



Town of Thomaston

State of Maine

Proposals for

Amendments to

Chapter 7

Thomaston Land Use

and

Development Ordinance

&

Chapter 10 Definitions

FINAL PROPOSALS For June 2024 Town Meeting

NOTE: A copy of all ordinance amendments is available for review and inspection at the Town Clerk's Office and on the Town's website at www.thomastonmaine.gov

Words struck through indicate words removed from the existing ordinance. Words highlighted are words added to the existing ordinance.

Article ##: Shall Chapter 7, Thomaston Land Use and Development Ordinance, Section 704 Administration be amended?

704.1.5 Conditional Use Permits

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 Use when not consistent 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) Neither that 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 size and compatibility of the proposed use compared with surrounding uses;
- ii. the potential impact on natural, historic and/or scenic resources;

e) Conditions of Approval

1) modification of size and compatibility of structure or requirements of operation:

Article ##: Shall Chapter 7, Thomaston Land Use and Development Ordinance, Sections 707.4, 707A.4, 708.4, 709.4, 710.4, 712.4, 712A.4, 713.4, and 714.4 be amended?

Conditional Uses (Subject to approval of the Planning Board)

~~These uses~~ The Conditional Use is Subject to the approval of the Planning Board and must demonstrate that their scale, size character and quality are compatibility is consistent with the stated purpose of with the district, does not promote commercial strip development and sprawl. ~~and are subject to approval of the Planning Board.~~

Article ##: Shall Chapter 7, Thomaston Land Use and Development Ordinance Section 707A Village Mixed Use District (R3A) be amended?

707A.1 Purpose

To encourage a high quality, moderate density neighborhood that complements physical, aesthetic, and social quality of Thomaston's village area. This neighborhood will: Have a human scale; **and** be sensitive to pedestrian needs; **accommodate and manage vehicular traffic by linking the existing local and state road network; and protect historic features.** ~~The Village Mixed Use District regulates the implementation of the voter approved Land Use Master Plan, which shows the general locations of~~ **Development must also accommodate and manage pedestrian and vehicular movement through the village and the District by thoughtfully linking existing and future sidewalks, walkways, paths and local and state roads and preserving desirable sight lines, promenades, allée, and a sense of the open natural features of the land.**

The public open space portion of the District, currently known as Thomaston Green Park, is designed and intended for the common use and enjoyment by the public. It may be used for public recreation, agriculture, education, and conservation purposes and for public and private outdoor and community events that conform to Town guidelines. ~~Public open space and road linkages. The Village Mixed Use District will contain a mix of uses (both residential and non-residential) with buildings that convey a similar character.~~

~~Public Open Space is land within this district that is designed and intended for the common use or enjoyment by the public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation. Further division or subdivision of the Public Open Space land and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the Public Open Space. Public Open Space shall be owned by the municipality or by a conservation land trust organization. There shall be a conservation easement dedeed to the municipality or conservation land trust organization prohibiting future development.~~

707A.3 Permitted Uses

- 1) Accessory Structure and Accessory Use subordinate to principal structure
- 2) ~~Art Gallery~~
- 3) ~~Assisted Living Facility~~
- 4) ~~Business and Professional Office~~
- 5) Emergency Operations
- 6) Essential Services
- 7) ~~Multi-unit Residential~~

8) Non-residential structures less than 100 square feet for educational, scientific or nature interpretation purposes

~~9) Public Facility~~

10) Quasi-Public Facility

~~11) Recreational Facility or Recreational Activity~~

~~12) Residential Care Facility~~

~~13) Restaurant~~

707A.4 Conditional Uses (Subject to approval of the Planning Board)

1) Apartment Building or Apartment Unit

2) Art Gallery

3) Assisted Living Facility

4) Building or use of an educational, religious, philanthropic, fraternal, political or social nature not used for residential occupancy

5) Business and Professional Office

~~6) Church~~

6) Government Uses and Buildings

7) Health Services

8) Home Occupation

9) Multi-unit Residential Structure

10) Neighborhood Store

11) Public Facility

12) Recreational Facility or Recreational Activity

13) Residential Care Facility

14) Restaurant

15) Roof Mounted Solar Array

~~16) School~~

16) Single Family dwelling (excluding manufactured/mobile home)

707A.6 Standards

Minimum Lot Area per dwelling unit (served by public water and sewer).	2,000- 5,000 square feet
Minimum Lot Size	7,200 square feet

Article ##: Shall Chapter 7, Thomaston Land Use and Development Ordinance, Section 716 be amended?

