ATTORNEY ON WHAT RIGHTS, IF ANY, MAY EXIST TO THIS AREA.
 - THE SURVEYED PARCEL IS NOT LOCATED IN THE FLOOD ZONE AS SHOWN ON FEMA FIRM 230010481E.
 - THE SURVEYED PARCEL IS ZONED RURAL, RESIDENTIAL, & AGRICULTURAL (RRA). SEE TOWN OF DURHAM MAINE LAND USE ORDINANCE, DATED APRIL 2, 2022 FOR ADDITIONAL INFORMATION.
 - WETLAND DELINEATION OF THE EXISTING CAMPGROUND AND THE EXPANSION COMPLETED BY MAIN-LAND DEVELOPMENT CONSULTANTS, INC. ON MAY 25, 2022.
 - SUMMARY OF SITES:
 CAMPGROUND (EXISTING): 36 SITES
 CAMPGROUND (NEW): 40 SITES
 TOTAL: 76 SITES
 - THE PURPOSE OF THIS PLAN IS TO SHOW A PARTIAL EXISTING CONDITIONS SURVEY AND CAMPGROUND EXPANSION CONCEPT OF DURHAM LEISURE CAMPGROUND. NO ORDINANCE REVIEW, ENGINEERING DESIGN, OR PERMITTING WAS COMPLETED BY MAIN-LAND.

- PLAN REFERENCES**
- "STANDARD BOUNDARY SURVEY LAND OF HAROLD H. COCHRANE ESTATE", DATED MAY 12, 2010, MADE FOR ESTATE OF HAROLD H. COCHRANE, SURVEYED BY BRIAN SMITH SURVEYING, INC., AND RECORDED IN PLAN BOOK 51, PAGE 86 ON MARCH 4, 2016.
 - "MAINE STATE HIGHWAY COMMISSION PLAN OF PROPOSED RELOCATION STATE RD HIGHWAY NO. 2", DATED APRIL 1937, AND RECORDED IN PLAN BOOK 6, PAGE 302 ON JANUARY 5, 1938.

LEGEND

	EXISTING IRON PIPE, ROD, OR REBAR AS NOTED
	WELL, DRILLED
	EXISTING FIRE HYDRANT
	UTILITY POLE & GUY WIRE
	OVERHEAD UTILITY
	BOUNDARY LINE (SURVEYED)
	BOUNDARY LINE (APPROX. - SEE PLAN REFERENCE 1)
	ADUTTING BOUNDARY LINES (APPROX.)
	EASEMENT LINE
	EDGE OF GRAVEL (EXISTING)
	EDGE OF GRAVEL (PROPOSED, APPROX.)
	WELL SETBACK
	STONEWALL
	TREELINE (APPROX.)
	MAJOR CONTOUR LINE
	MINOR CONTOUR LINE
	CHAIN LINK FENCE
	PAVEMENT
	CONCRETE
	CAMPER SITE (EXISTING - APPROX.)
	CAMPER SITE (PROPOSED - APPROX.)
	WETLAND BOUNDARY (SEE NOTE 14)



PAGE 17

MAIN-LAND DEVELOPMENT CONSULTANTS, INC.
 69 MAIN ST. LEVERMORE FALLS MAINE
 87 US ROUTE 1 FALMOUTH MAINE
 PH: (207) 897-6723 FAX: (207) 897-5426
WWW.MAINLANDCONS.COM

PLAN SHOWING A PARTIAL EXISTING CONDITIONS SURVEY & PROPOSED EXPANSION
DURHAM LEISURE CAMPGROUND
 ROUTE 136, TOWN OF DURHAM, COUNTY OF ANDROSCOGGIN, STATE OF MAINE

OWNER OF RECORD
DURHAM LEISURE HOLDINGS, LLC
 C/O KEN HUOT,
 24 LEISURE LANE,
 DURHAM, MAINE 04222

MADE FOR
DURHAM LEISURE CAMPGROUND
 C/O KEN HUOT,
 24 LEISURE LANE,
 DURHAM, MAINE 04222

DRAWING SCALE:

 1 INCH = 100 FT

SUBMISSION NOTES:
 SUBMISSION 1: 2023-05-08 CLB CLIENT REVIEW
 SUBMISSION 2: 2023-05-23 CLB CLIENT REVIEW
 SUBMISSION 3: 2023-06-12 CLB TOWN REQUEST - BOUNDARY
 SUBMISSION 4: 2023-08-15 CLB CLIENT REQUEST

PROJ. MGR: ERTW
 DRAWN BY: CLB
 CHECKED BY: T.S.
 SUBMISSION NO. 4
 SURVEY DATE: 2022-06-02
 2023-04-17
 SUBMISSION DATE: 2023-08-15
 SUBMITTED FOR: FINAL

EXISTING CONDITIONS PLAN

SEAL:

DRAFT


CHARLES L. BUKER PLS #2397
 DRAWING NO.
S2.1
 MLC NO. 22-139 1 OF 1

Re: Fw: Leisure Campground expansion

Gwenn Huot <dlcampground@gmail.com>

Mon 8/28/2023 11:07 AM

To:George Thebarge <townplanner@durhammaine.gov>

 1 attachments (5 MB)

Image_20230828_0002.pdf;

Town ordinance for (campgrounds) is May 15th to September 15th, 2 weeks any other time. We are an RV park & are looking to accommodate longer term stays. We have 9 existing winter sites. We are proposing an additional 21 sites to put campers & RV units on extending length of stay to 6 months.

Summer sites are from May 15th - September 15th. We would like to extend the summer sites from April 1st to October 31st. All units not owned by RV park will be insured & registered at their primary residence [which is not our RVpark]. All RV certified units owned by our RV park will be considered personal property of the park therefore taxed under personal property.. Still looking for MDOT. Van said he was on it. Thinking some time tue or wed.

Maine Secretary of State



**2023 Annual Report
Electronic Filing Acknowledgment**

For Limited Liability Companies on file as of December 31, 2022

Charter Number: 20151836DC
DCN Number: 2230019115920
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 Member, Manager 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: May 15, 2023

Name and Capacity of Authorizing Party:

SAMUEL M. SHERRY, REGISTERED AGENT

Account: 19 Card: 2 of 3 Map/Lot: Location: 24 LEISURE LANE

Neighborhood 4 ROYALSBORO RD

Zoning/Use Rural Resident.
 Topography Rolling/Above Street
 Utilities Private Water/Private Sewer
 Street Paved

Reference 1 B1234P0296

Reference 2

Tran/Land/Bldg 0 0 0

OPEN 0 HOMESTEAD 1998

Exemption(s) Land Schedule 1

Land Description

Units	Method - Description	Price/Unit	Total	Fctr	Influence	Value
9.00	Camp.-Camp Site.....	3,500.00	31,500	100%	-----	31,500
Total Acres 0					Land Total	31,500

Outbuildings/Additions/Improvements

Description	Year	Units	Grade	RCN	Cond	Percent Good			Value Rcnld	
						Phy	Func	Econ		
APT	2020	1600	B 100	174336	Avq+	98%	100%	90%	153,764	
STORE FRAME.....	2020	1600	B 100	127744	Avq+	98%	100%	90%	112,670	
Open Frame Porch	2021	1320	B 100	50029	Avq+	98%	100%	90%	44,125	
4,858 SFLA										
Calc. Land						31,500	Calc. Bldg		310,600	Total
									342,100	

Samuel M. Sherry, Esq.

Transactions, Litigation and Collection Since 1992

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

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

Sam@FineAttorney.com
Board Certified - Creditors Rights Law

April 4, 2023

Kenneth P. Huot
Durham Leisure Holdings, LLC
24 Leisure Lane
Durham, ME 04222

RE: 2023 Annual Report and Meeting Waiver

Dear Ken:

Greetings once again. Last October marked thirty full years as a lawyer and I cannot remember a busier time. Between small business work – that would be you! -- and landlord representation there was not single dull moment in 2022.

As always, February is the time for annual reports. For many small business clients, this package will supply the full measure of legal activity for the next year. If you need my advice about how your business interacts with the law I am glad to provide it. If not, I understand that!

