

**FINDINGS OF FACT AND
CONCLUSIONS OF LA W**

Appeal by Gerald Haines and Francisca Morant's from the March 19, 2007, findings and Notice of Violation to the Twin Brooks Camping Area, LLC.

Based upon the submissions of the parties, the testimony and other information received at the Zoning Board of Appeals' May 23, 2007, public hearing, and the Board's *de novo* review of the evidence, I move that the Board find as follows:

1. Campsites 6-9 and 12-15 on the September 11, 2006, Site Plan are within the Shoreland Zone great pond/wetland and property line setbacks, a prohibited use in violation of Gray Code Ch. 403, § 14, Table of Land Use;
2. Campsites 6-9 and 12-13 on the September 11, 2006, Site Plan are within the Campground Ordinance's shoreline and exterior lot line setbacks, a prohibited use in violation of Gray Code Ch. 402, § 402.28-2(C);
3. Twin Brooks has not proved that Campsites 6-9 and 12-15 on the September 11, 2006, Site Plan are a grandfathered, legally-existing nonconforming use;
4. Twin Brooks failed to correct the violations listed in Paul White's July 17, 2006, Notice of Violations;
5. Twin Brooks failed to correct the violations listed in Kinderly Hodgdon's March 19, 2007, Notice of Violation, removing vehicles but leaving campsites and utilities in place and failing to revegetate the area or to restore the mandatory, 25 foot buffer;
6. Twin Brooks violated Gray Code Ch. 403, § 15(D) by failing to comply with the requirements of the State of Maine licensing procedures, by constructing and operating Campsites 6-9 within 100 feet of Little Sebago;
7. Twin Brooks violated Gray Code Ch. 403, § 15(O)(2)(a), which prohibits cutting to clear openings greater than 250 sq. ft. in the forest canopy by clear-cutting areas for Campsites 6-9 and 12-15, and a road serving these campsites;
8. Twin Brooks violated Gray Code Ch. 403, § 15(P)(1) by bringing in fill and regrading to construct Campsites 6-9 and 12-15 without a permit and without a written soil erosion and sedimentation control plan;
9. Twin Brooks violated Gray Code Ch. 402, § 402.4 by operating a marina and/or operating docks and moorings for docking fees;
10. Twin Brooks violated Gray Code Ch. 402, § 402.28-2 by operating a campground in 2006 without a State of Maine campground license required by 22 M.R.S. § 2492;

11. Twin Brooks violated Gray Code Ch. 402, § 402.28(D) by removing, and thus failing to provide, the minimum continuous landscaped area and buffer of not less than twenty-five (25) feet in width between Campsites 6-9, 12-15, and 30-33 and the Haines/Morant property;
12. Twin Brooks violated Gray's Administrative Code, Art. II, §§ VII(3) and (4) by installing new, unauthorized, and illegal campsites, electrical drops, and plumbing fixtures for the campsites without permits.

On the basis of these findings and violations, the Code Enforcement Officer is directed to order the abatement of said violations; to assess appropriate penalties for same as provided by applicable law; and to communicate these findings and orders to the Town of Gray Planning Board for its consideration at a public hearing on Twin Brooks Camping Area, LLC's application for site plan and related approvals.