

**DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
October 5, 2022**

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 (Sept 7, 2022)
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. Continuing Business
 - a) Public Hearing on Conditional Use Application of Celebration Tree Farm for Camping, Public Workshops, & Events at 125 Bowie Hill Rd Map 10, Lot 43. (Public comment will be taken)
 - b) Substantive Review of Conditional Use Application of Celebration Tree Farm for Camping, Public Workshops, & Events at 125 Bowie Hill Rd Map 10, Lot 43. (Public comment will not be taken)
6. New Business:
 - a) Request for amended approval of the Bowie Hill Subdivision Plan to Remove Note #11 Prohibiting Removal of Existing Structures Map 10, Lot 38 (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (September 7, 2022)



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
September 7, 2022

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Tyler Hutchinson, Allan Purinton, Ron Williams, Anne Torregrossa and George Theborge (Town Planner).

Absent: Wes Grover

Guest: Charles Burnham (Applicant for Deer Creek Crossing Project)

2. Amendments to the Agenda:

Mr. Talbot requested a motion to move Item 5b (the Conditional Use Application of Celebration Tree Farm for Camping) up on the agenda Allan Purinton motioned, Ron Williams seconded. 4-0 Approved, 1 Abstained.

Juliet Caplinger motioned to table the conditional use application for Celebration Tree Farm to the next planning board meeting, October 5th. Ron Williams seconded. 4-0 approved, 1 Abstained.

3. Acceptance of the Minutes of prior meeting (August 3, 2022)

Allan Purinton moved to accept the minutes from August 3, 2022, meeting as presented. Tyler Hutchinson seconded, the Board approved 5-0.

4. Informational Exchange on Non-Agenda Items:

- a.) Town Planner – None
- b.) Residents – None
- c.) Non-residents – None

5. Continuing Business

- a.) **Substantive Review Preliminary Plan Application for Proposed 13-Lot Cluster Subdivision – Hallowell Road Map 7, Lot 32A**

Town Planner

- Completion determined on July 13, 2022 (Sixty days to make a decision).
- Public Hearing on July 13th and started the substantive review.

- Received written comments from the town engineer and the school superintendent.
- The Town Planner drafted conditions of approval, the Board went through each of these conditions and determined whether they would indicate that the project meets the standards with those conditions.
- Applicant stated on August 3rd that they would be submitting a certified survey.
- If the Board approves the preliminary plan, the Town Planner will prepare findings of fact for the final approval of the subdivision based on the compliance with the standards as well as what will be added during the final stage process.

The Town Planner recommended that the Board consider a motion to grant preliminary approval with the stated conditions of approval with the following clarifications of the draft conditions:

Survey Documents

A letter from the surveyor was included, addressing the points that were made by the Planning Board as well as some of the public comments.

- Fragments of fencing that are different than what is the measured boundary line, the total area amounts to 1145 square feet and the surveyor indicated that if it ever went into a dispute, property would be transferred on both sides, so it might moot issue.
- Timber Oaks Corner Discrepancy - surveyor calculated that it was one foot off from what is shown on the Timber Oaks Plan and does not consider that to affect the project in any way.
- There is an undefined CMP easement that apparently serves the utility service to the abutting lot that goes up that right of way or access and that is now shown or indicated on the plan.
- Issue of Survey Accuracy – (Note from Town Planner, the Planning Board is not a court with jurisdiction to adjudicate boundary disputes, but does have responsibility and authority to make a determination on whether or not they meet the submission requirements:
 1. Have they demonstrated sufficient right title or interest to the land that they are proposing for subdivision?
 2. Have they demonstrated that the open space, notwithstanding that discrepancy of 1145 square feet still meets the required 50 percent open space?

Traffic Peer Review

Revised Draft Conditions of Approval (Item 1b) – The Town Planner asked for clarification of whether the Planning Board would accept MDOT’s assessment of the intersection offset or seek a peer review.

The Board motions to remove Item 1b and revise #9, which addresses that same issue, to say, “ask the Maine DOT to address the offset with Patriot Way.” Allan Purinton motioned to accept MDOT’s position as long as the applicant has it addressed specifically in the MDOT permit. Tyler Hutchinson secondED, 5-0 approved.

Waiver of Setting Parcel Monuments

Ron Williams motioned that the Board waive setting of the two (2) pins until after the final plan approval and they set the other pins. Allan Purinton seconded. 4-1 approved.

Fire Pond Capacity

The Board discussed the fire pond and the concern of drought conditions and would we have the resources to maintain the 120,000-gallon fire pond. The Fire Chief raised that concern and one of the ways to address it is to make sure wherever they put the fire pond there’s an adequate ground water supply to it so that it doesn’t go dry. This can be analyzed by a hydrologist and that would be part of the Peer Review. The Fire Chief provided a design specifications standard for fire ponds.

Allan Purinton moved to approve the Preliminary Subdivision plan subject to the draft approval conditions as amended. Ron Williams seconded, 5-0 approved.

6. Other Business:

- a. Planning Board Discussion of Public Outreach Process for Land Use Ordinance Amendments for 2023 Town Meeting

The Town Planner reported that the Board decided at their June 8th Workshop to focus amendments to the Land Use Ordinance on the new affordable housing law, which states that every town must allow up to 3 dwelling units on every built lot and 2 units on vacant lots. This must be in place by next July (2023).

The Town Planner drafted three (3) different options for bringing the Town into compliance with the new State requirement:

1. Comprehensive Plan Recommendations - Implementation of the 2018 Comprehensive Plan recommendations for increased housing diversity. This

option would involve the least change from current policy. A single family could add a second accessory dwelling unit and a duplex could add one accessory unit. All lots would be treated equally under this option (maximum of 3 units). The lot size for 2 or 3 units would be reduced from 2.5 acres to 2 acres (same as single family).

2. Minimum Compliance - Take the language from the legislation and put it into the ordinance, so it would basically allow up to three dwelling units on properties that currently have a home or two units on vacant parcels. Any combination of dwelling unit types would be permissible. Minimum lot sizes would not change. This option would favor landowners with current units over owners of vacant lots.
3. Maximum Restriction – The new law says you can require increased lot sizes for the additional units as long as that increase is not larger than what you require for the single family. So theoretically you could require 4 acres for a duplex and 6 acres for three units. This would offset to some extent the extra units being required by the State.

The Planning Board would also like to fix the backlot access and private way standards. A couple of changes have been made to the prior proposal. Based on the new affordable housing law, the language limiting back lots to one single family has been removed

The Select Board asked that the Planning Board add language in the ordinance to clarify the issue of public acceptance of roads. (Acceptance of any road for public maintenance requires a vote at Town Meeting).

The Town Planner suggested going forward with the public participation process, asking the public to give their input on all 3 options or offer a fourth option, which might be a modification of one of the three options.

7. Upcoming Meeting(s)

- Planning Board, Site Walk, Wednesday, October 5th at 5pm, Celebration Tree Farm
- Planning Board, Regular Meeting, Wednesday, October 5th at 6:30pm, Town Hall
- Planning Board Workshop (Public Input and Discussion on Affordable Housing and Road Ordinances), Wednesday, October 12th at 6pm, Fire Station

8. Adjourn

Juliet Caplinger motioned to adjourn, Ron Williams seconded, 5-0 approved. Meeting adjourned at 8:05 pm.

5. Continuing Business:

a. Public Hearing on Conditional Use Application of Celebration Tree Farm for Camping, Public Workshops, & Events at 125 Bowie Hill Rd Map 10, Lot 43.

TOWN PLANNER COMMENTS:

- The bylaws provide that the Chairman is to describe the purpose of the 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 Ordinance criteria and performance standards.
- 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.
- The Planning Board will conduct its deliberations on the application after the conclusion of the public hearing. During its deliberations, the Planning Board can question the applicant and aggrieved parties.
- These procedures and limitations on public input are required to ensure that the applicant and aggrieved parties are given due process and the legal deadlines for a Planning Board decision on the application can be met.

5. Continuing Business:

b. Substantive Review of Conditional Use Application of Celebration Tree Farm for Camping, Public Workshops, & Events at 125 Bowie Hill Rd Map 10, Lot 43.

TOWN PLANNER COMMENTS:

- The Planning Board conducted a substantive review of the application on August 3, 2022.
- The application was tabled on September 7 at the applicant's request.
- The Planning Board will conduct a site walk at 5 pm on October 3.
- The Code Officer and Town Planner provided an updated zoning determination concluding that the combined uses proposed constitute an agri-tourism business that best fits in #31, "other commercial services not specifically listed" in Table 3.1 of the Land Use Ordinance.
- The Fire Chief submitted comments echoing concerns for parking and indicating the need for access by emergency vehicles. He also pointed to the requirements for ADA compliance and fire and food service codes. He asked how occupancy limits would be determined and enforced.
- The Road Commissioner submitted comments expressing concerns for parking on Bowie Hill Road and limited sight distances.
- The applicant submitted a supplemental packet addressing the Fire Chief and Road Commissioner comments, outlining educational requirements and offerings, clarifying proposed events, and updating the parking plan.
- The proposed parking consists of 27 spaces along Bowie Hill Rd in the vicinity of the barn. An overflow parking area is proposed with another 23 spaces on either side of the rear tree farm area access as shown on the parking plan.
- The "Celebration Tree Farm & Wellness Center Event Details" document proposes the following limitations:
 - Two monthly events with amplified music between April and October with a maximum attendance of 50.
 - No attendance limit on the Celebration Craft Market.
 - No weddings will be hosted by the facility.
 - Monthly variety show or barn show April through October.
 - Celebration Market to be held in November.
 - Barn & Yurt rentals by members for music events, no amplified bands, time limit of 9 pm, attendance limited to 50.
- Corie Washow of 182 Snow Road submitted written comments on August 3 expressing support for the Celebration Tree Farm and arguing the need or such gathering places in Durham.

- Melanie Voisine, the neighbor across the street, submitted written comments on August 15 expressing concern for the growth in memberships and the noise impacts of proposed events. She supports the application if occupancy and noise levels are appropriately limited.



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
and Planning*

Tel. (207) 353-2561
Fax: (207) 353-5367

Memo To: Durham Planning Board

From: Alan Plummer, Durham Code Officer
George Theborge, Town Planner

Date: September 20, 2022

Re: Zoning Determination Map 10, Lot 43 Celebration Tree Farm & Wellness Center (CTFWC)

The owners of the Celebration Tree Farm & Wellness Center (CTFWC) have applied to the Durham Planning Board for conditional use approval of a proposed expansion of the Celebration Tree Farm & Wellness Center on Bowie Hill Rd. In addition to the proposed use expansion, the applicants are also seeking Town approval of the following facilities:

1. A new 30-foot diameter yurt to hold workshops and events;
2. A central wash station with expansion of an existing septic system;
3. A “glamping site” for an RV or camper; and,
4. Two composting toilets.

In the conditional use application, the applicants identified the following uses they are proposing:

“We are seeking a conditional use permit to expand upon our existing tree farm and wellness center to **offer more year-round educational workshops, cultural events and agri-tourism** while maintaining and expanding our organic tree farm and vegetable gardens.”

“CTFWC’s existing **tree farm** fits under the approved use of **Agriculture** in the Town of Durham Land Use Plan.”

“The **Wellness Center** with a **small studio in our house** has existed under the **Home Based Business** approved usage.”

“This conditional use permit application proposes two additional usages...:

“Proposed Use #1: Small non-residential facility for educational, scientific, or nature interpretation purposes:

- “year-round **educational workshops** on farming, wellness, nature, environmental issues, conservation, and art...”
- “We will have one **campsite** for the Small non-residential facility for educational, scientific, or nature interpretation purposes. This campsite will support our educational programs and agri-tourism.” “The campsite will be in the Resource Protection Zone...”

Proposed Use #2: Cultural Facility and Community Building

- “CTFWC is proposing to hold **cultural, educational and community events** in our 1800s barn including monthly community variety shows with performing and visual arts, other occasional **performing and visual art shows**, and our annual Celebration Market (which provides a **holiday market** for over 25 craft and food vendors in December).”
- “We will continue to hold our own **educational workshops** on farming, environmental issues, wellness, yoga, reiki, and creativity.”
- “We will make the **barn and yurt available for rental** to our Community Supported Forest members **for family events** including weddings (no more than 2-3 a year), birthday parties, baby showers, memorial services, and other family events.”

