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Town of Thomaston, Maine
Code Enforcement Office
13 Valley Street
Thomaston ME 04861-3818
(207) 354-6107

AGENDA
Thomaston Planning Board
Wednesday, March 9, 2022 – 6: 00 pm
Planning Board Meeting in the Select Board Room

IN-PERSON AT 13 VALLEY STREET

LIVE STREAMING AVAILABLE ON THE TOWN WEBSITE OR BY VISITING:
https://www.townhallstreams.com/towns/thomaston_me

1. Call meeting to order.
2. Approve minutes of March 2, 2022 meeting
3. Review proposed changes to the Conditional Use language
4. Review proposed changes to the Purpose of R1 and R2
5. Review Definition of Repair Service
6. Review proposed changes to Section 719.1
7. Review and approve all Amendments for presentation to a Public Hearing
8. Adjourn meeting

Public Hearing Tuesday March 22, 2022 for LUO Amendments

Section 704 Administration

Proposed Amendments DRAFT 3/1/22

704.1.5 Conditional Use Permits

a) Purpose and Applicability

The purpose of this Section is to enable the Planning Board to review certain proposed uses of the land that have the potential of creating unusual or undue impacts on surrounding properties, municipal facilities, or the natural environment. A building, structure, or parcel of land may be used for a conditional use **only** if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a conditional use permit is approved.

b) Application for Conditional Use Permit

Application for a conditional use permit shall be made to the Code Enforcement Officer on forms provided for the purpose accompanied by such fee as the Select Board shall set on an annual basis for such applications. The applicant shall:

- 1) Clearly specify the location of the proposed use, including street address, Assessor's tax map and lot number, and a location map.
- 2) Describe the exact nature of the proposed use.
- 3) Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use permit have been met. The burden of providing the information upon which the Board bases its findings and of proving conformity with the standards shall be the applicant's.

c) Standards for a Conditional Use Permit - *The Planning Board may vote to grant a Conditional Use with such conditions and safeguards as are appropriate under this Ordinance and the purpose of the district in which it is proposed, or to deny such Conditional Uses when not in harmony with this Ordinance and the purpose and intent of said district.* A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Board **that the following criteria have been met:**

~~1 That the proposed use is consistent with the stated purpose of the zoning district in which it is to be located.~~

~~2. That the proposed use does not promote strip development or spawl in the Town's rural districts~~

3) 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 zoning district.~~ In reaching a determination on this standard, the Board shall consider:

- i. the **relative size, scale, character and visual quality** of the proposed use compared with surrounding uses;
- ii. **The potential impact on important natural, historic and/or scenic resources;**
- iii. the intensity of the proposed use, including the amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
- iv. the potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;

- v. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which tend to aggravate adverse impacts upon surrounding properties; and
- vi. the degree to which *visual buffering, including* landscaping, fencing, and other design elements, has been incorporated to mitigate impacts on surrounding properties.

4) Municipal facilities serving the proposed use will not be overburdened. In reaching a determination on this standard the Board shall consider:

- i. the ability of traffic to safely move into and out of the site at the proposed location;
- ii the safety of pedestrians *at or near the site* ;
- iii. the capacity of the street network to accommodate the proposed use;
- iv. the capacity of public sewerage and water facilities, if they are to be used, to accommodate the proposed use; and
- v. the capacity of the public storm drainage system, if it is to be used, to accommodate the proposed use.

5) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause *undue* harm to the environment or to neighboring properties.

6) Undisclosed Future Uses:

- i. In an application for a conditional use requiring renovation or enlargement of an existing building or new construction, the applicant shall not be required to name specifically all the uses on the lot if they are not known at the time of renovation, enlargement or new construction. Instead, the applicant shall state on his/her application all the specific uses that are anticipated for the lot.
- ii. For the area on the lot for which the use is not then known, the applicant shall designate those areas as "undisclosed future uses".
- iii. The applicant must designate on the application at least one known conditional use.
- iv. The Planning Board may grant conditional uses for the known specific uses and the project may proceed to site review, if required, and a building permit may be issued after site plan review, with the condition that any required conditional use permits for the undisclosed future uses will be obtained when the uses are determined.
- v. The lot shall not be used for the undisclosed future uses which require a conditional use until the required conditional use approval is obtained.

