

DURHAM PLANNING BOARD
REGULAR MEETING AGENDA
Durham Town Offices, 6:30 p.m.
December 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 (November 1, 2023)
4. Informational Exchange on Non-Agenda Items:
 - a) Town Officials
 - b) Residents (Public comment will be taken)
 - c) Non-Residents (Public comment will be taken)
5. New Business:
 - a) Completeness Review of Site Plan Review Application for Expansion of the Leisure Campground for 40 RV sites, Map 2, Lot 13 (Public comment will not be taken)
6. Other Business
 - a) Board Discussion of Draft Land Use Ordinance Amendments (Public comment will not be taken)

3. Acceptance of the Minutes of Prior Meetings (November 1, 2023)



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
November 1, 2023

1. Roll Call & Determination of a Quorum

In attendance: John Talbot (Chair), Juliet Caplinger (Vice Chair), Allan Purinton, Brian Lanoie, Anne Torregrossa (arrived late) and George Thebarga (Town Planner).

Absent: Tyler Hutchison (Excused)

2. Amendments to the Agenda: None

3. Acceptance of the Minutes of prior meeting (October 4, 2023)

Allan Purinton moved to accept the October 4th, 2023 meeting minutes, **Brian Lanoie** seconded, motion carried **4 – 0 with 1 abstention**.

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials – None

b.) Residents - None

c.) Non-residents – None

5. Old and New Business: No new or continuing applications

6. Other Business:

a. Board Discussion of Draft Land Use Ordinance Amendments

- The Planning Board has scheduled a public information meeting on Wednesday, November 15, 2023 at the Fire Station at 6pm to present and take input on draft amendments to the Land Use Ordinance that will be considered at the April 2024 Town Meeting.
- Policy issues to be addressed:

Housing Density

- In 2022, the Maine Legislature passed legislation that requires Durham to allow a third housing unit wherever there is an existing single-family dwelling.
- The current Land Use Ordinance only allows two housing units per lot (single-family with accessory apartment on 2 acres, duplex on 2.5 acres).

- The 2018 Durham Comprehensive Plan recommends consideration of 3-unit and 4-unit housing if the design of the units is controlled to protect rural character and neighborhood integrity.
- Over the past year and a half, the Planning Board has conducted a public participation process that indicated equal citizen concerns for lack of availability of housing and the impacts of housing.

After discussion, the Board requested that the presentation be simplified to exclude graphics of the current zoning allowances and to focus on the Planning Board proposal and the alternative of the State law result if the Board proposal does not pass at Town Meeting.

Anne Torregrossa requested a Word version of the draft amendments to offer additional wording changes to the draft amendments for housing density.

Solar Energy Systems

- The Conservation Commission agreed to take the lead on developing performance standards for review of solar energy systems.
- Over the summer, the Commission met with the Topsham Conservation Commission to review their program for regulating this land use.
- The Town Planner took the Topsham regulations and integrated them into
- draft amendments to Durham's Land Use Ordinance framework.
- The Town Planner also added provisions from other ordinances that addressed specific details and concerns for enforceability.
- The Conservation Commission reviewed the final draft and endorsed moving to a public information meeting to solicit input from citizens.
- The Town Planner will meet with the Conservation Commission at the end of the month (November) to go over Solar Energy and set a date in December to hold a public informational meeting.

Juliet Caplinger requested a Word version of the draft amendments to offer additional wording changes to the draft amendments for solar energy systems.

Codification of Permit Fees

- In 2022, voters approved moving specific fees from the text of the Land Use Ordinance to a fee schedule that can be updated by the Select Board on a regular basis and kept current with service costs.
- The Land Use Ordinance does not refer to required fees in all articles, and the Town Attorney has advised that all fees on the fee schedule should be referenced in the Land Use Ordinance.
- Amendments to list all of the current fees associated with land use permits are included in the draft solar energy systems amendments.

Expansions of non-conforming dwellings

- During the public participation process for the realignment of the Resource Protection District, landowners expressed concern for the difficulty and costs of going before the

Town's regulatory boards for modest expansions of buildings that would be placed in the expanded Resource Protection District.

- Article 16 currently allows expansions of up to 30 percent with Planning Board conditional use approval. Expansions greater than 30 percent can be approved by the Board of Appeals subject to mitigation of groundwater impacts.
- The Town Planner drafted amendments that would give the Code Officer
- authority to approve expansions up to 30 percent subject to setbacks and State environmental standards. The draft amendments would transfer reviews over 30 percent from the Board of Appeals to the Planning Board.
- Members of the Select Board and Planning Board questioned whether the proposed changes were permissible under State laws for expansions of nonconforming uses.
- An attorney at MMA confirmed that there are potential problems with the existing regulations and the proposed changes.
- The Town Planner met with the Conservation Commission to present an alternative concept for addressing landowner concerns for expanding existing buildings in the Resource Protection District.
- The Town Planner has done visual analysis of aerial photography to identify about 30 properties where the developed portions of those lots are within the new Resource Protection District.
- The Conservation Commission supports the concept of revising the Zoning Map to exclude these smaller currently developed areas that are within the Resource Protection District boundary based on the Beginning with Habitat inventories.
- This would remove the nonconforming status of those buildings and allow expansions subject to the standard requirements without going before the regulatory boards.

The Board discussed possibly drafting an expansion of a “grandfathering” provision for properties that were not in Resource Protection until April of 2023 to be allowed expansion up to 150% or some other number if *x*, *y* and *z* criteria are met. It was determined that this “grandfathering” provision would have to wait until next year after Town Meeting.

Allan Purinton moved to continue exploration of the concept of revising the Resource Protection District boundary with the next step being to check with MMA legal services to determine whether this proposed revision of zoning map would be considered either spot zoning or arbitrary. **Anne Torregrossa moved** to include “or otherwise inconsistent with State Laws” to the motion.

John Talbot moved to have the Town Planner continue to look into the legality and if it comes back that it is illegal that ends it. If it comes back that it is legal, then the Board will continue on and go to the Conservation Commission and decide at our December meeting whether we are going to go beyond that. **Allan Purinton seconded, and the vote failed 2 – 3.**

7. Adjourn

Juliet Caplinger motioned to adjourn the meeting. **Allan Purinton seconded**, motion carried **5 – 0**. Meeting adjourned at 9:02 pm.

5. New Business:**a. Completeness Review of Site Plan Review Application for Expansion of the Leisure Campground for 40 RV sites, Map 2, Lot 13 (Public comment will not be taken)**

- The applicant received conditional use approval for a campground expansion with 40 new RV sites on September 6, 2023 (notice of approval and approval conditions in packet).
- Under the Land Use Ordinance, separate site plan approval of the project design is required per the provisions of Article 8.
- The applicant has submitted a plan labeled as “S2.1 Existing Conditions Plan” dated October 25, 2023 (Submission 7).
- The applicant has submitted an application with accompanying fee of \$800 and a review escrow of \$4000 based on the 40 campsites, which are “parking areas” under Section 8.3.
- The applicant has submitted cut sheets for various electrical and water service features.
- The applicant has also submitted a Site Plan Review Checklist dated 10/10/2023.
- Pages 1 through 3 of the checklist contain the elements of a completed application and can be used by the Planning Board to determine whether the applicant has provided the Board with all of the submissions listed in Section 8.5.
- Given the nature of the project, the applicant is asking the Planning Board to make a determination of what information it will require.
- The Board in the past has indicated that it will require all information indicated in Section 8.5 unless the applicant requests a waiver of each item they do not wish to prepare and submit with their application.
- The Board has further indicated that it will require a separate waiver request for each submission not included with a justification for the waiver (waiver request form included in packet).
- To process the completeness review and give the applicant the requested direction, the Board could go down through the individual checklist items on pages 1 through 3 (8.5. A through C and C.1 through C.30).
- The Board can first make a determination of whether the applicant has submitted the required documentation for each item.
- If the applicant has not submitted the required documentation, the Board can then discuss and decide whether it will consider a waiver request for that submission requirement.

- The Board can also discuss and decide whether it will require a separate waiver request for each individual item or whether it will accept a single waiver request application with the individual submissions listed on that waiver request.
- This list will then be included in a notice of incompleteness that will provide the basis for subsequent determination of a completed application that can be processed for substantive review of the application.
- Once the Board determines that it has received a completed application, it must make a decision on the application within 60 days unless the applicant agrees to an extension of that decision time frame (Section 8.4.H).



TOWN OF DURHAM
**630 Hallowell Road
Durham, Maine 04222**

*Office of Code Enforcement
and Planning*

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

CONDITIONAL USE APPLICATION NOTICE OF DECISION

Date: September 11, 2023

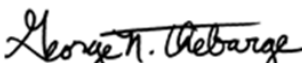
To: Ken & Gwenn Huot
Durham Leisure Holdings LLC
24 Leisure Lane
Durham, Maine 04222

Mr. & Mrs. Huot;

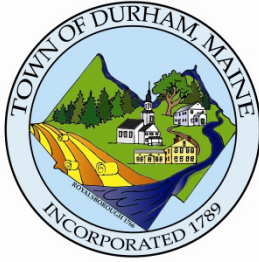
This letter is to inform you that on September 6, 2023, the Durham Planning Board approved your conditional use application for the expansion of the Durham Leisure Campground (Map 2, Lot 13).

In accordance with Section 7.5.A of the Durham Land Use Ordinance, the Planning Board has granted conditional use approval for the use expansion subject to the attached approval conditions.

Sincerely,


George Theborge AICP
Durham Town Planner

Attachments: Conditions of Approval



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 September 6, 2023

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 one wastewater disposal field serving 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.
 - 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.” The applicant must apply for and receive said permit.

Motion made by Allan Purinton: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for public health impacts.

Motion seconded by Tyler Hutchison.

Votes to approve: 4 Votes to deny: 0

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.
- g. The applicant submitted a letter from Van Terrell of MDOT (9-6-2023) verifying that the existing entrance is “grandfathered” from State permit requirements and the Department has no issues with the proposed campground expansion using it.
- h. Public comment was received by the Board from an abutter who expressed concern for traffic safety with large RVs pulling out on Royalsborough Rd.

Motion made by Allan Purinton: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for traffic safety impacts.

Motion seconded by Tyler Hutchison.

