



Town Of Durham

Planning Board Minutes

Town Offices, 6:30 pm
August 2, 2023

1. Roll Call & Determination of a Quorum

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

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

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

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

2. Amendments to the Agenda: None

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

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

4. Informational Exchange on Non-Agenda Items:

a.) Town Officials

George Thebarga, Town Planner

Three Items to update the Planning Board:

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

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

Tyler Hutchison, Union Church Committee Member

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

b.) Residents – None

c.) Non-residents – None

5. New Business

a.) Conditional Use Application for expansion of the Leisure Campground for 112 RV sites, Map 2, Lot 13 (Public comment will not be taken)

Town Planner Comments:

- Durham Leisure Holdings LLC is seeking conditional use approval for an expansion of the Leisure Campground.
- The application indicates that the current use is a seasonal RV park with 36 sites and the proposed expansion will add another 112 sites in phases of 30 to 40 new sites per year.
- One issue in the application that should be clarified is whether the proposal is for a seasonal or year-round RV park. Page 2 of the application states that “we are mostly a seasonal RV park” but goes on to state that the applicant seeks to “extend the length of rental time for customers.”
- Section 5.8.J establishes occupancy time limits of 12 weeks for a period between May 15 and September 15 and 2 weeks at all other times. The applicant should either propose other specific time frames or request approval of a year-round RV park.
- Seasonal and year-round RV parks are not listed in the Land Use Ordinance as a specific permitted or conditional use. As a use, RV parks are somewhere between a campground and a mobile home park in terms of use and intensity.
- Section 3.1.31 of the Durham Land Use Ordinance is a catch-all provision for such unspecified commercial uses, and the conditional use application seeks approval as a “commercial service not otherwise listed.”
- The development of the road network and RV parking pads will trigger site plan review of the project under Section 8.2.C.
- In 2019, the Land Use Ordinance was updated to create a 2-step process for review of such nonresidential uses.

- The first step is a conditional use review to look at the proposed use and determine whether it will meet the criteria for protecting public health, safety, and the environment. The Board will also look at the scale and intensity of the proposed use and determine whether it will be “compatible” with existing uses in the neighborhood, as well as looking at the potential for noise generation.
- If the Planning Board determines that the project can meet the general conditional use criteria, it would then review the more detailed project design under the site plan review criteria and standards of Article 8 as a separate application.
- The subsequent site plan review process will look at utilization of the project site in terms of using the most suitable portions of the site and keeping development away from sensitive areas like wetlands.
- Site plan review will also look at the adequacy of the road system, vehicular access to the site, and circulation within it. The Board will also consider in detail the utility systems (water, sewer, electrical), lighting, signage, and fire protection. Finally, the Board can consider whether any special buffering is needed to screen public views or neighbors.
- For the current conditional use review, the applicant has submitted a completed conditional use application form with supporting documentation.
- Recognizing that this project will need to go through a detailed site plan review, the Board can discuss and decide whether the documentation provided by the applicant is adequate to decide on compliance with the conditional use criteria of Section 7.4.
- If the Board determines that the documentation is adequate, you can decide on the need for a site walk and public hearing and schedule those events.
- If the Board determines that the documentation is not adequate, you should notify the applicant of what information needs to be submitted for the Board to consider the application to be complete.
- If a majority of the Board determines that the applicant can meet the general conditional use criteria for expansion of the campground and conversion to a seasonal RV park, the applicant can proceed with detailed engineering design of the project to meet site plan review standards.
- The Town Planner has prepared draft findings of fact reflecting the applicant’s current submissions that can be expanded during the Board’s processing of the application and will serve as the template for making a decision to approve, approve with conditions, or deny the application.
- The draft findings of fact can also be used by the Board to identify information needed to make a determination on compliance with the conditional use criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Other Business:

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

- At the July 10 Planning Board workshop, the Board endorsed moving forward with a combined proposal for presentation of the draft amendments for complying with the new State law on housing density.
- The message going forward would be that the Planning Board is recommending that voters follow the Comprehensive Plan in terms of addressing housing needs for Durham residents while also increasing lot sizes to offset the impacts of the State's requirement for increased housing density.
- This approach is supported by the prior public participation process where survey respondents were evenly split between those concerned about housing needs for family members and those more concerned with the impacts of added housing.
- The next phase of public participation can test the proposed Planning Board response to those varied resident concerns.
- The Town Planner also drafted a new definition of "housing unit" to enable differentiating between the treatments of multiple accessory apartments and multiple, full-sized dwelling units, applying increased lot size to the latter situation required by LD 2003.

7. Adjourn

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