



Town of Thomaston, Maine

Code Enforcement Office

3 Knox Street • PO Box 299

Thomaston ME 04861-0299

(207) 354-6107

PUBLIC HEARING

Thomaston Planning Board

Tuesday March 22, 2022 – 6:00 pm

Select Board Room – can also be viewed on livestream

https://www.townhallstreams.com/towns/thomaston_me

1. Call meeting to order
2. Open Public Hearing to consider the adoption of the Remote Participation Policy Pursuant to 1 M.R.S. § 403-B
3. Close Public Hearing
4. Open Public Hearing to consider the Amendments to Chapter 7 Land Use Ordinance and Zoning and Chapter 10 Definitions
5. Close Public Hearing
6. Adjourn meeting



TOWN OF THOMASTON
13 VALLEY STREET
THOMASTON, MAINE 04861-0299
TEL: (207) 354-6107

Board/Committee/Commission

REMOTE PARTICIPATION POLICY

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Thomaston listed above **Board/Committee/Commission** adopts the following policy to govern the participation via remote methods of members of the listed above **Board/Committee/Commission** and the public in the public proceedings of the listed above **Board/Committee/Commission**. As used in this policy, “meeting” refers to any “public proceeding” of the listed above **Board/Committee/Commission**, as that term is defined in 1 M.R.S. § 402.

1. Remote Participation by Members Permitted in Certain Circumstances. Members of the listed above **Board/Committee/Commission** are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the listed above **Board/Committee/Commission** to meet via remote methods or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The Chair of the listed above **Board/Committee/Commission**, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

2. Remote Methods. Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information by which all members of the listed above **Board/Committee/Commission** can hear each other and may include other means necessary to accommodate disabled persons. Remote participation by text-only means such as e-mail, text messages, or chat functions is not permitted.

3. Remote Participation by the Public. The public will be provided a meaningful opportunity to attend via remote methods when any member of the listed above **Board/Committee/Commission** participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the listed above **Board/Committee/Commission** and the public will also be provided.

4. Notice. Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable ordinance, policy, or bylaw. When the public may attend via remote methods, the notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to attend the meeting. The notice will also identify a location where the public may attend the meeting in person. The listed above **Board/Committee/Commission** will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the listed above **Board/Committee/Commission** to meet remotely.

5. Availability of Documents. The listed above **Board/Committee/Commission** will make all documents and materials to be considered by the listed above **Board/Committee/Commission** available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the Committee.

6. Quorum and Voting. All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the listed above **Board/Committee/Commission** and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

7. Effectiveness. This policy will take effect immediately and will remain in force indefinitely unless amended or rescinded.

ORIGINAL APPROVED: July 12, 2021
AMENDED: February 14, 2022

CERTIFICATION OF ADOPTION

As Chair of the Thomaston _____ **Board/Committee/Commission**,
I certify that this policy was adopted by the _____
Board/Committee/Commission at a meeting held on the date appearing in the heading,
following due notice and a public hearing.

Board/Committee/Commission Chair

Date



Town of Thomaston
State of Maine

Proposals for

Amendments to

Chapter?

Thomaston Land Use and

Development Ordinance

&

Chapter 10 Definitions

March 11, 2021 for June 2021 Town Meeting

ARTICLE Shall Chapter 7, Thomaston Land Use and Development Ordinance be amended by the additions to or removal of Permitted and Conditional Uses as proposed by the Thomaston Planning Board?

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.

707.3 Permitted Uses

- 3) Duplex Dwelling
- 7) Mineral Exploration

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
- 6) Boarding Care Facility
- 10) Conversion of existing residential to:
 - a) Apartment Building or Unit
 - b) Bed and Breakfast
 - c) Congregate Housing
 - d) Residential Care Facility
- 19) Museum
- 20) Public Open Space and Recreational Use
- 22) Residential Care Facility

* Please see Section 719.2 Conversion of Residential Structures.

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

2) Duplex Dwelling

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
- 3) Business/Professional Office
- 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 House~~2+
- 9) Food Service
- 10) Ground Mounted Solar Energy System (small)
- 13) Manufactured/mobile home
- 15) Multi-unit residential structure
- 19) ~~Recreational Facility or~~ Recreational Activity
- 20) Residential Care Facility

Section 709 Rural Residential District (R2)

709.3 Permitted Uses

- 2) Duplex Dwelling

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

15) Conversion of Existing Residential ¹ to:

- a) Apartment Building or Unit
- b) Bed and Breakfast
- e) Congregate Housing ~~Boarding Care Facility~~
- d) Nursing Home
- e) ~~Rooming House~~
- f) Residential Care Facility

Section 710 Rural Residential & Farming District (R1)

710.3 Permitted Uses

- 1) Duplex Dwelling

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

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
- 33) Residential Care Facility

Section 711 Resource Protection District (RP)

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

Section 712A Village Commercial District (VC)

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

Section 718 Signs

718.1.11 Exempt Signs in All Districts

The following signs do not require a permit.

- d) Traffic ~~or other municipal~~ signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs.

Note: Maine Municipal Association has advised the town that a town cannot exempt municipal signs from their Land Use Ordinance.

**ARTICLE Shall Chapter 7, Thomaston Land Use and Development Ordinance
Section 704 Administration and Section 719 Residential be amended as
proposed by the Thomaston Planning Board?**

Section 704 Administration

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) 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 ~~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 does not promote strip development or spawl in the Town's rural districts**
- 2) 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. 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 the safety and quality of life in the surrounding area;**
 - iii The potential impact on important natural, historic and/or scenic resources;**
 - vii. 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:**
 - ii the safety of pedestrians at or near the site ;**

- 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.

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

Section 719 Residential

719.1 Cluster Residential Development

719.1.8 The Thomaston Planning Board may, at its sole discretion, require a performance guarantee from the 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.

ARTICLE Shall Chapter 7, Thomaston Land Use and Development Ordinance be amended to move Lot 033 Map 402 currently in R1 to R3 zone?

Note: adjacent lot is already in R3

ARTICLE Shall Chapter 7, Thomaston Land Use and Development Ordinance be amended to change lot 007 Map 203 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

ARTICLE **Shall Chapter 10, Definitions be amended by the additions and deletions of definitions as proposed by the Thomaston Planning Board?**

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 Not 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.