

ARTICLE VIII

Section 108 - Recreation Committee

108.1- Establishment.

Pursuant to Title 30-A, MRSA Section 3001, the Town of Thomaston hereby establishes a Recreation Committee which shall be appointed by a majority vote of the Select Board. The composition of the Recreation Committee shall be as follows:

108.1.1- Seven voting members of the general public who are residents of communities represented in the Regional School Unit# 13. (Cushing, Owls Head, Rockland, South Thomaston, and Thomaston.)
~~the Town of Thomaston.~~

108.1.2 - Two alternates who will have voting rights only upon the absence of a voting member.

108.1.3 - One senior citizen, voting member.

108.1.4 - One high school student, non-voting capacity.

108.1.5 - The Recreation Committee will elect a Chair, Vice-Chair and Recording Secretary following the annual town meeting.

108.1.6 - Members of the Recreation Committee shall serve without compensation.

108.2 - Purpose.

108.2.1 - The purpose of this ordinance is to establish a Recreation Committee to set policy and act in an advisory capacity to the Recreation Director in an effort to bring to the citizens of Thomaston, recreational opportunities offered to various age groups.

108.2.2 - The Recreation Committee's responsibilities shall be limited to the proper and orderly functioning of any and all Recreation Committee activities supported by the Town of Thomaston. The Recreation Committee shall establish rules for a reasonable level of decorous conduct for all activities that will include coaches, participants and the public, The Director shall have the full support of the Recreation Committee in maintaining these rules.

108.2.3 - The Recreation Committee will assist the Director in determining the needs of the community and advising him/her on the reception of programs by the public.

108.3 - Terms.

108.3.1 - Recreation Committee members shall serve for terms of three years; except that they shall continue in office until their successors are appointed.

108.4 - Vacancies.

108.4.1 - Vacancies shall be filled within 45 days of resignation or the expiration of a term by appointment of the Select Board.

108.4.2 - A vacancy may also be considered to occur when any member fails to attend 70% of all regularly scheduled meetings annually. At which time, by two-thirds majority vote, the Recreation Committee will declare the position vacant and, in writing, request the Select Board to

fill same within 45 days. The attendance provision may be waived by a unanimous vote of the remaining members of the Recreation Committee.

108.4.3 - Members of the Recreation Committee may be removed from the Committee by a majority vote of the Select Board, for cause, after notice and hearing by the Select Board

108.4.4 - Potential new members and members up for re-nomination shall submit a written request to the Town Clerk for consideration by the Select Board. Candidates are encouraged to appear before the board for appointment.

108.5 - Severability.

108.5.1 - It is the intention of the Citizens of Thomaston that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Citizens of Thomaston that if any of the provisions of this ordinance be declared invalid, all other sections shall remain valid and effective.

108.5.2 - This ordinance may be amended by a majority vote of the Citizens of Thomaston.

108.5.3 - This ordinance will be in full force and effect upon a majority vote of the Citizens of Thomaston.

108.5.4 - All existing policies of the Town of Thomaston insofar as they are inconsistent with the provisions of this ordinance are hereby repealed.

108.6 - Amendments:

ADOPTED: JUNE 22, 1999 AT THOMASTON ANNUAL MEETING
AMENDED: JUNE 15, 2005 AT THOMASTON ANNUAL MEETING
AMENDED: JUNE 15, 2022 AT THOMASTON ANNUAL MEETING
AMENDED: JUNE 14, 2023 AT THOMASTON ANNUAL MEETING
AMENDED: JUNE 11, 2025 AT THOMASTON ANNUAL MEETING

ARTICLE VI - CEMETERY ORDINANCE

Section 106 - GENERAL

106.1 - Trustees

The Town of Thomaston Village Cemetery and all matters connected therewith shall be under the control of the Cemetery Board of Trustees.

106.1.1 Appointment and Composition

a. Board Trustees shall be appointed by the Selectboard and sworn by the clerk or other person authorized to administer oaths.

b. The Board shall consist of seven (7) Trustees and one (1) alternate, to be designated Trustees consisting of four (4) Trustees from the public to be appointed by the Select Board, the remaining three (3) Trustees to consist of one (1) member of the Select Board, the Sexton, the Assistant Sexton. The Town Treasurer shall serve as the treasurer of the Board of Trustees. One (1) alternate member of the Select Board may be appointed and shall vote only when the appointed Select Board member is absent. The Town Clerk, who shall provide a written, updated report to the Chair before each meeting.

c. The Board shall elect a chairperson, a vice-chairperson, and secretary from among its members. All officers shall serve for one (1) year with eligibility for re-election.

d. Any individual wishing to seek appointment to the Board shall have been a resident of the Town of Thomaston for a period of two (2) consecutive years or by recommendation of the Select Board.

