

**Planning Board Meeting - Minutes
Tuesday, May 18, 2010
Cumberland Town Hall
290 Tuttle Road, Cumberland, Maine
7:00 PM**

A. *Call to Order*

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

B. *Roll Call*

Present: Bill Ward, Board Chair, Vice-Chair, Bob Couillard, Chris Neagle, John Ferland, April Caron, Bill Richards, Bob Vail arrived at 7:15 p.m.

Staff: Carla Nixon, Town Planner, Pam Bosarge, Board Clerk

C. *Approval of Minutes: April 27, 2010*

Mr. Richards moved to approve the minutes of April 27, 2010
Mr. Couillard seconded.

Mr. Ferland asked that a typo be corrected.

VOTE: Unanimous

D. *Consent Calendar/ Minor Change Approvals:*

There were no Consent Calendar items.

E. *Hearings and Presentations:*

1. Public Hearing: Major Site Plan Review: The Board Barn, at 122 Gray Road, in the Village Center Commercial (VCC) district; Tax Assessor Map U20, Lot 66, Al Palmer, P.E., Representative, Michael Record, Owner.

Ms. Nixon presented background information as follows: The applicant and owner is Michael Record of Kittery, Maine. Al Palmer, P.E., of Gorrill Palmer Consulting Engineers prepared the plans and is serving as the applicant's representative. The parcel is located at 222 Gray Rd. in the Village Center Commercial (VCC) District; Tax Assessor Map U-20, Lot 66. The parcel is 7.16 acres in size.

The applicant is requesting major site plan approval for the construction of a 60' x 120' (7,200 sq. ft.) storage/sales building for retail lumber sales and gravel parking area and driveway. The existing house and garage will be removed, but an existing barn and small outbuilding will remain. The Route 100 Design Standards apply to this development.

The applicant has received a MDOT Driveway Entrance Permit.

PROJECT HISTORY: A site walk was conducted by the Planning Board on 4/12/10.

DEPARTMENT HEAD REVIEWS:

- **Joe Charron, Police Chief:** Wonderful project. Would like to see office/counter area alarmed.

- **Bill Longley, Code Enforcement Officer:** Building plans to be consistent with IBC – 2003 and a State of Maine Fire Marshal’s construction permit will be required.
- **Dan Small, Fire/EMS Chief:** The building shall be equipped with a fire alarm system that is monitored by an approved fire alarm company. The system shall have a remote enunciator panel located at the main entrance that can be silenced with the push of one button from this location. The strobe or other visual alarm signaling devices shall remain active when the system is silenced. The alarm system shall identify the exact location of each individual initiation device with plain text at the fire alarm panel.
- The building shall be equipped with a hinged key box approved by the fire department. The key box shall be electronically connected to the fire alarm system to show a trouble signal whenever the box is in the open position. Four complete sets of keys shall be located in the key box prior to issuance of the Certificate of Occupancy.
- The building shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed. For this type of building the requirements typically address, but may not be limited to: building exiting, emergency lighting, and fire extinguishers.
- Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review.
- As the building is in excess of 4000 square feet, the building shall be protected in accordance with the Town’s fire protection ordinance. This includes, but is not limited to, either an extension of the fire hydrant system within 1000 feet of the building or the installation of a fire protection sprinkler system. Should one be installed, the fire protection sprinkler system shall meet the requirements of the National Fire Protection Association. The fire department connection shall be equipped with a 4” locking coupling that is located in an area that is approved by the fire department. The sprinkler system shall send a water flow signal to the fire alarm panel whenever water is moving throughout the system.
- Access to the building shall be adequate enough to accommodate fire department vehicles.

PEER REVIEW ENGINEER’S COMMENTS:

Scott Decker, P.E., SYTDesign:

General:

1. Section 206.7.1.i of the Site Plan Review Ordinance requires an applicant to submit a Class D medium intensity soil survey. This plan was not submitted. Applicant may wish to request a waiver of this requirement.
2. Section 206.7.2.2.4 of the Site Plan Review Ordinance requires an applicant to provide a sketch map showing general location of the site within the municipality based upon a reduction of the tax maps. The location map provided does not show this amount of detail.
3. Section 206.7.2.2.9 of the Site Plan Review Ordinance requires the applicant to provide evidence of the applicant’s technical and financial capability to carry out the project. The Planning Board should discuss whether the applicant’s willingness to show a bank statement with checking balance of \$130,000 before obtaining the building permit as adequately addressing this requirement.