Although my monthly process has become almost entirely electronic many clients prefer the annual process on paper; please let me know what works best for you. Please review these documents carefully and note any changes. Return the notes to me along with **a check in the amount shown on your invoice** payable to **“Samuel M. Sherry, Esq., PA.”**

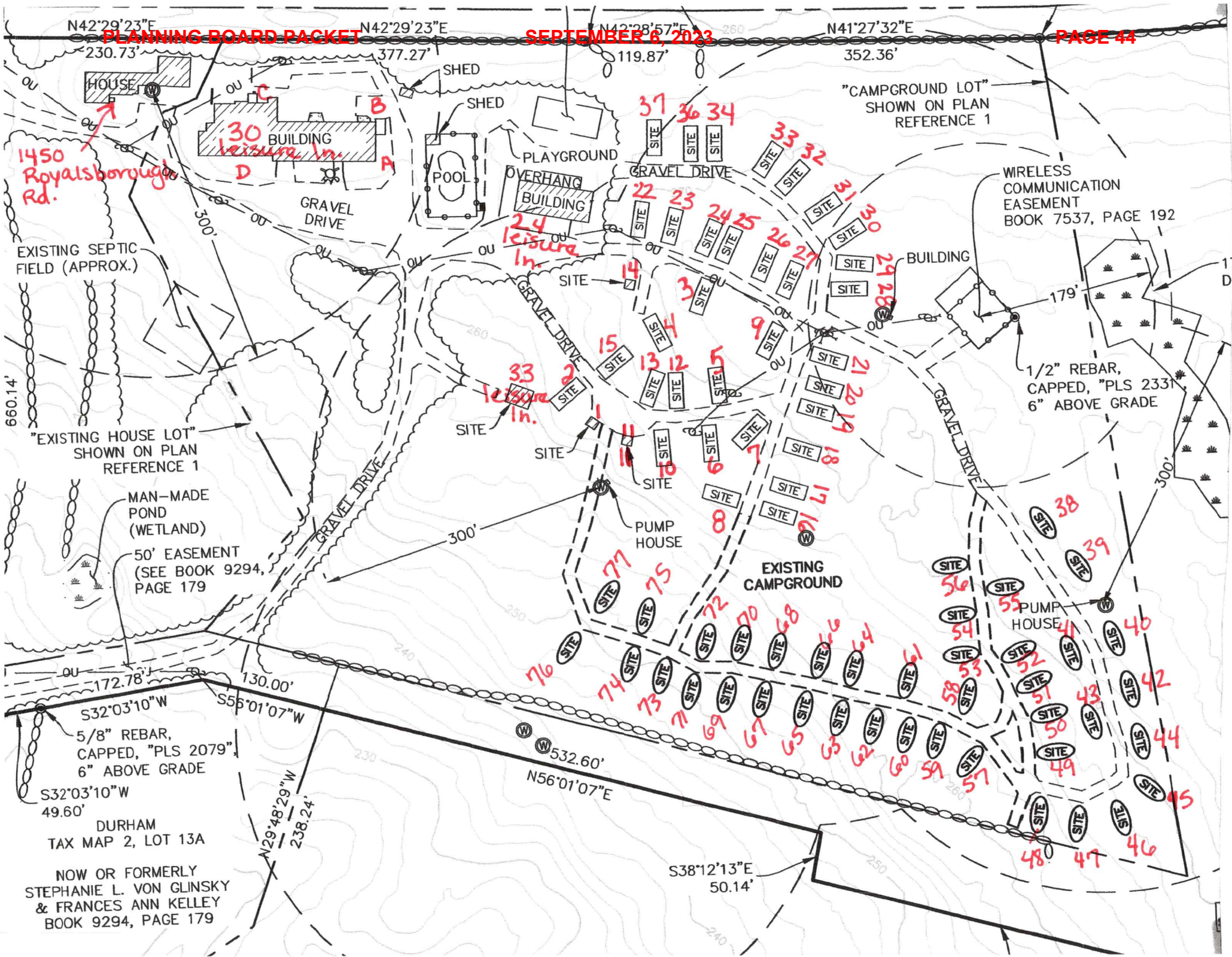
The Secretary of State requests that reports be filed by **April 30th**. If no report is filed the state will dissolve the company a few weeks later.

Please give me a call if I can answer any questions or if I can be of help with any other matters. Thank you as always for the chance to work for you and for the privilege of representing your business once again in 2023.

Very truly yours,



Samuel M. Sherry



1450 Royalsborough Rd.

30 leisure ln.

24 leisure ln.

33 leisure ln.

"CAMPGROUND LOT" SHOWN ON PLAN REFERENCE 1

WIRELESS COMMUNICATION EASEMENT BOOK 7537, PAGE 192

1/2" REBAR, CAPPED, "PLS 2331" 6" ABOVE GRADE

"EXISTING HOUSE LOT" SHOWN ON PLAN REFERENCE 1

MAN-MADE POND (WETLAND)
50' EASEMENT (SEE BOOK 9294, PAGE 179)

5/8" REBAR, CAPPED, "PLS 2079" 6" ABOVE GRADE

DURHAM TAX MAP 2, LOT 13A

NOW OR FORMERLY STEPHANIE L. VON GLINSKY & FRANCES ANN KELLEY BOOK 9294, PAGE 179

S38°12'13"E 50.14'

STATE OF MAINE HEALTH INSPECTION PROGRAM
LICENSE APPLICATION FOR CAMPGROUND & EVENT CAMPING

Applicant Information

Establishment Name: Durham Leisure Campground
Location of Business, E-911 Address: Durham Town/City, Zip Code: 04222
Mailing Address; Town/City, Zip Code: 24 Leisure Ln. Durham ME. 04222
Business Telephone: 207-353-5535 Business E-mail: dlcampground@gmail.com
Contact Person's Name: Ken Huot Contact Phone #: 207-229-6132
Contact FAX #: Contact E-mail: Khuot10@gmail.com

THERE IS A 30 DAY REVIEW PERIOD AFTER RECEIPT OF A COMPLETED APPLICATION. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED AND WILL BE RETURNED FOR COMPLETION. IT'S ILEGAL TO OPERATE UNTIL AN INSPECTION IS PERFORMED AND A LICENSE IS ISSUED.

1. Licensing Information:

This business (check one):

- is new and has never been licensed.
is presently was previously licensed by the Health Inspection Program (HIP). If so, provide HIP License EST ID# 5180
is presently was previously licensed by the Department of Agriculture, Conservation & Forestry (DACF). If so, provide DACF ID#

2. Business Information:

Please check one: X Corporation/LLC Individual Partnership Association Other

Corporation, Association, Partnership or LLC Name: Durham Leisure Holdings LLC

Owner(s) Name: Kenneth & Gwenn Huot

Owner(s) Mailing Address: 24 Leisure Ln. Durham ME 04222

My business corporation is in good standing with the Secretary of State and all State Licensing Boards.

X Yes No

Planned Opening Date: (Allow at least 30 days following your submission of a completed application)

Duration of Operation: X Year-round Seasonal: Opening Date Closing Date

Name of Temporary Events: Dates of event: to

3. Former Owner's Information, if applicable:

Former Owner's Name: Former Business Name:

4. Business Proposal:

A. Check all boxes that apply: Are you proposing to remodel change ownership change use increase use or other? Specify: expand 41 more RV sites

B. Describe the business: existing RV park

C. As applicable, indicate the proposed number of:
 Tent & Trailer Sites _____ Self-contained RV Sites 41 Wilderness Camp Sites _____
 Cottages _____ Seats _____

Pools/Spas: If you have a public pool or spa included in your establishment, please complete the License Application for Public Pools and Spas; HHE-640.

5. License Type & Fees: Check (✓) ONLY ONE BOX for your proposal:

Campground	CHECK HERE	FEES
Campground – Agricultural Fair		\$270.00
Campground - Wilderness		\$205.00
Campground – Self-Contained RV Only	✓	\$205.00
Campground Tier 1: 5-24 Sites		\$205.00
Campground Tier 2: 25-124 Sites		\$240.00
Campground Tier 3: More Than 124 Sites		\$270.00
Event Camping		\$270.00
Combo Eating and Campground		\$300.00

MISCELLANEOUS FEES	
Reprint License	\$25.00
Late Renewal within 30 days of license expiration date	\$25.00
Late Renewal more than 30 days after expiration date	\$100.00 for 1 st offense + \$25 for first 30 days
Additional Inspection	\$100.00
Insufficient Funds	\$25.00

6. Campground Plan:

Is the campground a wilderness campground (non-pressurized water and no central sewers or bathroom facilities) or a conventional campground with pressurized water and sewer/bathroom facilities?

Check one: wilderness campground conventional campground combination temporary

If Event Camp Skip to # 7. Event camping means overnight use of areas associated with events lasting four or fewer consecutive nights for 50 or fewer nights in a calendar year. Event camping may include, but is not limited to, race tracks, non-agricultural fairs, festivals, and shows where camping is incidental to the event occurring, and meets the event camping criteria in Section 4 of CH 201: The Rules Relating to the Administration and Enforcement of Establishments Regulated by the Health Inspection Program

For new campgrounds, submit complete engineering plans drawn to scale and specifications of the proposed park or area showing, when applicable: Location of sites: The number and location of R.V.'s and tenting sites, location of roads, electrical and water hookups, and sewer hook-ups, if any are provided. If the plan is not drawn to scale, the dimensions and setbacks must be clearly labeled. For existing campgrounds, please provide the site plan.

Indicate where dump station(s) are located and the location of restroom facilities including number of toilets, urinals, lavatories, and showers. Also, include the number of any portable toilets for temporary campgrounds, and show their location(s) on the site plan.

The campground site plan must show the location of any drinking water wells within 300 feet of any wastewater disposal systems or fuel storage tanks, and the location of any wastewater disposal systems used on the campground. Refer to the Campground Rules at <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>. *See site plan*

7. Event Camping Information

Drinking water:
 Public Utility: _____
 Private Source: _____
 Dug well _____
 Drilled well

Type of sewage disposal provided:
 Public Utility:
 Private Sewer:
 Septic Systems:
 Holding Tanks:

Another source (please explain) _____

8. Drinking Water:

A. Does your water come from a city/town water supply? Yes No

If yes, provide the name of the city/town water supplier to which you pay your water bill _____ and **skip to Item 9**, Wastewater Disposal, on the following page.

If no, continue:

B. Is or was your business regulated by the State Drinking Water Program as a public water system?

Yes No Don't Know (***if your business uses city/town water you are not a regulated public water system***).