106.2- Resignation from the Board of Trustees

a. Should an appointed Trustee resign, a replacement shall be appointed by the Select Board.

b. More than three (3) consecutive absences or five (5) absences within a calendar year that are unexcused by the Board by majority vote could lead to removal. An absence with notification to the chairperson prior to the meeting is acceptable. Request and reason must be submitted and approved prior to the absence. The chairperson of the Board shall report any excessive absences to the Select Board in a timely manner and shall be responsible for submitting a written request to the Select Board to remove a member for just cause, of excessive absences. (Per Thomaston Appointment Policy)

c. In all cases, Trustees shall serve until their successors have been chosen.

106.3 - Authority

106.3.1 - Said Trustees shall have the authority to make all necessary By-Laws and regulations for their own government and for the management of the Cemetery. It shall be their duty to direct the planting, pruning, cultivation or removal of trees and shrubs through their agent, the Sexton and/or the Assistant Sexton. They shall cause the removal of plantings by lot owners that in their opinion mar the beauty of the grounds. They shall maintain the avenues. The Trustees shall have the full authority to do and perform whatever may be necessary to carry into full effect the object of the Cemetery. Should any party cause work to be done, including the internment of cremains, without the permission of the Sexton and/or Assistant Sexton and the payment of all fees, the Trustees shall have the authority to impose such penalties as they find appropriate.

106.3.2 - The Trustees shall appoint and/or remove at their pleasure a Sexton and an Assistant Sexton and determine the duties and compensation for same.

106.3.3 - The Trustees shall make a detailed statement of their official acts and of the conditions, operations, and needs of the Cemetery in the town's annual report.

106.4 - Duties of the Treasurer

The Treasurer of the Town shall receive all monies paid to, or donated to, the Thomaston Village Cemetery. He/she shall keep a separate accounting thereof under the heading "TOWN CEMETERY FUND". The Treasurer shall disburse money only on the authority of a warrant drawn for that purpose by the municipal officers in accordance with Title 13 MRSA §122300. Any monies donated, willed or bequeathed to the Thomaston Village Cemetery shall be invested by the Treasurer under the direction of the municipal officers. The interest income may be expended for the support of the Thomaston Village Cemetery and its care, according to the terms thereof. In the annual report, the town treasurer shall include a detailed statement of the receipts, disbursements and conditions of all "CEMETERY FUNDS".

106.5 Lots for Sale in the Thomaston Village Cemetery

Any person may purchase a lot and own same only after paying all monies owed for the purchase and perpetual care of said lot. The cost of lots is determined by the Cemetery Board of Trustees and is subject to change. **Closed to new burials are Morse's Corner Cemetery and Butler Cemetery.**

Note: There is a price difference for Residents and Non-Residents.

106.6 Perpetual Care in the Thomaston Village Cemetery

Perpetual care must be paid on all lots granted or purchased in the Village Cemetery. The cost of perpetual care is determined by the Board of Trustees and is subject to change. The amounts received are to be credited to the proper Cemetery accounts.

106.7- Rights and Obligations of Lot Owners in the Thomaston Village Cemetery

No internment should be made in the Town of Thomaston Village Cemetery until the Cemetery Sexton and/or Assistant Sexton is furnished a permit such as may be required by the Laws of the State of Maine, together with a Burial Rights and Authorization Affidavit signed by the owner of record of the burial lot or their heirs, devisees, successors and assigns that indemnifies and saves harmless the town from liability should the dead human remains or cremated remains be buried in the wrong burial lot or should the owner of record or their heirs, devisees, successors and assigns have insufficient title to the burial lot.

The Cemetery Board of Trustees and Town of Thomaston are not responsible for misplaced headstones.

The proprietor of a lot shall have the right of erecting a family monument and headstones with the said placement to be directed by the Sexton and/or Assistant Sexton. They shall have the right to cultivate shrubs following the standards set forth in the By-Laws of the Thomaston Village Cemetery. Lot owners should check the By-Laws for other restrictions. Benches shall be considered family monuments.

All family monuments, headstones and benches, including those moved to another location, must have a foundation.

106.8 – Maintenance of Thomaston Cemeteries

The Sexton and/or Assistant Sexton shall maintain the following cemeteries as part of his/her duties:

106.8.1 - Village Cemetery - mowing, trimming, leaf and branch removal, and other duties per the Village Cemetery By-Laws.