From this description of Celebration Tree Farm & Wellness Center’s existing and proposed uses, we developed the following possible use categories/classifications for comparison with the use table in Article 3 of the Land Use Ordinance:

AGRICULTURE

AGRITOURISM

HOME-BASED BUSINESS (WELLNESS CENTER)

EDUCATIONAL WORKSHOPS

SMALL NON-RESIDENTIAL FACILITY FOR EDUCATIONAL, SCIENTIFIC, OR NATURE INTERPRETATION PURPOSES

CULTURAL FACILITY AND COMMUNITY BUILDING

RENTALS FOR FAMILY EVENTS

CRAFTS MARKET

Land Use	RRA	RP
3. Agriculture	Yes	Yes
6. Bed & Breakfast	Yes	No
11. Clubs, Lodges & Other Community Buildings	CU	No
20. Home Based Business	CER	No
21. Institutional or Cultural Facilities	CU	No
31. Personal Service, Retail or Wholesale Business Service, Financial Service Establishment, all Other Commercial Services not Otherwise Listed	CU	No
44. Small non-residential facilities for educational, scientific, or nature interpretation purposes	Yes	CU

Part of the difficulty of matching proposed uses at CTFWC with listed uses is that of the 8 existing or proposed uses, only 2 (agriculture, home-based business) are clearly listed and/or commonly recognized from the application. All the other proposed uses raise significant questions as to whether the proposed use is consistent with the intent and specific provisions of the adopted

Ordinance. This difficulty is increased by the applicants' mixing of their for-profit venture with not-for profit organizations and activities.

Rather than trying to mix and match component and parts of component uses with the uses table, it makes more sense to look at the combined uses as all part of an agritourism business. This would be consistent with national and regional trends of similar types of operations and with Celebration Tree Farm & Wellness Center's stated business vision. Here is a pertinent definition of the term put forth by the National Agricultural Law Center:

"Agritourism" Defined

Simply stated, agritourism could be thought of as the crossroads of tourism and agriculture. Stated more technically, agritourism can be defined as a form of commercial enterprise that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining and/or educating the visitors while generating income for the farm, ranch, or business owner. [emphasis added]

Regardless of the exact definition or terminology, any definition of agritourism should include the following four factors:

- combines the essential elements of the tourism and agriculture industries;
- attracts members of the public to visit agricultural operations;
- is designed to increase farm income; and
- provides recreation, entertainment, and/or educational experiences to visitors.

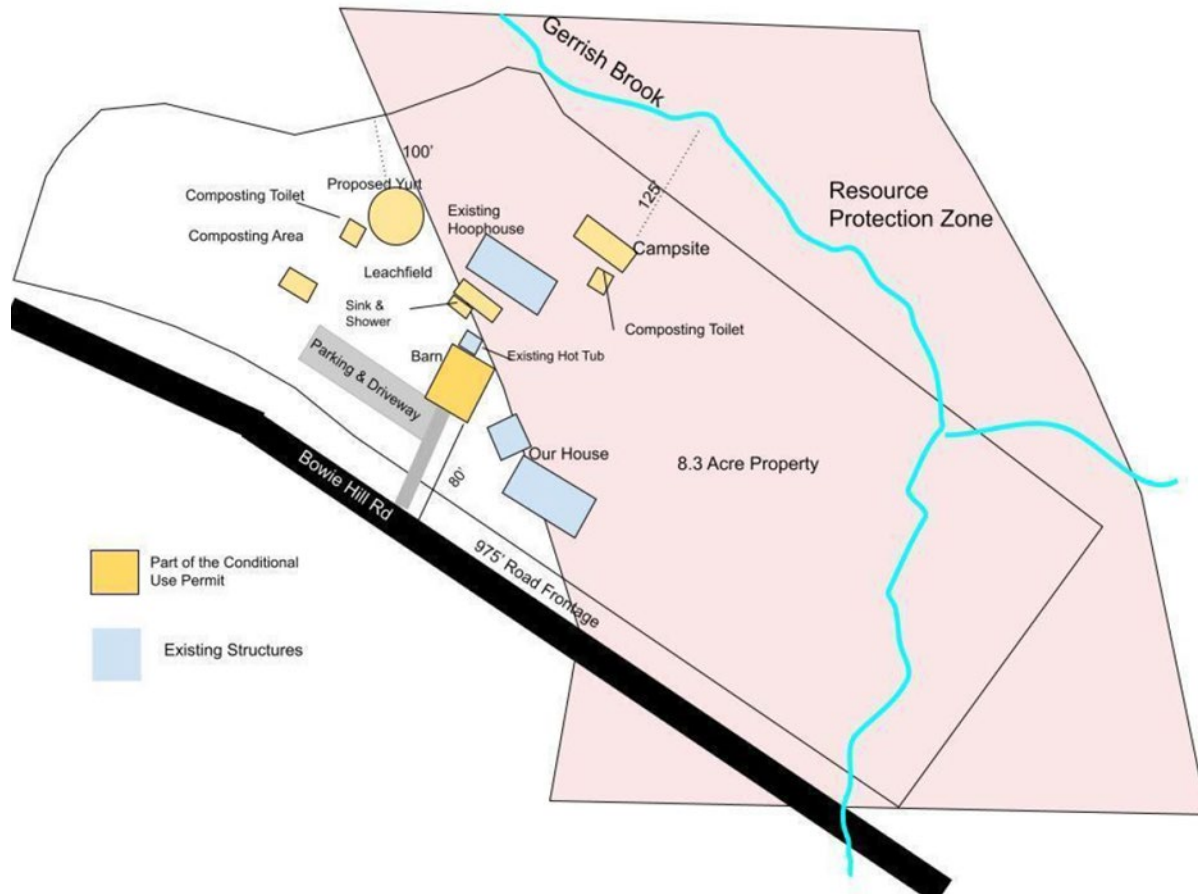
Since the Durham Land Use Ordinance has not been updated to reflect this emergent land use sector, the best fit for the proposed expansion of the Celebration Tree Farm & Wellness Center would seem to be #31 in Table 3.1:

31. Personal Service, Retail or Wholesale Business Service, Financial Service Establishment, all Other Commercial Services not Otherwise Listed [emphasis added]

Following the simplified track of this analysis then brings the complicated use issues down to the single question of whether any part of the agritourism operation can be conducted in the Resource Protection portions of the property, since all of the component uses can be reviewed as a combined conditional use in the RRA District. And that single issue can be further simplified to narrowing it down to the one feature of the agritourism business that is clearly located in the RP District, the campsite (see diagram on next page). As indicated in the application, this facility could easily be relocated on the property to eliminate this point of contention:

"On the campsite will be the Celebration Bus, which is a bus converted into an RV and offers a more comfortable camping experience with beds. It is a temporary structure that can be moved and is under 240 sq feet."

The applicant tried unsuccessfully to get the Board of Appeals to adjust the RP District boundary based on more accurate field information, and if the Town moves forward with the proposed corrections of the Zoning Map at Town Meeting, the applicant could apply for amended conditional use approval to utilize the existing camp site for the Celebration Bus at a future point.



If the applicant and Planning Board take this simplified track in reviewing the conditional use application, the process could focus on identifying the potential negative impacts of the agritourism business and measures to mitigate those impacts.

Again, rather than attempting to deal with those impacts in a complicated analysis of the potential impacts of each individual component activity, it might be more effective to address them as a single agritourism business and focus on mitigation measures to address the most intense parts of that business, which involve large public assemblies, traffic, parking, noise, and hours of operation. If measurable limits on those factors are established as conditions of approval, they will provide a basis for compliant operation of the business and effective enforcement of any violations of the approval conditions.

Re: Celebration Tree Farm

John Talbot <jtalbot@durhammaine.gov>

Thu 9/8/2022 4:19 PM

To: Chief <chief@durhammaine.gov>

Cc: George Theborge <townplanner@durhammaine.gov>; Calvin Beaumier <publicworks@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>

Chief's comments

From: Chief <chief@durhammaine.gov>

Sent: Thursday, September 8, 2022 7:10 AM

To: John Talbot <jtalbot@durhammaine.gov>

Subject: RE: Celebration Tree Farm

In relation to the fire safety aspect, I have already received an inquiry from a concerned citizen/neighbor. Parking and access for emergency vehicles needs to be addressed. A special use permit would open the door for an inspection. Alan and I would be looking for ADA compliance of the barn, lighting, electrical, any fire alarm devices, cooking accommodations. As the health agent for the town, the same concerns of sanitation, cooking and meal prep. Also, how do we regulate up to 100 people? Who counts or oversees the attendance? These are just a few thoughts. Clearly research must be done prior in relation to the use group.

Chief Tripp

From: John Talbot <jtalbot@durhammaine.gov>

Sent: Wednesday, September 7, 2022 4:08 PM

To: Chief <chief@durhammaine.gov>; George Theborge <townplanner@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>; Calvin Beaumier <publicworks@durhammaine.gov>

Subject: Celebration Tree Farm

Gents, Celebration Tree Farm requested a nonconforming use to hold educational training events. They are also asking to use the existing barn for events up to 100 people. Your input on fire safety, sanitation, traffic etc would be much appreciated. They asked for a continuance to the Oct Planning Board meeting. Thx John

Re: Celebration Tree Farm

John Talbot <jtalbot@durhammaine.gov>

Thu 9/8/2022 4:20 PM

To: George Theborge <townplanner@durhammaine.gov>; Calvin Beaumier <publicworks@durhammaine.gov>; Chief <chief@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>

Thx to all

From: George Theborge <townplanner@durhammaine.gov>

Sent: Wednesday, September 7, 2022 4:47 PM

To: Calvin Beaumier <publicworks@durhammaine.gov>; John Talbot <jtalbot@durhammaine.gov>; Chief <chief@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>

Subject: Re: Celebration Tree Farm

Calvin,

The plans are posted on the Planning Board calendar for the August meeting in the agenda packet. There are hard copies in the Code & Assessing Office with the subdivision files. I will put a set in your box.

George

George Theborge AICP
Durham Town Planner
630 Hallowell Rd
Durham, ME 04222
townplanner@durhammaine.gov
207-353-2561

From: Calvin Beaumier <publicworks@durhammaine.gov>

Sent: Wednesday, September 7, 2022 4:43 PM

To: John Talbot <jtalbot@durhammaine.gov>; Chief <chief@durhammaine.gov>; George Theborge <townplanner@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>

Subject: RE: Celebration Tree Farm

Hi John,

I have not seen any plans. I would need to see their proposed access and off street parking. I would want to be assured that no parking would be along the street and would likely want to see no parking signs installed. I haven't seen the access but if it is the one they have into the field area now I believe it is a hill with a vertical curve that would make it difficult to see oncoming traffic if cars had to negotiate that hill going out around parked cars.

Please let me know how I can get a copy of the site plan.

Thanks,

Calvin

From: John Talbot <jtalbot@durhammaine.gov>

Sent: Wednesday, September 7, 2022 4:08 PM

To: Chief <chief@durhammaine.gov>; George Thebarger <townplanner@durhammaine.gov>; Code Enforcement <codes@durhammaine.gov>; Calvin Beaumier <publicworks@durhammaine.gov>

Subject: Celebration Tree Farm

Gents, Celebration Tree Farm requested a nonconforming use to hold educational training events. They are also asking to use the existing barn for events up to 100 people. Your input on fire safety, sanitation, traffic etc would be much appreciated. They asked for a continuance to the Oct Planning Board meeting. Thx John

Re: Preparing for October site walk and public hearing

Celebration Tree Farm & Wellness Center <celebrationtreefarm@gmail.com>

Wed 9/21/2022 9:25 PM

To: George Theborge <townplanner@durhammaine.gov>; Alan Plummer <aplummer@durhammaine.gov>

📎 4 attachments (166 KB)

Fire Chief Concerns.pdf; Celebration Tree Farm & Wellness Center Event Details (1).pdf; 2022 Parking Map for Town (1).pdf; CTFWC Educational.pdf;

Hi George and Alan,

I have attached a few additional documents:

- A document addressing the fire chief and road commissioner's concerns
- A document outlining the educational requirements and offerings
- A document about events at Celebration Tree Farm & Wellness Center'
- An updated parking map

Also, we decided that we are not going to host weddings and that all of our events will be capped at 50 people with the exception of the annual Celebration Market which is a craft market held during our Christmas Tree Season. I have included that info in the document about events.

We will drop off printed copies of these documents at Town Hall tomorrow.

Also, would it be possible for us to be early on the agenda for the meeting so that we don't have to wait until the end for public comment?