- If yes, provide your Public Water System ID # _____ and skip to Item 9, Wastewater Disposal, on the following page.
- If you checked **Don't know**, contact the Drinking Water Program at 207-287-2070 for assistance. If the Drinking Water Program provides you with PWSID #, enter it here: _____ and skip to Item 9
- If no, continue:

C. Will your business serve tap water in any of the following forms? Check all which apply.

- Cups/glasses of water.
- Drinks made on site (soda, lemonade, slush drinks, iced tea, juices, etc.).
- Ice made onsite.
- Drinking water fountain.
- Cups in the restroom or near any sink available to the public.
- Water used as an ingredient for uncooked foods made onsite. For example, instant gelatin desserts.
- Other, specify: _____

- If you did not check any boxes above and your business was not a regulated public water system in the past, complete the water tests listed in E.1.a & b below and submit water test results with this application. Skip to Item 7, Wastewater Disposal, on the following page.
- If you did check any boxes above, continue.

D. Indicate source, or potential source, of water **Drilled Well** **Dug Well** **Surface Water**.

If you checked "Dug Well" or "Surface Water" call the Drinking Water Program at 207-287-2070 and skip to Item 9, Wastewater Disposal, on the following page.

E. Is the drinking water well an existing well (already drilled?) Yes No

If No, please STOP. Contact the Maine Drinking Water Program at 207-287-2070 for further instructions before drilling the well.

If Yes, please provide the following:

E.1 Water Test Results from a Certified Laboratory for the following tests: *see test on file*

- a. Total Coliform bacteria, nitrate, and nitrite: samples must be taken within three months before the date this application is received.
- b. Fluoride, chloride, hardness, antimony, iron, pH, manganese, uranium, arsenic: samples must be taken within one year before the date this application is received. **(Please ensure all tests are included on your water test report to ensure timely processing of your application.)**
- c. If there are underground fuel storage tanks within 1000 feet of the well, a volatile organics water test (VOC 524) must also be done.
- d. Additional sampling may be required if known contamination has occurred near the well. For a list of Certified Laboratories, see www.medwp.com or call the Maine Drinking Water Program at 207-287-2070.

E.3. Drilled well construction information (if known):

Depth 50.5 ft. Length of casing 20 ft. Yield 1 gal/min.

E.4 A description of the major components in the water system:

Storage (type of tank and size): pressure tank 600 gal / 2000 gal ^{Storage tank}

Treatment (type, manufacturer): Ø

Piping (type, above or below ground): polypropylene

E.5 Distance from the well to the nearest point of all leachfields (septic systems) within 300 feet? _____ (feet). *If less than 300 feet, please stop and contact the Drinking Water Program at 207-287-2070 before submitting this application.*

E.6 Distance from the well to all underground storage tanks within 1000 feet? NA (feet). *If less than 1000 feet, please stop and contact the Drinking Water Program at 207-287-2070 before submitting this application.*

E.7 Distance from the well to the nearest property line? _____ (feet)

E.8 How much land is controlled and/or owned around the well? 85.6 ⁴⁰⁰ (acres)

If you qualify as a public water system (PWS), you will be assessed a fee by the Maine Drinking Water Program on July 1st of each year.

9. Wastewater Disposal:

Is wastewater disposed to an on-site wastewater disposal system, either proposed or existing? Yes No

If yes, and if this is not for event camping you must complete the attached "Onsite Wastewater Disposal System – Local Review and Verification Form" (Appendix C) and have your Local Plumbing Inspector verify compliance with the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR 241 (the Rules). The Local Plumbing Inspector must verify that either the existing subsurface wastewater disposal system has the capacity to accept the proposed business or that an expanded system has been designed and approved that meets applicable design requirements found in the Rules. Municipal records for your property should include copies of wastewater disposal system designs completed to date. If the municipality cannot locate a copy of the design(s) please contact The Drinking Water Program at 207-287-7690 to request a search of the State database of disposal system records.

**Demonstration of adequate wastewater disposal system capacity for the use proposed is required prior to licensure by the Health Inspection Program.
(Event Camping Please Disregard)**

Please visit our website for more information regarding wastewater disposal systems at www.mainepublichealth.gov/septic-systems or call us at 207-287-5689 if you have any questions.

If no, please provide the name of the city, town or utility district to which you pay your sewer bill, or a copy of an overboard discharge license issued by the Maine Department of Environmental Protection.

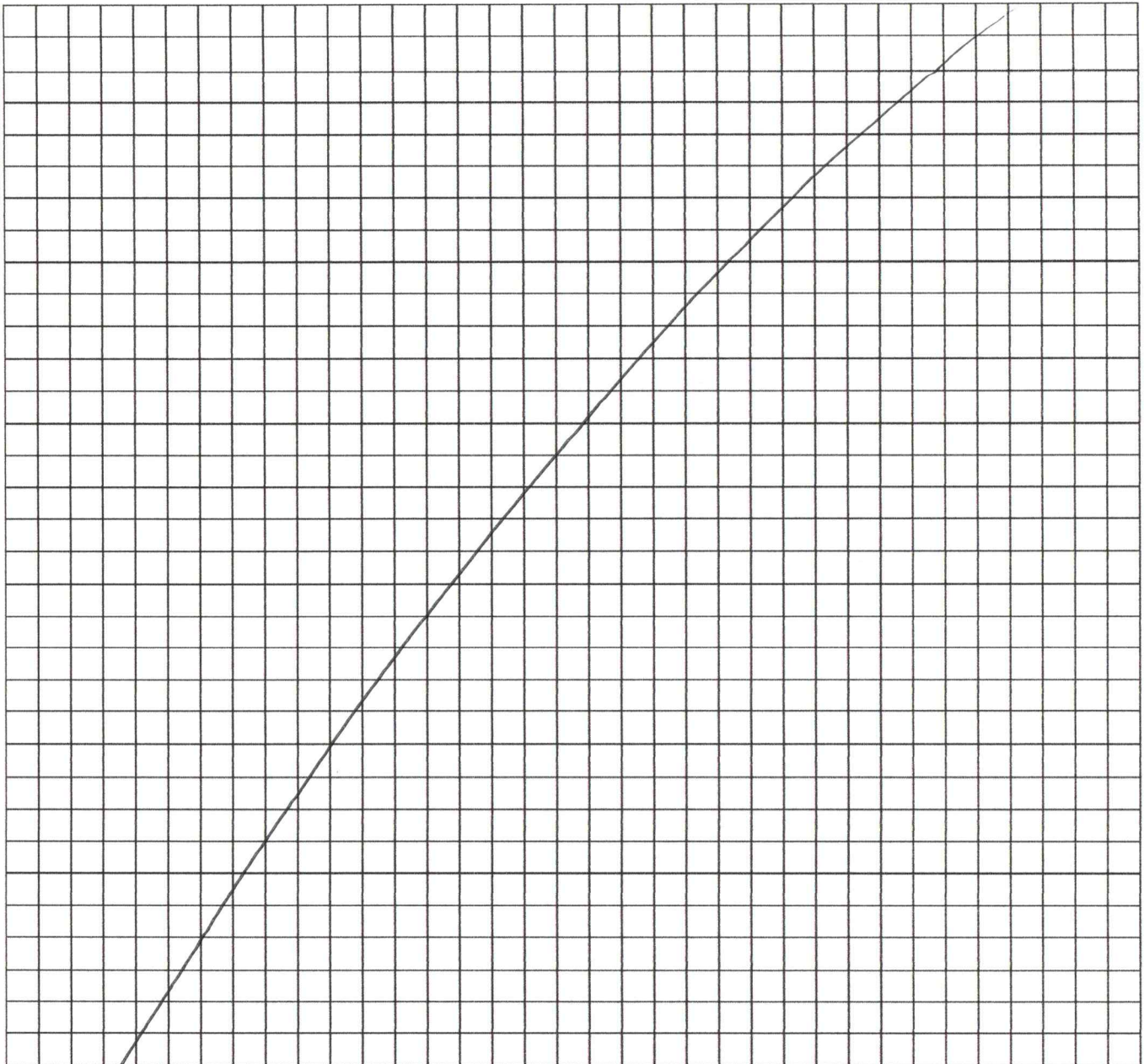
Public Sewer Entity: _____

Numbers 10-12 To be completed only if your applying for a Combo Eating & Campground License

Attach a copy of your menu, or a draft menu

11. Kitchen or Food Preparation Area Plan:

Use this grid or a separate sheet of graph paper to draw a floor plan, or provide a floor plan prepared by a knowledgeable party, for eating place food preparation area(s)/kitchen(s). If the plan is not drawn to scale, the dimensions must be clearly labeled.



The floor plan should include the following items.

Sinks:	Toilet Facilities:	Refrigeration:	Facilities:
1. Hand Washing	1. Water Closets	1. Walk-in Coolers	1. Food Preparation Areas
2. Ware Washing	2. Lavatories	2. Walk-in Freezers	2. Food Storage Areas
3. Utility	3. Urinals	3. Freestanding Coolers	3. Trash/Refuse/Redemption Areas
4. Food Prep	4. Other	4. Freestanding Freezers	4. Dining Areas
5. Dipper Wells		5. Ice Maker	5. Equipment/Counters/Seats/Tables
6. Other		6. Other	6. Dry Storage/All Other Storage

I, _____, Owner/Operator of the business, hereby state that this

PLEASE PRINT NAME CLEARLY

application is accurate to the best of my knowledge. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. Discovery of deliberate falsification of information on this application after a license is issued may subject the individual to penalties, fines and other sanctions authorized by licensing statutes and rules, as well as the imposition of any other penalties, fines and sanctions provided by law.

