



TOWN OF DURHAM
630 Hallowell Road
Durham, Maine 04222

**Office of Code Enforcement
and Planning**

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

CONDITONAL USE APPLICATION & CHECKLIST

Project or Business Name: _____

Application Date: _____

A. Owner & Developer

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

Property owner: _____ Property developer: _____

Address _____ Address: _____

Telephone number: _____ Telephone number: _____

Email address: _____ Email address: _____

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

B. Project Designers (If using a consultant)

Surveyor: _____ Engineer: _____

Address: _____ Address: _____

Telephone number: _____ Telephone number: _____

Email address: _____ Email address: _____

Person to whom all correspondence on project should go: _____

C. General Property Information

Property location: _____

Tax Map/Lot numbers: _____

Current zoning: _____

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

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

Total acreage of parcel: _____ Acreage to be developed or used: _____

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 in the past? _____ YES _____ NO

Date of conditional use approval: _____

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

D. Required Public Notices

Have all abutting property owners received notice per Section 7.2.C.? _____ YES _____ NO

E. Development Information

Name of proposed development: _____

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

What is the size of the proposed parking construction or expansion? _____ sq. ft.

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

What is the projected year of completion? _____

How will the project be financed? _____

Provide a general description of the proposed use:

F. Review Fees

Non-refundable application fee of \$500 Date Paid _____

Administrative fee of \$35 Date Paid _____

G. Checklist and Required Submissions

Are the completed conditional use 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

Printed Name: _____

Date

G. Checklist and Required Submissions

Check box with an X to indicate information is included. If a waiver is requested, indicate by a W.

MINIMUM SUBMISSIONS:

- This conditional use application form, checklist, and questionnaire.
- An accurate site plan or accurate sketch of the entire property showing existing and proposed buildings, drives and parking areas, septic & well, outdoor lighting, and significant natural features like streams and wetlands.
- A vicinity map showing the location of the property in relation to surrounding parcels, including existing uses and structures on abutting properties (available on the Town website GIS).
- A copy of the deed, lease, or other document demonstrating the right to use the property for the proposal.
- Information demonstrating the applicant has adequate financial capacity to do the project, including any approval conditions deemed necessary by the Planning Board (cost estimates & proposed financing).
- A review of the standards in Article 5 of the Land Use Ordinance to show how the application conforms to any specific requirements (e.g., noise limits, erosion control measures).
- Abutter notifications with certified mail receipts or signed letters.
- Ten printed copies of the application and all accompanying documents and one digital copy sent to the Town Planner.

ADDITIONAL SUBMISSIONS THAT MAY BE REQUIRED BY THE PLANNING BOARD DEPENDING ON THE NATURE, SCALE, OR PROJECT LOCATION:

1. Photographs, drawings, or satellite images illustrating existing site conditions.
2. Evidence of compliance with other local, State, or Federal permits, such as those issued by the Maine DOT, DEP, or DHHS.
3. Documentation addressing additional performance standards applicable under Article 5 (e.g., erosion control, signage, buffering, or operational standards).
4. Resource delineations when any portion of the property lies within a Shoreland Zoning Overlay District or Resource Protection Zone.
5. Historic resource review when the property abuts a site listed as an official historic property under the Town's inventory.
6. Septic system design and test results for new or expanded systems.
7. Traffic information, up to and including a traffic impact study, when the proposed use is expected to generate measurable traffic or affect public safety.
8. Runoff and drainage information, including site topography, stormwater flow direction, and measures to prevent runoff or leaching that could affect neighboring properties or wells.
9. Noise assessment, when the proposed use may generate noise in excess of the noise level standards of this Chapter.

CONDITIONAL USE APPLICATION QUESTIONNAIRE

PROJECT OR OWNER NAME: _____

The Planning Board will review the application for consistency with the conditional use criteria of the Land Use Ordinance (Section 7.4). This questionnaire will provide the Board with facts on any potential negative impacts of a proposed non-residential use of property. There will inevitably be some impacts, and the Board will review and decide whether those impacts will significantly affect abutting property owners or the general public. The Board has authority under the Ordinance to apply approval conditions it deems necessary to address any impacts to prevent undue impacts (Section 7.5). The facts you provide will be entered into the record of the Planning Board decision. Some answers may apply to more than one standard of the Ordinance, and you can repeat any pertinent facts. You may attach additional pages if more explanation is warranted or if supporting documents will help make the case for compliance with the Ordinance conditional use criteria.