Thanks,

Burd and Jonah

Celebration Tree Farm & Wellness Center

125 Bowie Hill Rd.

Durham, ME 04222

www.celebrationtreefarm.com

207-653-3319

celebrationtreefarm@gmail.com

[Like us on Facebook](#) & https://www.instagram.com/celebrationtreefarm_wellness/

On Tue, Sep 20, 2022 at 4:28 PM Celebration Tree Farm & Wellness Center

<celebrationtreefarm@gmail.com> wrote:

Ok so send the electronic copy on Wednesday and drop off 10 paper copies on Thursday?

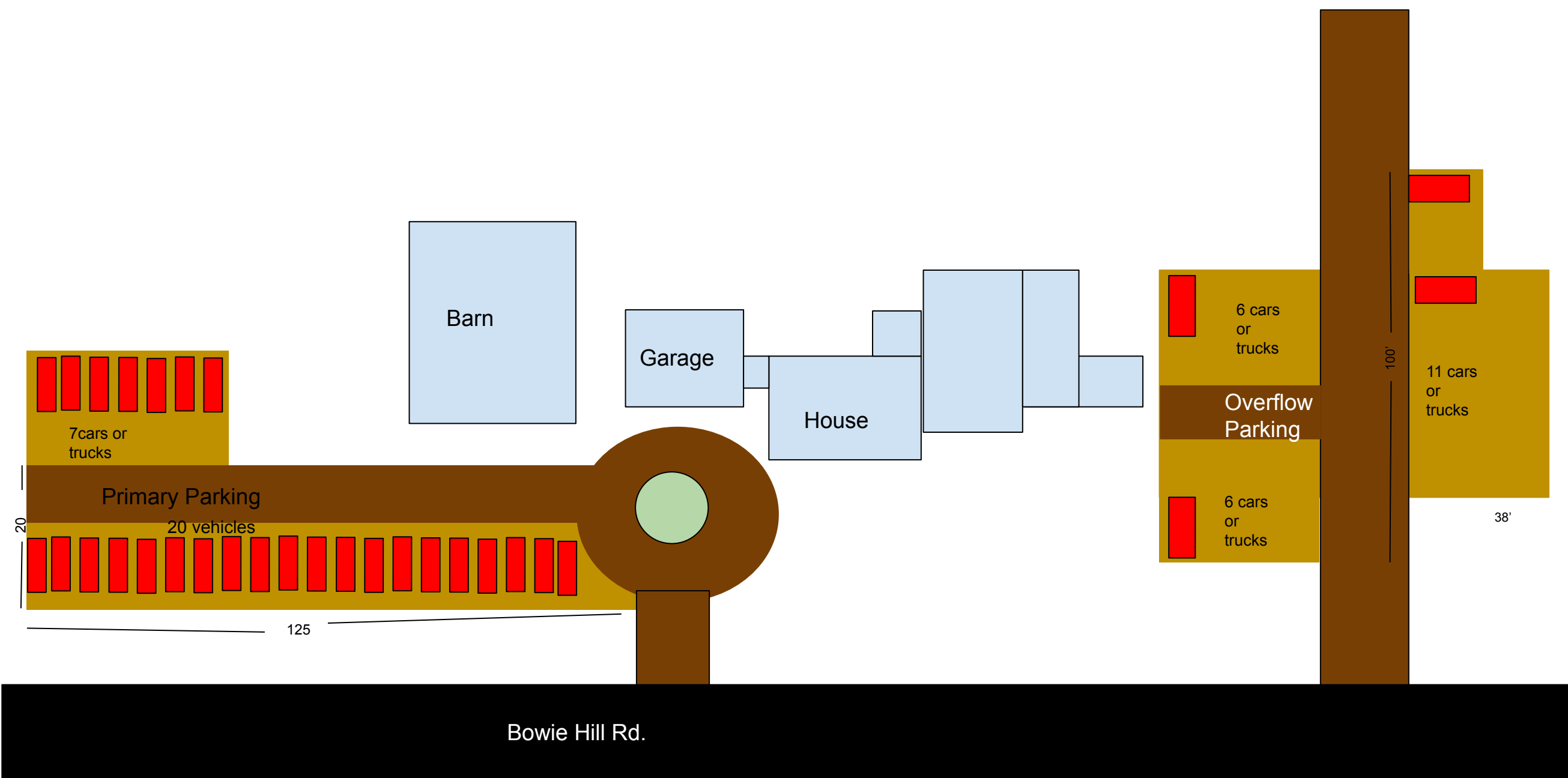
Thanks,

Burd and Jonah

Celebration Tree Farm & Wellness Center

125 Bowie Hill Rd.

Durham, ME 04222



Barn

Garage

House

Primary Parking

20 vehicles

7 cars or trucks

6 cars or trucks

Overflow Parking

6 cars or trucks

11 cars or trucks

125

100'

38'

Bowie Hill Rd.

Educational Offering at Celebration Tree Farm & Wellness Center

Celebration Tree Farm & Wellness Center provides a range of educational and nature interpretation programs to the community, our members and our guests. We focus on experiential education. The [Association for Experiential Education](#) regards experiential education as "a philosophy that informs many methodologies in which educators purposefully engage with learners in direct experience and focused reflection in order to increase knowledge, develop skills, clarify values, and develop people's capacity to contribute to their communities". According to the Network of Conservation Educators and Practitioners, "Nature Interpretation activities may comprise presentations or walks led by an interpreter, as well as exhibitions and print or audiovisual materials that people can use independently."

Public Workshops & Retreats

We will offer workshops and retreats (day long or multiple days) on topics including yoga, reiki, wellness, organic farming and forestry, climate change, creativity and art, and more. We will also provide space for nonprofits to offer workshops or hold organizational retreats.

Required Education for Celebration Bus Guests

All Celebration Bus guest will be required to receive a receive a 15 minute free workshop on farming and wellness and a self guided tour that will provide information about local flora and fauna, local history, our forestry practices and organic farming. Guests can also choose from other personalized workshops including:

Yoga: personalized yoga sessions will happen in the yurt, in our yoga studio in our house or outside.

Reiki: personalized reiki (energy healing) sessions will happen in the yurt, in our yoga studio in our house or outside.

Wellness coaching: private sessions to help support with their health and wellness

Organic farming & forestry: this workshop will help introduce people to organic farming, forestry and composting through hands on experiences

On Farm Signage

We will provide signage on the farm that will increase the educational experience and will contribute to the self-guided tour by sharing about different aspects of the farm.

Library

Both the Celebration Bus and the Yurt will have a library that will include books on wellness, yoga, farming, wild plants, and more.

Celebration Tree Farm & Wellness Center Event Details

The following information is about the events at Celebration Tree Farm & Wellness Center.

Limits on Events

No more than 2 events per month with amplified music (including member rentals and our events) between April-October

All events will be 50 people or less except our Celebration Market

Weddings:

We have decided that we will not host weddings.

Our events:

Monthly variety show or barn show April-October

Celebration Market, a local craft market, held in November

Rentals by members

Our members can rent the barn or the yurt

Only recorded or acoustic music, no amplified bands

No later than 9pm

50 people or less

Workshops & retreats

May have quiet recorded music or acoustic music at times, for a limited time and during the day

No more than 50 more people

support for Celebration Tree Farm

Corie Washow <cswashow@gmail.com>

Wed 8/3/2022 3:15 PM

To: George Thebarge <townplanner@durhammaine.gov>

Cc: Celebration Tree Farm & Yoga <celebrationtreefarm@gmail.com>

Dear Members of the Durham Planning Board,

I am unable to attend the planning board meeting tonight, but I want to write to you in enthusiastic support of Celebration Tree Farm & Wellness Center's proposal. I live at 182 Snow Road. I have visited Celebration Tree Farm & Wellness Center in a variety of capacities, including cutting down trees, walking their trails, taking a yoga class, and enjoying a variety show event at their beautiful barn.

I have lived in Durham since 2006. For the vast majority of that time, my friendships were outside of this town. While I love Durham's rural character, woods, and privacy, I've found it challenging to find places to meet, much less meaningfully connect with, local folks. (This may be easier for people with kids in the elementary school, but that does not apply to me.) In any case, a few years ago I would have easily said when I was ready to move, I had little attachment to this area in terms of human community. I would not have found it particularly hard to leave Durham.

However, that has very much changed with the addition of Celebration Tree Farm and Wellness Center to this area. Celebration Tree Farm has hosted multiple events that piqued my interest, and attending those events allowed me to meet and build wonderful relationships with several other Durham residents.

My life circumstances recently changed and it turns out that it is time to move. In the process of figuring out my next steps, I am delighted to find myself in a very different place than just a few years ago and I am now committed to staying in this region. I attribute this change almost completely to the presence of Celebration Tree Farm and their intentional efforts to build and welcome community.

I fully support Celebration Tree Farm & Wellness Center's plans to develop an educational facility, offer space for community events in their barn, and continue to connect people to the forest and the land through a campsite. In addition to building human community, they are fantastic stewards of the land, and support positive, reciprocal connections between humans and nature. I trust that anything they envision or propose is in alignment with what is best for the land as well as the people here. Particularly in a time of such change and division on all levels, we need places like this, welcoming to people of all ages, backgrounds, and interests, to help us slow down and connect with

each other and the land. Celebration Tree Farm and its owners are an incredible asset to Durham. I'm so thankful that Jonah and Burd brought their energy, passion, and skill in community building to our little town. I encourage the town government to do everything possible to support their efforts.

Thank you for considering their request and taking the time to read this message.

Sincerely,

Corie Washow


182 Snow Road/Durham

Fwd: Celebration Tree Farm & Wellness Center

MELANIE VOISINE <mjvoisine@comcast.net>

Wed 8/31/2022 3:26 PM

To: George Theborge <townplanner@durhammaine.gov>

 1 attachments (2 MB)
celebration tree farm.pdf;

Hi George, as per the email John Talbot copied you on, attached is my letter for review and consideration. Thank you.

----- Original Message -----

From: MELANIE VOISINE <mjvoisine@comcast.net>

To: "jtalbot@durhammaine.gov" <jtalbot@durhammaine.gov>,
"jcaplinger@durhammaine.gov" <jcaplinger@durhammaine.gov>,
"wgrover@durhammaine.gov" <>wgrover@durhammaine.gov>,
"apurinton@durhammaine.gov" <apurinton@durhammaine.gov>,
"rwilliams@durhammaine.gov" <rwilliams@durhammaine.gov>,
"thutchison@durhammaine.gov" <thutchison@durhammaine.gov>

Date: 08/15/2022 5:10 PM

Subject: Celebration Tree Farm & Wellness Center

Dear Members of the Planning Board, after watching the August 3rd Planning Board Meeting; specifically, the presentation by Jonah regarding their proposed structural additions and programming to their property located at 125 Bowie Hill Road, I started to have concerns. I am directly across the street from Jonah and Elizabeth. I was originally in support of their endeavors until I heard Jonah state they had a current membership of 90 and subsequent discussions and research revealed up to 125 members.

I did meet with Jonah and Elizabeth on Saturday to discuss my concerns; specifically the noise associated with the potential for 125 Members to rent their facility with live or pre-recorded music and/or voice amplification. Jonah and Elizabeth agreed to set limits associated with these types of rentals which they will include in their presentation. I have attached a letter addressed to the Board for review and consideration as you review their application and conduct the site visit (which I understand is now in October).

Please let me know if you have any questions or wish to discuss my letter in more detail.

Thank you,
Melanie Voisine
132 Bowie Hill Road

August 15, 2022

Durham Town Office
Attn: Planning Board
630 Hallowell Road
Durham, ME 04222

Re: Celebration Tree Farm & Wellness Center

To Members of the Durham Planning Board,

My name is Melanie Voisine, I am the neighbor directly across the street from Jonah and Elizabeth Fertig-Burd. My address is 132 Bowie Hill Road.

After watching the August 3rd Planning Board Meeting; specifically, the presentation by Jonah regarding their proposed structural additions and programming to their property located at 125 Bowie Hill Road, I started to have concern.

My property is my "home". It is where I return after a long day at work Monday thru Friday. It is where I recharge my internal batteries, it is my place of respite, it is where I spend hours upon hours in my gardens or sit with a book in my tree swing or lawn furniture. It is where my husband fought cancer for three years and ultimately passed away in our "home".

My sense is that while Jonah specifically mentioned that their property is 'where they live', it is ultimately their place of business. A "multi-stakeholder cooperative"¹ run by community-owners and worker-owners who benefit from the forest, the land, the barn, the garden, and the shared infrastructure². In addition, or one in the same, they have a "Community Supported Forest" where they will have up to 100 Members¹. In discussions with Jonah, they would like that membership to grow to 125. Those members have an opportunity to become community owners after a year of membership¹.