Applicant's Signature _____ Date of Signature _____

THERE IS A 30 DAY REVIEW PERIOD AFTER RECEIPT OF A COMPLETED APPLICATION. INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED AND WILL BE RETURNED FOR COMPLETION. A BUSINESS MUST NOT OPERATE UNTIL AN INSPECTION IS PERFORMED AND A LICENSE IS ISSUED.

PLEASE MAIL TO:

**HEALTH INSPECTION PROGRAM
286 WATER STREET 3rd FLOOR
AUGUSTA ME 04333-0011**



Please refer to the License Type & Fees for specific fees for various licenses on page 2

MAKE CHECK OR MONEY ORDER PAYABLE TO: TREASURER, STATE OF MAINE
(Fees are non-refundable.)

For more information, please refer to our rules <http://www.maine.gov/sos/cec/rules/10/chaps10.htm>
Chapter 205: Rules Relating to Campgrounds

If you have questions, please call the Health Inspection Program at 207-287-5671.


We wish you remarkable success in your business!

Expansion

Gwenn Huot <dlcampground@gmail.com>

Mon 8/28/2023 11:27 AM

To:George Theborge <townplanner@durhammaine.gov>

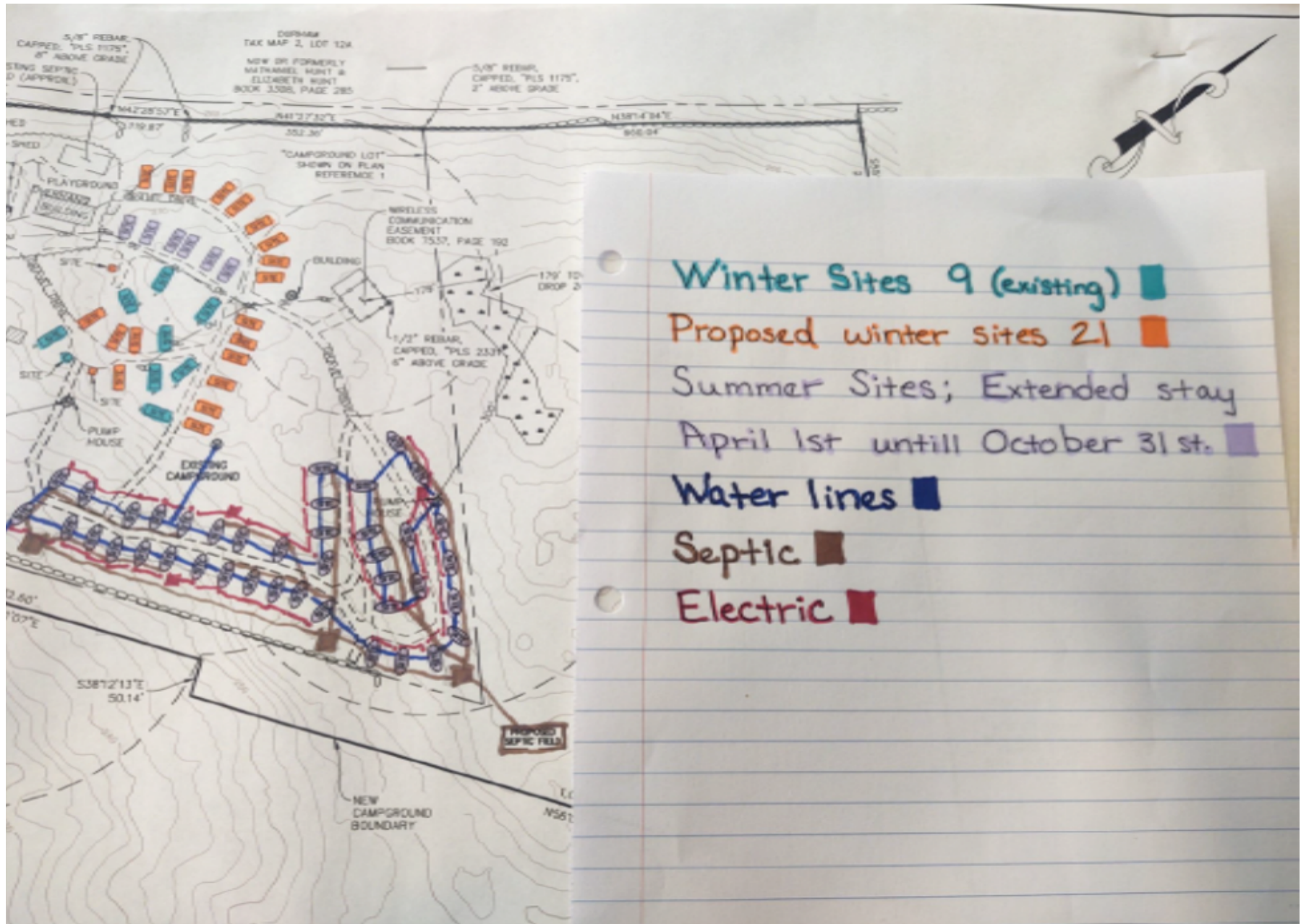
 1 attachments (3 MB)

IMG_20230828_105315437.jpg;

All winter proposed, and summer sites are color coded. Water lines septic and electric. All water lines will be interconnected with existing RV Park. With 2000 gallon reserve tank with Fire department hook up.

8/28/23, 11:35 AM

Mail - George Theborge - Outlook





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 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 new RV sites to ~~five~~ one wastewater disposal fields ~~each serving between 22 and 24~~ 40 sites. (Existing Conditions Plan dated 8-15-2023).
 - 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 indicated a limit of 22 to 24 campsites per septic disposal field to stay below the limits for an engineered system.
 - e. The preliminary site evaluation shows 300-foot well exclusion zones required for the common wells used by the campground.
~~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.

- i. The applicant submitted an HHE 606 State of Maine Health Inspection Program License Application for Campground & Event Camping for “41 or more RV sites in an existing RV park.”

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.
~~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.~~
- f. The updated Existing Conditions Plan (8-15-2023) shows a fall zone of 179-foot radius from the tower base. Five existing campsites are just within the fall zone while no new campsites are in the fall zone.
- g. In an email dated 8-28-2023 the applicant stated that a 2000-gallon water reserve tank will have a Fire Department hookup.
- h. The applicant submitted a diagram showing existing street addresses and a numbering schematic for the existing and proposed campsites.

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.
- e. The applicant submitted a corporate filing report for 2022.

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.

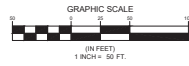
Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

1. No construction to commence until the applicant has applied for and received Planning Board site plan approval for the project infrastructure.
2. The project shall comply with all DHHS requirements for wastewater disposal, public water systems, and campgrounds.
3. The project must comply with all the requirements of Section 5.8 A. through I. for campgrounds.
4. Sites 1 through 37 are approved for year-round RV and Park Model RV use and the cabin at 33 Leisure Lane is approved for year-round use.
5. Sites 38 through 77 are approved for seasonal use from April 1st through October 31st.
6. Pool hours are 9:00 to dusk.
7. Quiet time is 10:00 pm to 7:00 am.

6. New Business:

- a. Subdivision Sketch Plan Review for 4 Additional Lots, Ruby Farmview Subdivision, Map 5, Lot 78B (Public comment will not be taken)
 - The applicant is seeking sketch plan review of a four-lot expansion of the existing subdivision.
 - Sketch plan review is an opportunity for the applicant and Board to informally discuss pursuit of a subdivision development plan on the subject property.
 - General information related to the property in question is provided to have an informed discussion.
 - The main purpose is to ensure that the applicant and Board are “on the same page” in terms of ordinance requirements and the subdivision review process.
 - The meeting also provides opportunities to flag key issues that will come up during a future application process.
 - Sketch plan review is also an opportunity to explore any intention of the applicant to request any waivers of procedures, submissions, or performance standards and general reasons for doing so.
 - No notice to abutting property owners is required at this informal stage of the subdivision review process.
 - No decisions, whether express or implied can be made at this stage of the review process.
 - The Ruby Farmview Subdivision was approved on December 5, 2018 and was amended in May of 2021.
 - Under Title 38, § 482, if the applicant creates 15 or more lots in any 5-year period, a site location permit from the Maine DEP will be required.
 - If the applicant pursues development of the four new lots before December 5 of 2023, they will need a site location permit.
 - The applicant should be aware of new procedural forms and administrative provisions being used by the Planning Board and staff.



DATE	NO.	DATE	REVISIONS

ADDRESS: 4T CAMPUS DRIVE, SUITE 307
 NEW GLoucester, ME 04860
 PHONE: 207.633.9111
 FAX: 207.633.9111
 WEB SITE: www.terradyn.com
TERRADYN CONSULTANTS, L.L.C.
 Civil Engineering | Land Surveying | Geomatics
 Stormwater Design | Land Planning | Environmental Permitting

PERMIT DRAWING
 NOT FOR CONSTRUCTION

PROJECT: RUBY FARM SUBDIVISION PHASE 2	DATE: 07-19-2023
SUBJECT: RUBY LANE, DURHAM, MAINE	SCALE: 1" = 50'
CONCEPT PLAN	JOB NO.: 23-030
BY: COPP EXCAVATING, INC.	SHEET: C-1.0
150 PARKMAN BROOK ROAD DURHAM, MAINE 04222	

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July 20, 2023

23-030

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

**Subdivision Sketch Plan Review, Ruby Farmview Subdivision
Tax Map 5, Lot 78-B, Michael Copp**

Dear George:

On behalf of the applicant, Michael Copp, we are pleased to submit a Subdivision Sketch Plan Review application for an amendment to the Ruby Farmview Subdivision, located off Swamp Road. The original subdivision was approved in November 2017 and included approximately 10.6 acres of contiguous land retained by the applicant.

