

Standards for Conditional Use Permit: (Section 8 of the Land Use Ordinance)
<p>Section 1: The conditional use permit may be granted by the planning board ONLY if the application has established to the satisfaction of the planning board that:</p> <p><i>Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or QUIET POSSESSION of surrounding properties greater than would normally occur from such a use in the district. In reaching a determination on this standard, the Planning Board shall consider:</i></p>
<p>Sub-section 1a. The size of the proposed use compared with surrounding uses;</p>
<p>Response: A 300 site commercial campground is not consistent with a residential neighborhood of single-family homes. The response of the applicant in the Conditional Use Application only addresses the internal workings of the campground. The application suggests that the campground is completely isolated from surrounding properties. The applicant fails to address the fact that every single vehicle that comes and goes from the campground will travel on Senator Black Road to get to Marston Road. It is simply not the case that the campground will operate in isolation from surrounding uses. The impact to the homeowners on Senator Black and Marston's Road will be significant. In our opinion the applicant fails to meet this condition.</p> <p>Additionally, the Marston House and associated shed referenced in this section have likely not been grandfathered. There has been no mention in this section as to how these structures will be used.</p>
<p>Sub-section 1b. The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement and similar measures of use, COMPARED WITH SURROUNDING USES;</p>
<p>Response: The proposed commercial 300-unit campground anticipated amount and type of traffic is inconsistent with surrounding uses specifically 30 single family homes. This section of the application discusses plans to address traffic, including access roads and parking lots in the campground, upgrades to Marston Road and references the traffic study for the Maine DOT to address the impact to Rt. 113. Nowhere in this section was there reference to the impact of the projected traffic increase to Senator Black Road. The projected traffic trip rate for a peak weekend hour is projected to be 165 trips/hour on a typical summer Saturday. (Effectively 2.5 trips per minute.)</p> <p>In fact, the intensity of the proposed use, including amount and type of traffic to be generated COMPARED WITH SURROUNDING USES on Senator Black Road is inconsistent and far exceeds comparisons to Surrounding uses. As a result, in our opinion the applicant fails to meet this condition.</p>
<p>Sub-section 1c. The potential generation of noise, dust odor, vibration, glare smoke, litter and other nuisances:</p>
<p>Response: In this section the applicant only addresses the noise, dust, odor, etc. associated with the actual project's construction. The applicant fails to address in this section any noise, dust, vibration and other nuisances related to the use of recreational ATV's and Dirt Bikes. These recreational vehicles will undoubtedly create enough noise to be a significant nuisance to both abutting and non-abutting homeowners on Senator Black Road. As a result, in our opinion the applicant fails to meet this condition.</p>
<p>Sub-section 1d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate impacts on the surrounding properties:</p>
<p>Response: In this section the applicant notes that "most of the development is far from any existing development." Of course, this is incorrect, and we would question what the applicant defines as "Development." The single-family homes on Senator Back Road (both abutting and non-abutting) must be</p>

considered when documenting the impact of this site. The ingress and egress of bus size vehicles alone on a simple two-lane country road will most certainly impact surrounding properties. The applicant has failed to address the impact to the surrounding properties and homes and as a result, in our opinion the applicant fails to meet this condition.

Section 2: The Planning Board shall consider facilities:

Sub-section 2a. The ability of traffic to safely move into and out of the site at the proposed location"

Response: The applicant response in this section only addresses internal road plans on the actual property. The application does reference the traffic study performed by Bill Bray, P.E. but only in reference to the application for an MDOT permit. There is no discussion or commentary in this section of the significant increase in traffic or size of the vehicles entering and exiting the property on Senator Black Road. This is a significant issue with no associated discussion or proposed plan. As a result, in our opinion the applicant fails to meet this condition.

Sub-section 2b. The capacity of the street network to accommodate the proposed use:

Response: In this section the applicant has only addressed the street network on the actual property. Changes to internal circulation, emergency access and parking locations are referenced but only as it relates to internal road widths. Most certainly the purpose of this standard was to better understand the capacity of the existing street network to handle the expected size and quantity of expected traffic. As a result, in our opinion the applicant fails to meet this condition.

In summary then, and for the record, because the applicant fails to adequately address these items in its application, the Planning Board does not have an adequately developed record in which to base its determination as to whether the conditional use factors have or have not been met and as such cannot make a decision at this time..

SO, LETS PAUSE A MOMENT – TAKE A STEP BACK. In our view the applicant has failed to address some key components of the conditional use standards. As such, we must ask the Planning Board why we are rushing into this? The town must truly understand the impact of this enormous project on our community and what is clearly a residential road with new homes being built every year. **Here are our asks:**

- 1. We would ask the Planning Board for a Peer Review of the Traffic Study. Many towns require a second look at the impact of traffic. Considering the traffic concerns related to this project a second opinion would not be unreasonable.**
 - (a) I think we can all agree that most patrons of this campground will be traveling from either out of state or from the major north/south access highways to the south. As such the primary access point via Senator Black Road will be the south entrance. Given this fact we must understand the traffic impact associated with most of the traffic entering from this direction.**
 - (b) I understand that the traffic study was performed in the month of October. We would ask that the study be repeated in one of the summer months and that the Peer Review also be done in a summer month. It is likely that the State will ask for this review as well.**
- 2. With so much uncertainty and anxiety surrounding this project, can we consider a pause?**
 - (a) The Planning Board could recommend a "Pause" or "Moratorium" for 180 days but up to one year. (Tile 309A, No. 4356)**
 - (b) The town can call a special meeting within 7 days to approve this Moratorium.**

(c) If there is enough support, then the Moratorium would allow for time to obtain the additional information needed.

(d) Lastly, we are concerned that the current conditional use standards, when created, could not foresee every scenario that may present in the future and as such are just guidelines. It is reasonable and in fact prudent to revisit these conditional use standards or guidelines at regular intervals. The Moratorium would also allow for enough time to, if appropriate, amend the conditional use standards. Any change to the standards would apply to pending applications.