Votes to approve: 4 Votes to deny: 0

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

Findings:

- a. The applicant has stated that no school enrollment will be generated by the project.
- b. The applicant has stated that no buildings are associated with the expansion that would require fire protection.
- c. The applicant doesn't foresee any need for increased law enforcement.
- d. The applicant has provided no information as to the proposed internal drive system to verify access for Public Safety vehicles.
- e. There is an existing transmission tower on the property and the applicant has provided documents indicating easements exist for that use.
- f. The 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.
- i. The applicant submitted a letter from Crown Castle (9-1-2023) certifying structural integrity of the existing cell tower and record of inspections.
- j. The Fire Chief submitted an email indicating satisfaction with the proposed 2000 gallon water source with Fire Department connections.

Motion made by Allan Purinton: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for public safety impacts.

Motion seconded by Tyler Hutchison.

Votes to approve: 4 Votes to deny: 0

- 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 John Talbot: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for environmental impacts.

Motion seconded by Allan Purinton.

Votes to approve: 4 Votes to deny: 0

- 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 to 100 feet minimum from property line.
- e. The applicant refers to a Google map submitted with the application.
- f. The Planning Board reviewed the submitted maps to confirm the applicant's statements.

Motion made by Tyler Hutchison: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for scale and intensity of use.

Motion seconded by Brian Lanoie.

Votes to approve: 4 Votes to deny: 0

- 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.
- f. The applicant stated that they live on-site.
- g. Public comment was received by the Board from an abutter who testified that the project is always quiet.

Motion made by Allan Purinton: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for noise & hours of operation.

Motion seconded by Tyler Hutchison.

Votes to approve: 4 Votes to deny: 0

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 John Talbot: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for right, title, or interest.

Motion seconded by Allan Purinton.

Votes to approve: 4 Votes to deny: 0

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.
- g. The applicant has reduced the proposed expansion from 112 sites down to 40 sites.

Motion made by Brian Lanoie: The applicant has satisfied a reasonable burden of proof of compliance with the criterion for financial & technical ability.

Motion seconded by Tyler Hutchison.

Votes to approve: 4 Votes to deny: 0

Section 7.5 CONDITIONS OF APPROVAL

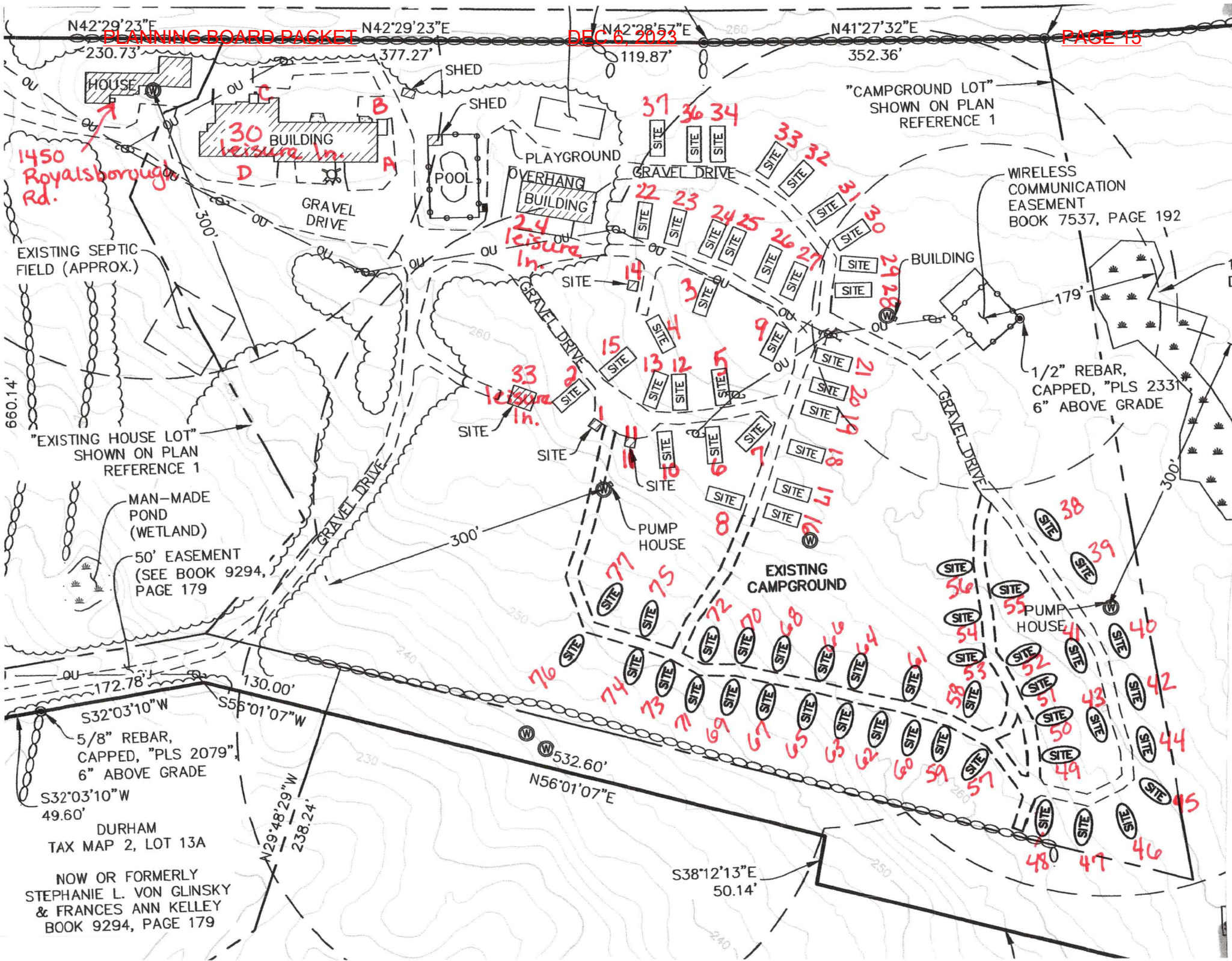
A. Planning Board Approval Conditions: Upon consideration of the criteria listed in subsection 7.4, the Planning Board may by majority vote attach such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to ensure compliance with those criteria and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance.

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

Motion seconded by Allan Purinton.

Votes to approve: 4 Votes to deny: 0

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 except for the following:
4. Sites 1 through 21 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 22 through 27 are approved for seasonal use from April 1st through October 31st.
6. Sites 28 through 37 are approved for year-round use (site 35 is eliminated).
7. Sites 38 through 77 are approved for seasonal use from April 1st through October 31st.
8. Pool hours are 9:00 to dusk.
9. Quiet time is 10:00 pm to 7:00 am.
10. Maximum length of stay for seasonal sites is seven (7) months and for year-round sites is twelve (12) months.



1450 Royalsborough Rd.

30 *leisure ln.*

24 *leisure ln.*

33 *leisure ln.*

EXISTING SEPTIC FIELD (APPROX.)

"EXISTING HOUSE LOT" SHOWN ON PLAN REFERENCE 1

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

"CAMPGROUND LOT" SHOWN ON PLAN REFERENCE 1

WIRELESS COMMUNICATION EASEMENT BOOK 7537, PAGE 192

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

EXISTING CAMPGROUND

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'



TOWN OF DURHAM+
630 Hallowell Road
Durham, Maine 04222

Office of Code Enforcement
and Planning

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

SITE PLAN REVIEW APPLICATION

Project Name: DLC Expansion

Application Date: 10-10-23

A. Owner & Developer

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

Property owner: Durham Leisure Holdings LLC Property developer: _____

Address 24 Leisure lane Address: _____
Durham ME 04222 _____

Telephone number: 207-353-5535 Telephone number: _____

Email address: dlcampground@gmail.com Email address: _____

What interest does the applicant have in the property to be developed (owner, option, purchase & sale agreement, etc.)? owner

B. Project Designers

Surveyor: Main Land Solutions Engineer: Main Land Solutions

Address: P.O. Box Q Address: _____
Livermore Falls → _____
ME. 04254 → _____

Telephone number: 207-897-6752 Telephone number: _____

Email address: mainlanddel.com Email address: _____

Person to whom all correspondence on project should go: Ken Huot

Site Plan Review Application

Project Name: DLC Expansions

C. General Property Information

Property location: 24 Leisure lane Durham ME.04222

Tax Map/Lot numbers: Map 2 lot 13

Current zoning: Rural - residential

What are the existing uses of the property, if any (e.g., farmland, woodlot, residence, business)?

RV Park

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

Total acreage of parcel: 85 Acreage to be developed: 15

Will the project involve construction of new buildings or expansion of existing structures?

YES NO

Will the project involve construction of new parking or expansion of existing parking areas?

YES NO

Is any part of the land subject to shoreland zoning regulations? YES NO

Is any part of the land shown on the FEMA flood maps? YES NO

Is any part of the land within the watershed of Runaround Pond? YES NO

Have all water bodies and wetlands on the property been mapped? YES NO

Has this project received a conditional use permit? YES NO

Date of conditional use approval: 9-6-23

List any existing easements or restrictive covenants that the property is subject to:

Conditional use

D. Required Public Notices

Have all abutting property owners received notice per Section 8.4.D.? YES NO

E. Development Information

Name of proposed development: DLC Expansion

What is the size of the proposed building construction or expansion? 0 sq. ft.

What is the size of the proposed parking construction or expansion? 16,000 sq. ft.

Site Plan Review Application

Project Name: DLC Expansion

When is construction being considered to begin (year & season)? ASAP

What is the projected year of completion? 2025

How will the project be financed? Bangor Savings Bank

Does the applicant intend to request any waivers of the site plan review requirements of Article 8? If yes, list them and state the reasons for the request (Note: waivers from design standards will require technical analysis to demonstrate that the site plan review criteria will be met). Provide full explanation and documentation of waiver requests and justification in the submissions:

Multiple horizontal lines for providing waiver details.