7) In considering the foregoing standards the Planning Board shall fully review these standards even though the applicant may also be subject to site plan approval.

d) Additional Standards in Shoreland Areas

e) Conditions of Approval

When approving a conditional use permit, the Board shall identify in writing the conditions upon which the permit is approved. These conditions may include, but are not limited to, such requirements as:

- 1) *modification of scale, character and visual quality of structures or requirements of operation*
- 2) buffering and screening;
- 3) street improvements;
- 4) access restrictions;
- 5) hours of use;
- 6) utility improvements;

7) performance guarantees for off-site improvements required as conditions of approval. Additionally, the following is inserted before the list of Conditional Uses in each of the residential districts:

Conditional Uses *(These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board)*

c) I removed ~~and the purpose of the district in which it is proposed, or to deny such Conditional Uses when not in harmony with this Ordinance and the purpose and intent of said district.~~ because if a conditional use is listed in the district then it would have been considered in the context of the purpose of the district when it was approved to go on the list of conditional uses in that district.

Section 707 Urban Residential District (R3)

707.1 Purpose

The Urban Residential District is the most densely developed residential area in town and contains the Town's nationally recognized Historic District. The R3 District is small, but with public water and sewer available it is the area of the town best able to support increased residential development. The purpose of this district is to provide a range of housing opportunities. The intent is to do so in a way that emulates the character of the village, preserving its historic nature, continuing the traditional grid pattern and extending the town's compact interconnected road patterns and compact, walkable neighborhoods.

707.1.1-The general standards of performance of Article II shall be observed.

707.2 Boundary Description

Beginning at the intersection of US Route One (Main Street) and Shibles Lane; thence Easterly along the center line of US Route One to the West corner of Map 101, Lot 003; thence Southerly along the boundary lines of Map 101, Lots 003, 007 and 014 to the center line of the State of Maine Rail Road Right of Way, hereinafter the MCRROW; thence Easterly along the center line of the MCRROW to the Westerly boundary of Map 101, Lot 015; thence Northerly along the boundary of Map 101, Lot 015 and the center line of Ship Street to the Southwest corner of Map 101, Lot 016; thence Easterly, Northerly, and Westerly along the boundaries of Map 101, Lot 016 to the center line of Ship Street; thence Northerly along the center line of Ship Street to the intersection with Main Street; thence Westerly along the center line of Main Street to the intersection with Wadsworth Street; thence Southerly by the center line of Wadsworth Street to the Southeast corner of Map 101, Lot 018 and the Town Right-of-Way as described in an Easement Deed from the State of Maine to the Town of Thomaston located in the Knox County Registry of Deeds in Book 4310, Page 15, dated November 8, 2010; thence Southwesterly by Map 101, Lot 018 to the boundary of Map 101, Lot 015; thence Southerly, Westerly and Southerly along boundary of Map 101, Lot 015 to the normal high water line of St. Georges River; thence Easterly and Southerly along the normal high water line of the St. Georges River to the center line of Ferry Street; thence Easterly along the center line of Ferry Street to the intersection with Wadsworth Street; thence Southerly along the center line of Wadsworth Street to the intersection with Water Street; thence Easterly and Northeasterly along the center line of Water Street to the Southwest corner of Map 101, Lot 057; thence Northerly, Easterly and Southerly along the boundaries of Map 101, Lot 057 to the center line of Water Street; thence Easterly and Southeasterly along the center line of Water Street to the North corner of Map 102, Lot 015; thence Southwesterly, Southeasterly, and Northeasterly by the boundaries of Map 102, Lot 015 to the center line of Water Street; thence by the center line of Water Street to the intersection of Knox Street; thence Northerly along the center line of Knox Street to the intersection of the MCRROW; thence Easterly along the center line of the MCRROW to the Westerly boundary of Map 103, Lot 007; thence Northerly along the boundary of Map 103, Lot 007 to the center line of Thatcher Street; thence Northerly along the center lines of Thatcher Street and Fish Street to the center line of US Route One; thence Northeasterly along the center line of US Route One to the thread of Mill River; thence Northerly along the thread of Mill River to the Northeast corner of Map 104, Lot 135; thence Westerly along the boundary of Map 104, Lot 135 to the Northwest corner of Map 108, Lot 044; thence Westerly straight across Map 108, Lot 043, to the Northeast corner of Map 108, Lot 039; thence Westerly and Southwesterly along the boundary line of Map 108, Lot 039; thence Northwesterly along the boundary line of Map 108, Lot 037; thence Westerly along the boundary line of Map 108, Lot 037 to the center line of Beechwood Street; thence Northerly along the center line of Beechwood Street to the Southwest corner of Map 204, Lot 068; thence Northeasterly and Northerly along the boundary of Map 204, Lot 068; thence Northeasterly to the Southeast corner of Map 204, Lot 067; thence Northerly along the boundary lines of Map 204, Lots 067, 065 and 063; thence Westerly along the boundary of Map 204, Lot 063 to the center line of Beechwood Street; thence Northerly along the center line of Beechwood Street to the Southwest corner of Map 204, Lot 061; thence Northeasterly along the boundaries of Map 204, Lots 061 and 059; thence Northerly along the boundary of Map 204, Lot 059, to the Southeast corner of a right of way reserved to Orville T. Ranger, his heirs and assigns forever, as described in Knox County Registry of Deeds Book 720, Page 238, at the Northeast corner of Map 204, Lot 059; thence Northwesterly along the described right of way and along the Southwesterly boundary

