

**PLANNING BOARD MEETING MINUTES  
TOWN OF CUMBERLAND  
Cumberland Town Hall - 290 Tuttle Road  
Cumberland, Maine 04021  
Tuesday, June 15, 2010  
7:00 p.m.**

**A.      *Call to Order***

The meeting was called to order at 7:00 p.m.

**B.      *Roll Call***

Present: Bill Ward, Board Chair, Bob Couillard, Chris Neagle, John Ferland, April Caron, Bill Richards, Bob Vail (Mr. Vail arrived at 7:09 p.m.).

**C.      *Approval of Minutes of May 18, 2010***

Mr. Neagle respectfully recommended the following amendment to the minutes: page 19, item #4, the word *beyond*, be changed to *along* (...water lines to extend approximately 80' *along* the south side of the building).

Mr. Richards moved to approve the minutes of May 18, 2010 with the suggested amendment.  
Mr. Ferland seconded.

VOTE: Unanimous

**D.      *Consent Calendar / Minor Change Approvals:***

Ms. Nixon explained that since the project was approved last month, Michael Record, of the Board Barn, is asking to lower the elevation approximately 6 – 12". The Code Enforcement Officer has no issue.

Mr. Record explained that the reason he wants to lower the elevation, is to avoid having to haul in fill. The back of the building requires some fill due to sloping. He plans to cut trees in a 7' x 7' area, leaving the area looking as natural as possible.

Chairman Ward said that this is not a minor change.

Mr. Richards is concerned with the removal of large trees and the effect on the remaining trees.

Mr. Record said that the large trees can be fallen with little or no harm to the surrounding trees.

Mr. Vail said that a competent excavator would be able to estimate how much fill would have to be removed.

Motion by Mr. Vail to table this item until more information can be obtained.

Mr. Richards seconded.

VOTE: 7 in favor, 2 opposed (Caron and Neagle).

***E. Hearings and Presentations:***

**1. Public Hearing: Major Site Plan Review: Skillins Greenhouse for construction of an additional greenhouse at 201 Gray Road, Tax Assessor Map U20, Lot 70D, in the Village Center Commercial (VCC) district; Ryan Russell, M.L.L.A., Land Plans, Inc., Representative, Skillins Agricultural Associates, LLC, Owner.**

Ms. Nixon presented the background information as follows: the peer review engineer, Scott Decker has reviewed and made some changes. The applicant has complied with the changes, and there are numerous suggested waivers to be acted upon.

Ryan Russell of Land Plans, Inc. made a presentation to the board. The applicant is requesting site plan review for the construction of two, 28' x 100' green house structures, in-between two existing structures on the property. The stormwater analysis showed a minor increase in runoff (0.5 cfs). The review engineer found this to be very insignificant due to the nature of the sandy soils. It is proposed that under drains be installed on each side of the buildings to help dissipate any runoff. A waiver for increased runoff is requested.

Mr. Russell explained that the other waiver request has to do with the listing of ownership on the application. The applicant is listed as Skillins Greenhouse; the property's listed owner is Skillins Agricultural Associates, LLC. There is a lease agreement between these two entities. Mr. Neagle said that he feels that this board has no authority to waive review approval standards and criteria.

Ms. Nixon said that the request for the stormwater waiver isn't necessary if the Board agrees with her findings that the Stormwater Management Plan prepared by Steven Roberge, Professional Engineer, was reviewed and approved by the Town Engineer and that the listing of items have been met. If the Board finds that this is the case, then it can be removed as a suggested waiver and handled as a finding of fact approval.

Mr. Neagle said that he still feels that this board should never be asked to waive an approval standard, because they don't have that authority under the ordinance.

Chairman Ward explained to Mr. Russell that the board would like to see what the runoff will amount to in regard to discharge.

Mr. Russell explained that the engineer had looked into what could be done to address the 0.5 increase and it was a minor depression at the outlet and after some discussion, this was how it was addressed.

Mr. Neagle requested a condition of approval stating that the applicant will submit an additional plan modifying the stormwater runoff to show that the post-development rate will be no greater than the pre-development rate.

Mr. Russell agreed that can be addressed with a plan revision and a re-issue of the plan.

**Chairman Ward opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.**

Motion by Mr. Neagle to grant the waiver requested for submissions requirements, but not for the approval standards and criteria.

Seconded by Mr. Richards.