F. Review Fees and Escrow

Non-refundable application fee of \$100 for first 2500 sq. ft. and \$50 per 1000 sq. ft. over 2500 sq. ft. of building construction or parking expansion: \$ 800 (Note: If both building and parking, pay larger of the two)

Technical peer review escrow (unused portions are refundable) of \$250 per 1000 sq. ft. of building or parking: \$ 4,000.00

Date review fees & escrow paid: _____

G. Checklist and Required Submissions

Are the completed site plan review checklist and all submissions attached? YES NO

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

H. Signature of Applicant

[Signature]

10-10-23

Printed Name: Kenneth R. Hoot

Date



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
 and Planning*

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

SITE PLAN REVIEW CHECKLIST
SECTION 8.5 SITE PLAN REVIEW SUBMISSIONS SECTION 8.6 –
PERFORMANCE STANDARDS

PROJECT NAME DLC Expantion **DATE** 10/10/2023

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide. The checklist does not substitute for the site plan review criteria or the requirements of Article 8 of the Land Use Ordinance. The Planning Board also will be using the checklist to make sure that your application is complete and meets all standards. **Fill out all shaded columns in the checklist by initialing a box in each row.** Indicate if the information has been submitted or if a waiver is requested. The application need not contain separate plans as implied below. The perimeter survey, site plan and general engineering plans may be contained on the same drawing for site plan approval. However, detailed engineering drawings such as grading plans, utility plans, stormwater plans, and erosion/sedimentation plans should be presented on separate sheets.

SITE PLAN REVIEW REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
8.4 D.	Required public notice sent to abutting property owners			
8.5	SITE PLAN REVIEW SUBMISSIONS REQUIRED FOR COMPLETENESS REVIEW (10 Copies of application form & all materials)			
A.	Completed application form	Yes	NOT WAIVABLE	NOT WAIVABLE
B.	Location map w/ required information	PLAN	NOT WAIVABLE	NOT WAIVABLE
C.	Site plan at readable scale (1"=100' maximum)	PLAN	NOT WAIVABLE	NOT WAIVABLE
C.1	Proposed project name, Town, & Map & Lot #s	PLAN	NOT WAIVABLE	NOT WAIVABLE
C.2	Names of owner, applicant, plan preparer & abutters	PLAN	NOT WAIVABLE	NOT WAIVABLE

Site Plan Review Checklist – Project Name _____

SITE PLAN REVIEW REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Received by Planning Board	Waiver Granted
C.3	Documentation of legal rights to develop property	Yes	NOT WAIVABLE		NOT WAIVABLE
C.4	Standard boundary survey	PLAN	NOT WAIVABLE		NOT WAIVABLE
C.5	Copy of most recent deed w/ any encumbrances	YES	NOT WAIVABLE		NOT WAIVABLE
C.6	All septic system test pit logs	PLAN			
C.7	Proposed water supplies for domestic & firefighting purposes	PLAN			
C.8	All wetlands mapped	PLAN			
C.9	Location of any water features & indication of location in or out of Runaround Pond watershed	PLAN			
C.10	Topography at 5 ft. & 2 ft. contours (for areas where construction will occur)	PLAN			
C.11	Zoning district and any district boundaries	PLAN	NOT WAIVABLE		NOT WAIVABLE
C.12	Location (w/ size) of existing & proposed culverts & drainage ways shown	NA			
C.13	Existing streets, easements, buildings, parks, & deeded open spaces (on or adjacent)	PLAN			
C.14	Traffic entrance(s) sight distances external & internal roads	YES			
C.15	Location & width of existing & proposed access drives	PLAN			
C.16	Proposed waste disposal types & facilities	YES			
C.17	Proposed driveways, parking & loading areas, walkways, & circulation	PLAN			
C.18	Proposed landscaping & buffering	YES			

SITE PLAN REVIEW REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
C.19	Location, dimensions, ground floor elevation of all buildings & expansions	PLAN	NOT WAIVABLE		NOT WAIVABLE
C.20	Location and details of all signage	PLAN			
C.21	Location & type of exterior lighting	PLAN			
C.22	Location of all utilities, including fire protection systems	PLAN			
C.23	General description of proposed use or activity				
C.24	Signature block for Planning Board Chair	PLAN			
C.25	Flood mapping if in FEMA flood area	NA			
C.26	Wildlife habitat identified per MIF&W mapped or confirmed absent	NA			
C.27	Historic & archaeological resources identified per MHPC or confirmed absent	NA			
C.28	Erosion & Sediment Plan				
C.29	Stormwater Plan				
C.30	Phosphorus Plan (if in watershed of Runaround Pond)	NA			
D.	ADDITIONAL STUDIES THAT MAY BE REQUIRED BY THE BOARD (Based on project type & size, site issues, or issues that come up during review)				
D.1	High intensity soil survey				
D.2	Hydrogeological assessment for groundwater withdrawal				
D.3	Traffic trip generation (required for larger projects)				
D.4	Traffic impact study (required for larger projects or if safety issues are identified)				
E.	Additional information required by Planning Board to verify compliance with standards (requires vote of the Board)				

SITE PLAN REVIEW REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
8.6 REVIEW STANDARDS TO BE ADDRESSED BY THE APPLICANT'S SUBMISSIONS AFTER THE APPLICATION IS DEEMED COMPLETE BY THE PLANNING BOARD				
8.6.A Utilization of the Site				
Plan reflects natural capabilities of site to support the development	YES			
Buildings & parking located on suitable land	YES			
Environmentally sensitive portions of site avoided & protected	YES			
Natural drainage maintained to maximum extent practical	YES			
8.6.B Adequacy of Road System				
Access road(s) have capacity to take the added traffic proposed	NA			
Traffic analysis for projects with more than 100 peak hour trips	NA			
8.6.C Vehicular Access into the Site				
C.1 Meets entrance sight distances per Appendix 1, Section 1.4	YES			
C.2 Access onto road(s) within steepness limits (3% for two car lengths)	YES			
C.3 Access off secondary road if more than one frontage	NO			
C.4 Off-site traffic improvements required per traffic study	NO			
C.5 Entrance designed to avoid queuing in lanes of road giving access to the site	YES			
C.6.a Only 1 driveway entrance if less than 100 daily trips & less than 30 feet wide	NA			
C.6.b No more than 2 entrances if 100 daily trips or more	NA			
C.6.c Entrance(s) at least 50 ft from any intersection	YES			
C.6.d Entrances at least 75 ft apart	NA			

SITE PLAN REVIEW REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
8.6.D	Internal Vehicular Circulation				
D.1	Site plan minimizes cut & fill alterations and provides adequate room for safe operations	YES			
D.2	If large delivery vehicles will need access, entrance & circulation designed for WB-40 vehicles	YES			
D.3	Fire lanes around building(s) adequate & clearly marked	NA			
8.6.E	Parking Layout and Design				
E.1	No backing into road for parking required	NO			
E.2	Parking set back from side & rear property lines by 15 ft. unless buffering requires more distance	NA			
E.2	Parking set back from front property line by 25 ft. unless buffering requires more distance	NA			
E.3	Parking spaces and access aisles meet dimensional requirements	NA			
E.4	Signs adequate for one-way circulation if proposed	NA			
E.5	No double stacking of parking spaces	NA			
E.6	Vehicles prevented from overhanging walks & drives or damaging landscaping & lighting	NA			
E.7	Safe pedestrian circulation from buildings to parking	NA			
8.6.F	Utilities				
	Adequate utilities provided and underground or adequately screened	YES			

SITE PLAN REVIEW REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
8.6.G	Lighting Design Standards – Lighting plan submitted showing:			
G.1	Max. height of light poles 25 ft. or height of building, whichever is less	NA		
G.2	Max. apex of illumination from fixtures upward is 150 degrees max.	NA		
G.3	No building spotlights used for illumination	NA		
G.4	Light poles protected from vehicular damage	NA		
G.5	Building & light pole fixtures shielded to avoid nuisance glare & no string lights	NA		
G.6.a	Parking lot average illumination level of 1.5 fc	NA		
G.6.b	Intersection illumination level of 3 fc	NA		
G.6.c	Max. illumination at property lines of 1 fc	NA		
G.7.a	Auto service station fueling canopies have less than 20 fc average & 30 fc maximum with 1.25 uniformity ratio (max to min)	NA		
G.7.b	Fueling canopies light fixtures recessed or flush with max upward apex of illumination of 85 degrees	NA		
G.7.c	No light fixtures on fueling canopy except to illuminate approved signs	NA		
8.6.H	Signage			
	All signs meet the requirements of Section 5.24	YES	NOT WAIVABLE	NOT WAIVABLE
8.6.I	Fire Protection			
	The water supply will sustain fire suppression requirements of NFPA 1142, Water Supplies for Suburban & Rural Fire Fighting	YES		

SITE PLAN REVIEW REGULATIONS		Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
8.6.J	General Buffering Standards – Landscaping Plan showing the following:				
J.1	Evergreen buffers consist of 6-8 ft trees planted in alternate pattern 5 ft apart	NA			
J.2.a	Buffers along property lines to shield uses from abutting property	NA			
J.2.b	Garbage areas, utilities, service equipment, and outdoor storage totally screened	NA			
J.2.c	Parking areas & other vehicle storage screened but traffic visibility at entrance(s) not obstructed	NA			
J.3	Existing vegetation & landscape features provide adequate screening in lieu of installed buffers				
J.4	Existing and proposed buffers are adequate to shield structures & uses from non-compatible properties & public roadways	YES			
J.5	Fencing & screening is durable and will be properly maintained by the owner	YES			
J.6	Fencing & screening located within the property to allow access for maintenance on both sides	NA			
J.7	Management system will be in place to ensure long-term maintenance of buffering	YES			
8.6.K	Historic & Archaeological Resources				
	Applicant has confirmed with MHPC that no historic or archaeological resources are present or measures are included in the site plan to protect those resources.	NO			
8.6.L	Financial Capacity				
	The applicant has adequate financial resources to construct improvements in keeping with the standards	YES			

Site Plan Review Checklist – Project Name _____

SITE PLAN REVIEW REGULATIONS	Submitted by Applicant	Waiver Requested (with waiver request form)	Approved by Planning Board	Waiver Granted
8.6.M	Technical Ability			
	Applicant has experience with site development and/or has retained qualified consultants & contractors to complete the project in keeping with the standards	YES		
8.7	WAIVERS (Based on review of individual waiver requests)			
A.	For submission waivers, applicant has demonstrated all performance standards have been met	(Attach waiver requests)		
B.1	For waivers of performance standards, the applicant has provided sound engineering and/or environmental analysis to support the request	(Attach waiver requests)		
B.2	The waivers will not have the effect of nullifying any regulation			
B.3	The site plan review criteria are substantially met by the proposed design			
B.4	Any performance standard waivers are noted on the approved site plan		NOT WAIVABLE	NOT WAIVABLE



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

*Office of Code Enforcement
and Planning*

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

SITE PLAN REVIEW WAIVER REQUEST

A SEPARATE REQUEST FORM MUST BE SUBMITTED FOR EACH WAIVER REQUESTED

Project Name: _____

Application Date: _____

A. Applicant Contact Information

Applicant: _____ Address: _____

Telephone number: _____

Email address: _____

B. Identification of Waiver Request

Waiver Type: Submissions _____ Performance Standards _____

Land Use Ordinance Section Number: _____

C. Explanation of Waiver Request

Why is the waiver being requested by the applicant?