106.8.2 - Butler Cemetery- Thomaston Street - mowing ~~trimming, leaf and branch removal~~ twice a year (No lots for sale.) and general maintenance as directed by the sextons. ~~twice a year. (No lots for sale.)~~

106.8.3 - Morse's Corner Cemetery - West Meadow Road - mowing ~~twice a year. (No lots for sale.)~~ and general maintenance as directed by the sextons.

106.9 - Mandated Review

This ordinance shall be reviewed every five years or as needed.

106.10 - Severability Clause

106.10.1 - It is the intention of the Trustees that each separate section of this ordinance shall be deemed independent of all other sections herein. It is the further intention of the Trustees that if any provisions of this ordinance be declared invalid, all other sections remain valid and effective.

106.10.2 - This ordinance may be amended by a majority vote at a town meeting when such an amendment is promulgated in accordance with statutory provisions.

106.10.3 - This ordinance shall be in full force and effect when enacted at a town meeting.

106.10.4 - All existing policies of the Town of Thomaston insofar as they may be inconsistent with the provisions of this ordinance are hereby repealed.

REVISED: March 26, 1994, at Thomaston Annual Town Meeting

AMENDED: June 12, 2019, at Thomaston Annual Town Meeting

AMENDED: January 27, 2022, at Thomaston Special Town Meeting

AMENDED: June 12, 2024, at Thomaston Annual Town Meeting

AMENDED: June 11, 2025, at Thomaston Annual Town Meeting

ARTICLE XVIII

Section 118 – Exemption of Eligible Active Duty Military Personnel from Motor Vehicle Excise Tax

118.1. Authority.

This ordinance is enacted pursuant to 36 M.R.S. § 1483-A, which expressly authorizes such ordinances.

118.2. Excise tax exemption; qualifications.

- 118.2.1. Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S. § 1482.
- 118.2.2. To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.
- 118.2.3. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.
- 118.2.4. For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S. § 814(1) (A). For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S. § 13001.

118.3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the Thomaston Town Meeting unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S. § 1483-A is repealed.

Approved: June 8, 2021

Town of Thomaston Secret Ballot Referendum Election

Repealed (now state law): June 11, 2025

Town of Thomaston Annual Town Meeting

704.2 Enforcement Officer

704.3.3 Dangerous Buildings

- a. **Authority and Purpose** This ordinance is enacted pursuant to the authority granted by Title 17, Chapter 91, Subchapter 4 (17 M.R.S. §2851 et seq.) and Title 30-A, Chapter 187, Subchapter 5 (30-A M.R.S. §§3105-3118) of the Maine Revised Statutes. The purpose of this ordinance is to protect public health, safety, and welfare by identifying and addressing dangerous buildings within the municipality, ensuring compliance through an escalating fine structure, and requiring the registration of abandoned buildings.
- b. **A Dangerous Building** shall be defined as any structure that meets the criteria outlined in 17 M.R.S. §2851, including but not limited to:
 - i. Being structurally unsafe,
 - ii. Posing a fire hazard,
 - iii. Being otherwise hazardous to public safety,
 - iv. Being abandoned or dilapidated in a manner that constitutes a nuisance.
- c. An "Abandoned Building" is any structure that has been unoccupied, neglected, or otherwise left without maintenance for a period exceeding 60 days and is deemed a potential risk to public safety.

704.3.4 Identification and Notification

- a. The municipal Code Enforcement Officer (CEO) or other designated official shall inspect buildings suspected to be dangerous or abandoned and document findings.
- b. If a building is determined to be dangerous or abandoned, the CEO shall notify the property owner, including banks, financial institutions, or other entities holding title, in writing.
- c. The notice shall require the owner to remedy the dangerous condition within 30 days from receipt of the notice or to register an abandoned building within 14 days of notification.
- d. If the owner fails to act, the municipality may seek enforcement through the courts as outlined in 17 M.R.S. §2851 and 30-A M.R.S. §3106.

704.3.5 Penalties for Non-Compliance with Dangerous Building Remediation

- a. If the property owner, including banks or other corporate entities, fails to comply within the 30-day period, the following escalating fine schedule shall apply:

Select Board Amendment:

- i. **Day 31 – 90: \$100 per day**
- ii. **Beyond 90 Days: \$250 per day**

- ~~iii. Day 31-60: \$250 per day~~
- ~~iv. Day 61-90: \$500 per day~~
- ~~v. Day 91-120: \$1,000 per day~~
- ~~vi. Beyond 120 Days: \$2,000 per day~~

b. Fines shall accrue until the dangerous condition is remedied or the building is demolished as required by the municipality.

c. Unpaid fines shall constitute a municipal lien against the property, enforceable under 30-A M.R.S. §3053-A.