VOTE: Unanimous

Waivers granted: 206.7.1.1 - 206.7.1.7 Site Inventory & Analysis  
206.7.2.2.3 - General Information: 206.7.2.2.9 - Technical capacity: 206.7.2.3.6-  
Existing Conditions: 206.7.2.3.7: Intersecting Roads w/ 200 feet: 206.7.2.3.9:  
Surface water drainage: 206.7.2.4.1: Proposed Development Activity:  
206.7.2.4.2: 206.7.2.4.3: 206.7.2.4.4: 206.7.2.4.5: Landscaping: 206.7.2.4.7:  
206.7.2.4.8: 206.7.2.4.9: 206.7.2.4.11: 206.7.2.4.14: 206.7.2.5.1 -  
206.7.2.5.10 - Additional Submission Requirements

Waivers Denied: 206.8.7.2

Motion by Mr. Neagle to adopt the findings as amended.

Seconded by Mr. Richards.

VOTE: Unanimous

### **Findings of Fact**

Note: Section 206.7.6 states that the Planning Board may waive any of the submission requirements based upon a written request by the applicant. A waiver may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria.

## **Sec. 206.8 Approval Standards and Criteria**

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

### **.1 Utilization of the Site**

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**No environmentally sensitive areas have been found on the site. The site is already developed. This is a small addition to the existing development.**

**The Board finds the standards of this section have been met.**

**.2 Traffic Access and Parking**

Vehicular access to and from the development must be safe and convenient.

- .1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.
- .2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- .3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
- .4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.
- .5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.
- .6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/ or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- .7 Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
- .8 The following criteria must be used to limit the number of driveways serving a proposed project:
  - a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

- b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

**The scope of the project does not involve any parking or access way changes.**

**The Board finds the standards of this section have been met.**

**.3 Accessway Location and Spacing**

Accessways must meet the following standards:

- .1 Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- .2 Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

**The scope of the project does not involve any access way changes.**

**The Board finds the standards of this section have been met.**

**.4 Internal Vehicular Circulation**

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

- .1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
- .2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- .3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
- .4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for

vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

**The scope of the project does not involve any internal vehicular circulation changes.**

**The Board finds the standards of this section have been met.**

.5 Parking Layout and Design

Off street parking must conform to the following standards:

- .1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
- .2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
- .3 Parking stalls and aisle layout must conform to the following standards.

| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width  |
|---------------|-------------|------------|-------------|--------------|
| 90°           | 9'-0"       |            | 18'-0"      | 24'-0" 2-way |
| 60°           | 8'-6"       | 10'-6"     | 18'-0"      | 16'-0" 1-way |
| 45°           | 8'-6"       | 12'-9"     | 17'-6"      | 12'-0" 1-way |
| 30°           | 8'-6"       | 17'-0"     | 17'-0"      | 12'-0" 1 way |

- .4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings, or other permanent indications and maintained as necessary.
- .5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- .6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

**The scope of the project does not involve any parking layout changes.**

**The Board finds the standards of this section have been met.**

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing

sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

**The scope of the project does not involve any pedestrian circulation changes.**

**The Board finds the standards of this section have been met.**

#### **.7 Stormwater Management**

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- .1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- .2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- .3 The applicant must demonstrate that on - and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he / she will be responsible for whatever improvements are needed to provide the required increase in capacity and / or mitigation.
- .4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- .5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- .6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- .7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

**A stormwater management plan was prepared by Stephen Roberge, PE and was reviewed and approved by the Town Engineer.**

**The Board finds the standards of this section have been met with the condition of approval.**

**.8 Erosion Control**

- .1** All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- .2** Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

**Best Management Practices are detailed in the submission materials.**

**The Board finds the standards of this section have been met.**

**.9 Water Supply Provisions**

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

**The plan shows a private well on the site. The business also has rights to use a pond on the adjacent property for plant watering. Based on this, the finding is that adequate water supply exists for the additional greenhouse.**

**The Board finds the standards of this section have been met.**

**.10 Sewage Disposal Provisions**

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

**There is an existing, functioning septic system on site. In addition, the plan shows a test pit location for a future system that may be installed when the additional changes are proposed at a later date. The additional greenhouse will not affect the functioning of the existing system.**



**The Board finds the standards of this section have been met.**

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**The utility locations are shown on the plan. Existing connections are above ground and will remain so.**

**The Board finds the standards of this section have been met.**

.12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

**The greenhouses do not involve any use which would threaten the quality of groundwater. There will be no storage of hazardous materials on site.**

**The Board finds the standards of this section have been met.**

.13 Water Quality Protection

All aspects of the project must be designed so that:

- .1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- .2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