of Map 204 Lot 041; thence Westerly along the boundary lines of Map 204, Lots 043 and 045 to the center line of Beechwood Street; thence Northerly along the center line of Beechwood Street to the Northerly boundary of Map 402, Lot 045; thence Westerly and Southerly along the boundary of Map 402, Lot 045 to the Northeast corner of Map 402, Lot 043; thence Westerly along the boundary of Map 402, Lot 043; thence Northerly, Westerly and Southerly along the boundary of Map 402, Lot 041; thence Southerly by the boundaries of Map 107 Lots 034, 028, 027, 025, and Map 203, Lot 087 to the Northeast corner of Map 203, Lot 083; thence Westerly and Southerly along the boundaries of Map 203, Lot 083 to the center line of Shibles Lane; thence Southerly by the center line of Shibles Lane to the intersection with Main Street and to the point of beginning.

Excepting the area described as being in the Village Commercial District by Section 712A of this Ordinance, and any Resource Protection District areas as described in Section 711 of this Ordinance included in the above description.

707.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Church
- 3) Duplex Dwelling
- 4) Emergency Operations
- 5) Essential Services
- 6) Government Buildings and Uses
~~Mineral Exploration~~
- 7) Municipal Buildings and Uses other than open-space recreational areas
- 8) Non-residential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purposes
- 9) Raising Small animals as pets or for personal use ***
- 10) Roof Mounted Solar Array
- 11) Single Family dwelling (excluding manufactured/mobile home)

707.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Accessory Dwelling Unit
- 2) Apartment Building or Unit
- 3) Art Gallery
- 4) Beauty Salon or Barber Shop
- 5) Bed and Breakfast
~~Boarding Care Facility~~
- 6) Building or use of an educational, religious, philanthropic, fraternal, political or social nature not used for residential occupancy Business and Professional Office
- 7) Business and Professional Office
- 8) Cemetery, mausoleum or columbarium for human remains only
- 9) Congregate Housing
- 10) Conversion of existing residential to:*

- a) Apartment Building or Unit
 - b) Bed and Breakfast
 - c) Congregate Housing
 - d) Residential Care Facility
- 11) Crematory
 - 12) Day Care Facility
 - 13) Food Service
 - 14) Funeral Home
 - 15) Ground Mounted Solar Energy Systems (small systems only)
 - 16) Home Occupation
 - 17) Inn †
 - 18) Multi-unit residential structure
 - 19) Museum
 - 20) Public Open Space and Recreational Use
 - 21) Quasi-Public Facility
 - 22) Residential Care Facility
 - 23) School
 - 24) Sub-Station, Pump Station

707.5 Dimensional Requirements

	SEWERED	UNSEWERED
Maximum net residential Density	Four (4) dwelling units per net residential acre	Two (2) dwelling units per net residential acre
Minimum area/dwelling	10,000 Sq. Ft.	20,000 Sq. Ft.
Minimum street frontage	100 Feet *	100 Feet *
Minimum shore frontage	100 Feet	100 Feet
Min. setback/centerline Street	40 Feet	40 Feet
Min. rear and side yards	15 Feet **	15 Feet **
Max. Bldg. Height	38 Feet	38 Feet
Max. Lot Coverage	25%	20%
Min. Setback NHWL Of Tidal Waters	75 Feet Structures † 65 Feet Toe of Fill	75 Feet Structures † 65 Feet Toe of Fill
Min. Setback NHWL Other water bodies (10 Acres)	75 Feet Structures 65 Feet Toe of Fill	75 Feet Structures 65 Feet Toe of Fill
Min. Setback drainage Ditches	25 Feet Structures 20 Feet Toe of Fill	25 Feet Structures 20 Feet Toe of Fill
Min. Setback from upland Edge of freshwater wetland	25 Feet Structures 20 Feet Toe of Fill	25 Feet Structures 20 Feet Toe of Fill