Project Name: _____

D. Justification of Waiver Request

Why do you think that a waiver of the site plan review requirements is justified in this case?

E. Supporting Documentation

What supporting documentation for the waiver has been included with the site plan application?

F. Signature of Applicant

To the best of my knowledge, all of the above stated information submitted in this application is true and correct.

Printed Name: _____

Date

Project Name: _____

SITE PLAN REVIEW WAIVER REQUEST FINDINGS OF FACT

Section 6.35 WAIVERS

A. **Waivers of Certain Submission Requirements:** Where the Board makes written findings of fact that there are special circumstances of a particular site, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the criteria and performance standards of these regulations have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning regulations, or these subdivision regulations.

Motion made by _____: The special circumstances of the particular tract proposed for development and the simple nature of the application indicate that the following submission item is unnecessary to verify compliance with the site plan review criteria and standards and would not nullify the intent and purpose of the comprehensive plan, zoning regulations, or these site plan regulations:

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

B. **Waivers of Performance Standards:** Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be developed, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or an alternative design is equal to or better in meeting the site plan review criteria, it may waive the design standards, subject the following criteria:

1. The applicant has provided the Planning Board with a factual basis for granting the waiver that is supported by sound engineering and/or environmental analysis (cost considerations are not justification);
2. The waiver(s) do not have the effect of nullifying the intent and purpose of the zoning regulations or these subdivision regulations;
3. The criteria of these site plan review regulations have been or will be substantially met by the proposed site plan; and,
4. The requested performance standard waivers are noted on the recorded subdivision plan (submission waivers are not noted on the plan).

Motion made by _____: The applicant has provided documentation based on sound engineering and/or environmental analysis that the following standard can be waived for the proposed site plan and is not requisite to provide for the public health, safety, and welfare subject to the proposed conditions of site plan approval:

Motion seconded by _____:

Votes to approve: _____ Votes to deny: _____

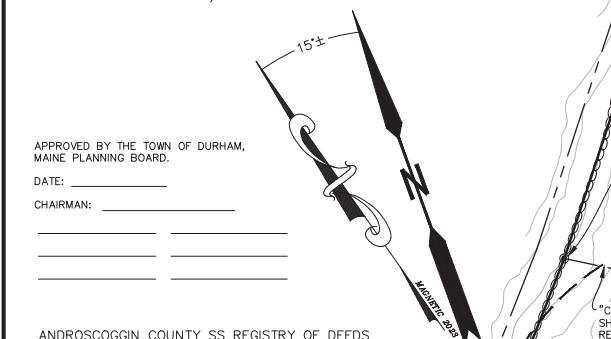
PLAN REFERENCES

1. "STANDARD BOUNDARY SURVEY LAND OF HAROLD H. COCHRANE ESTATE" DATE 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.
2. "MAINE STATE HIGHWAY COMMISSION PLAN OF PROPOSED RELOCATION STATE AID HIGHWAY NO. 27", DATED APRIL 1937, AND RECORDED IN PLAN BOOK 6, PAGE 302 ON JANUARY 5, 1938.

NOTES

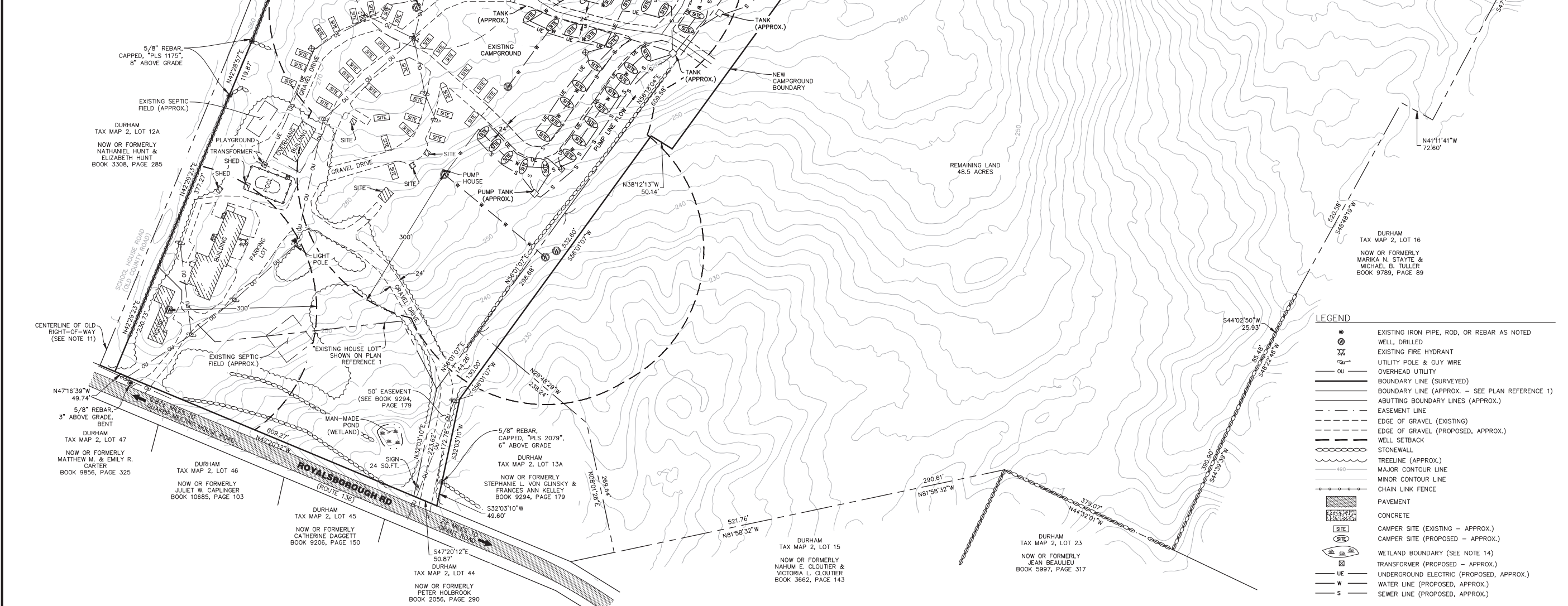
1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 AND BASED ON GPS OBSERVATIONS NEAR THE SURVEYED PARCEL.
2. TOWN OF DURHAM: TAX MAP 2, LOT 13 & LOT 14.
3. OWNER OF RECORD AT TIME OF SURVEY: DURHAM LEISURE HOLDINGS, LLC; BOOK 9385, PAGE 95, BOOK 10045, PAGE 350, AND BOOK 9892, PAGE 184.
4. 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 48.5 ACRES, MORE OR LESS.
TOTAL AREA 85.6 ACRES, MORE OR LESS.
5. ALL BOOK AND PAGES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
6. TREELINES SHOWN ARE APPROXIMATE AND WERE DIGITIZED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY.
7. NO APPARENT ENCROACHMENTS WERE OBSERVED AT TIME OF SURVEY.
8. 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.
9. CONTOURS SHOWN ARE BASED ON STATE OF MAINE LIDAR DATA AND WERE DERIVED FROM [HTTPS://COAST.NOAA.GOV](https://coast.noaa.gov) WITH A CONTOUR INTERVAL OF 2-FOOT. THE VERTICAL DATUM IS NAVD88.
10. THE LOCATION OF UNDERGROUND UTILITIES WAS NOT PERFORMED AS PART OF THIS SURVEY. MAIN-LAND RECOMMENDS THE USE OF DIG SAFE OR OTHER ENTITIES TO MARK ANY UNDERGROUND UTILITIES PRIOR TO THE BEGINNING OF ANY CONSTRUCTION.
11. 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.
12. THE SURVEYED PARCEL IS NOT LOCATED IN THE FLOOD ZONE AS SHOWN ON FEMA FIRM 23001C046E.
13. THE SURVEYED PARCEL IS ZONED RURAL, RESIDENTIAL, & AGRICULTURAL (RRA). SEE TOWN OF DURHAM, MAINE LAND USE ORDINANCE, DATED APRIL 2, 2022 FOR ADDITIONAL INFORMATION.
14. WETLAND DELINEATION OF THE EXISTING CAMPGROUND AND THE EXPANSION COMPLETED BY MAIN-LAND DEVELOPMENT CONSULTANTS, INC. ON MAY 25, 2022.
15. SUMMARY OF SITES:
CAMPGROUND (EXISTING): 36 SITES
CAMPGROUND (NEW): 40 SITES
TOTAL 76 SITES
16. 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.
17. THE PROJECT SITE APPEARS TO BE OUTSIDE THE RUNAROUND POND WATERSHED.

LOCATION MAP 1" = 1/2 MILE



APPROVED BY THE TOWN OF DURHAM, MAINE PLANNING BOARD.
DATE: _____
CHAIRMAN: _____

ANDROSCOGGIN COUNTY SS REGISTRY OF DEEDS
RECEIVED: _____
AT _____ M _____ M _____
RECORDED IN PLAN BOOK _____, PAGE _____
ATTEST: _____ REGISTER



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)
—	ABUTTING 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)
—	TRANSFORMER (PROPOSED - APPROX.)
—	UNDERGROUND ELECTRIC (PROPOSED, APPROX.)
—	WATER LINE (PROPOSED, APPROX.)
—	SEWER LINE (PROPOSED, APPROX.)



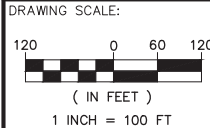
MAIN-LAND DEVELOPMENT CONSULTANTS, INC.