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

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

Sincerely,
TERRADYN CONSULTANTS, LLC



Richard Meek, P.E.
Sr. Project Engineer

cc: Michael Copp



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

Office of Code Enforcement
and Planning

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

SUBDIVISION SKETCH PLAN REVIEW APPLICATION AND CHECKLIST

A. Owner & Developer

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

Property owner: Michael Copp Property developer: Same

Address 190 Pinkham Brook Road Address: Same

Durham, ME 04222

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

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

B. General Property Information

Property location: Ruby Lane

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

Current zoning: Rural Residential & Agricultural District (RRA)

Is all of the property being considered for development? YES NO

C. Development Information

Name of proposed development: Ruby Farmview Subdivision

Number of proposed lots: 4 (new) Acreage of parcel to be developed: 10.6

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

SUBMISSIONS CHECKLIST ON REVERSE SIDE

D. Submissions Checklist

This sketch plan application form;

A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision;

A copy of that portion of the Androscoggin County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision;

A copy of the relevant Assessor's Map(s) showing the outline of the proposed subdivision;

A map drawn to scale showing site conditions such as steep slopes, wet areas and vegetative cover in a general manner.

A map drawn to scale showing the proposed layout of streets, lots, buildings, other improvements, and any proposed common areas in relation to existing conditions; and,

A written project narrative report with general information to describe or outline the existing conditions of the site, development constraints and opportunities, and a full description of the proposed development.

Will this be a cluster subdivision under Section 6.33? _____ YES NO

E. Cluster subdivision additional requirements:

The sketch plan submission includes a conceptual site plan meeting the requirements of Section 6.33.B.1.

Each specific home site is shown on the site plan to be an element of an overall plan for site development.

The conceptual site plan illustrates the placement of buildings and their relationship to open spaces, pedestrian paths, and roads.

The conceptual site plan illustrates where open space will serve the multiple purposes of:

Preserving natural features of the land;

Providing recreational opportunities; and,

Maximizing the value and enjoyment of homes in the subdivision.

Section 6.5 PRE-APPLICATION SKETCH PLAN PHASE

- A. **Purpose:** The purpose of the sketch plan meeting and onsite inspection is for the applicant to present general information regarding a contemplated subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- B. **Procedure:** The applicant shall present the pre-application sketch Plan and make a verbal presentation regarding the site and the proposed subdivision. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards shall be postponed until the subsequent review of the full application. The applicant should state any anticipated requests for waiver of submissions and the justification for requesting them. As with determination of compliance with review standards, any formal decision on granting waivers of submission requirements must wait until Board formal action on a preliminary plan application.
- C. **Sketch Plan Submissions:** Ten (10) copies of the sketch plan and all supporting materials must be submitted fourteen (14) days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda. The sketch plan does not need to be prepared by a registered professional engineer but must be accurate and contain all the following information submittals to help the Board and applicant fully understand the project site and issues related to it:
1. A sketch plan application form;
 2. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision;
 3. A copy of that portion of the Androscoggin County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision;
 4. A copy of the relevant Assessor's Map(s) showing the outline of the proposed subdivision;
 5. A map drawn to scale showing site conditions such as steep slopes, wet areas and vegetative cover in a general manner.
 6. A map drawn to scale showing the proposed layout of streets, lots, buildings, other improvements, and any proposed common areas in relation to existing conditions; and,
 7. A written project narrative report with general information to describe or outline the existing conditions of the site, development constraints and opportunities, and a full description of the proposed development.
- D. **Site Plan Required for Cluster Subdivisions:** If the applicant intends to file a request for approval of a cluster subdivision plan under Section 6.33, a conceptual site plan meeting the requirements of Section 6.33.B.1 must be submitted at sketch plan review. The Planning Board will conduct a site walk for cluster subdivisions at pre-application stage following the requirements of Section 6.6.I.

Section 6.1. CLUSTER DEVELOPMENT ALTERNATIVE

- A. **Purpose of Clustering:** The purpose of these provisions is to allow for flexibility in the design of subdivisions to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of Article 4 relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required.
- B. **Standards for Cluster Developments:** Cluster developments shall meet all of the following requirements:
1. **Required Site Plan:** Each home site shall be an element of an overall plan for site development. Only developments having a total site plan for specific home sites will be considered. The application shall illustrate the placement of buildings and their relationship to open spaces, pedestrian paths, and roads. Although reduced road and utility construction costs are a benefit of clustering, of equal importance is designing a subdivision where open space serves the multiple purposes of preserving natural features of the land and providing recreational opportunities while maximizing the value and enjoyment of homes in the subdivision. Although not a requirement, applicants seeking approval of a cluster subdivision are advised to seek the services of a landscape architect in laying out the site plan before engineering plans for roads are prepared and before a surveyor lays out proposed lot lines. This site plan should be presented at the pre-application, sketch plan stage if cluster approval is desired. The Planning Board will not approve a cluster subdivision that creates open space from left over land or strips that do not positively relate to natural features of the site and do not orient home sites to take maximum advantage of those open spaces. Cluster approval is optional and should only be pursued to create true open space subdivisions.
 2. **Allowable Reduction of Lot Size & Street Frontage:** The Planning Board may allow lots within cluster developments to be reduced in lot size and street frontage by up to fifty (50%) percent of the minimum required by Article 4 in return for provision of common open space, as long as the maximum number of dwelling units is not exceeded according to the calculations in Section 6.33.B.3 below.
 3. **Maximum Number of Lots:** In order to determine the maximum number of lots permitted in a cluster subdivision on a tract of land, the net residential acreage as determined in Section 6.33.B.4 below shall be divided by the minimum lot size in the district, as required by Article 4. Recognizing the substantial community benefits of open space preservation, the Planning Board and these regulations acknowledge that the greater efficiency of cluster design may result in a slight increase in the number of lots over a conventional subdivision layout. Any cluster subdivision meeting the net residential acreage, cluster design, and all other

subdivision standards shall be deemed to be the functional equivalent of a conventional subdivision design in terms of neighborhood and community impact, and no further documentation shall be required to establish that equity.

4. **Net Residential Acreage:** The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
 - a. Fifteen (15%) percent of the area of the tract for roads and easements.
 - b. Portions of the tract shown on the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Administration for Durham.
 - c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 - 1) Slopes greater than twenty (20%) percent;
 - 2) Wetland soils;
 - 3) Portions of the tract subject to existing easements;
 - 4) Portions of the tract located in the Resource Protection District; and,
 - 5) Portions of the tract covered by surface waters.
5. **Required Open Space:** The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by Article 4. However, at least fifty (50%) percent of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way. No more than fifty (50%) percent of the common open space shall consist of wetlands.
6. **Shore Frontage:** Shore frontage for each lot shall not be reduced below the minimum normally required by shoreland zoning.
7. **Shoreline Access:** Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
8. **Suitable Building Sites:** No building site in the cluster development shall be located on slopes steeper than twenty (20%), within one hundred (100') feet of any water body or fifty (50') feet of any wetland, or on soil classified as being very poorly drained.
9. **Common Open Space Management:** The common open space shall be owned and managed according to the standards of Section 6.32.

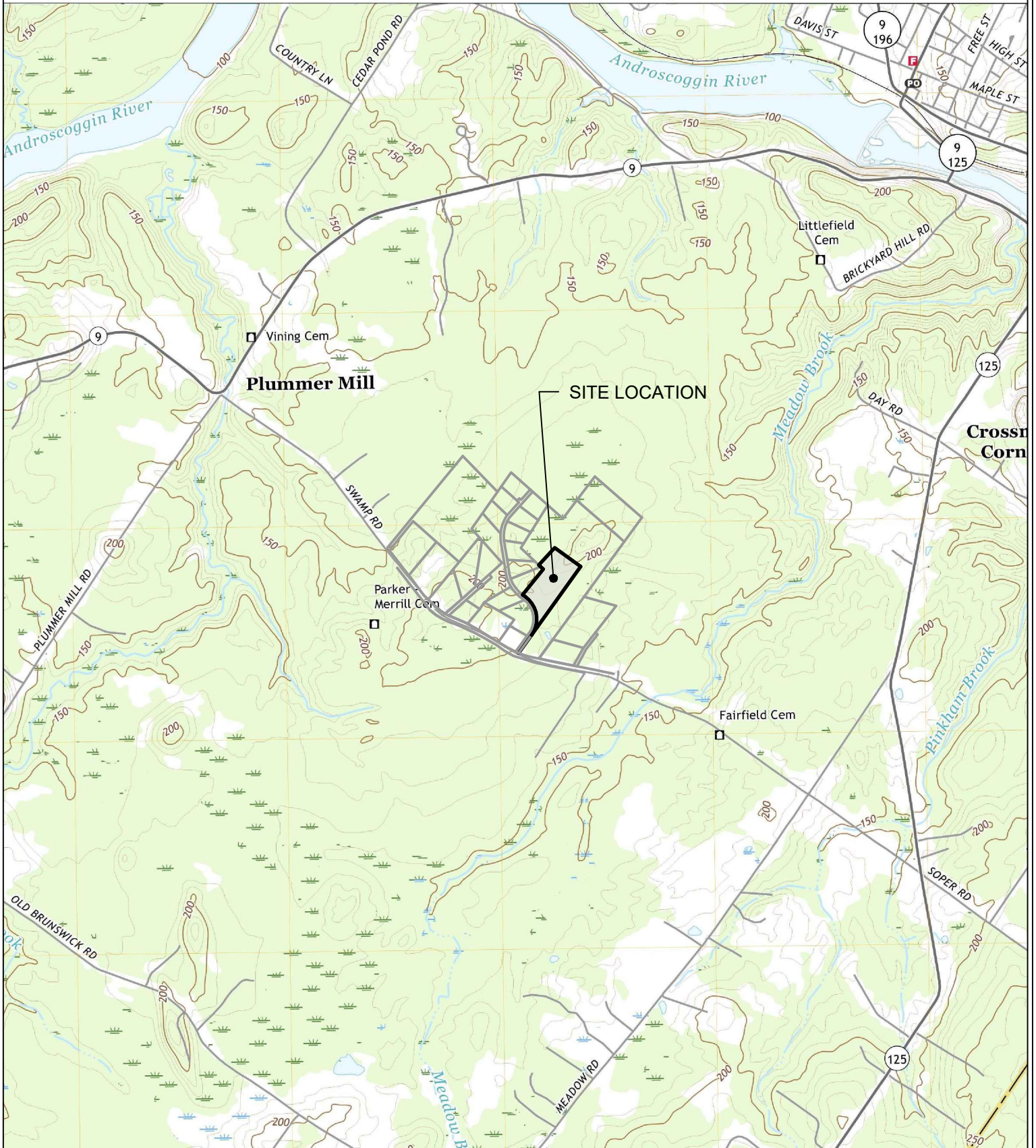
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USGS QUADRANGLE MAP