Section 709 Rural Residential District (R2)

709.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Duplex Dwelling
- 3) Emergency Operations
- 4) Essential Services
- 5) Mineral Exploration
- 6) Non-residential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purposes
- 7) Roof Mounted Solar Array
- 8) Single Family Dwelling (excluding manufactured/mobile home)
- 9) Soil and Water Conservation practices and structures designed to stabilize natural or man-made conditions as part of Wildlife Management Plan approved by the state or county Soil and Water District

709.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Accessory Dwelling Unit
- 2) Agriculture Building or use including keeping and raising of large animals or poultry
- 3) Apartment Building or Unit 1
- 4) Art Gallery
- 5) Beauty Salon or Barber Shop
- 6) Bed and Breakfast 1
- 7) Building or use of an educational, religious, philanthropic, fraternal, political or social nature not used for residential occupancy
- 8) Business and Professional Office
- 9) Campground including RV Park
- 10) Church
- 11) Cluster Development
- 12) Commercial agriculture and horticulture sales of farm produce on premises

- 13) Commercial agriculture uses and practices
- 14) Congregate Housing
- 15) Conversion of Existing Residential ¹ to:
 - a) Apartment Building or Unit
 - b) Bed and Breakfast
 - c) Congregate Housing
 - d) ~~Boarding Care Facility~~
 - e) Nursing Home
 - f) ~~Rooming House~~
 - f) Residential Care Facility
- 16) Day Car Facility
- 17) Funeral Home
- 18) Government Uses and Buildings
- 19) Ground Mounted Solar Energy Systems (small or medium size)
- 20) Home Occupation
- 21) Keeping and raising horses including Horse Boarding Facility ****
- 22) Multi-unit residential structure
- 23) Neighborhood Store
- 24) Nursing Home
- 25) Outdoor Conservation and Recreational Uses not for profit
- 26) Public Facility
- 27) Public Open Space and Recreational Use
- 28) Quasi-public Facility
- 29) Raising small animals
- 30) Recreational Facility or Recreational Activity
- 31) Repair Service – Non-Automotive (Small engines, computer, etc.)
- 32) Sawmill
- 33) School
- 34) Service Business
- 35) Shop Used in Pursuit of Trade
- 36) Storage Facility
- 37) Sub-station, Pump Station, Sewer Treatment Facility
- 38) Transportation Facility

Section 708 Transitional Residential District (TR3)

708.1 Purpose

This district lies a little further out from primarily north of the center of town along both sides of Beechwood Street. The Comprehensive Plan identifies this section of Thomaston as a growth area and as the district, after R-3, where public sewer and water should be provided and future residential development should be concentrated. Its purpose is to encourage development closer to the more compact areas rather than more rural areas. It is intended that development in this area continue to emulate the character of the village with traditional interconnected road patterns and compact, walkable neighborhoods.

708.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Duplex Dwelling
- 3) Emergency Operations
- 4) Essential Services
- 5) Government Uses and Buildings
- 6) Mineral Exploration
- 7) Public Facility
- 8) Roof Mounted Solar Array
- 9) Single Family Dwelling (excluding manufactured/mobile home)
- 10) Soil and Water Conservation Practices and Structures designed for stabilize natural or man-made conditions as part of a Wildlife-Management Plan approved by the state or county Soil and Water District.