69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PLAN SHOWING A PARTIAL BOUNDARY & 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



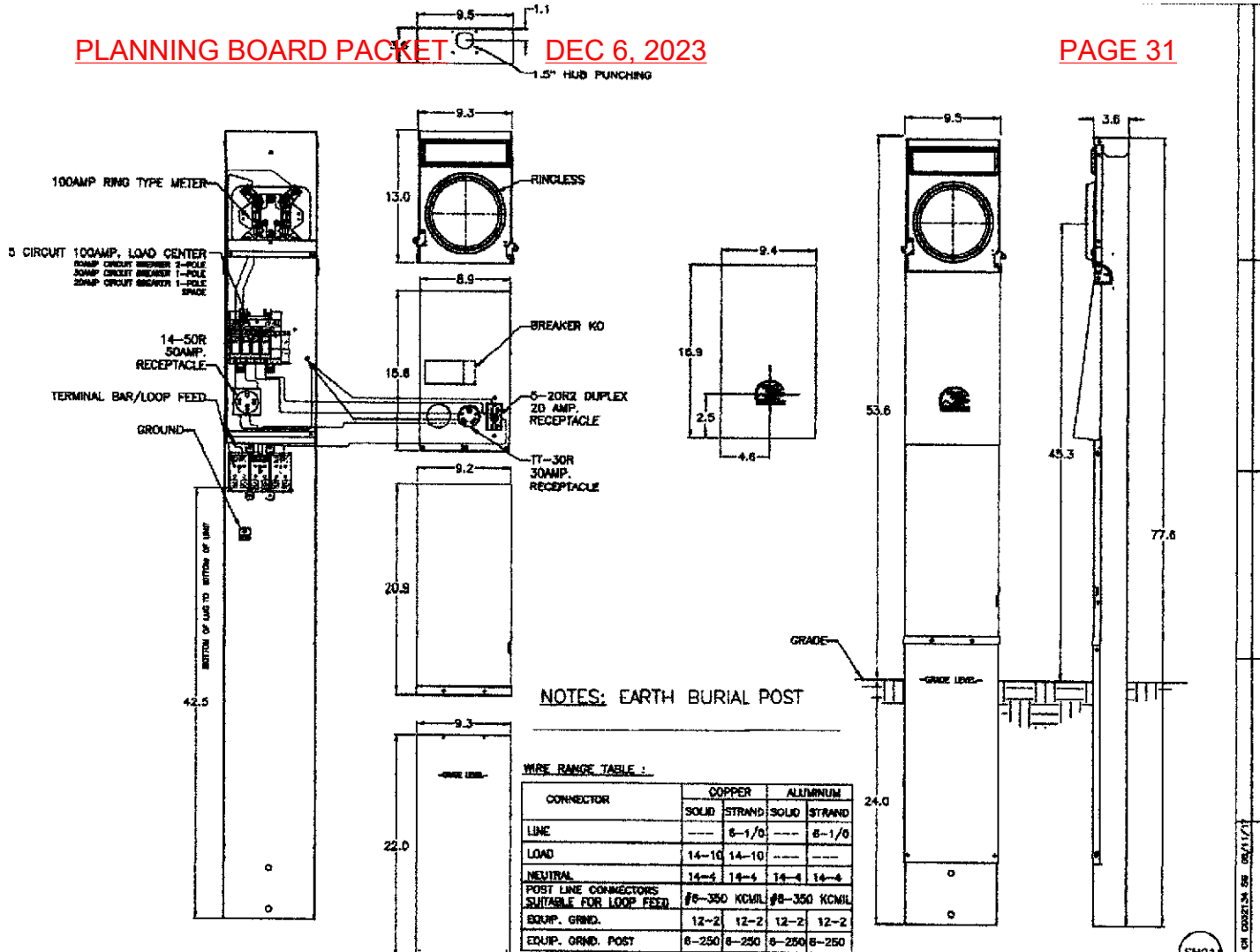
SUBMISSION NOTES:
SUBMISSION 1: 2023-05-08 CLB CLIENT REVIEW
SUBMISSION 2: 2023-05-23 CLB CLIENT REVIEW
SUBMISSION 3: 2023-06-12 CLB TOWN REQUEST - BOUNDARY
SUBMISSION 4: 2023-08-15 CLB CLIENT REQUEST
SUBMISSION 5: 2023-08-29 CLB REVISE CAMPGROUND EXPANSION SIZE
SUBMISSION 6: 2023-09-25 CLB SITE PLAN REVIEW CHECKLIST
SUBMISSION 7: 2023-10-25 CLB CLIENT REQUESTED CHANGES & UTILITIES

PROJ. MGR: ERTW
DRAWN BY: CLB
CHECKED BY: TJG
SUBMISSION NO: 7
SURVEY DATE: 2022-06-02
2023-04-17
SUBMISSION DATE: 2023-08-15
SUBMITTED FOR: FINAL

EXISTING CONDITIONS PLAN

SEAL:

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



WIRE RANGE TABLE :

CONNECTOR	COPPER		ALUMINUM	
	SOLID	STRAND	SOLID	STRAND
LINE	---	6-1/0	---	6-1/0
LOAD	14-10	14-10	---	---
NEUTRAL	14-4	14-4	14-4	14-4
POST LINE CONNECTORS SUITABLE FOR LOOP FEED	#8-350 KCMIL		#8-350 KCMIL	
EQUIP. GRND.	12-2	12-2	12-2	12-2
EQUIP. GRND. POST	8-250	8-250	8-250	8-250



MIDWEST ELECTRIC PRODUCTS, INC.
 Muskegon, MI

* Critical To Quality
 Unless Otherwise Specified
 AutoCad Generated

Telephone Co.
 3 Ft. Dialside & D10
 2 Ft. Dialside & G30
 Feedline & 1/2"
 Holes & .063
 (Reference to 21.000)

TITLE: RH75P3
 OUTLINE DRAWING

SCALE: 1:1
 SIZE: A

DWG NO: 198B8604

SHEET 1 OF 1

SM21

REV 1 ON 08/21/24 BY 06/11/17

PANEL MARKS: A

TECHNICAL SPECIFICATIONS

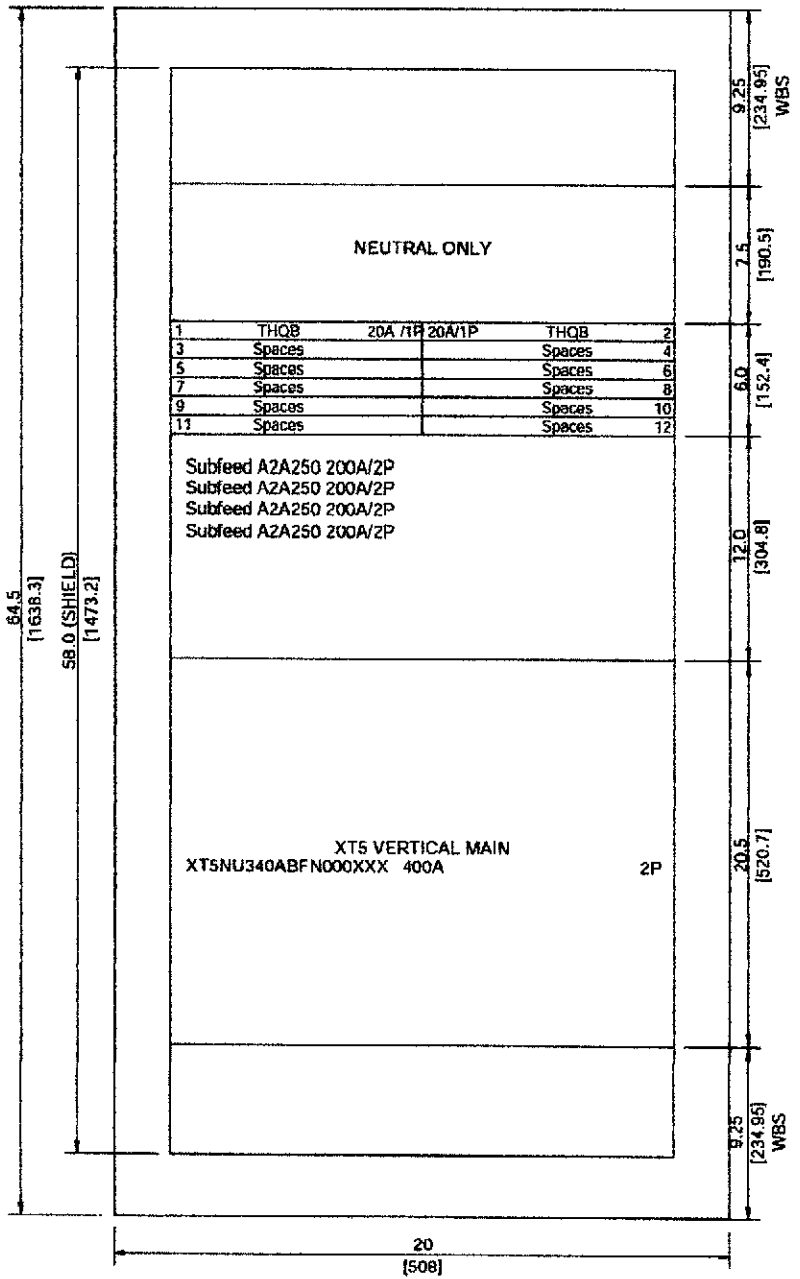
PANEL TYPE: RQ PANELBOARD
 QUANTITY: 12
 AMPS: 400A
 VOLTAGE: 120/240V
 SYSTEM: 1P3W
 KAIC: 10 KAIC SC FULLY RATED
 MATERIAL: ALUMINUM BUS
 PLATE: TIN PLATE
 ENCLOSURE: NEMA 3R CABINETS
 MOUNTING: SURFACE
 SECTION: 1
MAIN DISCONNECT DEVICE
 FEED DIR: Bottom
 TYPE: Breaker
 AMPS: 400
 CATALOG NO.: XT5NU340ABFN000XXX
 POLES: 2
 LUGS: 1-lug/phase 2-cable/lug 2/0-500 MCM
 ACCESSORIES: Trip Unit (TMA)

OPTIONS INCLUDED

QTY	DESCRIPTION
1	Aluminum Bus Heat Rated
2	Ground Box bonded TGL2
1	Ground main lug TGL20
1	Nameplates

BRANCH DEVICES


QTY	AMPS/POLES	DESCRIPTION
4	200A /2P	A2A200TL-2
2	20A /1P	THQB1120



PANEL INFORMATION	
INTERIOR	AQFT124JBX AXQ8
INTERIOR	
BOX	AB643
FRONT	NONE
TROUGH	
TROUGH END	
PULL BOX	
DIMENSIONS	64.5"X20"X8.21"

THIS PANEL IS SUITABLE FOR SERVICE ENTRANCE.
 SERVICE ENTRANCE PANEL WITH MAIN BREAKER IS SUPPLIED WITH SERVICE ENTRANCE LUG BARRIER.