704.3.6 Registration of Abandoned Buildings

- a. Owners of abandoned buildings, including banks and corporate entities, must register such properties with the municipality within 14 days of receiving notice from the municipality.
- b. The initial registration fee shall be \$500.
- c. Failure to register within the required timeframe shall result in an increasing fine schedule as follows:

- i. Week 2: \$100 per week
- ii. Week 3: \$200 per week
- iii. Week 4: \$400 per week
- iv. Beyond Week 4: \$1,000 per week until compliance is met

d. Registration must be renewed annually, with a renewal fee of \$1,000 if the property remains abandoned.

e. Failure to comply with renewal requirements will result in the same escalating fine schedule as initial non-compliance.

704.3.7 Municipal Remediation and Cost Recovery

- a. If the property owner does not address the dangerous condition within 120 days, the municipality may proceed with abatement, including securing, repairing, or demolishing the structure.
- b. All costs incurred by the municipality shall be billed to the property owner and, if unpaid, shall be assessed as a special tax lien against the property per 30-A M.R.S. §3110.
- c. The municipality retains the right to pursue legal action for full cost recovery.

704.3.8 Severability and Effective Date

- a. If any portion of this ordinance is deemed invalid, the remaining sections shall remain in full force and effect.**
- b. This ordinance shall become effective upon adoption by the municipal legislative body and proper posting as required by law.**

704.5A Farmers Markets

704.5A.3 - A fee if required by the Thomaston Fee Schedule of \$100 must be submitted along with the application.

704.5A.5 - If the application is denied, the Code Enforcement Officer must deliver ~~his~~ their written decision along with an explanation of why ~~he is~~ they are denying the application within 30 days of the submission of the application. The applicant may alter the application to correct any problems the Code Enforcement Officer found with the proposal and resubmit the application at no additional fee.

704.5A.6 - A list of the vendors of the farmer's market with all their contact information and their products being sold along with copies of any State or Federal permits the vendors may be required to have (for example State permits for food processing and preparation, State and Local Cannabis license) for the products being sold shall be supplied before the first opening of the market under the permit granted and the same shall be updated periodically by the responsible party or parties from time to time as vendors join in or drop out or add new items to their offerings. Failure to supply this list in a timely manner or within 14 days of the request of the Code Enforcement Officer shall make the permit to operate said farmer's market null and void.

Proposed Amendment Boarding and Keeping Alpacas

R3

707.4 Conditional Uses

7. Boarding and keeping of Alpacas*

R2

709.4 Conditional Uses

8. Boarding and keeping of Alpacas*

*** The following are mandatory for approval**

- 1. Minimum of 3 alpacas of the same sex.**
- 2. Separate pen and barn for males and females.**
- 3. Shall not be housed/penned with other livestock.**
- 4. Maximum of 6 alpacas per acre. (min. open space for a single alpaca is 40sq ft.)**
- 5. Area designated for alpacas must be fully enclosed with 6' tall fencing.**
- 6. A shelter that is a minimum of 8 sq ft. per alpaca with no less than three (3) walls and a full roof.**
- 7. Proper storage of feed and hay**
- 8. Timely removal of manure and refuse**

Proposed Amendment to remove (excluding manufactured/mobile home) from 707.3.11, 707A.4.16, 708.3.10, 709.3.8, 711.6.10. **State mandated**

Section 712 Highway Commercial District (HC)

712.3 Permitted Uses

2) Art Gallery

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

2) ~~Art Gallery~~

7) Cannabis Caregiver Retail Store

8) Cannabis Edibles Production Facility

9) Cannabis Registered Dispensary

10) Cannabis Retail Store

15) Fast-Food Take-Out Stand, Food Trucks, Walk-Up Only

23) Marijuana Edibles Production Facility

29) Registered Marijuana Dispensary

31) Research Facilities ~~and Services accessory to principal permitted use~~

34) ~~Retail Marijuana Store~~

Section 713 Industrial District (IN)

713.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to a principal structure
- ~~5) Manufacturing or Processing Facility~~
- ~~8) Research Facility and Services accessory to principal permitted use~~
- ~~9) Research Laboratory~~
- ~~2) Shop Used in Pursuit of Trade~~
- ~~13) Warehouse~~
- ~~14) Storage Facility~~