708.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Accessory Dwelling Unit
- 2) Apartment Building or Unit j:
- 3) Business/Professional Office
- 4) Church
- 5) Cluster Development
- 6) Congregate Housing
- 7) Conversion of existing residential to: *
 - a) Apartment Building or Unit
 - b) Bed and Breakfast
 - Boarding Care Facility
 - c) Congregate Housing
 - d) Residential Care Facility
 - e) Rooming House²¹

- 8) Day-care Facility
- 9) Food Service
- 10) Ground Mounted Solar Energy System (small)
- 11) Home Occupation
- 12) Keeping and raising horses including horse boarding facility.*
- 13) Manufactured/mobile home
- 14) Mobile Home Park
- 15) Multi-unit residential structure
- 16) Public open space and recreational use
- 17) Quasi-Public Facility
- 18) Raising small animals
- 19) Recreational Facility or Recreational Activity
- 20) Residential Care Facility
- 21) Small scale farming/gardening including on-premises farm stand for products produced on-site only.
- 22) Sub-station, pump station, sewer treatment facility

708.5 Dimensional Requirements

	SEWERED	UNSEWERED
Maximum net residential Density	Four (4) dwelling units per net residential acre	Two (2) dwelling units per net residential acre
Minimum area/dwelling	10,000 Sq. Ft	20,000 Sq. Ft
Minimum street frontage	100 Feet	100 Feet
Minimum shore frontage	100 Feet	100 Feet
Min. setback/centerline Street	40 Feet	40 Feet
Min. rear and side yards	15 Feet	15 Feet
Max. Bldg. Height	38 Feet	38 Feet
Max. Lot Coverage	25%	20%
Min. Setback NHWL Of Tidal Waters	75 Feet Structures 65 Feet Toe of Fill	75 Feet Structures 65 Feet Toe of Fill
Min. Setback NHWL Other water bodies (10 Acre)	75 Feet Structures † 65 Feet Toe of Fill	75 Feet Structures † 65 Feet Toe of Fill
Min. Setback drainage Ditches	25 Feet Structures 20 Feet Toe of Fill	25 Feet Structures 20 Feet Toe of Fill
Min. Setback from upland Edge of freshwater wetland from two to ten acres	25 Feet Structures 20 Feet Toe of Fill	25 Feet Structures 20 Feet Toe of Fill

* The following standards shall apply for the keeping and raising of horses:

- i. A rear yard, excluding the non-fenced portion of at least 20,000 square feet in size and a net

residential acreage of at least 40,000 square feet for each horse kept on the premises, and

- ii. Fencing that will permanently confine the horses to the yard rear of the premises and set back at least 15 feet from adjoining property lines, and
- iii. Shelter provisions meeting any requirements promulgated by State Law or by the State Bureau of Animal Welfare, and
- iv. Provisions for the prevention of animal-effluent accumulation and for the prevention of effluent draining from the site.

† Does not apply to structures, which require direct access to the water as an operational necessity, such as piers, wharves, retaining walls and boathouses. * Please see Section 719.2 Conversion of Residential Structures.

Section 710 Rural Residential & Farming District (R1)

710.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Agriculture Building or Use including keeping large animals or poultry
- 3) Cluster Development
- 4) Commercial Agriculture Uses and Practices
- 5) Duplex Dwelling
- 6) Emergency Operations
- 7) Essential Services
- 8) Government Uses and Buildings
- 9) Keeping and Raising Horses including Horse Boarding Facility ****
- 10) Manufactured or Mobile Home
- 11) Mineral Exploration
- 12) Non-residential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purposes
- 13) Raising small animals
- 14) Roof Mounted Solar Array
- 15) Single-Family Dwelling
- 16) Soil and Water Conservation Practices and Structures designed to stabilize natural or man-made conditions as part of a Wildlife Management Plan approved by the state or county soil and water district

710.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Accessory Dwelling Unit
- 2) Apartment Building or Unit j
- 3) Art Gallery
- 4) Automobile Repair Garage excluding Auto Body Repair
- 5) Beauty Salon or Barber Shop
- 6) Bed and Breakfast j:
- 7) Business and Professional Office
- 8) Building or use of an educational, religious, philanthropic, fraternal, political or social nature not used for residential occupancy
- 9) Campground including RV Park
- 10) Cemetery, mausoleum or columbarium