My observation is the intent of the property is to be self-sustainable and pay for itself through programming, grants, rentals, and memberships, in addition to the Yoga and Wellness Center, which includes use of the adjacent land owned by the Land in Common Land Trust². It is not their "home"; it is true however, where they live. While I respect their desire to keep the land out of traditional development, their mission is to have Community Supported Forest Members, Community-Owners and Worker-Owners with the potential for a great deal of rental/event activity on the subject parcel. I encourage you to visit www.landincommon.org to better understand the mission of the land trust and how it and Celebration Tree Farm & Wellness Center dovetail. This review may assist to better understand the potential impact on the subject parcel.

To date, Jonah and Elizabeth have been very respectful. They make me aware when they are having events that will be loud in nature or have increased traffic. The events to date have been reasonable in number and noise level.

I am not concerned with their Christmas Tree operation or the annual Celebration Market, in fact I think it lines up perfectly with country life and the tree operation John Akerman had when we purchased our home. We knew what we were getting into with Johns Tree Farm. The monthly talent show starts and

ends at a reasonable time and occurs once a month during summer months. This too has not been overly impactful. The bus has not had an impact on my property, and I have no objection or concern with the bus. Educational seminars (so long as use of voice/sound amplification is not used) and Elizabeth's yoga and wellness studio are also not an issue. With regards to the proposed Yurt, I'm certain the Board will define the permitted use and stipulate conversion to a dwelling can not be done without returning to the Board for a change in use. I'm assuming the Yurt and the Barn will have maximum occupancy numbers established for safety.

My concern lies with the three weddings and sizeable Community Supported Forest Membership (up to 125 Members), community-owners and worker-owners that will have "discounts on holding Events at the Celebration Tree Barn"¹ (and potentially the 30' round Yurt) for birthday parties, bridal/baby showers, or other events where live or pre-recorded music and/or speaking amplification could occur.

Sound travels in our area. We can hear when someone has a band or is setting off fireworks. Conversations carry. My concern is the number of events and noise associated with that use. 125 members certainly leans towards a high number of event opportunities.

On August 13th, I met with Jonah and Elizabeth to discuss my concerns in detail, specifically the noise and number of events with potential noise impact to my home. Jonah and Elizabeth agreed to limit these events to two (2) per month; their Variety Show being one of the two. We also agreed to keep discussions open. Their intent is not to become an "Event Venue" or to become a bothersome neighbor.

If their proposed uses and additional infrastructure are approved, I would encourage you to approve them with conditions and limit events with live or pre-recorded music or amplified voices to two (2) events per month reducing noise impact to surrounding neighbors.

Sincerely,



Melanie Voisine

132 Bowie Hill Road

References:

¹Celebration Tree Farm & Wellness Center www.celebrationtreewellnesscenter.com

²Land in Common (Community Land Trust) www.landincommon.org

ABOUT CELEBRATION TREE FARM & WELLNESS CENTER

We are Southern Maine's certified organic tree farm for your celebrations! For 30 years, our trees have grown naturally in harmony with the forest. We are now a multi-stakeholder cooperative that is working together to care for our forest.

We are proud to practice ecological forestry at our farm in Durham, where we use no chemical fertilizers or herbicides so that our trees don't bring toxins into your home. We are one of the only certified organic Christmas tree farms in Maine. We are also planting trees and working to sequester carbon in our forests. We are happy to share our organic trees for your family's Celebrations.

Our **Wellness Center** provides a space for you to retreat, ground, and heal through Yoga, Reiki, Wellness Consultation & Planning. Spending time in our beautiful gardens, firepit, and along trails in the woods can be some of the best places in nature for the facilitation of healing, comfort, and connection. Your body is already designed to heal itself in so many ways ~ broken bones, deep wounds, viruses, and so much more. Imagine the possibilities when you have various practices to draw from, that enhance this inherent ability! At any age, no matter what you believe is possible, there are so many ways to give yourself the gift of self-care, self-connection, and self-love. With almost 20 years of experience, Burd can help you find the best place to start or reinvigorate your health and wellness.

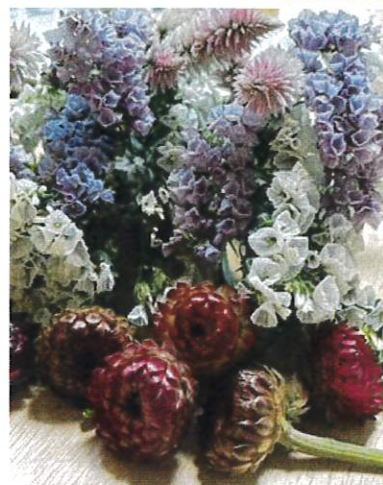
Our **Community Supported Forest** is another new offering where families and people can connect with nature and each other through trees, wellness, art, food, and water. Together with our community, Celebration Tree Farm and Wellness Center and Land in Common Community Land Trust are bringing 110 acres of forest land on Abenaki Territory, now rural Durham, Maine, into a lands commons so that it is preserved, used, and enjoyed. Through a new membership program, community members in Southern Maine can invest in the forest and develop a relationship with the forest and receive benefits for their families including a Celebration Tree and wreath, discounts on wellness classes and offerings, and year-round forest trail access.



Celebration Tree Far...
1,647 likes



Like Page Share



Celebration Tree Farm & Wellness Center

about 3 weeks ago

First harvest of flowers for drying! They will be used in our ummmm Holiday wreaths.....?

3 Comment Share



Celebration Tree Farm & Wellness Center

about a month ago

Let's Chat!



Sign up or Log In



Wellness Center

Trees

Shop

Membership

Get In Touch

Home

Community Supported Forest Memberships



The Celebration Tree Community Supported Forest is a place for families and people to connect with nature and each other through trees, wellness, art, food, and water. Together with our community, Celebration Tree Farm and Wellness Center and Land in Common Community Land Trust are bringing 110 acres of forest land on Abenaki Territory, now rural Durham, Maine, into a lands commons so that it is preserved, used and enjoyed. Through a new membership program, community members in Southern Maine can invest in the forest and develop a relationship with the forest and receive benefits for their families.

Benefits of Membership

[Become a Founding Member](#)

Trees and Food

- First Choice of Trees each year of membership and tree tagging in the fall
- Organic Celebration Tree, Wreath, Balsam Greens and Lil' Tree each year (a \$100 value)
- Space to grow food, fruit trees, herbs, mushrooms, and more

Community and Wellness

- **Discount on holding Events at the Celebration Tree Barn**
- 10% Discounts on Celebration Tree Farm & Wellness Center Events and Programs including Reiki, Yoga Classes and Personal Sessions
- Annual member potlucks and variety shows starting in 2022

Outdoor Recreation

- Year-Round Trail Access for walking, biking, or skiing including walking dogs off-leash

Ecological Impact

- Conserving 110 acres of forest land near Portland and Lewiston-Auburn
- Helping Sequester Carbon through ecological forestry, organic agriculture and permaculture

Cooperative Ownership

- Celebration Tree Farm & Wellness Center became a multi-stakeholder co-op in 2020 and our members **will have an opportunity to become community owners after a year of membership.**

Support Land Commons

- Celebration Tree Farm & Wellness Center and Land in Common Community Land Trust are working together to create a land commons expanding access, justice and equity.

[Let's Chat!](#)

Costs

For \$99 you can become one of our first members. We will have up to 100 members per year and our members will receive all the benefits detailed above. Your membership is good for 1 year and you can use the benefits of the membership throughout the year. #1

© 2019 built by Ceiba Crow, Burdie-Burd & Jonah Fertig-Burd- 207-653-3319 - 125 Bowie Hill Rd Durham, ME 04222

Let's Chat!

Presente! Maine, through the **Maine Land Share Project**, for cultivation of food for community distribution.

#2

ACKNOWLEDGEMENT
& COMMITMENT

The Commons in Durham



Celebration Tree Farm and Wellness Center in Durham, Maine
 In December 2020, we welcomed a new parcel of land into the commons! In collaboration with **Celebration Tree Farm & Wellness Center** (CTFWC), and with financing from the **Cooperative Fund of New England**, we purchased 110 acres of forest land in Durham, Maine. With CTFWC as the long-term land steward, this beautiful forest land will be activated into a space for community and cultural connections, ecological forestry, outdoor recreation and education, wellness, and social change.

Founded in 2015, **Celebration Tree Farm & Wellness Center** is a multi-stakeholder cooperative run by community-owners and worker-owners who benefit from the forest, the land, the barn, the garden, and the shared infrastructure. The farm provides MOFGA-certified celebration (Christmas) trees, grown with carbon-sequestering practices of ecological forestry, and offers yoga, reiki, farm stays and educational workshops to the community. We are excited to watch CTFWC grow its new

Land in Common does its work on land that has been marked by a long history of injustice, resistance, and resilience. We recognize the original Wabanaki caretakers of this land that is now called “Maine,” and we honor their elders, past, present, and future. We acknowledge the many histories of racism, colonialism, and exploitation that have excluded so many people and communities from land-based livelihood. We honor the strength and resilience of all those who have resisted and persisted, and who have passed on the dream of a more just and equitable world. We commit ourselves to the work of reckoning, reparation, and healing, and to learning from the wisdom of those most impacted by injustice. We recognize that we are at the beginning of our journey of putting our values into practice, and we welcome all input about how best to proceed.

“Community Supported Forest” program and to support this work in coming years!

The Bigger Picture: Land Gathering & Redistribution

Our land commoning work has two sides: the *gathering* of land, and the *redistribution* of its use and care.

Land Gathering. We see a number of key pathways to gathering land into the commons:

- *Direct land gifts.* A land-owner gifts land or wills land to Land in Common. This might include transfer of land during the lifetime of an elder, with a CLT ground lease to secure their long-term residency.
- *Land purchases.* We recognize that purchasing land will be especially necessary in cases where people rely on the value of this land for later-life security. We are particularly interested in scaling-up our existing **Community Financing program** to generate grassroots funding for the purchase of land.
- *Land-seeking Collaborations.* We are excited to partner with people or groups seeking land, and to leverage our skills and resources to support this process—bringing new land into the commons in alliance with those who will then become its long-term residents and stewards.
- *Land Shifts.* We also welcome land transfers from existing landowners who are rooted on their land and want to be direct participants in Land in Common—enacting alternatives to private land ownership in their own lives and places. Such collaborations can also serve to build new forms of community and collective support for individual land projects while growing the strength of Land in Common’s base.

#2

JOIN OUR
MAILING LIST

First Name

Last Name

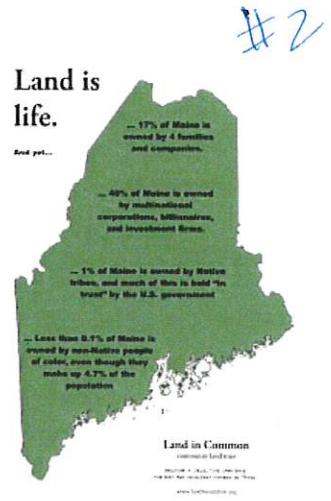
Email Address

Subscribe

FEATURED
RESOURCE

Maine’s unequal land distribution, a new poster:

Land Redistribution. Land in Common’s goal is to redistribute the long-term use of its common lands in ways that support sustainable land-based livelihood, care for more-than-human wild communities, wider movements for justice and liberation, and secure land access for people and communities that have been directly impacted by colonialism, white supremacy, and class inequality. Our success in this work depends, ultimately, on shifting from a predominately white organization to one that is led by BIPOC (Black, Indigenous, and other People of Color) and other front-line community members. This is a current core focus of our internal organizational work.



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6. Other Business:

a. Request for amended approval of the Bowie Hill Subdivision Plan to Remove Note #11 Prohibiting Removal of Existing Structures Map 10, Lot 38

- The Planning Board approved this 13-lot cluster subdivision on October 22, 2021.
- One of the issues that came up in the review was the existing Parker Schoolhouse.
- The subdivision regulations require applicants to inventory any historic resources on property proposed for subdivision.
- There are no historic preservation standards in the subdivision regulations.
- Section 5.14 of the Land Use Ordinance prohibits the tearing down or alteration of schools over 100 years of age except to restore them.
- The Planning Board required the applicant to place Note 11 on the recorded subdivision plan, which states “Existing structures will not be removed.”
- The applicant has provided an engineering report indicating that the structure has deteriorated beyond the point of repair or rehabilitation.
- The applicant has also provided an opinion from a building mover indicating the building could not be reasonably relocated.
- The prior Code Officer determined that the structure is a “Dangerous Building” under Maine law and issued a demolition permit for removal of the building.
- The applicant agreed to a temporary stay of that demolition permit and worked with the Durham Historical Society to preserve artifacts from the school.
- The Historical Society has agreed with the proposed demolition.
- The current Code Officer has likewise determined that the structure is a dangerous building and will reinstate the demolition permit as soon as the subdivision note is removed.
- The packet submission include the current subdivision plan, proposed revision, and the supporting documents.