1. WBS - WIRE BENDING SPACE. FACTORY AUTO-LAYOUT. THE LAYOUT IS NOT SPECIFIED. THE FACTORY MAY CHANGE THE LOCATION OF SOME OF THE BREAKERS.
 2. DRAWING NOT TO SCALE.
 3. DIMENSIONS ARE IN INCHES(mm).

PROJECT NAME: RV Utopia	 Industrial Solutions by ABB	PANEL ID: RQ Panelboard	PRODUCT NAME: ReliaGear LIGHTING PANELBOARD	DRAWING NO: ITEM NO: 1
CUSTOMER: UTILITY SUPPLY GROU- P. KINGSTON		APPROVED BY:	DATE: 2/11/2022 9:46:12 PM	MARKS:
VERSION: DATE: TIME		REVISION NO.:		QUOTE NO: UB4-00013236
				SHEET: 1



SERIES 38

SPECIFICATIONS

The Hose Connection Vacuum Breaker shall prevent cross connection of contaminated water into the potable water supply caused by back-siphonage. It shall consist of a single check with an atmospheric breaker vent.

The device shall have a break-away set-screw for tamper proof protection and permanent installation.

All parts shall be made of corrosion resistant materials and be **100% made in USA.**

The backflow preventer shall be suitable for **supply pressure up to 125 psig and water temperature from 33°F to 180°F.**

The unit shall meet the requirements of the following standards: **ASSE 1011, CSA B64.2 and IAPMO.**

The device shall be manufactured by **CONBRACO INDUSTRIES, INC., Matthews, North Carolina.**

FEATURES

38-304

- Tamper proof protection
- Corrosion resistant
- Manual drain feature on stem

38P

- High density thermoplastic body
- Tamper proof protection
- Lightweight and durable
- Corrosion resistant
- Manual drain feature on stem

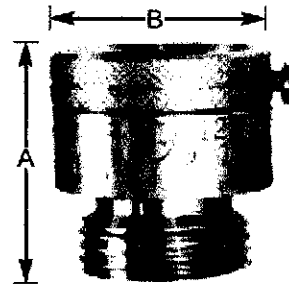
38-404

- For wall and yard hydrant application
- Tamper proof protection
- Corrosion resistant
- External manual drain feature for freezing conditions

DIMENSIONS (in.)WEIGHTS (lbs.)

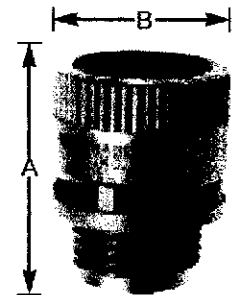
MODELS	A	B	WT./100
38-304	1-5/16	1-1/4	16.8
38P	1-3/4	1-7/16	7.0
38-404-01/03	1-15/16	1-9/16	37.0
38-404-AS	1-15/16	1-5/16	30.0

3/4" Hose Connection Vacuum Breaker



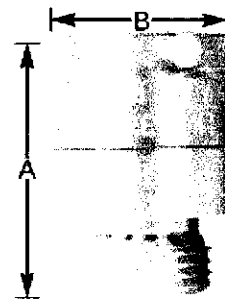
38-304

- NO.
38-304-AS
38-304-CS
38P



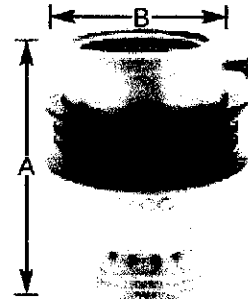
38P

- FINISH
SATIN BRASS
SATIN CHROME
THERMOPLASTIC



38-404-01/03

- NO.
38-404-01
38-404-03
38-404-AS



38-404-AS

- FINISH
SATIN BRASS
SATIN CHROME
SATIN BRASS

APPROVALS

The Series 38 is approved under : ASSE 1011 CSA B64.2 and IAPMO.



SPEC 38 Series

BACKFLOW PRODUCTS DIVISION

Conbraco Industries, Inc. P.O. Box 247 Matthews, N.C. 28106 (704) 847-9191 FAX (704) 841-6020

6. Other Business:

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

- On November 15, the Planning Board conducted a public information meeting on the draft housing density amendments.
- The packet contains a memo summarizing the public input received and responses to the questions raised at the meeting.
- At the end of the information meeting, some Board members indicated interest in revisiting the issue of requiring larger lots for multiple dwelling units.
- If the Board decides to go back to the version reviewed in August, the Town Planner will have slides and the draft amendments showing the multiple possible outcomes based on differential treatment of duplexes.
- The Conservation Commission will be meeting on November 29 to finalize a draft of amendments to the Land Use Ordinance to address solar energy systems.
- The Commission will hold a public information meeting on those draft amendments on December 7.
- Those draft amendments will include the language needed to support all fees in the Select Board's fee schedule.
- The Town Planner reported to the Town Manger and Select Board the decision of the Planning Board to discontinue the process of drafting Ordinance or Zoning Map amendments to grant landowner relief from restrictions on residential expansions in the Resource Protection District.
- That process can be revisited by the Planning Board and the land use policy summit after the April 2024 Town Meeting.



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: George Theborge, Town Planner

Date: November 27, 2023

Re: Questions Raised at Nov. 15 Housing Density Information Meeting

- The Planning Board conducted a public informational meeting at the Fire Station to take public comments and answer questions about the housing density proposal.
- Ten members of the public participated in the meeting.
- The Planning Board Chairman explained the process the Board used in developing the proposal based on a year and a half of study and the public participation process.
- The Town Planner presented a summary and graphics explaining the two-pronged proposal.
- The Board received comments in opposition to their proposal and comments that support it.
- Questions were asked about how driveways and addressing would work with multiple dwellings on the same property and if the individual units could be sold separately.
- The eligibility for nonconforming lots was also raised.
- Another question was the allowance for accessory apartments in subdivisions.
- Some Planning Board members indicated interest in revisiting the lot size issue.

1. How will driveways and addressing be handled on properties with two or three dwelling units?

- Section 5.2 (Access Management) of the Land Use Ordinance contains the standards for new driveways and commercial entrances onto Town Roads.
- Section 5.7 (Back Lots) contains the rules for back lot driveways and roads serving multiple lots.
- Section 5.23 (Roads) has the requirements for Planning Board approval of maintenance agreements for roads serving multiple lots.
- Article 13 provides the regulations for street addressing.
- Section 18.2.D. requires a driveway permit for all new entrances.

- Section 19.1.A.54 defines a driveway as serving no more than two dwellings on a single lot. Any drive serving more than that is considered a road.
- Section 19.1.A.55 defines a driveway in the Shoreland Zone as serving no more than two single-family homes and can be no longer 500 feet or they must be treated as roads (per State law).
- Taken together, these regulations indicate that if a property has a single driveway serving the maximum of 3 dwelling units (whether accessory apartment or full-sized), the driveway will be considered a road and must meet the requirements of Sections 5.7 and 5.23.
- If there is a single driveway serving 3 dwelling units, each of the units will be given an address on the new “street.”
- If the 3 dwellings on a single lot are served by two separate driveways, the rules for individual driveways will apply.
- If there is a single driveway serving two dwelling units, there will be a single address with units A and B.

2. Can individual dwelling units be sold separately and how will they be taxed?

- The Town Planner has sought input from MMA Legal Services on the following questions:
 - a. Would individual sale of the dwelling units on a single lot as required by LD 2003 be covered by the Maine Condominium and Condominium Conversion Acts?
 - b. If a duplex and a single-family home are built on the same lot as required by the law, can the individual dwelling units be sold separately as long as the lot on which they sit is in common ownership of the three dwelling unit owners?
 - c. If the three units are created, either for rent or for sale in a single, five-year time period, would Planning Board subdivision approval be required?
- The response of staff attorney Jen Thompson is included in the packet.

3. Can accessory apartments and/or multiple dwelling units be placed on lots in a subdivision?

- If there are private covenants that limit construction on a lot in a subdivision, the new law requiring municipalities to issue permits from multiple dwelling units on a single lot would not apply:

Title 30-A, Ch. 187, §4364-A. Residential areas, generally; up to 4 dwelling units allowed

8. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

- If there are no private covenants limiting subdivision lots to a single-family dwelling, it is unclear whether the addition of an accessory apartment or additional dwelling unit on any of the lots would require an amended subdivision approval.
- One theory would hold that as long as the proposed development is in compliance with the base zoning of the subdivision and its lots, no additional subdivision review would be required.
- The alternative theory would hold that adding more than a single-family dwelling on each lot would produce impacts on groundwater and traffic that were not addressed in the original subdivision review for compliance with the subdivision criteria and therefore would constitute a “change” requiring amended subdivision approval.
- This issue should not affect the decision of whether to amend the Land Use Ordinance to follow the Comprehensive Plan recommendations and to comply with LD 2003.
- If subdivision amendment is required, it will be an additional approval step like getting the permit for septic system expansion, another qualifier of the new law:

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements of subchapter 4.

4. Will the provisions for multiple dwelling units apply to nonconforming lots?

- Section 16.3.A provides a right to build on “grandfathered” lots that lack the minimum lot size because they were created before the current minimum 2-acre requirement was enacted (1976):

Section 16.3. NONCONFORMING LOTS

A. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot frontage and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals. [Note: The Town recognizes March 6, 1976 as the effective date of the establishment of legally nonconforming lots]

- This language indicates that a one-acre lot can be built upon as a matter of right even though it does not meet the minimum lot area requirement of 90,000 square feet (2.07 acres).
- The draft amendments differentiate between “minimum lot size” (Section 4.1.A.1), which refers to all lots and uses, and the proposed “minimum lot area per dwelling unit” (draft Section 4.1. A.7) that will only require an increase in the minimum lot size when multiple dwelling units are built per the requirements of LD 2003.
- To clarify that multiple dwelling units will not be allowed on a grandfathered, 1-acre lot, Section 16.3.A should be amended to change “lot area” to “minimum lot size.”

- Under LD 2003, minimum area per dwelling unit is the only spatial standard where towns can differentiate between a single-family dwelling and multiple dwelling units on the same lot.
- A grandfathered lot (existing since 1976) that lacks 300 feet of lot frontage would be eligible for multiple dwelling units as long as the minimum lot area requirements are met.