716.9 Noise Abatement and Vibration

Noise may be equal to but not exceed during any consecutive eight hour period an average of seventy-five (75) dba (re 20 micro newtons/m²) measured at any boundary line. During the peak activity of 60 minutes in a twenty four (24) hour period, a noise may not exceed one hundred (100) dba when measured at the source.

1. Unreasonable hours: Excessive noise and/or vibration at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume

2. Vibration: No use in any zone may generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the lot line of the complainant.

3. Maximum sound levels: The maximum permissible sound-pressure level of any continuous, regular, or frequent source of sound produced by an activity shall be as established by the time period and type of zone as listed in Table 402-1 below:

Table 402-1. Maximum Allowable Sound Levels¹ MAXIMUM ALLOWABLE SOUND LEVELS BY ZONE

Zone	Time of Day	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
Highway Commercial, Industrial		75 dB	60 dB
Shore Land Commercial, Village Commercial,		75 dB	55 dB
Rural Residential 1, R3A		65 dB	50 dB
Rural Residential 2 & 3, TR3		55 dB	45 dB

Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least 4 feet above the ground surface. Noise shall be measured with a sound-level meter and frequency weighing network meeting the standards prescribed by the American National Standards Institute. Each level specified may be exceeded by 10 decibels (dBs) for a single period, no longer than 15 minutes, on any given day.

4. Multiple zones: Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise or vibration entering that zone.

5. Construction noise: Noise or vibration created by construction and maintenance activities between 7 a.m. and 9 p.m. are exempt from the requirements of paragraphs 2 and 3 above. Construction activities on a site abutting any residential use between the hours of 9 p.m. of one day and 7 a.m. of the following day are prohibited.

6. Enforcement: These noise and vibration regulations are enforceable by law enforcement officers and by the Code Enforcement Officer, who may measure noise or vibration levels and who shall report documented violations to the police. For the purposes of enforcement, sounds exceeding the limits established in this section shall be deemed to constitute "loud and unreasonable noise" under Title 17-A M.R.S. § 501-A.

7. Exempt noise: The following uses and activities shall also be exempt from paragraphs 2, 3 and 5 above:

a) The noise or vibration of safety signals, warning devices, emergency pressure relief valves, and any other emergency device.

b) Normal traffic noise or vibration on public streets or noise or vibration created by airplanes, railroads, and farm or timber harvesting machinery.

c) Noise or vibration created by refuse or solid waste collection, provided that the activity is conducted between 6 a.m. and 7 p.m.

d) Emergency construction or repair work by public utilities at any hour.

e) Noise or vibration created by any recreational activities which are permitted by law and for which a license or permit has been granted by the Town including, but not limited to, parades, sporting events, concerts, and firework displays.

f) Vehicle and/or equipment involving municipal services at any hour.

g) Road construction, reconstruction, and/or paving activities by or on behalf of the Town or the State of Maine, or as part of road restoration work following emergency construction or repair work by or on behalf of a public utility.

h) Noise and vibration created by ordinary residential maintenance activities such as lawn mowing or snow removal between the hours of 6 a.m. and 9 p.m.

Article ##: Shall Chapter 10, Definitions, Section 1003 Specific Definitions be amended?

Accessory Dwelling Unit (ADU)

- (6) The floor area of the accessory dwelling unit must be at least four hundred and twenty-five (425) square feet and cannot exceed ~~eight hundred (800)~~ **one thousand (1000)** 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.

Assisted Living Facility - a system of housing and limited care that is designed for those who need some assistance with daily activities but do not require care in a nursing home. All Assisted Living Facilities must meet Maine State Regulations Governing the Licensing and Functioning of Assisted Housing Programs.

Government uses and buildings - any structure used by or use of any space solely for the conduct of governmental affairs of Federal, State or the municipality, its agents, officers, officials, employees and its subsidiary agencies.

Multi-unit residential - a residential structure containing ~~two (2)~~ three (3) or more distinct living spaces to house multiple households. Each unit must have a kitchen, bathroom, and living area. ~~individually owned residential dwelling units such as a duplex, a condominium or a townhouse.~~

Recreational activity - is any type of enjoyable and interesting activity that people engage in for their leisure time.

Sprawl - the spreading of urban developments (such as houses and shopping centers) on undeveloped land near the village.

Strip development - the linear commercial development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses except by highway, lack of coordination with surrounding land uses, and limited accessibility for pedestrians.



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