July 7, 2022

Jonathan Lobo

Bowie Hill Development, LLC

P.O. Box 214

Bath, ME 04530

Via Email: iglobozzo@gmail.com

Re: **Parker Schoolhouse, 318 Bowie Hill Road, Durham, Maine**
Limited Structural Inspection

Project No.: 2-0238-ME

Dear Mr. Lobo,

At your request, I inspected the Parker Schoolhouse building located at 318 Bowie Hill Road in Durham, Maine to conduct a limited structural inspection of the building. This property is a 140-year-old, approximately 700 SF, 1-story wood-framed vacant building, with no power or water/sewer.

Criterium Engineer, Helen C. Watts, P.E. ^(ME), visited the site on June 30, 2022. A focus of the inspection was to determine what can be done with the building. Abigail Ouellette, Criterium Engineering Intern, was also present. We met onsite with Jonathan Lobo. The weather was warm and clear.

This report has been reviewed by James P. Stump, P.E. ^(ME) of Criterium Engineers.

See attached photos for additional information.

The building is 31'-9" by 22', with an estimated 13'-5" dimension from the original top of the floor to the underside of the eaves ties, and an 11' height above that to the underside of the ridge board. The building has an entrance/coatroom/storage area at the front right, and an unfinished storage room for firewood on the left, then the rest of the building is a one-room schoolroom. The schoolroom is 24'3" deep inside.

There was what may have been two latrines in a shed building formerly attached at the back of the schoolroom; this structure is in pieces at the back of the building and may have been moved but not reassembled when the building was moved. The building is around 140 years old, and was moved around 60 years ago, per Mr. Lobo.

The building has a single door at the front center of the building, another at the back of the right side of the building, and a double entrance to what would have been the latrines. There are no doors in the door openings.



There are six window openings in the classroom, approximately 2'-8" x 5'-3" each. The windows, where present, are double-hung wood windows with single-pane glazing; some of the openings are partially covered with wire mesh. There is one window opening at the front gable that would have provided ventilation and light for the attic space.

The sill timbers where measured are 6 1/2" by 6 1/2". The joists are 1 3/4"x7" at 18" on center and are connected to the sills and beams with mortise-and-tenon joints. The end of the joist is sloped up to the tenon, and where viewed, the connections are performing adequately.

The interior beams were not viewed or measured and may be similar to the sill plate timbers. The wood framing, where it is in contact with the soil, may have some additional rot and possible insect attack, due to the moisture in the soil. This framing all appears to be original to the construction of the building.

The wall framing consists of 1- 7/8" x 4" studs at 16" on center, with 1" board sheathing on the outside, then a layer of heavy paper, then clapboards. On the inside, there is a wainscot of vertical tongue and groove boards, with horizontal boards above, throughout the building except at the front left entrance room, which would have been used for storing firewood.

There are no blackboards in the schoolroom.

There is a chimney at the back interior of the building. The chimney goes up to near the ceiling and was likely removed above that point when the building was moved. The foundation for the chimney is brick masonry and tilted. The chimney opening appears to not have been enclosed when the building was moved.

The building had a lathe-and-plaster ceiling with a limited amount of cellulose-type fiber insulation. The ceiling has fallen onto the floor. Because of the expected age and appearance of the insulation, this is unlikely to contain asbestos, but this should be tested before any work is done.

The site of the building is generally flat and well drained.

The building is not visible from the road, or the new road for the 318 Bowie Hill Road subdivision with the trees around it in leaf. There is no driveway or access across the ditch at the side of the road to the building site. The building has what appears to be 60 years' worth of tree growth around the building, including one tree that is growing around the eaves.

When the building was moved, it was installed with what appear to be the original sills on a new brick masonry foundation. The foundation appears to not have been built to below the frost depth and has shifted significantly. Some of the masonry appears to have had the mortar joints eroded by splashback of stormwater. The foundation has fallen away from the sill plate in some areas.

The interior supports for the first-floor framing also appears to have shifted, such that the beams supporting the first floor framing are on the soil on the interior of the building.

The sills at the front and back door openings are missing or rotted.

No signs of insect infestation were viewed. No signs of birds living in the building were viewed. There were some holes chewed into the exterior of the building (squirrel/chipmunk) and limited animal scat on the floor of the classroom. There is an old bed mattress in the right entry room. The interior has some limited graffiti.

The building roofing was not visible due to the adjacent trees.

The crawl space is inaccessible but was viewed from the outside where possible.

The building was moved from its original site around 60 years ago; the original site was near the bottom of the hill on the same road. Moving the building prevents the building from being added to historic preservation registries such as the Maine Historic Preservation Commission. This limits sources of public funds for repair of the building.

The building is currently an "attractive nuisance" - a building that could draw trespassers, and, because of the exposed nail ends and broken ceiling/floor could cause injury.

There are two similar one-room schoolhouses that have been restored, one of which has been moved, that I know of nearby. One schoolhouse was moved from Litchfield Road in Bowdoin to the Bowdoin Town Hall property and placed on a new foundation with new first floor framing around 20 years ago as part of a Girl Scout Gold Award project, with private funding. A second building is the Old Ridge School on Route 9 in Lisbon, which is owned by the Lisbon Historical Society and may be in its original location.

In my opinion, this building has a reasonably well-built frame in generally good condition above the first floor but has significant deterioration that would require major repair and replacement. Following repair, it could possibly be lifted and moved to another location and either restored as a historic school, or re-used in a new building, however it has been ignored in the present location, and as it was when it was moved, for 60 years without any maintenance.

I recommend that the building be removed or demolished. If the building is demolished, a plaque or signboard could be made to document the building, but this may be best placed in the location of the original building, or near another historic site in the town that gets more traffic. The insulation should be tested for asbestos, in either case. If the building is relocated, it will need significant work to be useful.

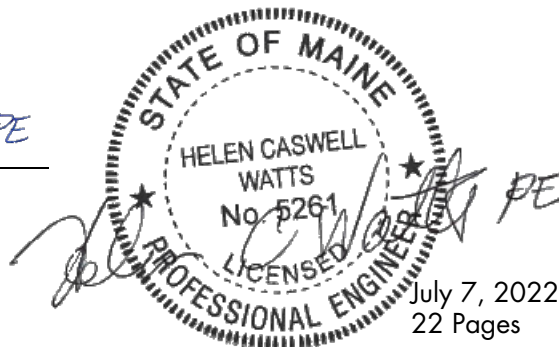
Please contact me if you have questions about this report or need additional assistance.

Regards,

 PE

Helen C. Watts, P.E. (ME)
Senior Structural Engineer

Criterion Engineers



July 7, 2022
22 Pages

Attachments: Photographs
 Resume

**ATTACHMENT A
PHOTOGRAPHS**


Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022



Limited Structural Evaluation

 <p>A photograph showing the front view of a weathered, grey-shingled schoolhouse. The building is partially obscured by tall green trees and dense foliage in the foreground. The structure appears aged and somewhat neglected.</p>	<p>Description: School House front view from Bowie Hill Rd</p> <p>Photo Number 1</p>
---	---

 <p>A close-up photograph of a yellow sign posted on a concrete surface. The sign has a black border and contains text in black ink. The most prominent text reads 'STOP WORK' in large, bold, capital letters. Above it, there is a smaller heading 'Legal Notice' and several lines of smaller, less legible text.</p>	<p>Description: Stop Work notice per Durham CEO</p> <p>Photo Number 2</p>
---	--

Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine


Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022



Limited Structural Evaluation

 A photograph showing the base of a wooden wall where it meets a stone foundation. The wall's trim is peeling away from the foundation, indicating a structural issue. The ground is covered with loose stones and some vegetation.	<p><u>Description:</u></p> <p>Front left corner foundation, trim separation at base of wall</p> <p>Photo Number 3</p>
---	--

 A photograph taken from inside a crawl space. A flashlight is visible in the foreground, illuminating the ground. The ground is covered with a layer of white insulation and some debris. In the background, wooden joists are visible, supported by a concrete foundation.	<p><u>Description:</u></p> <p>Crawl space with wood joists</p> <p>Photo Number 4</p>
--	---

Limited Structural Evaluation



Description:

Back end of
building

Photo Number
5



Description:

Front of classroom
with fallen lath and
plaster ceiling

Photo Number
6

Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022



Limited Structural Evaluation



Description:

Back exterior

Photo Number
7



Description:

Chimney hole in
roof, top of
chimney

Photo Number
8

Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022



Limited Structural Evaluation



Description:

Sill condition at
back door

**Photo Number
9**



Description:

Remains of shed-
roof outhouse

**Photo Number
10**

Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022

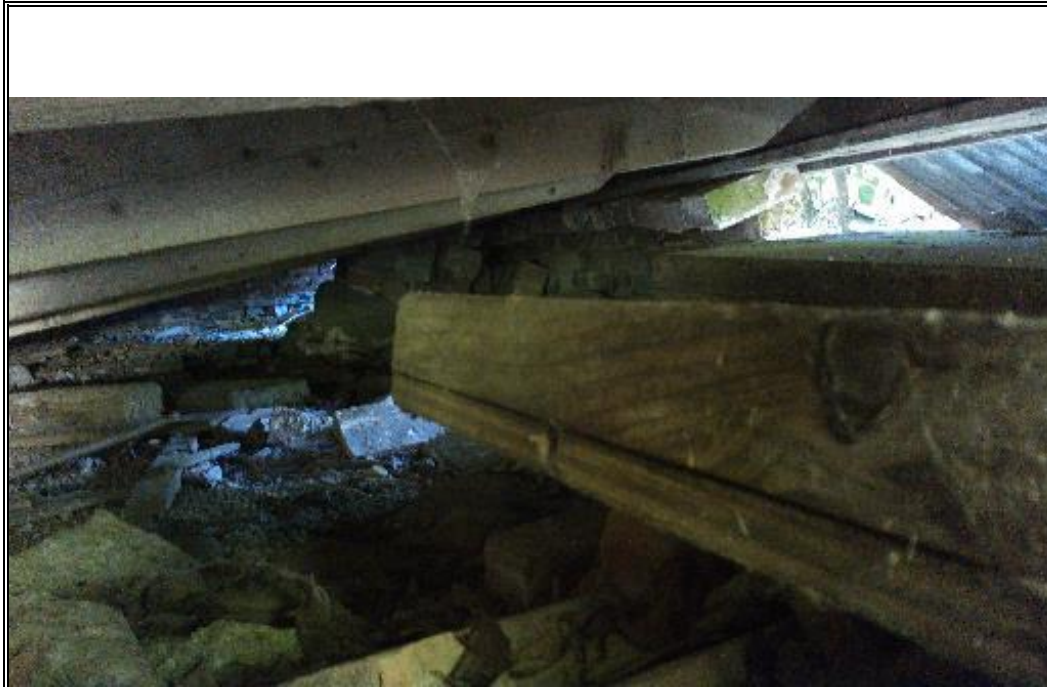


Limited Structural Evaluation

A photograph showing a significant amount of structural debris, including wooden planks, shingles, and bricks, scattered on the ground. In the background, a partially collapsed roof structure is visible through an opening in a wall.		<p>Description:</p> <p>Back door and outhouse debris</p> <p>Photo Number 11</p>
--	--	---

A close-up photograph of a wooden wall structure. It shows horizontal wooden planks (clapboards) over a layer of construction paper, which is in turn over a layer of 1-inch thick board sheathing.	<p>Description:</p> <p>Typical wall construction includes clapboards over construction paper, over 1" board sheathing</p> <p>Photo Number 12</p>
---	--

Limited Structural Evaluation



Description:

Front sill

**Photo Number
13**



Description:

Back right corner
of building on
stone and brick
support

**Photo Number
14**

Limited Structural Evaluation



Description:

Brick masonry foundation is failed and not frost-protected

**Photo Number
15**

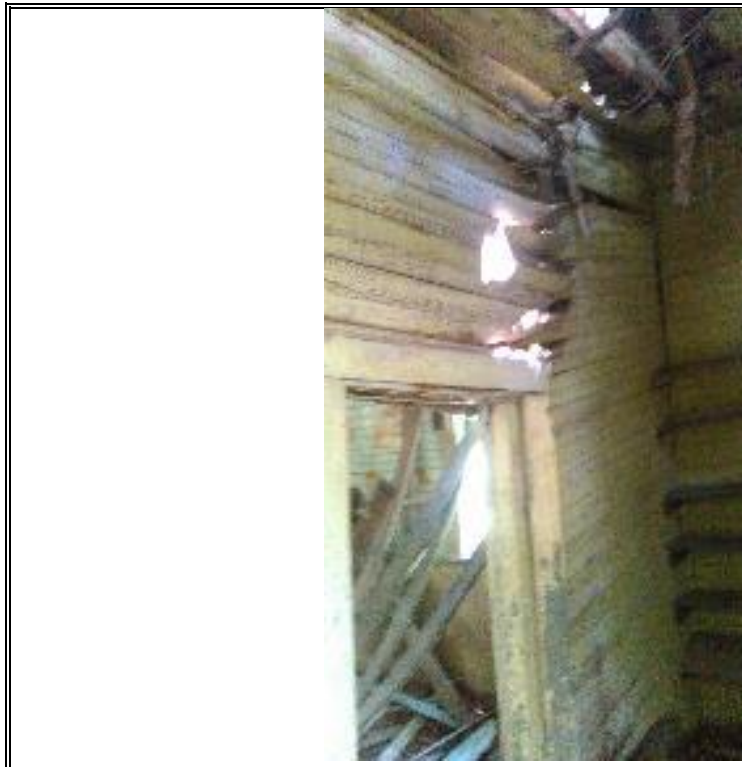


Description:

Rafter framing is in good condition, with eaves ties. Board sheathing is in variable condition, good and fair.