- 11) Crematory
- 12) Church
- 13) Commercial Agriculture and Horticulture sales of farm produce on premises
- 14) Congregate Housing
- 15) Conversion of Existing Residential ^J to:
 - a) Apartment Building or Unit
 - b) Bed and Breakfast
 - c) Congregate Housing
 - d) ~~Boarding Care Facility~~
 - e) Nursing Home
 - f) ~~Rooming House~~
 - f) Residential Care Facility
- 16) Day-Care Facility
- 17) Fast-Food Take-out Stand, Walk-Up only
- 18) Funeral Home
- 19) Ground Mounted Solar Energy System (all sizes)
- 20) Home Occupation
- 21) Kennel
- 22) Multi-unit residential structure
- 23) Neighborhood Store
- 24) Nursing Home
- 25) Outdoor Conservation and Recreational Uses not for profit
- 26) Public Facility
- 27) Public Open Space and Recreational Use
- 28) Quasi-public Facility
- 29) Recreational Facility or Recreational Activity not for profit
- 30) Repair Service – Non-Automotive (Small engines, computer, etc.)
- 31) Research Facilities and Services accessory to principal permitted use
- 32) Research Laboratory
- 33) Residential Care Facility
- 34) Restaurant
- 35) Retail Business
- 36) Sawmill
- 37) School
- 38) Service Business
- 39) Shop Used in Pursuit of Trade

40) Substation, Pump Station, Sewer Treatment Facility

41) Transportation Facility

Section 711 Resource Protection District (RP)

711.5 Permitted Uses

- 1) Essential Services (Refer to 716.15)
- 2) Mineral Exploration
- 3) Outdoor Conservation and Recreational Uses not for profit
- 4) Roof Mounted Solar Array
- 5) Soil and water-conservation practices and structures designed to stabilize natural or man-made conditions as part of Wildlife Management Plan approved by state or county soil/water district

711.6 Conditional Uses (Subject to Approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Home Occupation
- 3) Keeping and raising horses including Horse Boarding Facility
- 4) Multi-unit residential structure
- 5) Non-residential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purpose
- 6) Public Facility
- 7) Public Open Space and Recreational Uses
- 8) Raising Small Animals
- 9) Road and driveway construction, except to provide access to permitted uses or where no Reasonable alternative route or location exists outside the RP district
- 10) Single-Family Dwelling (excluding manufactured/mobile home; allowed only under the Special Exception provisions of 711.4)
- 11) Wharf, Pier, Floats, Launching Facility and Bulkheads

Section 712A Village Commercial District (VC)

712A.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Bank or Financial Service Institution
- 3) Beauty Salon or Barber Shop
- 4) Business and Professional Office
- 5) Emergency Operations
- 6) Essential Services
- 7) Government Uses and Buildings
- 8) Non-essential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purpose
- 9) Retail Business
- 10) Roof Mounted Solar Array
- 11) Service Business

712A.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Apartment Building (Restricted to second floor or above – first-floor commercial use only)
- 2) Art Gallery
- 3) Building or use of an educational, religious, philanthropic, fraternal, political, or social nature not used for residential occupancy
- 4) Church
- 5) Commercial Agriculture and Horticulture Sales of Farm Produce on Premises
- 6) Day-care Facility
- 7) Fast-Food Take-out Stand, Walk-Up Only
- 8) Health Club
- 9) Laundry and Dry-cleaning Facility
- 10) Medical Facility
- 11) Neighborhood Store
- 12) Public Facility

13) Quasi-Public Facility

14) Public Open Space and Recreational Use

15) Recreational Facility

16) Restaurant

17) School

18) Theater

19) Upholstery Shop

Section 712 Highway Commercial District (HC)

712.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Bank or Financial Service
- 3) Beauty Salon or Barber Shop
- 4) Business and Professional Office

- 5) Commercial Agriculture and Horticulture Sales of Farm Produce on Premises
- 6) Emergency Operations
- 7) Essential Services
- 8) Government Uses and Buildings
- 9) Retail Business
- 10) Roof Mounted Solar Array
- 11) Service Business
- 12) Shop Used in Pursuit of Trade
- 13) Soil and water conservation practices and structures designed to stabilize natural or man-made conditions as part of a Wildlife Management Plan approved by state or county soil/water district

712.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Apartment Building - 8 Units or more
- 2) Art Gallery
- 3) Auto Sales Lot
- 4) Automobile-Repair Garage
- 5) Bowling Alley
- 6) Building or use of an educational, religious, philanthropic, fraternal, political or social nature not used for residential occupancy
- 7) Car-Wash Facility
- 8) Church
- 9) Day-care facility

- 10) Fast Food Restaurant
- 11) Fast-Food Take-Out Stand, Walk-Up Only
- 12) Funeral Home
- 13) Gasoline Station including convenience store
- 14) Ground Mounted Solar Energy System (all sizes)
- 15) Health Club
- 16) Hotel, Motel
- 17) Laundry and Dry-cleaning Facility
- 18) Lumber Yard
- 19) Medical Facility
- 20) Public Facility
- 21) Quasi-Public Facility
- 22) Recreational Facility

5)

Current Definition

Repair Services - The replacement or renewal of any part of a device, or equipment with like or similar materials or parts, for the purpose of maintenance of such device, or equipment or to restore that which is unserviceable to a serviceable condition by replacement of parts, components, or assemblies.