PROJECT:
RUBY FARM SUBDIVISION PHASE 2
DURHAM, MAINE

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



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

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

PORTLAND
565 CONGRESS STREET, SUITE 201
PORTLAND, ME 04101

PROJECT NO.

23-030

DATE

4/18/2023

SCALE

1"=2,000'

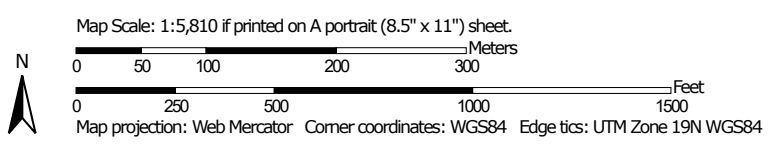
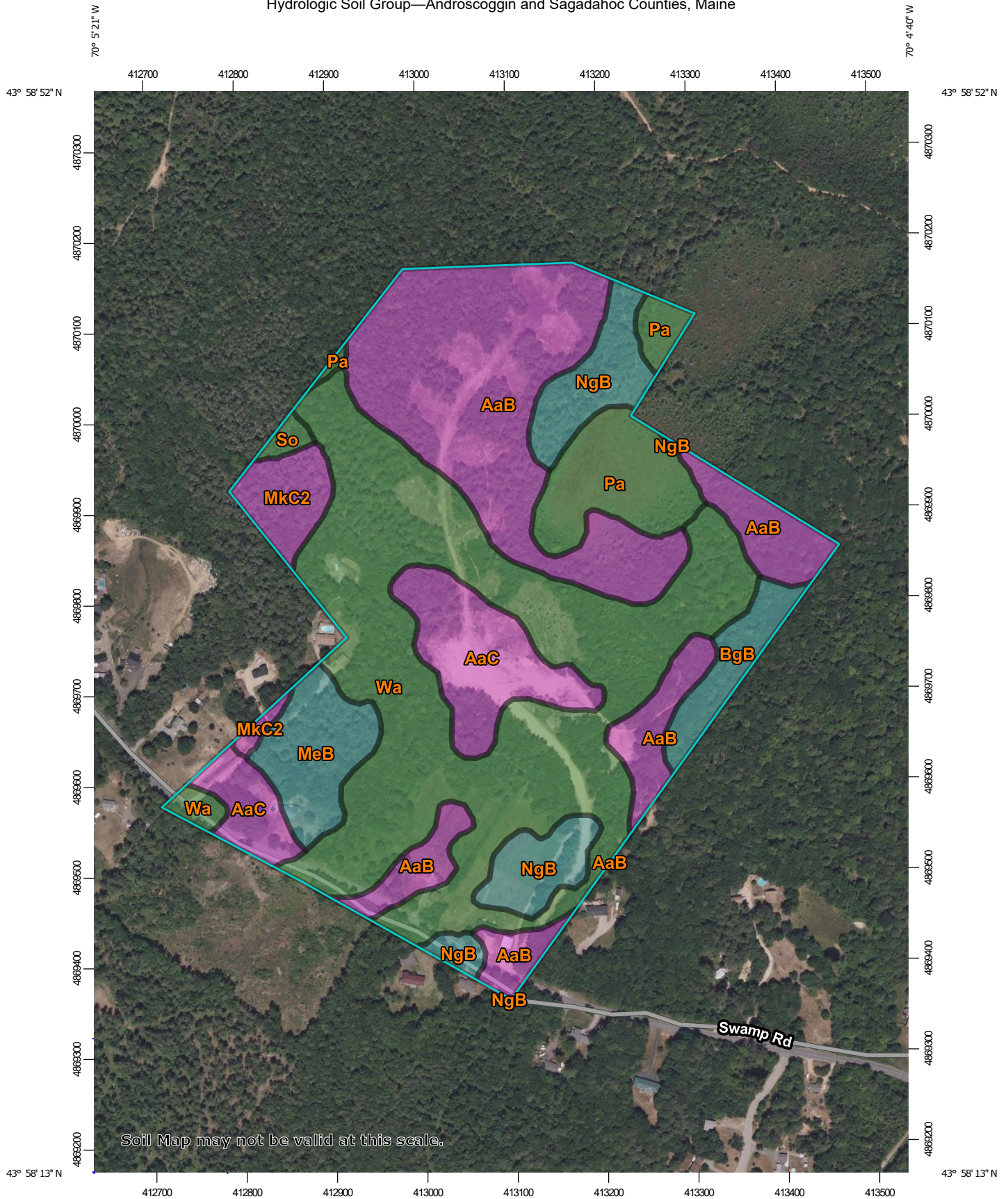
SHEET

1


OF

1

Hydrologic Soil Group—Androscoggin and Sagadahoc Counties, Maine











MAP LEGEND









Area of Interest (AOI)
 Area of Interest (AOI)

Soils





Soil Rating Polygons

-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available


Soil Rating Lines

-  A
-  A/D
-  B
-  B/D
-  C
-  C/D
-  D
-  Not rated or not available






Soil Rating Points

-  A
-  A/D
-  B
-  B/D


Water Features

-  Streams and Canals





Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

-  Aerial Photography

Other Legend Items:

-  C
-  C/D
-  D
-  Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Androscoggin and Sagadahoc Counties, Maine
 Survey Area Data: Version 23, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AaB	Adams loamy sand, 0 to 8 percent slopes	A	23.8	28.2%
AaC	Adams loamy sand, 8 to 15 percent slopes	A	7.4	8.8%
BgB	Nicholville very fine sandy loam, 0 to 8 percent slopes	C	2.4	2.8%
MeB	Melrose fine sandy loam, 0 to 8 percent slopes	C	4.0	4.7%
MkC2	Merrimac fine sandy loam, 8 to 15 percent slopes, eroded	A	2.6	3.1%
NgB	Ninigret fine sandy loam, 0 to 8 percent slopes	C	5.9	7.0%
Pa	Peat and Muck	A/D	5.6	6.7%
So	Scarboro fine sandy loam	A/D	0.4	0.5%
Wa	Walpole fine sandy loam	A/D	32.2	38.2%
Totals for Area of Interest			84.2	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