**Photo Number
16**

Limited Structural Evaluation



Description:

Wall separating entrance and classroom has settled.

Photo Number
17



Description:

Cellulose-type insulation was above plaster ceiling

Photo Number
18

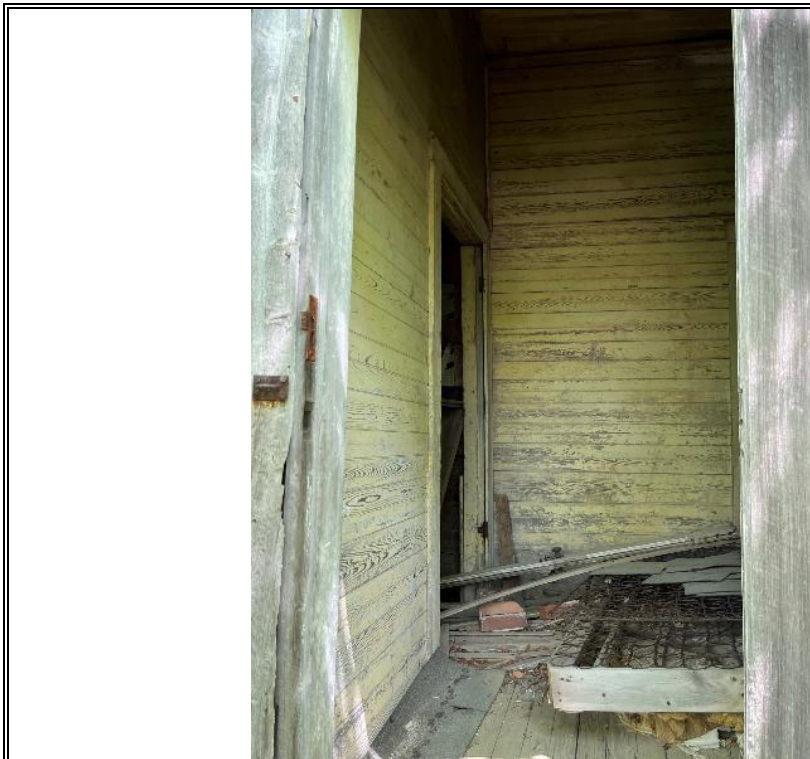
Limited Structural Evaluation



Description:

View of front of classroom. Walls are board tongue-and-groove paneling, with 2x4 studs.

**Photo Number
19**



Description:

View of front entrance.

**Photo Number
20**

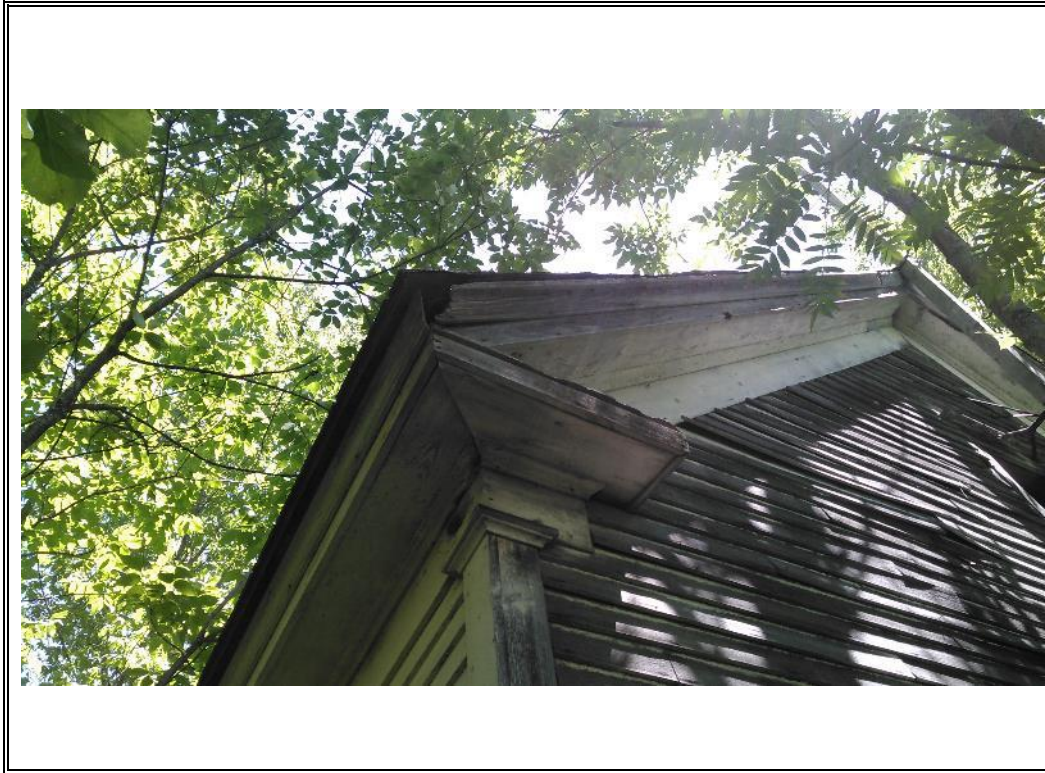
Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

Date:
June 30, 2022



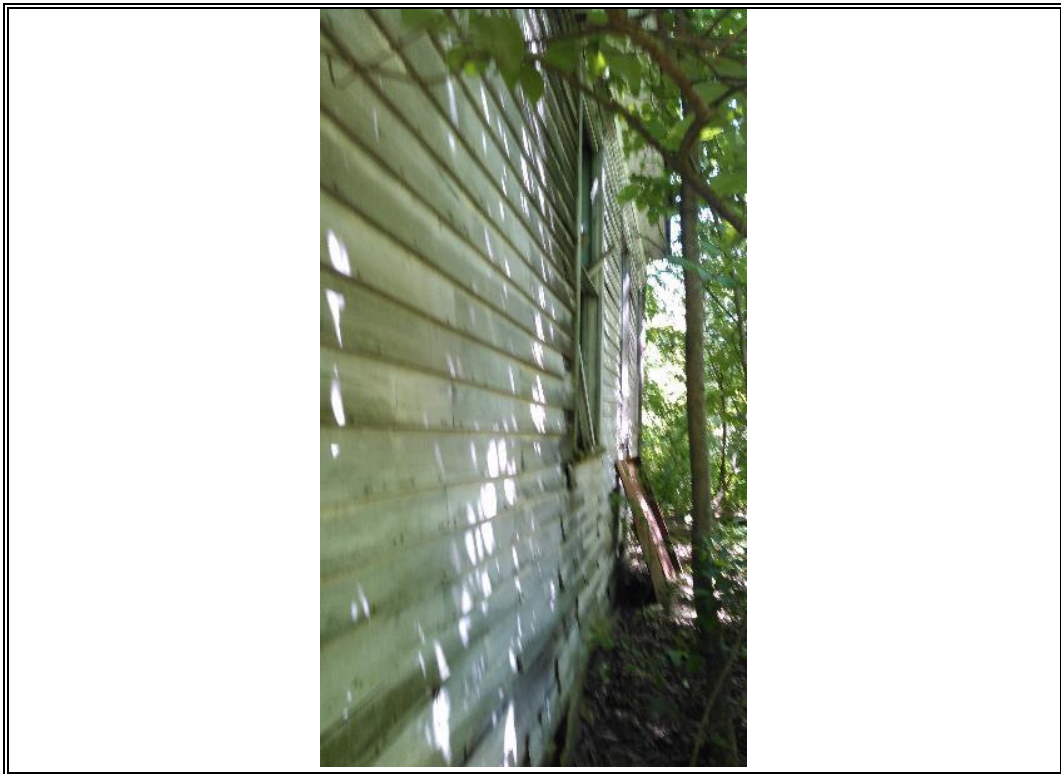
Limited Structural Evaluation



Description:

View of front left corner of eaves, note hole chewed in trim.

**Photo Number
21**



Description:

Right exterior.

**Photo Number
22**

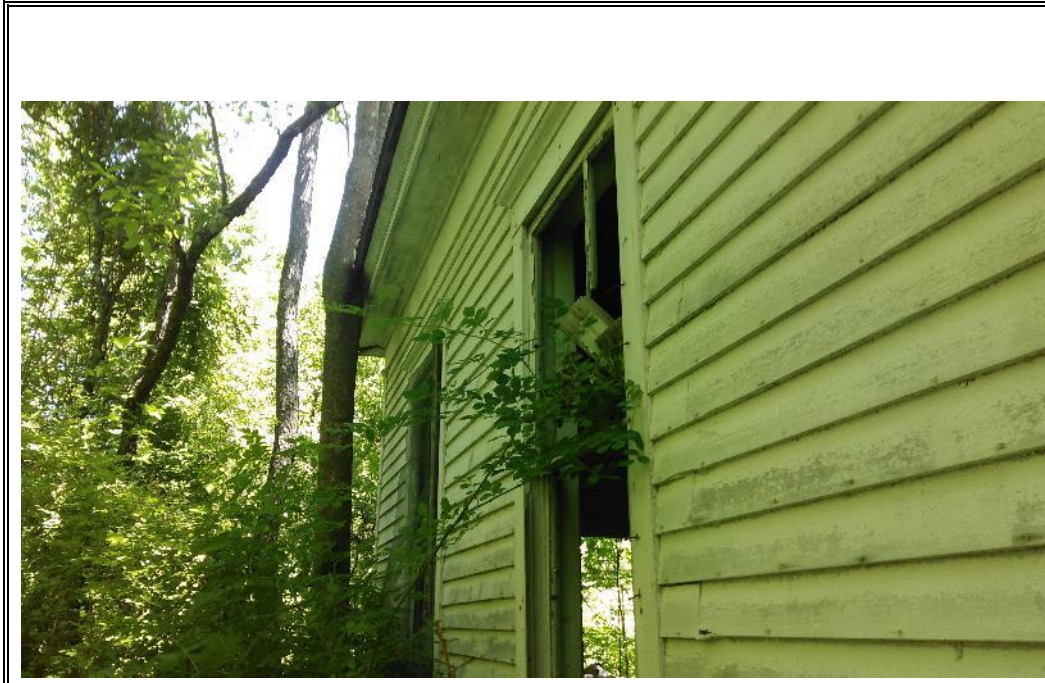
Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
Helen C. Watts, P.E. (ME)