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

- 3) Cannabis Registered Dispensary
- 4) Cannabis Manufacturing Facility
- 5) Cannabis Edibles Production Facility
- 6) Cannabis Testing Facility
- 11) Manufacturing or Processing Facility
- ~~7) Marijuana Cultivation Facility~~
- ~~8) Marijuana Manufacturing Facility~~
- ~~9) Marijuana Edibles Production Facility~~
- ~~10) Marijuana Testing Facility~~
- 12) Research Facility
- 13) Research Laboratory
- ~~14) Registered Marijuana Cannabis Dispensary~~
- 20) Shop Used in Pursuit of Trade
- 21) Storage Facility
- 24) Warehouse

716.16.7 Retail or Medical Marijuana or Cannabis Uses and Facilities State mandated adding Medical

The purpose of these regulations is to ensure that only such uses that have been established as a result of successful review as Conditional Use and under Site Plan Review shall be allowed in the districts as designated in this ordinance and that all required state and municipal regulations are followed. Review under this section is in addition to all other requirements of this ordinance.

NOTE: No more than five (5) licenses total shall be issued annually for Marijuana or Cannabis Point of Sale Facilities including Medical, Retail, and Caregiver; this does not apply to Cultivation, Manufacturing or Testing Facilities.

716.16.7.1 Location of Retail or Medical Marijuana or Cannabis Uses and Facilities

- a) Pursuant to Title 28-B MRS §402, retail or medical marijuana or cannabis uses are prohibited in all Thomaston Zoning Districts except the Industrial (IN) and Highway Commercial (HC) Districts as noted under Sections 712.4 Conditional Uses and 713.4 Conditional Uses of this Ordinance.
- b) Pursuant to Title 28-B MRS §402 specific retail or medical marijuana or cannabis uses may be prohibited by vote of the Town Meeting in all zoning districts in Thomaston. Retail Marijuana Cannabis Social Clubs are prohibited in all zoning districts in Thomaston.
- c) Notwithstanding paragraph 716.16.7.1a, above, Retail or Medical Marijuana Cannabis Cultivation Facilities may be approved by the Planning Board on any parcel in any district that has been enrolled in the Maine Farmland Program and receiving Farmland Program Assessments for five (5) years or more.

716.16.7.2 Specific Regulations for Retail or Medical Marijuana or Cannabis Uses and Facilities

- a) In addition to all other requirements of Section 716 of this Ordinance, and Pursuant to Title 28-B MRS § 402, retail or medical marijuana or cannabis uses and facilities must meet the following regulations.
 - i. All retail or medical marijuana or cannabis uses and facilities must meet the applicable sections of the 2015 most current iteration of the Life Safety Code and the NFPA Fire Prevention Code approved by the State of Maine.
 - ii. Due to high electrical requirements, Retail or medical Marijuana Cannabis Cultivation and Retail or medical Marijuana Cannabis Manufacturing Facilities specifically must meet the requirements of the 2015 most current iteration of the Life Safety Code Section 7.4.2, in addition to all other applicable sections approved by the State of Maine.
 - iii. Due to the use of solvents and/or other flammable substances, Retail or medical Marijuana Cannabis Manufacturing Facilities must specifically meet the requirements of the 2015 most current iteration of the Life Safety Code Section 8.7 Special Hazard Protection, in addition to all other applicable sections approved by the State of Maine.

- b) In addition to all other requirements of Section 716 of this Ordinance, the Planning Board must consider and may require the following when reviewing a request for a retail or medical marijuana or cannabis use and facility.
- i. Abatement measures for the potential effect of odor to the surrounding properties and neighborhood for retail or medical marijuana cannabis cultivation, manufacturing, or testing facilities.
 - ii. Exterior safety lighting for all retail or medical marijuana or cannabis facilities.
 - iii. Surveillance cameras, alarms or other similar protective systems for all retail or medical marijuana or cannabis facilities.
 - iv. Access to an appropriate range of business records for the Code Enforcement Officer, Fire Officials and/or Law Enforcement Officers to verify compliance with this Ordinance and the appropriate State laws for all retail or medical marijuana or cannabis facilities.

