

ARTICLE 7: CONDITIONAL USE

Section 7.2. CONDITIONAL USE REVIEW PROCESS

- A. **Application:** When the owner of property or the owner's authorized agent is informed by the Code Enforcement Officer or otherwise determines that a conditional use permit is required, an application shall be filed with the Planning Board on forms provided for that purpose. ~~The application shall provide all information required for a building permit application plus information upon which the Planning Board may make findings of fact as to each of the standards set forth in subsection 7.4.~~ The application shall be accompanied by an application fee per the fee schedule adopted by the Select Board.
- B. **Receipt of Application:** The completed conditional use application shall be submitted to the Town Office, and a receipt shall be issued to the applicant by the Town Office, at least ~~fourteen (14)~~ twenty-one (21) days before the Planning Board's next meeting date to be included on the Board's agenda. Any application submitted after the submission deadline will be carried over to the next available meeting.
- D. **Distribution of Application Materials:** When the Code Enforcement Officer, determines that ~~ten (10)~~ five (5) printed copies and one (1) digital PDF of all material required to constitute the application have been submitted, they shall promptly notify the applicant of the time and place for such meeting, and they shall transmit to each Planning Board member a copy of the application material.

Section 7.3. MANDATORY CONDITIONAL USE SUBMISSIONS (renumber subsequent sections)

To ensure that the Planning Board receives adequate site-specific information to determine compliance with the conditional use review criteria of Section 7.4, applicants for conditional use permits shall submit the materials listed below. These materials are intended to provide a sufficient level of information for evaluation of potential impacts under Section 7.4 but less detailed than the submissions required for full site plan review under Article 8.

- A. The Board will not deem an application complete until the materials required by this section have been provided unless the Planning Board, by majority vote, determines that a specific item is clearly not applicable to the proposed use or site:
 - 1. Application Form. A fully completed conditional use permit application on forms provided by the Town.
 - 2. Site Plan or Sketch. A plan of the entire property showing existing and proposed buildings and structures; driveways and parking areas; trash disposal or storage areas; signage; septic system and well; outdoor lighting; and significant natural features such as tree stands, ponds, streams, or wetlands. For minor projects a legible and accurate hand-drawn sketch may be accepted; larger or more complex projects may require a plan prepared by a qualified professional.

3. Vicinity Map. A map or sketch showing the location of the property in relation to surrounding parcels, including existing uses and structures on abutting properties.
 4. Right, Title, or Interest. A copy of the deed, lease, or other legal document demonstrating the applicant's right, title, or interest in the property.
 5. Financial and Technical Capacity. Information demonstrating that the applicant has the financial and technical resources to complete and operate the proposed use in compliance with State and local requirements. This may include cost estimates, evidence of financing, and a résumé or description of relevant experience.
 6. Performance Standards Compliance. Documentation showing how the proposed use meets the conditional use review criteria of Section 7.4 and any applicable performance standards of Article 5.
 7. Abutter Notification Materials. Copies of the abutter notices and either signatures of receipt or certified-mail return receipts, as required by Section 7.2(C).
 8. Digital and Printed Copies. Five (5) printed copies and one (1) digital PDF of all application materials shall be submitted to the Town Office at least twenty-one (21) days before the Planning Board meeting at which completeness will be reviewed.
- B. Depending on the nature, scale, or location of the proposed use, the Planning Board may require any of the following supplemental materials when necessary to evaluate compliance with the conditional use criteria:
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.

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022, 2023, 2024, 2025

If the Planning Board determines by majority vote that any of the supplemental information in this subsection are needed, the application will be deemed incomplete until the requested information is submitted.