Suggested Definition

Repair Services- an establishment primarily engaged in, the diagnosis, root cause analysis to the component level, adjustment, repair, restoration, reconditioning, refinishing or maintenance of tangible personal property and includes any contract for installation, adjustment, repair, restoration, reconditioning, refinishing or maintenance of such tangible personal property, but does not include automotive or other vehicle repair and farm machinery and tractor repair.

I reviewed different definitions online and this one seems to fit our discussion

Section 713 Industrial District (IN)

713.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) Business and Professional Office
- 3) Emergency Operations
- 4) Essential Services
- 5) Manufacturing, or Processing Facility
- 6) Mineral Exploration
- 7) Non-residential structures less than 100 sq. ft. for educational, scientific or nature-interpretation purpose
- 8) Research Facility and Services accessory to principal permitted use
- 9) Research Laboratory
- 10) Roof Mounted Solar Array
- 11) Shop Used in Pursuit of Trade
- 12) Soil and Water Conservation Practices and Structures designed for stabilize natural or man-made conditions as part of a Wildlife Management Plan approved by state or county Soil and Water District
- 13) Warehouse
- 14) Storage Facility

713.4 Conditional Uses (Subject to approval of the Planning Board)

These uses must demonstrate that their scale, character and visual quality are compatible with the district, do not promote commercial strip development and sprawl and are subject to approval of the Planning Board

- 1) Aquaculture Facility
- 2) Auto-Repair Garage
- 3) Fish and Shellfish Loading, Processing, Depuration and Storage
- 4) Ground Mounted Solar Energy System (all sizes)
- 5) Kennel
- 6) Lumber Yard

- 7) Mineral Extraction including Sand and Gravel
- 8) Recycling Facility
- 9) Repair Service including auto-body shop, small-engine, computer, etc.
- 10) Retail Business
- 11) Sawmill
- 12) Self-Storage facility
- 13) Service Business
- 14) Substation, Pump Station, Sewer Treatment Facility
- 15) Transportation Facility

- 16) Wholesale Business
- 17) Wireless Telecommunication Facility
- 18) Registered Marijuana Dispensary
- 19) Retail Marijuana Cultivation Facility
- 20) Retail Marijuana Manufacturing Facility
- 21) Retail Marijuana Edibles Production Facility
- 22) Retail Marijuana Testing Facility

Section 719 Residential

719.1 Cluster Residential Development

719.1.7-For the purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.

719.1.8-The Thomaston Planning Board may, at its sole discretion, require a performance guarantee from the developer ~~developer shall file with the Town of Thomaston~~ at the time of submission of final plans ~~a performance guarantee~~. This may be tendered in the form of a certified check payable to the *Town of Thomaston*, a savings-account passbook issued in the name of the *Town of Thomaston*, or a faithful performance bond running to the *Town of Thomaston* and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook or performance bond shall be determined by the Thomaston Town Manager with the advice of various departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing the entire street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.

719.1.9 Condition of Agreement

A conditional agreement, if acceptable in lieu of a performance guarantee, shall be endorsed by the Thomaston Planning Board by the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Thomaston Code Enforcement Officer, for any building or other permanent structure within the subdivision until the completion of the road-construction paving, storm drainage, utilities, and other similar improvements as specified in the Final Plan. The agreement shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the Final Plan, recorded on the subdivision plat.

Rational: This will now match the requirements for Performance Guarantees under other sections of the Land Use Ordinance

Proposed lot/zone changes

Shall Chapter 7, Thomaston Land Use and Development Ordinance be amended to change lot 033 map 403 currently in R1 zone to R3 zone.

NOTE: the land adjacent to these parcels is already in R3 zoning.

Shall Chapter 7, Thomaston Land Use and Development Ordinance be amended to change lot 007 in SC to R2.

NOTE: Lot 007 does not have frontage on the St George River therefore should not be in the SC zone. In addition, lot 007 abuts and is owned by the same person as lot 005 which is in the R2 zone.