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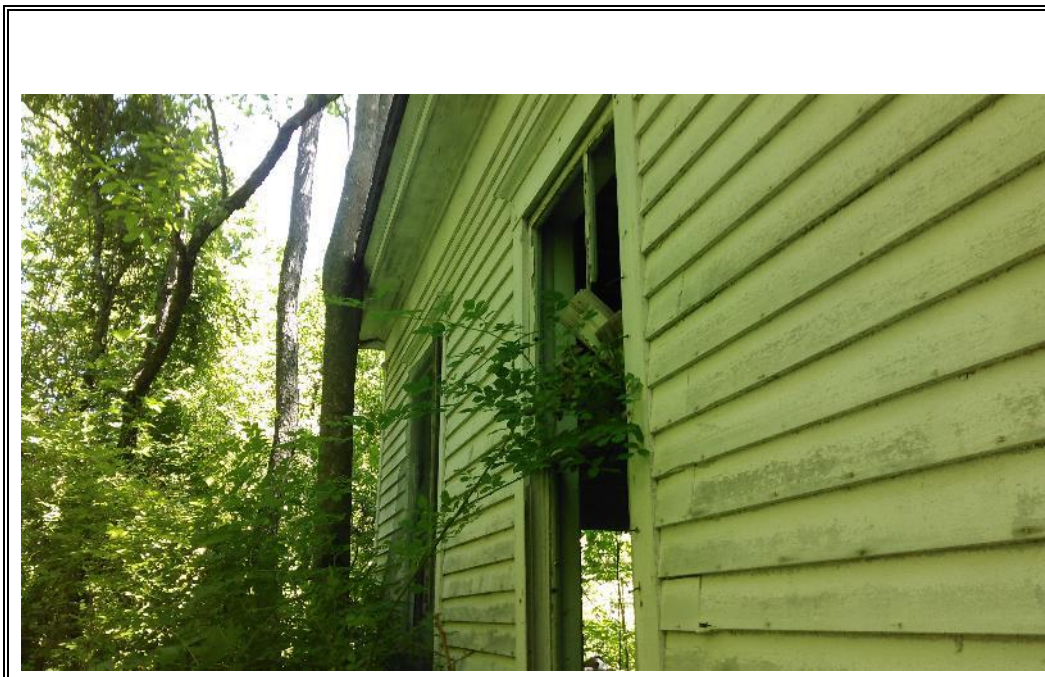
Limited Structural Evaluation



Description:

Tree growing around and into eaves, left side of building

**Photo Number
23**



Description:

Tree growing around and into eaves, left side of building

**Photo Number
24**

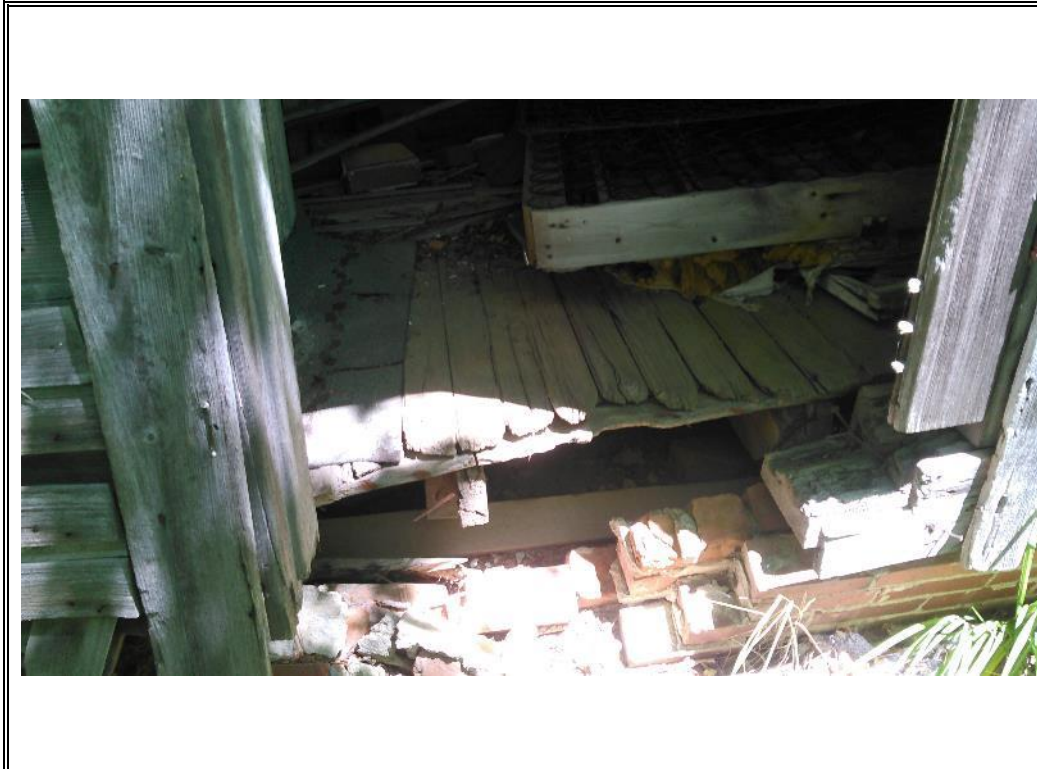
Parker Schoolhouse
318 Bowie Hill Road
Durham, Maine

Photo Taken by:
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June 30, 2022



Limited Structural Evaluation



Description:

Entrance at front,
loss of sill support

Photo Number
25



Description:

Typical connection,
joists to center
beam; beam has
lost interior
supports.

Photo Number
26

ATTACHMENT B
RESUMES

Helen C. Watts, P.E.
Senior Structural Engineer



Helen Watts practices structural engineering with PE licensure in nine states, with over 40 years of experience in construction, facilities engineering, inspection, and structural design for repairs, new construction, and building modifications.

Her experience includes hundreds of residential and commercial building inspections, remediation and remodeling designs, forensic investigations, and design for new construction on commercial, industrial, condominium and residential properties, as well as construction management and inspection.

For over 12 years, she worked as a Principal at Helen Watts Engineering PLLC performing inspections and design for wood, timber, masonry, concrete, and steel structures.

Helen has taught a variety of courses to engineers and the trades, including developing a curriculum and teaching the first course of structural engineering for timber framers at KVCC, and teaching structural engineering for the PE preparation course for mechanical engineers.

EDUCATION AND PROFESSIONAL AFFILIATION

University of New Hampshire, Durham, NH – 1980, BS Civil Engineering

University of Maine, Orono, ME – 1983, 5th Year Certificate, Pulp and Paper Manufacturing

Licensed Professional Engineer: Maine, New Hampshire, Massachusetts, Hawaii, Colorado, Ohio, Illinois, Indiana, New Jersey, Tennessee, Utah, Minnesota and Arizona

Certifications: NCEES, SECB, MaineDOT LPA

Memberships: Structural Engineers Association of Maine

Timber Guild Engineering Council

ASCE Fellow, Lead for 2 Areas for Maine Infrastructure Grade 2008 -

Society of Women Engineers

Pejepscot Terrace, Brunswick, ME – Chair of the Board

Author: The Graphic Handbook of the Pretty Good House (2013)

Volume 2, The Pretty Good House (2016)

The Pretty Good House (2021)

WHY I DO WHAT I DO

I want to help every building be the best it can be, and every building owner get the most out of their building dollar. Buildings should be healthy, comfortable, robust and sustainable. My work impacts the productivity of the building occupants, the carbon footprint during construction and maintenance, and the bottom line of the owners. I love finding the little problems that can be big possibilities instead of bad surprises.

WHY CRITERIUM ENGINEERS

Criterion Engineers serves a wide variety of clients across the country, and I like the challenge of assisting Criterion Franchises. I also like the care taken in producing high-quality reports.

PROJECT HIGHLIGHTS

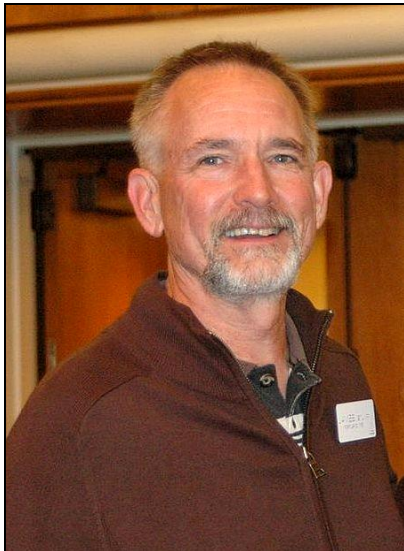
- Inspection and report on the Gedney House, Salem, MA, owned by Historic New England and built in 1665 – Structural adequacy, durability, and ideas for the use of the building as a museum of timber and wood construction methods.
- Hathorn Block, Bowdoinham, ME – Structural evaluation and repair planning, new masonry openings, plus structural design to bring 5 stories of 1849 timber framing up to modern building code floor loadings and to provide an elevated concrete deck.
- New private residence and cottage, Biddeford, Maine – Evaluation of existing retaining wall, and design and permitting of new retaining wall under new Maine Sand Dune regulations, structural design of two new buildings, weekly construction inspection through completion of structural framing.
- Horizontal boring machine, Portsmouth Naval Shipyard, Kittery, ME – Design of foundation and installation of the foundation and the horizontal boring machine in the Controlled Industrial Access area of the shipyard
- Portland House, Portland, ME – Inspection, development of repair plans and specifications, project contracting assistance and construction inspection, repairs to 3-level parking garage. Also, repairs to the masonry exterior, and planning of work for the handrail attachment to the balcony decks.
- Danforth Heights, Portland, ME – Investigation, report, repair planning, specifications and drawings, contracting assistance, construction inspection, repairs to masonry façade to stop water intrusion. Also, inspections of 43 units of low-income townhouses with reports for maintenance planning.

hwatts@criterion-engineers.com – Phone #: 207-869-4208, Cell #: 207-522-9366
5 Depot Street, Suite 23, Freeport, ME 04032



BUILDING INSPECTION ENGINEERS
PROUDLY SERVING NORTH AMERICA SINCE 1957

James P. Stump, P.E.
Senior Engineer



James Stump practices within the Construction Engineering discipline with a Civil Engineering licensure.

Mr. Stump has over 35 years of experience in engineering-related services, including

- hundreds of residential and commercial building inspections
- directing building construction quality assurance programs
- system development and field activities for building envelope commissioning
- providing building construction quality evaluations
- forensic investigations.

Mr. Stump has also been a college Capital Projects Manager and has been owner and operator of a building construction company.

EDUCATION AND PROFESSIONAL AFFILIATION

State University of New York, College of Environmental Science and Forestry, Syracuse, NY – 1979

Master of Science, Environmental and Resource Engineering

Construction engineering emphasis

University of Michigan, School of Social Work – 1972

College of Wooster, Wooster, Ohio – 1969

Bachelor of Arts, History

Licensed Professional Engineer:

State of Maine, No. 8681

Commonwealth of Massachusetts, No. 48237

State of Arizona, No. 51206

State of North Carolina, No. 038775

State of New York, No. 097146

Certified EIFS Inspector, No. 749706

National Academy of Building Inspection Engineers

Board Certified Building Inspection Engineer – No. 233

National Society of Professional Engineers

WHY I DO WHAT I DO

"I am a Building Construction engineer because I think it is important to help ensure high quality building construction and because I enjoy solving building construction problems."

WHY CRITERIUM ENGINEERS

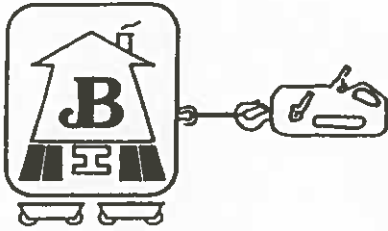
"I work at Criterium Engineers because it truly is a leader in providing investigative and diagnostic engineering services and because working with the Criterium affiliate offices gives me the opportunity to work with a wide range of engineers with an extensive expertise."

PROJECT HIGHLIGHTS

- **Gila River Indian Community, Arizona** – Design and construction administration of the rehabilitation of an EIFS façade at a resort
- **ENR2 building at the University of Arizona** – Design assist and construction administration, working with the project architect, GLHN, the contractor, Hensel Phelps, and the University.
- **Portland House Balcony Repairs** – working with the Association and Dirigo Management in addressing balcony concrete repairs
- **The Flats & The Darcy, multi-family residential new construction, Bethesda, MD** – Building envelope consulting and construction quality assurance field inspections, working with Northwestern Mutual, PN Hoffman and SK&I Architects.
- **Scott & White Healthcare, Hurd Regional Medical Center, Marble Falls, TX** – Design assist and construction quality assurance field inspections, working with Adams, Project Manager; Jacobs Engineering Group, Project Designer; and MEDCO, Project General Contractor.
- **Bradford I, multi-family residential new construction, Cary, NC** – Pre-construction plan review and construction quality assurance field inspections, working with Northwestern Mutual; Housing Studio, Project Architect; and Northwood Ravin, General Contractor.
- **Fort Benning Martin Army Community Hospital, Fort Benning, GA** – design assist and construction administration, working with Turner Construction and the project architect, AECOM-Ellebe Beckett
- **San Diego International Airport New Terminal 2** – building enclosure commissioning, working with Turner Facilities Management Solutions and Turner/PCL/Flatiron Joint Venture
- **38 Moose Hollow Lane** – single-family home new construction evaluation
- **Department of Veterans Affairs, Outpatient Clinic, Austin, TX** – Building envelope commissioning, working with Cullinan Associates.
- **Millennium Place North Window Evaluation, Boston, MA** – Construction quality review.

jstump@criterium-engineers.com – (207) 869-4225

5 Depot Street, Suite 23, Freeport, ME 04032



J P Beote, Inc.