716.16.7.3 Local Licensure for Retail Marijuana or Cannabis Uses and Facilities

- a) In addition to all the licensure, certification and/or registration requirements of Title 28-B MRS §402 The Maine Marijuana Cannabis Legalization Act and Title 22 MRS §2429-C The Maine Medical Use of Marijuana Cannabis Act that must be in place before a retail or medical marijuana or cannabis use and facility may be considered under the Conditional Use standards of this Ordinance and under the Site Plan Review requirements of this Ordinance, all retail or medical marijuana or cannabis facilities must be annually licensed by the Select Board of Thomaston.
- i. The fee for Initial and Annual Local Licensure is calculated based on the square footage of the facility as listed in Section 704.9.2 of this Ordinance. This fee is non-refundable whether or not the license is granted.
 - ii. Evidence of valid licensure, certification and/or registration under the applicable State laws and of the granting of a Conditional Use and Approval of Site Plan Review must be submitted along with the fee when applying for Initial or Annual Local Licensure.
 - iii. The Select Board may require other items, forms, and/or records for Initial or Annual Local Licensure as they decide by majority vote are needed.
 - iv. The Select Board must hold a public hearing within 45 days of the receipt of an Application for Initial or Annual Local Licensure.
 - v. Notice of the Public Hearing must be verbally communicated, mailed or emailed to all property owners within 500 feet of the premises proposed for the use and facility subject to Initial or Annual Local Licensure plus publicly posted as for a Town Meeting no later than 14 days before the public hearing.
 - vi. The Select Board may approve or deny Initial or Annual Local Licensure following the conclusion of the Public Hearing. A written notice must be mailed or emailed to the applicant within 14 days of the decision giving appeal rights.

vii. Failure to receive Initial or Annual Local Licensure either by action of the Select Board or on Appeal voids the Conditional Use granted for the parcel.

717.1 Off-Street Parking Standards

Automobile, Truck and Tractor Repair and Filling Stations:	1 parking space for each regular employee plus 1 space for each 50 500 sq. ft. of floor area used for service work.
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Section 719 Residential

719.5 Accessory Dwelling Unit (ADU) State mandated and approved

An ADU is a small additional dwelling unit located within an existing dwelling unit on the lot or attached to or sharing a wall with a single-family dwelling unit or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit. The accessory dwelling unit shall not be considered an additional dwelling unit for purposes of the minimum lot size and coverage zoning standards.

- a) This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

719.5.1 Approval 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) The accessory dwelling unit shall include its own kitchen and minimally a three (3) fixture bath.
- e) The floor area of the accessory dwelling unit must be at least one hundred sixty (160) square feet and cannot exceed one thousand (1,000) square feet or fifty (50) percent of the floor area of the principal dwelling unit, whichever is less, except in cases where the value is less than one hundred sixty (160) square feet. If the Technical Building Codes and Standards Board under Title 10 section 9722 adopts a different minimum size, that standard applies.
- f) The accessory dwelling unit shall comply with all applicable codes and ordinances, including building and energy standards that apply to the principal dwelling unit.
- g) The front façade of the accessory dwelling unit must not be closer to the street than the front façade of the principal dwelling unit.
- h) An attached ADU must not be located closer to the street than the structure to which it is attached.

719.5.2 Water and Wastewater

The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing

inspector under Section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, Section 42.

- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and
- d) If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

719.5.3 Shoreland District

An accessory dwelling unit must comply with Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, Chapter 3 and the Thomaston LUO Section 715 Shoreland Standards, except that a municipality may not categorically prohibit accessory dwelling units in the Shoreland District under Title 38, Chapter 3 and Municipal Shoreland Ordinances.

Section 722 Individual Manufactured/Mobile Homes

722.1 Permits

No person, firm, or corporation shall erect, move, place, add to, or structurally alter a manufactured/mobile home without a permit issued by the Thomaston Code Enforcement Officer, in accordance with the provisions of Section 704 Administration, of this Ordinance.

Manufactured/mobile homes are permitted on individual house lots where single-family dwellings are allowed, subject to the same requirements as single-family dwellings, except as otherwise provided in this section. State mandated

722.2.1. Construction

Each manufactured/mobile home

- a) Shall have a roofing/ceilings insulation rating of R-14
- b) Shall have a Roof Load of 30 pounds per square foot
- c) Shall have a shingled roof with a minimum pitch of two in twelve (2/12)
- d) Shall have siding that is residential in appearance and consistent with surrounding neighborhood housing

722.2.3. Utilities

- a) All interior and exterior plumbing shall be in compliance with the State of Maine Plumbing Code.
- b) All electrical installations shall be in compliance with the National Electric Code. ~~or with the requirements of the Central Maine Power Company.~~
- c) Sewerage systems shall be in compliance with the specifications of the State of Maine Plumbing Code, and lots shall be subject to soil testing to ensure that private sewerage disposal, if required, is acceptable.