Amendments to Definitions

Accessory Dwelling Unit (ADU) a small additional dwelling unit located within or attached to a single-family dwelling or in an accessory structure located on the same lot. The accessory dwelling unit shall not be considered an additional dwelling unit for purposes of the minimum lot size and coverage zoning standards.

The ADU will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

- a. The principal dwelling unit and the accessory dwelling unit shall remain under common ownership and one of the units shall be owner occupied at all times.
- b. The accessory dwelling unit shall be rented for no less than six (6) months at a time.
- c. The accessory dwelling unit shall not alter the basic character of the principal dwelling unit as a single-family dwelling .
- d. Off street parking for both units must be provided. Parking must be located or buffered in such a way as to not have a negative impact on the surrounding neighborhood.
- e. The accessory dwelling unit shall include its own kitchen and three (3) fixture bath.
- f. The floor area of the accessory dwelling unit must be at least four hundred and twenty-five (425) square feet and can not exceed eight hundred (800) square feet or fifty (50) percent of the floor area of the principal dwelling unit, whichever is less, except in such cases where the value is less than four hundred twenty-five (425) square feet.
- g. The accessory dwelling unit shall comply with all applicable codes and ordinances, including building and energy standards that apply to the principal dwelling unit.
- h. The front façade of the accessory dwelling unit must not be closer to the street than the front façade of the principal dwelling unit.
- i. An attached ADU must not be located closer to the street than the structure to which it is attached

~~**Assisted Living Facility** – A housing facility for people with disabilities. These facilities provide supervision or assistance with activities of daily living; coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being.~~

~~**Boarding Care/ Residential Care Facility** - A facility designed to provide those who require assisted living services both living quarters, and proper care. These facilities can either be located in a small residential home or a large modern facility. All **Boarding Care/Residential Living Care** Facilities must meet Maine State Regulations Governing the Licensing and Functioning of Assisted Housing Programs.~~

Congregate Housing - a residence in which tenants have private rooms but share common areas, such as kitchens, dining room, living room and bathroom. A multifamily dwelling consisting of private dwelling units and central dining facilities within which a supportive services program serves occupants who are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate residential care or skilled nursing facilities, who services have been certified by the appropriate state agency.

Duplex Dwelling- one building that is divided into two (2) separate homes that share a common central wall and have separate entrances for each unit.

Dwelling - a building designed or used as the living quarters for one or more families. The term shall not be deemed to include Residential Care Facility, Congregate Housing, motel, rooming house, or trailer.

~~**Elderly Congregate Housing** - a type of multifamily dwelling including multiple individual rooms or dwelling units, to be occupied by elderly persons as residential shared living environment. Such construction will normally include small individual apartments, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance and specialized shared services such as medical support services and physical therapy.~~

Family - one or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a Residential Care Facility, Congregate Housing rooming house or motel.

Home Occupation - an occupation or profession that is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing someone who resides in the primary dwelling unit; clearly incidental to and compatible with the residential use of the property and surrounding residential uses; secondary to the use of the dwelling unit for residential purposes; conforms with the following conditions:

- (1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
- (2) There shall be Net no more than one (1) person four (4) people outside the family shall be employed in the home occupation one of whom must reside in the primary dwelling unit. There shall be no stock in trade made off premises for resale.
- (3) The home occupation shall include the retailing only of items actually produced on the premises, provided all other conditions pertaining to home occupations are met and shall not utilize more than 50% of the total floor area of the primary dwelling unit plus accessory structure.
- (4) There shall be no exterior display, no exterior sign (except as expressly permitted by the district regulations of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building
- (5) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, traffic, delivery truck traffic or parking shall be generated by the home occupation.
- (6) In furtherance of the standard, There shall be no large scale commercial or industrial machinery, ovens or other equipment normally associated with a commercial or industrial scale facility shall be used by a home occupation to process goods, materials, or foods

Museum- an institution devoted to the procurement, care, study, and display of objects of lasting interest or value

~~**Residential Care Facility** - A facility offering long term care to adults or children who stay in a residential setting rather than in their own home or family home. The facility may include treatment of mental illness, drug or alcohol addiction or physical disability.~~

~~**Rooming House** - any dwelling in which more than three persons, whether individually or as families, are housed for compensation with or without means. This shall be deemed to include fraternities and sororities.~~