P.O. Box 95 • Gray, Maine 04039 Tel: 207-657-4393

July 1, 2022

Jonathan Lobozzo
P O Box 214
Bath, ME 04530

Jon:

Thank you for having me look at the schoolhouse on Bowie Hill Road, Durham. We have worked on many historic buildings from local, State and Federal Historical Projects. This schoolhouse seems to touch "home" the most.

The building seems to have been neglected for an extended period of time. One of the first things I learned in building construction/preservation was the roof is most important. Rot from the bottom-up is much more localized and easier to repair. When the water comes in from the top, damage is everywhere. It is sad to see the hole in the roof and how much structure has been affected.

I do not think this building should be moved as a whole. I do believe most anything can be moved. That has been my mantra for over 40 years: if a building is structurally sound, it can be moved over any reasonable terrain. However, in this situation, the floor, 30% of the roof and the interior partition would have to be fixed first to make it structurally sound. It seems there would be no end to the repair once that is started. That cost is unpredictable, and I would expect, would soon exceed replacement cost, and more.

I would decline to move this schoolhouse, but maybe in the interest of historic value, some piece(s) could be preserved, such as a door or wall?

Thank you,


Joe Beote
President

Any structure • Any machine • Any size



Durham Maine Historical Society
744 Royalsborough Road, Durham, ME 04222
Phone: (207) 720-0015

August 29, 2022

To whom it may concern:

On behalf of the Durham Historical Society, I agree with Jonathan Loboazzo's proposal to demolish the Parker Schoolhouse, located on Bowie Hill Road. The school, at this point, is beyond rehabilitation and because of safety reasons must be demolished. To honor the last standing schoolhouse that was not renovated, a plaque will be placed on the site to commemorate the building. The Durham Historical Society, as well as many members of our community, feels this is a wonderful way to honor the one room schoolhouse.

If you have any further questions, please do not hesitate to reach out to me via email or through phone.

Sincerely,

Tia M. Wilson
Chair/Treasurer
Durham Historical Society
207-720-0015
tiawilson978@gmail.com

Founded in 1976

Tia Wilson
Chair/Treasurer

Paul Erdmann-Purdy
Co-Chair



630 Hallowell Road
Durham, Maine 04222
Phone: 207-353-2561 FAX: 207-353-5267
www.durhamme.com



September 13, 2022

Re: Parker Schoolhouse Building

Mr. Lebozzo,

After receiving the engineers report from Criterium Engineers, I Alan Plummer, Code Enforcement Officer for the town of Durham, Maine Deem the parker school House building a "Dangerous Building" based on the guidelines of **Maine Statute Title 17, Chapter 91, subchapter 4 §2851: Dangerous Buildings.**

Please accept this letter as an outline to move forward with the demolition of the Parker Schoolhouse as soon as the Planning Board removed the condition in your subdivision approval that stipulates that you cannot demolish the parker schoolhouse.

I have been in touch with Lois Kilby-Chesley, who is a member of the Historic District Commission and clarified what the Historic District Commission expects going forward.

- You have agreed to set aside any artifacts and significant pieces of wood that the historical committee can use for memorializing the school building in picture frame or frames, perhaps a bench made from the wood, or even significant sized stones from the foundation which could possibly be used as a plaque holder at the site of the old school house.
- Please set items of that nature aside during demolition and notify me when and where they may be picked up.
- **As soon as you have met with the Planning Board regarding removal of the condition in your subdivision plan about demolition of historic buildings, and they have removed that condition from your subdivision plan, you may proceed with Demolition.**

This letter serves as removal of the stop work order for demolition.

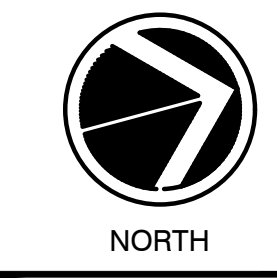
Please let me know when you think artifact recovery and demolition may commence.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Alan Plummer".

Alan Plummer
Code Enforcement Officer
Town of Durham



This is a revision of a previously approved plan which was recorded in the Androscoggin Registry of Deeds on 1/18/2022.
Book 54 Page 13

NET DEVELOPMENT DENSITY CALCULATION:

TOTAL PARCEL AREA	1,829,293 S.F.
AREAS UNSUITABLE IN NATURAL STATE:	
-- WETLANDS/WATERCOURSES & FLOODPLAIN	270,627 S.F.
-- STEEP SLOPES OVER 20%	24,127 S.F.
AREAS REMOVED FOR:	
-- ACCESS ROAD/R.O.W.*	274,400 S.F.
-- EASEMENTS*	17,715 S.F.
REMAINING LAND	1,284,272 S.F.
MINIMUM DWELLING UNIT AREA IN RURAL, RESIDENTIAL, AND AGRICULTURAL ZONE = 90,000 S.F.	
NET DEVELOPMENT DENSITY CALCULATION: 1,242,424 / 90,000 = 13.8 UNITS	
PROPOSED LOTS = 13 UNITS	

ZONING SUMMARY:

CURRENT USE: UNDEVELOPED
PROPOSED USE: 13 LOT-CLUSTERED SUBDIVISION
ZONE - RURAL, RESIDENTIAL, AND AGRICULTURAL

APPLICABLE SPACE AND BULK REGULATIONS	MINIMUM	PROVIDED
LOT AREA	45,000 S.F.	> 45,000 S.F.
STREET FRONTAGE	150'	> 150'
CUL-DE-SAC FRONTAGE	N/A	N/A
LOT WIDTH	N/A	N/A
PRINCIPAL STRUCTURE:		
FRONT SETBACK	50 FT.	50 FT.
SIDE SETBACK	20 FT.	20 FT.
REAR SETBACK	20 FT.	20 FT.

OPEN SPACE	914,647 S.F. (50%)	976,179 S.F. (53%)
OPEN SPACE NOT WETLANDS	457,324 S.F. (50%)	775,573 S.F. (79%)

GENERAL NOTES:

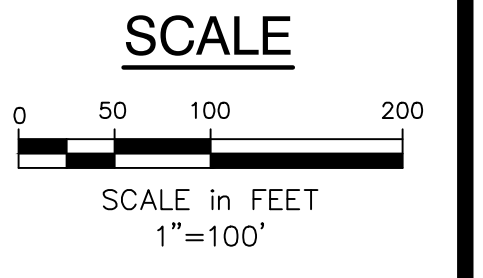
1. WETLAND DELINEATION WAS PERFORMED BY STEPHEN MARCOTTE.
2. CONTOURS ARE FROM GIS.
3. EACH LOT WILL BE LIMITED TO 20,000 SQUARE FEET OF DEVELOPED AREA (LAWN INCLUDED).
4. THE SIDE SETBACKS WILL REMAIN VEGETATED. IF THE SIDE SETBACKS ARE CLEARED DURING THE GRADING OF THE LOTS OR ROAD THE SAME NUMBER OF TREES THAT WERE REMOVED WILL BE REPLANTED.
5. TRAIL CONSTRUCTION WILL BE LIMITED TO THE REMOVAL OF TREES SMALLER THAN 3-INCHES IN DIAMETER. ANY STREAM CROSSING WILL SPAN THE WIDTH OF THE STREAM BED BY A MINIMUM OF 3' ON EITHER SIDE OF THE STREAM. THE TRAIL WILL BE A MAXIMUM OF 3' WIDE AND THE BASE WILL BE NOTHING.
6. NO DUG WELLS ARE PERMITTED ON ANY PART OF THE PROPERTY.
7. THERE IS A 100' SETBACK FROM ALL STREAMS ON THE PROPERTY.
8. ALL RESIDENTIAL STRUCTURES SHALL HAVE SPRINKLERS IN ACCORDANCE WITH THE MOST RECENT STATE FIRE CODES.
9. ANY STONE WALLS MOVED DURING THE CONSTRUCTION OF THE ROAD OR RESIDENTIAL LOTS WILL NEED TO BE RELOCATED ON SITE.
10. OPEN SPACE SHALL REMAIN VEGETATED AND ALL CULTURAL SIGNIFICANT AREAS WILL REMAIN UNCHANGED.
11. FURTHER SUBDIVISION OF THE OPEN SPACE AND ITS USE FOR OTHER THAN NONCOMMERCIAL RECREATION, AGRICULTURE, OR CONSERVATION PURPOSES, EXCEPT FOR EASEMENTS FOR UNDERGROUND UTILITIES, SHALL BE PROHIBITED. STRUCTURES AND BUILDINGS ACCESSORY TO NON-COMMERCIAL RECREATIONAL OR CONSERVATION USES MAY BE ERRECTED ON COMMON LAND ONLY WITH PLANNING BOARD REVIEW AND APPROVAL.
12. ALL DEDICATED OPEN SPACE SHALL NOT BE USED FOR FUTURE BUILDING LOTS.
13. TOPSOIL PILES SHOULD BE LOCATED A MINIMUM OF 50' FROM THE EDGE OF WETLANDS. IF A STOCKPILE IS INTENDED TO REMAIN FOR MORE THAN 14 DAYS, IT SHOULD BE STABILIZED. ALL STOCKPILES SHOULD HAVE AN EROSION CONTROL BERM PLACED AROUND THE TOE OF SLOPE.
14. DURING STREET CONSTRUCTION, THE ENTIRE RIGHT OF WAY SHALL NOT BE CLEARED UNLESS CLEARING IS NECESSARY FOR UTILITIES, DRAINAGE OR OTHER INFRASTRUCTURE NECESSITIES BEYOND THE CLEAR ZONE. FOLLOWING STREET CONSTRUCTION, THE DEVELOPER OR CONTRACTOR SHALL CONDUCT A THOROUGH CLEAN-UP OF STUMPS AND OTHER DEBRIS FROM THE ENTIRE RIGHT OF WAY CREATED DURING THE STREET CONSTRUCTION PROCESS. IF ON-SITE DISPOSAL OF THE STUMPS AND DEBRIS IS PROPOSED, THE SITE SHALL BE INDICATED ON THE PLAN AND BE SUITABLY COVERED WITH FILL AND TOPSOIL, LIMED, FERTILIZED, AND SEEDDED.

LAND TO BE RETAINED BY OWNER.
CANNOT BE SOLD OR DEVELOPED WITHOUT ADDITIONAL
PLANNING BOARD APPROVAL
1,957,378 SQFT (~44.9 ACRES)

LAND TO BE RETAINED BY OWNER.
CANNOT BE SOLD OR DEVELOPED WITHOUT ADDITIONAL
PLANNING BOARD APPROVAL
1,957,378 SQFT (~44.9 ACRES)

LAND TO BE TRANSFER TO DALE CLAYTON (MAP 10 LOT 40A)
333,450 SQFT (~7.6 ACRES)

APPROVED BY THE TOWN OF DURHAM
PLANNING BOARD



REV	DATE	DESCRIPTION
4	4/19/2022	AMENDED FINAL SUBMISSION
3	9/20/2021	FINAL SUBMISSION
2	7/27/2021	PRELIMINARY SUBMISSION REVISION
1	7/2/2021	PRELIMINARY SUBMISSION
REV	DATE	DESCRIPTION

**BOWIE HILL SUBDIVISION
DURHAM, MAINE
SUBDIVISION
PLAN**

BOWIE HILL DEVELOPMENT, LLC
PO BOX 214
BATH, MAINE 04530

Grange Engineering LLC
241 Rowe Station Road
New Gloucester, ME 04260
Tel: 207.712.6990

DRAWN: CEB DATE: 4/19/2022
DESIGNED: CEB SCALE: 1" = 100'
CHECKED: CEB JOB NO. 1
FILE NAME:
SHEET: SD-1