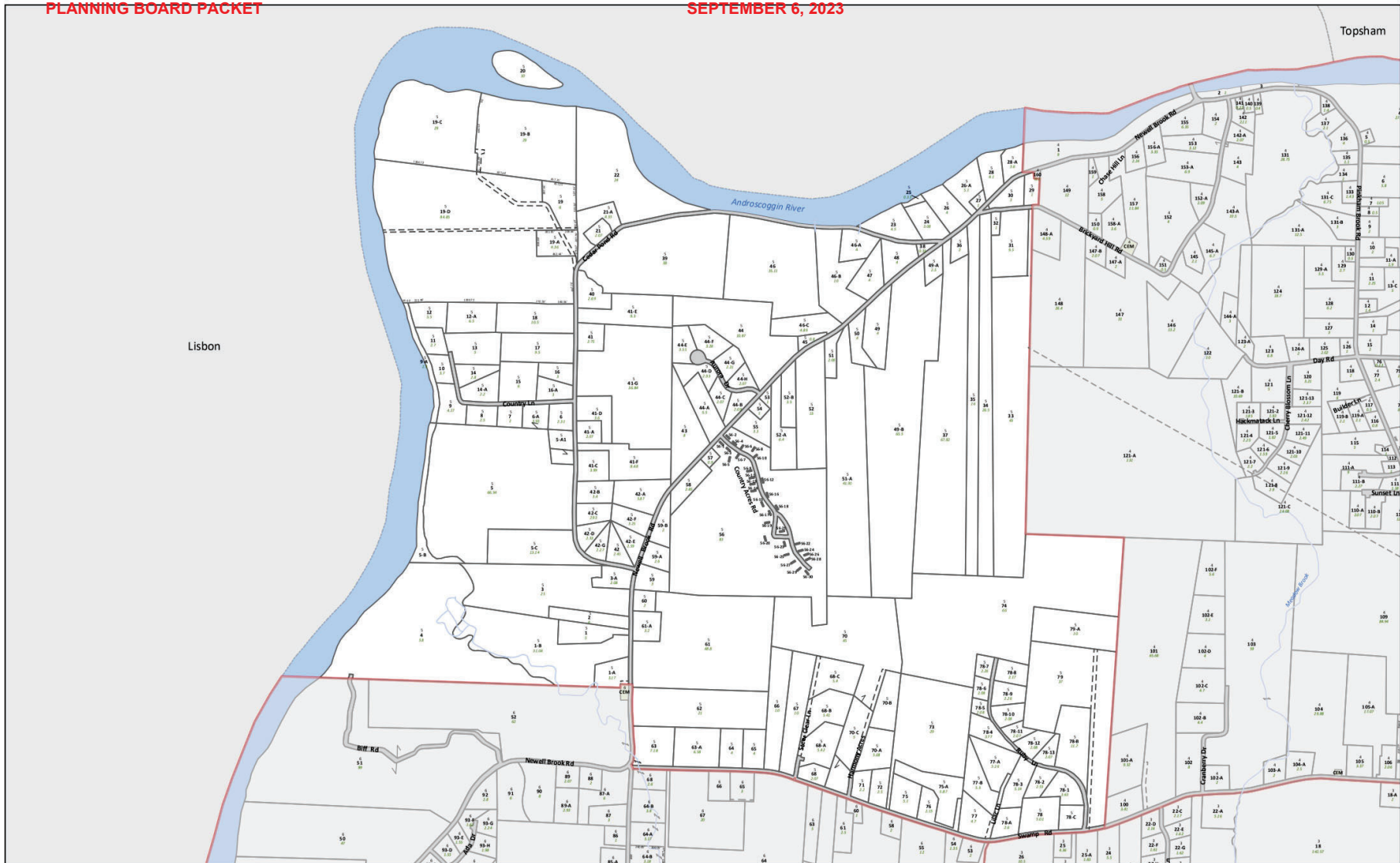
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



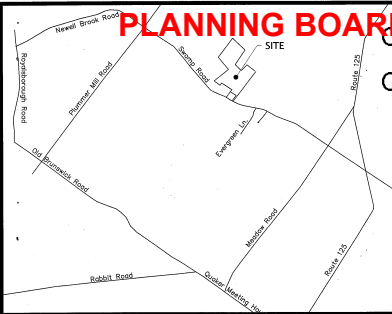
<p>Maps Prepared by: VIEWSHED Yarmouth, ME 107-848-2336 www.viewshed.net</p> <p>Tax Sheets are intended for assessing purposes only. Boundary locations are approximate and should not be used for conveyance of property.</p>	<p>Legend</p> <ul style="list-style-type: none"> --- Easement; ROW HOOK Road Parcel Cemetery Water Neighboring Town Stream 	<p>Town of Durham</p> <p>0 500 1,000 Feet</p>	<p>Index Map</p>	<p>Durham Tax Map</p> <p>5</p> <p>Map updated to: April 1, 2022</p>
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Project Narrative

The parcel proposed for development consists of land retained by the owner, Michael Copp, as part of the subdivision of land to create Ruby Farmview Subdivision. Ruby Farmview Subdivision was approved in November 2017. The retained parcel includes approximately 10.6 acres of land, is identified as Lot 78-B on Tax Map 5 and includes approximately 718 feet of frontage on Ruby Lane.

The parcel is primarily wooded with small clearings associated with former gravel extraction activity (based upon Google imagery the activity occurred prior to 1998). The parcel includes large areas of interconnected wetlands with drainage culverts connecting portions of the wetlands at two separate locations. The existing on-site slopes are generally flat to moderate (0%-15%). There are isolated locations of steep slopes (greater than 15%). Based upon a Web Soil Survey of the area, upland soils on site consists of Adams and Nicholville, a loamy sand and very fine sandy loam, respectively. Wetland areas consist of Walpole, a fine sandy loam.

The proposed development will consist of construction of approximately 700 feet of new roadway, terminating with a hammerhead turnaround. The proposed roadway will cross the existing wetlands at one location impacting approximately 4,500 square feet. The net residential calculation for this parcel supports creation of four (4) new lots. The proposed configuration of the road & lots provides the required frontage, required lot area, and required contiguous buildable area for each lot.

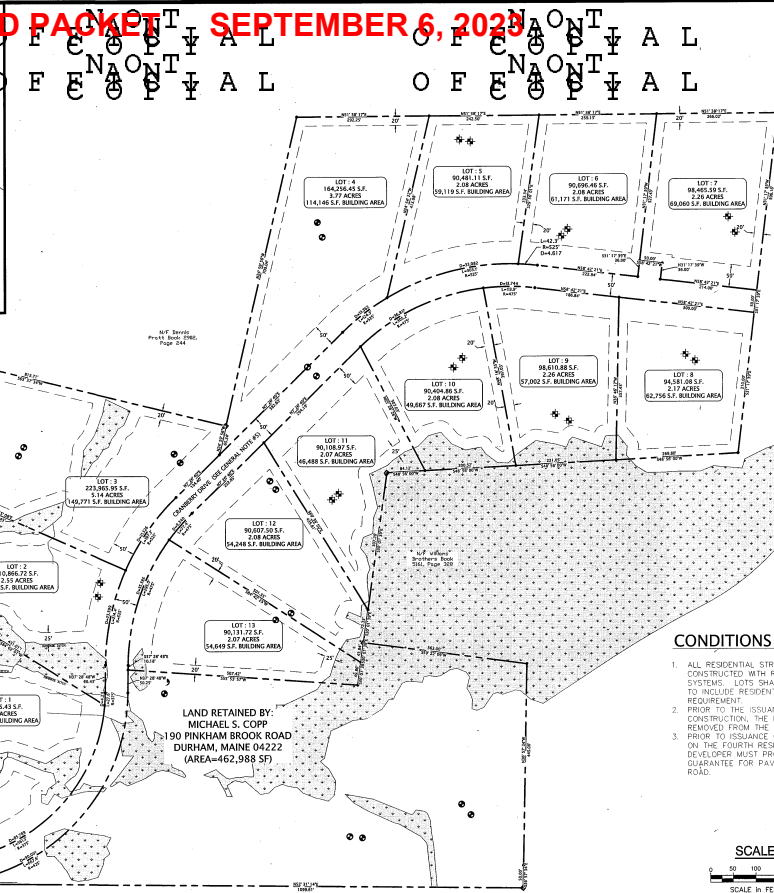


Location Map: 1" = 2000'

M/T Bedy and Papp, League Inc. 07/26/16

M/T Over and Bickham, Faby Bickham, Inc. 08/11/16

Dee 18 Record of Michael S. Durbin, Professional Land Surveyor 9994, Page 267, See Map 5, Lot 1



LEGEND

PROPERTY LINE	---
SETBACK LINE	---
TEST PIT	⊛
MONUMENT TO BE SET	⊛

PLAN REFERENCES

- STANDARD BOUNDARY SURVEY FOR PHIL BEAULIEU BY WAYNE WOOD & CO. MARCH 1997.
- STANDARD BOUNDARY SURVEY FOR BENJAMIN J. & CAROLINE R. PRATT MAY 5, 1989 RECORDED IN PLAN BOOK 36 PAGE 198.
- BEARINGS REFERENCED TO MAGNETIC FROM PLAN REFERENCE 1.
- THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE DEPICTED ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS FOR DURHAM.

GENERAL NOTES

- THE SUBJECT PARCEL IS IN THE RURAL RESIDENTIAL ZONING DISTRICT.
- WETLAND DELINEATION AND WETLAND POOL STUDY PERFORMED BY DANIEL COLBY, KEMPO SOIL SURVEY.
- WETLANDS ON LOT 1 HAVE BEEN REVEALED PER FIELD ASSESSMENT BY JAMES LOSGAL, LONGVIEW PARTNERS, LLC AND FIELD VERIFIED BY STATE SOIL SCIENTIST.
- WETLAND CHANNELS WITHIN LAND RETAINED BY MICHAEL COPP WERE DETERMINED TO NOT BE STREAM CHANNELS PER FIELD ASSESSMENT BY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FIELD VERIFICATION PERFORMED BY JEFFREY KAURICH ON AUGUST 22ND, 2018.
- CRANBERRY DRIVE TO BE RETAINED BY MICHAEL COPP IN FEE SIMPLE.

CONDITIONS OF APPROVAL

- ALL RESIDENTIAL STRUCTURES TO BE CONSTRUCTED WITH RESIDENTIAL SPRINKLER SYSTEMS. LOTS SHALL BE DEED RESTRICTED TO INCLUDE RESIDENTIAL SPRINKLER REQUIREMENT.
- PRIOR TO THE ISSUANCE OF ROADWAY CONSTRUCTION, THE EXISTING BARN MUST BE REMOVED FROM THE RIGHT OF WAY.
- PRIOR TO ISSUANCE OF OCCUPANCY PERMIT ON THE FOURTH RESIDENTIAL LOT, DEVELOPER MUST PROVIDE PERFORMANCE GUARANTEE FOR PAVEMENT OF SUBDIVISION ROAD.