722.2.4. Lot Size and Setbacks

Lot sizes and setbacks shall be as required for single-family dwellings, ~~in each District where permitted~~, or as required in manufactured/mobile homes parks under Section 721.

722.3 Modular Homes

Modular homes that meet the requirements of the state manufactured-housing act shall be treated as single-family homes, provided that they are located on a permanent foundation. Modular homes shall meet the provisions of the municipality's building code, namely the most current iteration of the IRC and IBC International Building Code (~~2009~~) edition, as published by the International Code Council and approved by the State of Maine.

Proposed Amendments to Site-Plan Review Section 736 Procedures

The following procedure shall govern the submission and review of all mandatory site plans as well as Article II; General Standards of Performance shall be observed.

736.1 – (Step I) Applicants are required to meet in a pre-application conference with the Planning Board prior to formal submission of an application or starting any excavation work or site preparation.

736.2 - No building permit, sign permit, or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this article until a site plan of development has been approved by the Planning Board.

736.3 - Every applicant applying for site plan approval shall submit to the Code Enforcement Officer

- a. three (3) copies of a complete site plan of the proposed development and a digital copy supplied via email or on a digital recording device, which shall be prepared in accordance with Section 737 of this article, accompanied by a fee as determined by Section 704.9, Thomaston Fee Schedule.
- b. The Code Enforcement Officer shall retain two (2) copies of the plan and forward one (1) copy for review by the Town Manager, Fire Chief, Pollution Control Superintendent and Public Works Director.
- c. Within ten (10) days after receipt of the site plan, the Town Manager, Fire Chief, Pollution Control Superintendent and Public Works Director shall submit written comments to the Thomaston Planning Board.

736.4 - (Step II) A complete application for site-plan approval shall be submitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant wishes to be heard.

- a. Upon receiving an application, the Thomaston Planning Board shall notify all property owners within 500 feet of the proposed site, specifying the location and a general description of the project.
- b. ~~However,~~ Any application that is not complete, including the payment of fees, shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with instructions as to the additional information required.
- c. The Code Enforcement Officer shall review the proposed project for Zoning Ordinance compliance and to determine that all conditional uses and/or variances that may be necessary first have been obtained from the Planning Board or the Board of Appeals as appropriate.
- d. The Code Enforcement Officer shall continue to review the project for Zoning Ordinance compliance as changes are made during the site-plan review process. Any supplemental information or plan revisions shall be submitted no less than seven (7) days prior to the Planning Board meeting.

Proposed Amendments to Section 746 Street Opening Permits

Section 746 Street Opening and Driveway Permits

Section 749 Charges

Driveway permits are a flat fee of \$35.00 for any new drive being opened on a town road (see fee schedule 704.9)

Proposed Amendments to Chapter 10 Definitions Section 759 Definitions

~~An ADU is a small additional dwelling unit located within an existing dwelling unit on the lot or attached to or sharing a wall with a single-family dwelling unit or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit, in an accessory structure located on the same lot.~~

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

- ~~(1) 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.~~
- ~~(2) The accessory dwelling unit shall be rented for no less than six (6) months at a time.~~
- ~~(3) The accessory dwelling unit shall not alter the basic character of the principal dwelling unit as a single-family dwelling.~~
- ~~(4) 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.~~
- ~~(5) The accessory dwelling unit shall include its own kitchen and minimally a three (3) fixture bath.~~
- ~~(6) The floor area of the accessory dwelling unit must be at least four hundred and twenty-five (425) square feet and cannot exceed one thousand (1,000) 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.~~
- ~~(7) The accessory dwelling unit shall comply with all applicable codes and ordinances, including building and energy standards that apply to the principal dwelling unit.~~
- ~~(8) The front façade of the accessory dwelling unit must not be closer to the street than the front façade of the principal dwelling unit.~~
- ~~(9) An attached ADU must not be located closer to the street than the structure to which it is attached~~ **Note: the full ADU is now in Section 719 Residential**

Abandoned Building is any structure that has been unoccupied, neglected, or otherwise left without maintenance for a period exceeding 60 days and is deemed a potential risk to public safety.

Accessory Dwelling Unit (ADU) A small additional dwelling unit located within an existing dwelling unit on the lot or attached to or sharing a wall with a single-family dwelling unit or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit. The accessory dwelling unit shall not be considered an additional dwelling unit for purposes of the minimum lot size and coverage zoning standards.