**The use does not involve any harmful materials. There will be no storage of hazardous materials on site.**

**The Board finds the standards of this section have been met.**

.14 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

**There are no public improvements involved in this plan. Technical capacity is evidenced by the use of a PE in preparation of the stormwater management plan and a Licensed Landscape Architect. The boundary survey was prepared by a professional land surveyor. The soils report and septic design were done by a Licensed Soils Evaluator.**

**The Board finds the standards of this section have been met.**

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

**The applicant provided previously requested information to the Maine Historic Preservation Commission regarding the existence of a building that has some structural components that may be older than 50 years. No response was received from the Historic Preservation Commission. The construction of the greenhouses does not involve the removal of any older portions of buildings, so there should be no concern about historic buildings or features being lost as a result of this project.**

**The Board finds the standards of this section have been met.**

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

**According to Flood Insurance Rate map as issued by FEMA, the subject property is located in Zone C (area of minimal flooding.)**

**The Board finds the standards of this section have been met.**

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

**There are no changes to the exterior lighting as a result of this plan.**

**The Board finds the standards of this section have been met.**

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

**The applicant has not installed any additional buffering as this greenhouse will be located on a vacant space between two existing greenhouses. There is an existing treed buffer in the rear of the parcel.**

**The Board finds the standards of this section have been met.**

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

**The additional greenhouse will not increase the level of noise on the site.**

**The Board finds the standards of this section have been met.**

.20 Storage of Materials

- .1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- .2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

- .3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**There are no changes to the storage of materials as a result of this project. All waste generated by the greenhouse will be stored within existing on site dumpsters. No hazardous or special wastes will be generated.**

**The Board finds the standards of this section have been met.**

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

**No additional landscaping is proposed due to the minimal amount of change to the site.**

**The Board finds the standards of this section have been met.**

.22 Building and Parking Placement

- .1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

- .2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

**There will be no change to the building and parking placement as a result of this project.**

**The Board finds the standards of this section have been met.**

206.9

Limitation of Approval

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to

the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

Motion by Mr. Neagle to approve the site plan application as submitted subject to the standard conditions of approval; 1) that all fees be paid prior to the issuance of the building permit; 2) the applicant will redesign the stormwater surface water drainage system, so that the post-development flow does not exceed the pre-development flow, to be reviewed and approved by the Town Engineer.

Seconded by Mr. Richards.

VOTE: Unanimous

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**2. Public Hearing: To recommend to the Town Council draft zoning amendments to Section 206 Site Plan Ordinance of the Cumberland Zoning Ordinance. To repeal and replace with a stand-alone ordinance.**

Chairman Ward said that the board had a workshop on this item previously and verified that Ms. Nixon had made the changes that the board requested.

Ms. Nixon agreed.

Ms. Caron pointed out the reference to “working days” and it should be defined as Monday – Friday.

Mr. Ferland said that since Town Hall is closed on Friday, it should be defined as “days which Town Hall is open”.

**Chairman Ward opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.**

Motion by Mr. Neagle to recommend to the Town Council, draft zoning amendments to Section 206 Site Plan Ordinance of the Cumberland Zoning Ordinance, to repeal and replace with a stand-alone ordinance with the changes discussed related to adding Appendix B for major site plan submissions giving the Planning Board the power to waive submissions requirements that they currently have and to define working day as days that Town Hall is currently open.

Seconded by Mr. Ferland

VOTE: Unanimous

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**3. Public Hearing: To recommend to the Town Council draft zoning amendments to Section 204.15.3 the Rural Industrial (RI) district re: lot size requirements.**

Ms. Nixon explained that the reason for this change arose from a situation that Mr. Loring, a property owner in the area, was confronted with. His property consists of a single family home that has a home occupation approval for a sign business which is

located in the barn behind the house. When Mr. Loring moved from the home and wanted to rent it, the Code Enforcement Officer interpreted the ordinance to say that only one use was allowed on the property because the lot size was too small to have the necessary two acres for each use.

Chairman Ward pointed out that there are a number of businesses and this is not out of the ordinary for the area.

**Chairman Ward opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.**

Motion by Mr. Richards that the Planning Board recommend to the Town Council draft zoning amendments to Section 204.15.3 the Rural Industrial (RI) district re: lot size requirements.

Seconded by Mr. Couillard.