Question 1: Public Health Impacts	Applicant Response/Documentation
<p>1A. Describe the method of sewage disposal (e.g., municipal sewer, on-site septic system). If using an on-site septic system, include the design capacity and status of state approvals.</p>	
<p>1B. Describe any potential emissions to the air (e.g., fumes, dust, odor, exhaust). Detail any mitigation measures (e.g., filtration systems, scheduled operations).</p>	
<p>1C. Describe any potential emissions to the water (e.g., wastewater, industrial discharge, runoff from processes). Detail any treatment or disposal methods.</p>	
<p>1D. If the proposed use involves the storage or handling of any hazardous materials, chemicals, or waste, describe the procedures for storage, containment, and disposal to prevent unsanitary or unhealthful conditions.</p>	

Question 2: Traffic Safety Impacts	Applicant Response/Documentation
<p>2A. Estimate the average number of daily vehicle trips (customer, employee, delivery) expected to be generated by the proposed use.</p>	
<p>2B. How will the proposed use manage peak traffic hours to minimize congestion on adjacent public roads?</p>	
<p>2C. Describe the design of the site entrance/exit (e.g., sight distance, turning lanes, signage). Attach a preliminary plan showing access points.</p>	
<p>2D. Describe the provisions for pedestrian safety (e.g., sidewalks, crosswalks, lighting) both on-site and in relation to adjacent areas.</p>	

Question 3: Public Safety Impacts	Applicant Response/Documentation
<p>3A. Describe any potential safety risks inherent to the proposed use (e.g., machinery, open storage, fire risk).</p>	
<p>3B. Detail the provisions for fire safety (e.g., sprinkler systems, fire lanes, water source/hydrant locations).</p>	
<p>3C. Estimate the expected impact on municipal services (e.g., police, fire, emergency medical). Will the use require substantially greater services than existing neighborhood uses? Explain.</p>	
<p>3D. Describe exterior lighting and security measures for the property, addressing how they will prevent unauthorized access or activity.</p>	

Conditional Use Questionnaire – Project Name: _____

Question 4: Environmental Impacts	Applicant Response/Documentation
<p>4A. Describe the proposed methods for stormwater management (e.g., retention ponds, infiltration systems) to control the rate and quality of runoff from the site.</p>	
<p>4B. Describe the measures that will be used to prevent sedimentation and erosion during and after construction. (Attach an erosion control plan).</p>	
<p>4C. Describe the source of potable water supply (e.g., public/municipal system, private well). Attach documentation (e.g., well permit/test results) if a private well is used.</p>	
<p>4D. Describe any potential impact the proposed use may have on groundwater or surface water supplies in the area.</p>	

Question 5. Scale & Intensity of Use	Applicant Response/Documentation
<p>5A. How does the physical size (height, footprint) of the proposed structure(s) compare to existing structures in the immediate neighborhood?</p>	
<p>5B. Describe the visual impact of the use from adjacent properties and public roadways (e.g., building materials, landscaping, screening).</p>	
<p>5C. Describe the intensity of use (e.g., number of employees, customer volume, hours of operation, traffic) compared to uses on adjacent or nearby properties.</p>	
<p>5D. Explain how the proposed use maintains appropriate proximity to other structures on neighboring properties (e.g., proposed setbacks exceeding minimums).</p>	

Question 6: Noise & Hours of Operation	Applicant Response/Documentation
<p>6A. State the proposed hours of operation for the primary use (including customer and employee access).</p>	
<p>6B. State the proposed hours for deliveries, maintenance, or waste removal activities.</p>	
<p>6C. Identify all potential sources of noise from the operation (e.g., HVAC units, loading docks, outdoor seating, manufacturing processes).</p>	
<p>6D. Describe all measures to mitigate noise impact on neighbors, especially during evening and nighttime hours.</p>	

Question 7: Right, Title, or Interest	Applicant Response/Documentation
<p>7A. What is the applicant's legal interest in the property (e.g., owner, purchase & sale agreement, option, lease)?</p>	
<p>7B. If the applicant is not the owner, has a letter of authorization from the property owner been attached?</p>	
<p>7C. Have all existing easements or restrictive covenants that could impact the proposed use been listed?</p>	

Conditional Use Questionnaire – Project Name: _____

Question 8: Financial & Technical Ability	Applicant Response/Documentation
8A. Provide a brief description of how the project will be financed (e.g., bank loan, personal funds, investor capital).	
8B. List the key professionals involved in the design and construction of the project (e.g., Engineer, Surveyor, Architect).	
8C. Describe the applicant's experience or the experience of the key personnel/consultants in managing a project of this nature (including meeting regulatory compliance and construction standards).	