RE: Durham - LD 2003 & Condominium Ownership

Legal Services Dept <legal@memun.org>

Mon 11/27/2023 4:42 PM

To: George Theborge <townplanner@durhammaine.gov>

📎 1 attachments (79 KB)

Condominium Conversions.pdf;

Hi George – I offer thoughts in response to your questions, below:

Jen Thompson, Staff Attorney**Legal Services Department****Maine Municipal Association**

60 Community Drive, Augusta, ME 04330

Phone: 207-623-8428

FAX: 207-624-0187

legal@memun.org

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Thank you.



60 Community Drive, Augusta, ME 04330

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legal@memun.org

From: George Theborge <townplanner@durhammaine.gov>
Sent: Tuesday, November 21, 2023 3:00 PM
To: Legal Services Dept <legal@memun.org>
Subject: Durham - LD 2003 & Condominium Ownership

The Durham Planning Board is in the process of final drafting of amendments to the Land Use Ordinance to implement the requirements of LD 2003. The Board has asked whether the three dwelling units on a single lot could be sold as individual units. *I'm not aware of anything in "LD 2003" that prohibits the sale of individual units. I don't think the statute either mandates or prohibits any form of tenancy, ownership, etc. So, yes. I think they could be sold separately. Of course, subdivision review might also be implicated (see below for more on that).*

Would this be covered by the Maine Condominium and Condominium Conversion Acts? .
Whether the sale of individual units would fall within the Condominium Act would, of course, depend on how the units are sold. Units could likely be sold as condominium units – wherein, for example, the buildings or units themselves are sold but not the land and a condominium is created. Though, the lot could also theoretically be divided into separate lots (assuming sufficient lot size, etc.). It really depends. I don't see anything in LD 2003 that prohibits sale of individual dwelling units as condominium units – nor can a municipal ordinance. I don't know if it's helpful, but just in case I'm attaching a legal note (a bit old but still helpful) on the Condominium Conversions Act and limits on municipal authority to prohibit the condominium form of ownership.

If a duplex and a single-family home are built on the same lot as required by the law, can the individual dwelling units be sold separately as long as the lot on which they sit is in common ownership of the three dwelling unit owners? *Again, I am not aware of anything in the statute that either mandates or prohibits this.*

If the three units are created, either for rent or for sale in a single, five-year time period, would Planning Board subdivision approval be required? *Yes, subdivision review requirements apply to "the construction or placement of 3 or more dwelling units on a single tract or parcel of land . . . within a 5-year period" under 30-A M.R.S. 4401 (unless otherwise exempt) and I don't read LD 2003 to have changed that. Rather, it expressly says that subdivision review requirements remain in place.*

The Planning Board will be considering the draft amendments and these issues at their meeting on December 6th.

George

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Condominium Conversions

Maine Town & City - Legal Notes | Published: August, 2005

Last month we noted that the Maine Condominium Act preempts municipal authority to prohibit condominiums or to regulate them in any way that conflicts with the Act (see "Condo Ban Preempted by Maine Condominium Law," Maine Townsman, July 2005). We have since been asked if the Act prohibits municipalities from regulating the conversion of hotel and motel rooms into condominium units (a growing trend in popular resort communities). The answer is no, but, again, the regulation cannot prohibit the condominium form of ownership.

An ordinance regulating condominium conversions could, for example, require that all units meet applicable fire, electrical and plumbing codes and that the property comply with all applicable ordinance requirements, such as zoning, minimum lot size, parking, etc. These are legitimate public safety and consumer protection objectives.

Even without an ordinance specifically regulating condominium conversions, if and to the extent the conversions involve a change of use, they are subject to any existing ordinances regulating the change of use or the new use. For example, if the conversion results in a change of use from transient lodging (commercial) to residential, any ordinance requirements applying to residential uses (e.g., minimum lot size, minimum habitable area, etc.) would apply. This is not mere legal speculation on our part.

In *Oman v. Town of Lincolnville*, 567 A.2d 1347 (Me. 1990), the Maine Supreme Court upheld a finding that a proposal to sell transient rental cabins as condominium units for seasonal single-family residence was a change of use from rental cabins to dwelling units, thus requiring compliance with the Town's residential lot size requirements (which the project could not meet).

Note, though, that a mere change in the form of ownership alone does not constitute a change of use. As in *Oman*, there must be a change in the physical use of the property, either by virtue of the nature or duration of occupancy or by virtue of reconstruction or remodeling. (In *Oman*, the rental cabins already had a kitchen and bathroom, but both the nature and duration of occupancy after conversion would have changed from transient rental to seasonal residence.)

Some attorneys misinterpret the Maine Condominium Act as prohibiting municipal regulation of any condominium project, including conversions. This is simply not correct. The Act prohibits municipalities from banning condominiums and from regulating them in any manner conflicting with the Act. Regulating condominium conversions as discussed above or requiring a change of use to comply with an ordinance's requirements governing the new use constitutes neither a ban on condominiums nor a conflict of any kind with the Maine Condominium Act. The Act was in effect at the time *Oman* was decided, and the Law Court seemed to have no trouble making this distinction. (By R.P.F.)

DURHAM PLANNING BOARD PROPOSAL ON HOUSING DENSITY

MAINE’S NEW “AFFORDABLE HOUSING LAW”

The Maine Legislature passed a law in 2022 to go into effect for Durham on July 1, 2024 that requires allowance of up to 3 dwelling units on any lot where there is an existing single-family dwelling. Two dwelling units must be allowed on any vacant lot. Towns are, however, allowed to increase lot sizes for the added dwelling units. There are other parts of the law related to affordable housing requirements that apply to larger Maine towns, but the primary impact for Durham is the requirement for increased housing density.

Durham currently requires each single-family home to be on a minimum lot size of 2 acres (90,000 sq. ft.) and allows that home to have one accessory apartment that can be no larger than 50 percent of the floor area of the residence. The accessory apartment can be within or attached to the residence, or it can be added in a garage or barn.

Duplexes (two-family dwellings) are also allowed on any lot, but the lot size increases from 2 acres to 2.5 acres. No accessory apartment can be added with a duplex, so the current maximum number of dwelling units on any lot is two.

Durham’s allowance for any single-family home to have an accessory apartment and any vacant lot to have a duplex partially complies with the new State law for housing density, but to be fully compliant by the July 1, 2024 deadline, the Land Use Ordinance must be amended to make allowance for a third, full-sized dwelling unit on any lot that currently has a single-family dwelling. So, under the new law, any single-family dwelling could be converted to a duplex and a separate single-family dwelling could be added on the same lot.

PLANNING BOARD RESPONSE TO THE NEW LAW

The Planning Board has been working on a response to the new State law requiring higher density housing since the law was passed in April of 2022. The Board conducted an extensive public participation process involving public information meetings, online presentation of research, and a citizen survey. Through that process, the Board learned that Durham residents are concerned about the limited availability of housing for their adult children and elderly parents, but they are also concerned about the potential impacts of increased housing density on Town services (i.e., taxes) and on Durham’s rural character.

Based on the public input and the requirements of the law that will go into effect on July 1, 2024 regardless of any action or nonaction by Town voters, the Planning Board has developed a set of proposed Land Use Ordinance amendments to present at the April 6, 2024 Town Meeting that will follow recommendations in the Durham Comprehensive Plan for addressing the Town’s housing needs while also using authority provided in the new State law to limit impacts on Town services and to protect rural character. The Planning Board’s proposed response has two tracks:

1. Follow the Comprehensive Plan recommendations for smaller accessory apartments.

With repeal of the Growth Management Ordinance in 2018, the Comprehensive Plan recommended that multi-family housing be considered but to require design controls to fit the added units into the fabric of existing neighborhoods and the Town’s rural character. This recommendation will be achieved by allowing a second accessory apartment on any lot, by limiting the size of those units, and by requiring them to be located within or attached to the residence or in a garage or barn that is accessory to the main dwelling. This response will address our housing needs, but it will reduce the impacts of the added housing on Town services and visual character. [MAXIMUM OF 3 HOUSING UNITS]

2. Increase lot sizes for full-sized dwelling units as allowed by the new State law.

The State mandate for increased housing density does allow Durham to increase lot size requirements to limit the community impacts of the required increase in housing density, and the Planning Board is proposing to apply the current minimum lot size of 2 acres to each full-sized dwelling unit that is developed. Under this proposal, the following lot size requirements will be added to the Land Use Ordinance:

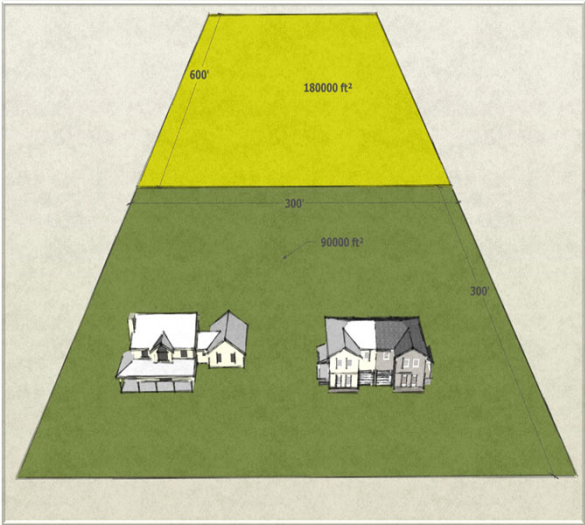
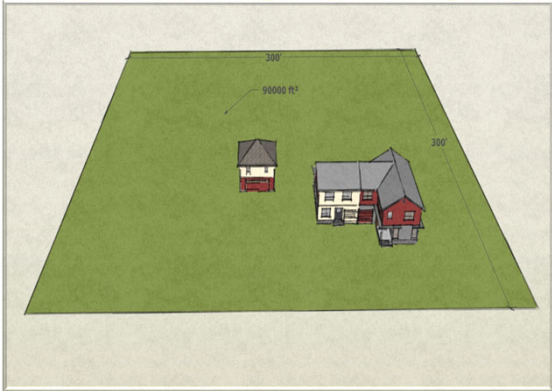
- Single-Family – 2 Acres
- Duplex – 4 Acres
- Single-Family and a Duplex – 6 Acres

[MAXIMUM OF 3 HOUSING UNITS]

PLANNING BOARD PROPOSAL

1. FOLLOW THE COMPREHENSIVE PLAN FOR SMALLER ACCESSORY APARTMENTS (Address Housing Needs)

2. INCREASE LOT SIZES FOR FULL-SIZED DWELLING UNITS AS ALLOWED BY THE NEW STATE LAW (Limit Housing Impacts)



- 1 single-family with 2 accessory apartments
• 2 acres for 1 dwelling with 2 small apartments
• Maximum of 3 housing units
• Designed to fit in neighborhood