VOTE: Unanimous  
204.15 Rural Industrial (RI)

The purpose of the Rural Industrial District is to establish a mixed zone of rural residential, industrial, commercial, and associated retail uses, including home occupations. Site Plan Review and approval is required for all uses with the exception of "residential uses", which term for purposes of Sec. 204.15, is defined to consist of the following uses: single-family detached dwellings, duplex dwellings, day care homes, bed & breakfast inns with three or fewer guest rooms and home occupations. For purposes of Sec. 204.15, the term "nonresidential uses" is defined to consist of all permitted and special exception uses in the RI District other than residential uses. In this district, additional uses shall be permitted on the same lot provided that each use meets the required minimum lot size requirement. [Amended, effective; 3/11/91, Amended, effective 11/24/08]

204.15.1 The following uses are permitted in the Rural Industrial District:

- .1 Single family detached dwellings;
- .2 Duplex dwellings;
- .3 Agriculture and animal husbandry;
- .4 Light manufacturing and associated retail;[Amended, effective 11/24/08]
- .5 Warehousing and wholesale distribution and associated retail;[Amended, effective 11/24/08]
- .6 Research facilities;
- .7 Municipal uses and buildings;
- .8 Sewer pumping stations subject to the provisions of Sec. 419.4;
- .9 Road and rail facilities;
- .10 Residential care facilities; [Amended, effective 6/24/91]
- .11 Business and professional offices; [Amended, effective 6/24/91]

- .12 Construction operations [Amended, effective 4/6/98]
  - .12 Timber harvesting; [Amended, effective 10/26/98]
  - .13 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
  - .14 Uses and buildings accessory to those above;
- 204.15.2 The following uses are allowed as special exceptions in the Rural Industrial district requiring the approval of the Board of Adjustment and Appeals:
- .1 Primary buildings of a public utility;
  - .2 Temporary sawmills subject to Sec 427;
  - .3 Facilities for repair and servicing of motor vehicles, but not including the storage or sale of gasoline or motor fuel;
  - .4 Other manufacturing;
  - .5 Above ground utility transmission lines not located within public ways;
  - .6 Home Occupations and Home Based Occupations; [Amended, effective 2/12/07]
  - .7 Day care centers and nursery schools subject to the provisions of Sec. 408A and Site Plan Review;
  - .8 Uses and buildings accessory to those above;
- 204.15.3 The following lot standards shall apply in the RI District:
- .1 60,000 sq. ft. minimum lot size whether or not the lot is served by sewer;
  - .2 In the case of duplex development there shall be no less than 40,000 sq. ft. of lot area per dwelling unit except that the minimum lot area per dwelling unit for a lot served by sewer shall be 20,000 sq. ft.
  - .3 There shall be no less than 150 feet lot frontage on a public right of way;
- 204.15.4 The following setbacks are required for all structures in the RI District:
- .1 Structures for residential uses and home occupations:
    - a. Front: 50 feet;
    - b. Rear: 65 feet;
    - c. Side: 30 feet; combined width of at least 75 feet.
  - .2 Structures for nonresidential uses:
    - a. Front: 100 feet;
    - b. Rear: 65 feet;
    - c. Side: 30 feet; combined width of at least 75 feet; provided that if a new nonresidential use is commenced on a lot

adjoining a lot containing an existing residential use, the side setback shall be at least 50 feet with a combined width of 100 feet.

- 204.15.5 There shall be provided and maintained a 25 -foot wide buffer along said lot boundary in order to buffer and screen the residential uses from the nonresidential uses on the adjoining parcel(s). This buffer shall contain screening that is at least 6 feet in height. This screening shall consist of one or some combination of the following: fencing, evergreens, shrubs, berms, rocks, boulder, mounds, bushes, and deciduous trees. Said screening may consist in whole or in part of natural vegetation and the 6-foot high screening need not extend across the entire 25-foot width of the buffer so long as the screening is sufficient to minimize the effects of vehicle headlights, noise, light from structures and the movement of people and vehicles on adjacent properties. Unless the residential lot has received subdivision review from the Planning Board and the Planning Board has required screening under this Ordinance as a condition of subdivision approval, the Code Enforcement Officer shall review the proposed buffer and screening at the time that a building permit is requested to determine whether the proposed buffer and screening complies with the standards of this Ordinance. This buffer and screening must be completed before a use permit or temporary use permit can be issued by the Code Enforcement Officer.

***F. Administrative Matters***

Ms. Nixon said she will be away the week of July that the board normally meets. If the board agrees, the July meeting will be cancelled. If something comes up that makes it necessary to meet, they will meet on July 13<sup>th</sup> and she will notify the board

***G. Adjournment***

Motion to adjourn to workshop by Ms. Caron  
Seconded by Mr. Neagle.

VOTE: Unanimous

***Respectfully submitted by:***

***Brenda Stiffler***