Cannabis. Is the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

Cannabis Caregiver. is a person who helps a qualifying patient use cannabis for medical purposes:

Responsibilities

Caregivers may help patients by purchasing, transporting, preparing, and administering cannabis. They may also ensure the patient has a doctor's recommendation and renew their medical card.

Eligibility

Caregivers must be at least 18 years old and registered as the patient's caregiver. They must also be able to legally access cannabis and follow the legal application process.

Transporting cannabis

Caregivers must transport cannabis in a locked container in the trunk of their vehicle. They should never transport cannabis in the passenger area of a vehicle.

Patient limits

In Maine, a caregiver can manage up to five qualifying patients at once. This includes family members who have a qualifying health condition.

Caregiver retail store. "Caregiver retail store" means a store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer ~~marijuana~~ cannabis plants or harvested ~~marijuana~~ cannabis for sale to qualifying patients.

Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing cannabis or cannabis concentrate. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Food Truck. a large motorized vehicle (such as a van or multi-stop truck) or trailer equipped to store, transport, cook, prepare, serve and/or sell food.

Growth area: "Growth area" means an area that is designated in a community's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combinations of those types of development and related infrastructure, and into which most development projected over 10 years is directed.

Home Occupation

- (1) The occupation or profession shall be carried on wholly on the property or within the principal building or within a building or other structure accessory thereto

Medical use cannabis. means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

MUBEC: Maine Uniform Building and Energy Code consists of the following codes and standards:

- 1) International Building Code published by the International Code Council;
- 2) International Existing Building Code published by the International Code Council;
- 3) International Residential Code published by the International Code Council;
- 4) International Energy Conservation Code published by the International Code Council;
- 5) International Mechanical Code published by the International Code Council;
- 6) ASHRAE Standard 62.1 Ventilation for Acceptable Indoor Air Quality;
- 7) ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings;

- 8) ASHRAE Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings; and
- 9) Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings published by the American Society for Testing and Materials.

NFPA The National Fire Protection Association is a U.S.-based international nonprofit organization devoted to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards. NFPA Life and Safety Codes and Standards are followed in this ordinance.

Registered cannabis dispensary. "Registered dispensary" means an entity registered in accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and the caregivers of those patients

Retail Marijuana Cannabis Products – concentrated products that are composed of retail marijuana cannabis and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and/or tinctures, produced by a retail marijuana cannabis manufacturing facility pursuant to ~~7 MRS Chapter 417~~ **MRS Title 28-B The Marijuana Cannabis Legalization Act.**

Retail Marijuana or Cannabis Uses and Facilities

Registered marijuana cannabis dispensary – a dispensary that is a nonprofit corporation organized under 13-B MRS *Maine Nonprofit Corporation Act* and registered with the Department of Health and Human Services pursuant to 22 MRS Chapter 558-C *The Maine Medical Use of Marijuana Cannabis Act* for one or more dispensaries.

Retail marijuana cannabis cultivation facility – an entity licensed by the State of Maine to cultivate, prepare, package and sell retail marijuana cannabis to other retail marijuana cannabis establishments. Such facilities may not sell retail marijuana cannabis directly to the public.

Retail marijuana cannabis establishments – stores, cultivation facilities, products manufacturing facilities, testing facilities, or social clubs licensed by the State of Maine pursuant to 7 MRS Chapter 417 7 MRS Title 28-B *The Marijuana Cannabis Legalization Act* and registered marijuana cannabis dispensaries pursuant to 22 MRS Chapter 558-C *The Maine Medical Use of Marijuana Cannabis Act*.

Retail marijuana cannabis manufacturing facility – an entity licensed by the State of Maine to purchase retail marijuana cannabis strictly for the purpose of the manufacture, preparation and packaging of retail marijuana cannabis products and to sell said products to other retail marijuana cannabis establishments. Such facilities may not sell retail marijuana cannabis products directly to the public.

Retail marijuana cannabis store – an entity licensed by the State of Maine to purchase retail marijuana cannabis from a retail marijuana cannabis cultivation facility and/or to purchase retail marijuana cannabis products from a retail marijuana cannabis products manufacturing facility and to sell retail marijuana cannabis and/or retail marijuana cannabis products to consumers.

Retail marijuana cannabis social club – an entity licensed by the State of Maine to sell retail marijuana cannabis and retail marijuana cannabis products to consumers for consumption on the licensed premises.

Retail marijuana cannabis testing facility – an entity licensed and certified by the State of Maine to analyze and certify the safety and potency of retail marijuana cannabis and retail marijuana cannabis products.