APPROVED BY THE PLANNING BOARD TOWN OF DURHAM, MAINE

DATE: 07/26/18
 BY: [Signature]
 [Signature]
 DATE: 07-27-2018

RECORDING DATA

STATE OF MAINE ANDROSCOGGON COUNTY REGISTRY OF DEEDS
 RECEIVED September 0, 2018
 AT 11:45 AM
 FILE NUMBER 2018-0016
 ATTEST: [Signature] REGISTRAR



NO. 1802018	REVISED PER ACAS AND DESIGNED FOR SIGNATURE	
NO. 1802018	ZONED CONDITIONS OF APPROVAL	
NO. 1802018	DESIGNED FOR SIGNATURE	
NO. 1802018	DESIGNED FOR APPROVAL	
NO. 1802018	REVISIONS FOR FURTHER OWNER REQUEST	
REV. DATE	DESCRIPTION	REVISIONS



TAX MAP: 5 LOT: 78
 0 SWAMP RD. DURHAM, MAINE
 RUBY FARMVIEW SUBDIVISION
 PLAT PLAN
 RECORD OWNER: MICHAEL S. COPP
 190 PINKHAM BROOK ROAD
 DURHAM, MAINE 04222

Atlantic Resource Consultants
 541 US Route One
 Freeport, ME 04052
 Tel: 207.889.9050
 DRAWN: MPV DATE: JULY 23, 2018
 DESIGNED: JAV SCALE: 1" = 100'
 CHECKED: JAV JOB NO: 18-016
 FILE NAME: [Name]
 SHEET: 5-100

OFFICIAL OFFICIAL



LEGEND

- PROPERTY LINE
- SETBACK LINE
- TEST PIT
- MONUMENT TO BE SET

PLAN REFERENCES

- STANDARD BOUNDARY SURVEY FOR PHIL DEARLEIGH BY WAYNE WOOD & CO. MARCH 1997.
- STANDARD BOUNDARY SURVEY FOR BENJAMIN J. & CAROLINE R. PRATT MAY 5, 1989 RECORDED IN PLAN BOOK 36 PAGE 198.
- BEARINGS REFERENCED TO MAGNETIC FROM PLAN REFERENCE 1.
- THE PROPERTY IS NOT IN A FLOOD HAZARD ZONE DEPICED ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAPS FOR DURHAM.

GENERAL NOTES

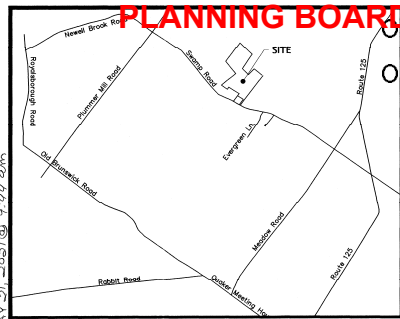
- THE SUBJECT PARCEL IS IN THE RURAL RESIDENTIAL ZONING DISTRICT.
- WETLAND DELINEATION AND VERNAL POOL STUDY PERFORMED BY DANIEL COLBY, KEMPO SOIL SURVEY.
- WETLANDS ON LOT 4 HAVE BEEN REVISED PER FIELD ASSESSMENT BY JAMES LOGAN, LONGVIEW PARTNERS, LLC AND FIELD VERIFIED BY STATE SOIL SCIENTIST.
- WETLAND CHANNELS WITHIN LAND RETAINED BY MICHAEL COPP WERE DETERMINED TO NOT BE STREAM CHANNELS PER FIELD ASSESSMENT BY MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION FIELD VERIFICATION PERFORMED BY JEFFREY KALINICH ON AUGUST 20ND, 2019.
- RUBY LANE TO BE RETAINED BY MICHAEL COPP IN FEE SIMPLE.

APPROVED BY THE PLANNING BOARD TOWN OF DURHAM, MAINE

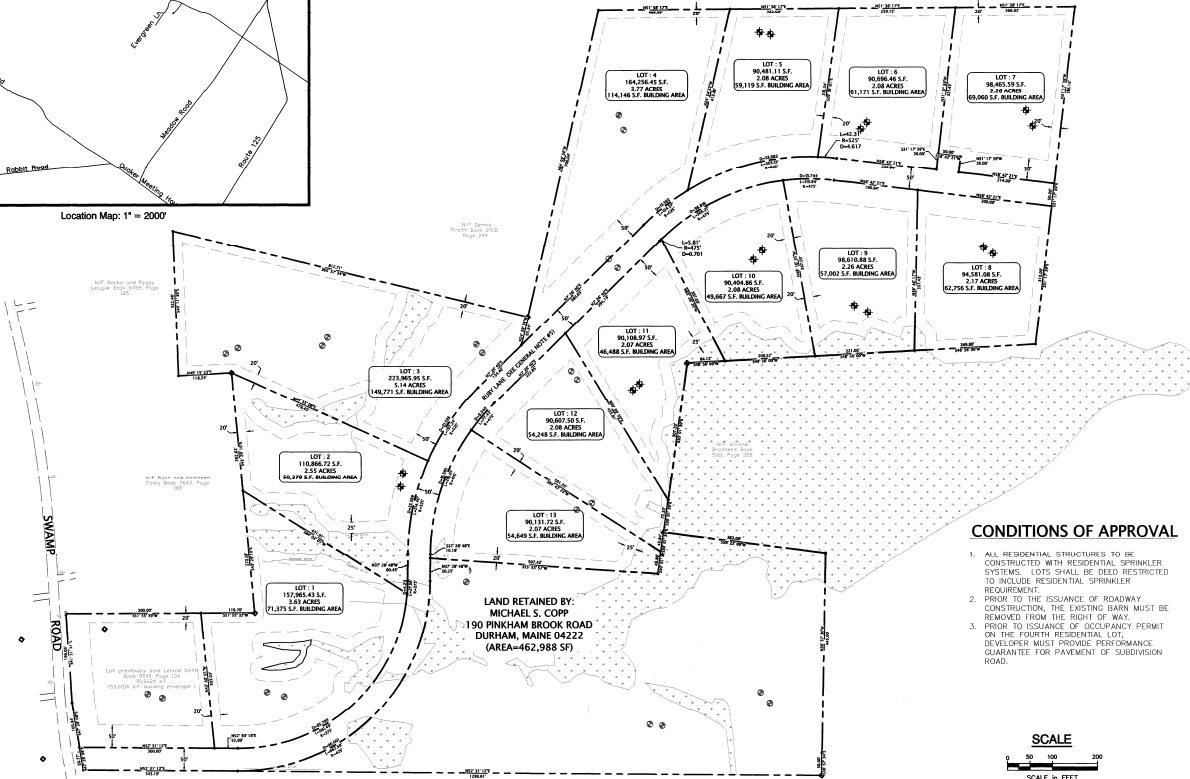
Signature: *John Thompson*
 Signature: *John Thompson*
 DATE: _____

RECORDING DATA

STATE OF MAINE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS RECEIVED *may 21 2020* AT *9:44 AM* AS RECORDED IN FILE NUMBER *BOOK 50 PAGE 161* ATTEST *John D. Chouinard* REGISTRAR



Location Map: 1" = 2000'



CONDITIONS OF APPROVAL

- ALL RESIDENTIAL STRUCTURES TO BE CONSTRUCTED WITH RESIDENTIAL SPRINKLER SYSTEMS. LOTS SHALL BE DEED RESTRICTED TO INCLUDE RESIDENTIAL SPRINKLER REQUIREMENT.
- PRIOR TO THE ISSUANCE OF ROADWAY CONSTRUCTION, THE EXISTING BARN MUST BE REMOVED FROM THE RIGHT OF WAY.
- PRIOR TO ISSUANCE OF OCCUPANCY PERMIT ON THE FOURTH RESIDENTIAL LOT, DEVELOPER MUST PROVIDE PERFORMANCE GUARANTEE FOR PAVEMENT OF SUBDIVISION ROAD.



P.K. 43 PG. 161 RECD MAY 21, 2020 @ 9:44 AM

John Thompson

THIS PLAN AMENDS THE ROADWAY NAME TO RUBY LANE

NO. 1	REVISION	AMENDED BOUNDARY SURVEY
NO. 2	REVISION	REVISED MEETS & BOUNDARY ADJUSTMENT
NO. 3	REVISION	ADDED CORRECTION OF IMPROVEMENT
NO. 4	REVISION	ADDED FOR SIGNATURE
NO. 5	REVISION	PROCESSED FOR APPROVAL
NO. 6	REVISION	REVISION LAYOUT PER OWNER REQUEST
REV. DATE	DESCRIPTION	REVISION



TAX MAP-5 LOT 78
 OSWAMP RD. DURHAM, MAINE
 RUBY FARM VY SUBDIVISION
 AMENDED PLAT PLAN
 RECORD OWNER: MICHAEL S. COPP
 190 PINKHAM BROOK ROAD
 DURHAM, MAINE 04222

Atlantic Resource Consultants
 541 US Route One
 Freeport, ME 04032
 Tel: 207-368-8000
 DRAWN: MPV DATE: JULY 23, 2018
 DESIGNED: JAV SCALE: 1" = 100'
 CHECKED: JAV L&R NO. 18-115
 FILE NAME:
 SHEET: 5-100