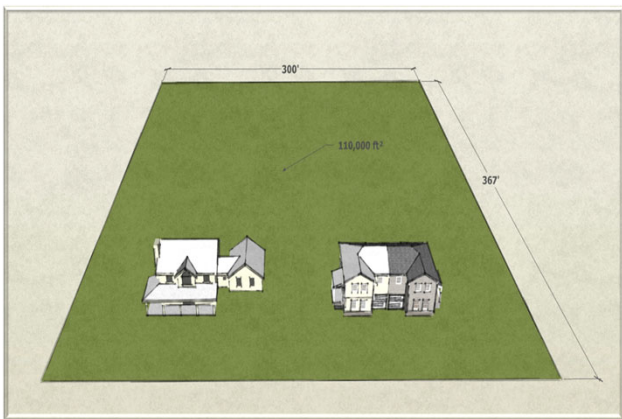
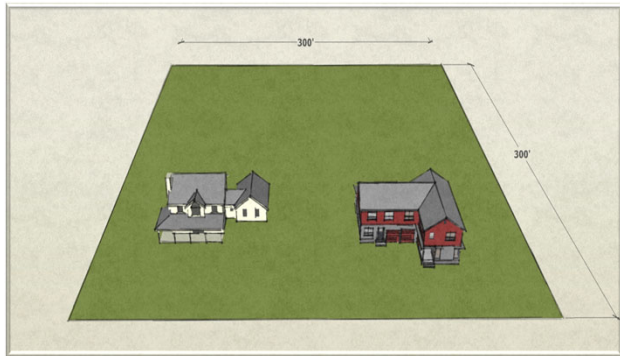
- 1 single-family and 1 duplex
• 6 acres for 3 full-sized dwelling units
• Maximum of 3 housing units
• Limits the number of full-sized housing units.

IF THE PLANNING BOARD PROPOSAL IS NOT APPROVED AT TOWN MEETING

The Town Attorney has advised the Code Officer that whenever there is a conflict between regulations in the Durham Land Use Ordinance and a State land use law, the State's requirements take precedence and must be followed. That means that if the Planning Board proposal is not passed by Town Meeting voters on April 6, 2024, the Code Officer will apply the following provisions on July 1, 2024 when the State law goes into effect for Durham.

1. VACANT LOTS

2. DEVELOPED LOTS



- Must allow 2 full-sized dwelling units on a vacant lot
• Can be a duplex or 2 single-family Homes
• Maximum of 2 housing units
• Lot size is 90,000 sq. ft. (110,000 if attached)

- Must allow 3 dwelling units on any lot with a single-family home
• Can be one attached, one detached, or one of each
• Maximum of 3 units
• Lot size is 110,000 sq. ft.

Town of Durham Land Use Ordinance

As Adopted at Town Meeting
April 1, 2023

*Proposed Revisions
For Town Meeting
April 6, 2024*

PART 1 – DRAFT AMENDMENTS TO IMPLEMENT 2018 COMPREHENSIVE PLAN RECOMMENDATIONS TO ADDRESS HOUSING NEEDS AND TO COMPLY WITH THE NEW STATE AFFORDABLE HOUSING LAW (Articles 4, 5, 16 and 19)

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

ARTICLE 4: SPATIAL STANDARDS IN ZONING DISTRICTS**Section 4.1 DISTRICT REQUIREMENTS**

A. Rural Residential & Agricultural District

1. Minimum Lot Size – 90,000 sq. ft.
 - a. Minimum Buildable Area – Each lot must contain a contiguous 40,000 sq. ft. building envelope which does not contain areas in Resource Protection District, wetlands, or slopes greater than twenty (20%) percent.
2. Minimum Access to Lots – ~~Only one single family detached dwelling or two-family dwelling shall be permitted on a lot.~~ No dwelling shall be erected except on a lot that fronts on a street as defined, and the minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.
3. Minimum Road Frontage – 300 ft.
4. Minimum Setbacks
 - a. Front Lot Line Residential – 50 ft.
 - b. Front Lot Line Non-residential – 100 ft.
 - c. Side Lot Line Residential – 20 ft.
 - d. Side Lot Line Non-residential – 100 ft.
 - e. Rear Lot Line Residential – 20 ft.
 - f. Rear Lot Line Non-residential – 100 ft.
5. Maximum Structure Height¹ – 35 ft.
 - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. Minimum Lot Area Size Two-Family per Dwelling Unit – ~~440,000~~ 90,000 sq. ft. per dwelling unit (accessory apartments are exempt from lot area requirements).
8. Maximum Number of Dwelling Units per Lot - Three (3)

(NOTE: The State has mandated that additional housing units be added on all residential lots without size restrictions but allows lot sizes to be increased for those full-sized units. The 2018 Comprehensive Plan recommends consideration of allowing 3 units of housing on a lot to increase housing options but calls for design controls to minimize community impacts. To address both of these issues, the draft amendment allow up to 3 dwelling units on a lot, but if multiple dwelling units are proposed, the lot size must be increased proportionally to the current 2-acre lot size requirement for a single-family dwelling. By State law, accessory apartments are exempt from this added lot area requirement. If the proposed Ordinance changes are not adopted, landowners will be legally entitled to build a single-family home and a duplex on 2.5 acres as of July 1, 2024.)

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

ARTICLE 5: PERFORMANCE STANDARDS

Section 5.1 ACCESSORY APARTMENTS

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

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

(NOTE: To address the State mandate for increased housing density and implement recommendations of the Comprehensive Plan, the Planning Board is proposing to allow up to 3 dwelling units on any lot where a single-family home is currently allowed. A single-family home is currently allowed to have one accessory apartment on a 2-acre lot. With the amendments, a second accessory apartment will be allowed. Per State law, the Town cannot require increased lot size for accessory units.)

(NOTE: In April of 2022, the Maine Legislature passed an affordable housing law that requires all municipalities to allow up to two additional dwelling units on any lot where a single-family home is currently allowed. The following amendments remove language that is no longer enforceable.)

Section 5.7 BACK LOTS

Back lots may be developed although they lack frontage on a Town and/or state maintained accepted road if the development is in accordance with the following provisions:

- A. If a back lot is accessible only by a legally enforceable right-of-way, it may be used for one single back lot ~~family dwelling~~ if the following conditions are met:
1. The right-of-way must be deeded to the owner of the back lot and be a minimum of fifty (50') feet in width.
 2. Creation of the 50-foot right-of-way to serve the back lot shall not create a nonconforming front lot by reducing such lot's road frontage below the minimum for that district, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is given by easement or irrevocable license, or some grant less than a fee interest, the land over which the back lot access is created by deed or by easement such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
 3. No more than one right-of-way for back lot development may be created out of any lot fronting on a Town and/or state maintained road unless each subsequent right-of-way is created out of at least an additional three hundred and fifty (350') feet of Town road frontage, and the road entrances to such Town road are at least six hundred (600') feet apart.
 4. The dimension of the back lot which borders upon the right-of-way shall be at least three hundred (300') feet in length and the depth of the lot perpendicular to said frontage shall be at least two hundred (200') feet for at least three hundred (300') feet along the right-of-way. The back lot shall have a minimum of five (5) acres not including any land constituting the right of way.
 5. The driveway shall be required to be sixteen (16') twenty (20') feet wide with twelve (12") inches of aggregate subbase, six (6") inches of aggregate base, and appropriate drainage as shown in Appendix 1, Section 1.3, Figure 3 of this Ordinance, however no shoulders or pavement are required.
- B. A legally enforceable right-of-way may be used for more than one backlot ~~or single-family dwelling~~ if the following conditions are met:
1. A street plan shall be prepared by a professional engineer, along with a cross section and drainage plan. The plan shall be labeled "Plan of a Private Way" and shall provide an approval block for the signatures of the Code Enforcement Office and Road Commissioner. The Plan shall delineate the proposed way and each of the lots to be served by the private way. The plan

shall be recorded in the Androscoggin Registry of Deeds prior to construction of the second or subsequent dwelling.

- a. The street plan shall bear notes: (1) The Town of Durham will not be responsible for the maintenance, repair, or plowing of the privately owned road and (2) Further lot divisions utilizing the privately owned road are prohibited without prior approval of the Planning Board. Nothing contained in this paragraph shall prevent a privately owned road from becoming a Town way pursuant to the state and local laws.
2. A maintenance agreement as described in Section 5.22 of this Article shall be recorded in the Androscoggin County Registry of Deeds. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the private way.
3. No residential building permit for a dwelling shall be issued for second and subsequent Back Lots until the requirements of this Ordinance have been met.
4. The right-of-way and road must be brought up to subdivision road standards as found in Appendix 1. Section 1.3 of this Ordinance, with the exception of the paving requirement.

ARTICLE 16: NONCONFORMING USES

Section 16.1 PURPOSE

The purpose of this Article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance such that they can be developed, maintained, or changed to other less non-conforming or to conforming uses.

Section 16.2 NONCONFORMING LOTS

- A. **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except minimum lot size, ~~lot area~~, lot frontage and shore frontage can be met. Variances relating to setback or other requirements not involving minimum lot size, ~~lot area~~, lot width or shore frontage shall be obtained by action of the Board of Appeals. [*Note: The Town recognizes March 6, 1976 as the effective date of the establishment of legally nonconforming lots*]

(Note: LD 2003 requires all Maine towns to allow multiple dwelling units on any property where a single-family dwelling can be built. The proposed amendment clarifies that the provisions for “grandfathered lots” that are smaller than 2 acres will not be permitted to have the maximum number of 3 dwelling units (a single-family and a duplex). The exemption for “lot area” will be replaced with “minimum lot size.”)

ARTICLE 19: DEFINITIONS

Section 19.1 DEFINITIONS

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

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

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

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

~~**MULTI-FAMILY DWELLING:** See Dwellings.~~

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

SINGLE FAMILY DWELLING: See Dwellings.

(NOTE: To address family housing needs and comply with a new State law on housing density, proposed amendments to the Land Use Ordinance will allow up to three dwelling units on a lot. The definition of accessory apartment is clarified in its size and function to qualify for exemption from increased lot area that applies to larger dwelling units. With repeal of the Southwest Bend Growth District in 2019, Durham no longer allows multi-family dwellings.)