4. Section 206.7.2.4.7 of the Site Plan Review Ordinance requires the applicant to provide location of proposed sign and method of securing sign. Applicant has provided a sign location but has not provided details of the sign. The Planning Board may want to require such details.
5. Section 206.7.2.5.3.d of the Site Plan Review Ordinance requires the applicant to provide a stormwater drainage and erosion control program showing engineering calculations used to determine drainage requirements based upon the 25 year 24 hour storm frequency. The applicant may want to request a waiver of this requirement since it appears the stormwater management plan provided is adequate for this size development.

However since the stormwater management plan relies on vegetated buffers, we recommend the buffers be labeled “no disturb” easements and properly monumented to ensure the areas remain vegetated. Section 206.8.21 of the Site Plan Review Ordinance states that a landscaping plan must be submitted. The Planning Board should discuss whether the 25’ strip along Route 100, which will be landscaped by the Town will be adequate landscaping for this project.

Route 100 Design Standards:

Section 1.7.2 Landscaping – the standards suggest that the 75’ buffer area between Route 100 and the buildings be landscaped either with trees, flowering shrubs, fencing or other architectural elements.

The plans submitted do not show any landscaping other than that provided by the Town within the 25’ easement area.

Surveyor’s Site Plan:

Plan should depict ownership of land to the north of the project site.

Upon receipt the applicant must submit a copy of letters from the Fire Chief, electric utility company and the water district stating their approval of the project.

Please contact me if you have any questions concerning our comments.

PLANNER’S REVIEW:

- No Landscape Plan
- Hours of operation?
- Outdoor storage?
- Dumpster?
- Route 100 Design Standards.

The project does not appear to be in conformance in the following areas:

- The entire right elevation drawing and most of the left elevation drawing shows a 120’ long expanse with no windows or architectural features that provide visual interest or break up the large mass. Landscaping and/or improved building design would be helpful.
- No landscaping has been provided.
- No signage details have been provided.

Mr. Record, Applicant stated he has been in the lumber business for over 20-years; this is a family business. He will primarily sell lumber he has manufactured, such as pine boards. He

would like permission to add in the future a 10' roof overhang on both sides of the building for lumber storage. The sign will not be on the barn as shown in the drawing. Mr. Record presented the Board with a schematic of the proposed sign; the sign will have no lighting. The siding on the building will be novelty siding which is 10" wide boards. The siding will be painted gray with white trim, and the doors will be red, the existing buildings on the site will be painted to match. The lettering on the sign will be gold.

Mr. Palmer, P.E. Representative stated the driveway will remain in the same location as the existing curb cut. The first 75' will be paved and there will be a security gate 50' into the entrance. The building will have drive through circulation with doors on both ends. The site circulation will be sufficient for a tractor trailer. The grading will take advantage of the natural topography, following a swale in the front and up the side; they will be installing a culvert under the driveway. A dumpster will be located behind the existing chicken coop. Lighting will be building mounted, and there will be a stone drip strip edge on both sides of the building. There is a vegetated buffer on the north side, and approaching from the south there are some trees. A 3' landscape berm will be added to break up the view of the building.

Mr. Ward asked if the future 10'shed roof on both sides would increase the impervious surface calculations.

Mr. Palmer stated they are not increasing the gravel impervious area, just extending the roofline.

Mr. Ward asked if the roof extension would effect the maneuvering of an 18 wheeler.

Mr. Palmer stated no.

Mr. Ward asked the applicant if the approval request was to include the 10' roofline extensions.

Mr. Palmer stated yes, it is on the plan but they hadn't highlighted the outdoor storage.

Ms. Nixon stated the additional roofing is not shown on the drawings and asked how it will integrate with the building...will it be lower than the original roof line?

Mr. Record stated the roof would be a stepped down roof with a higher eave.

Ms. Nixon asked if it would be designed in a farmer's porch style.

Mr. Record stated the roof would be one foot down with columns every twenty feet.

Ms. Nixon stated the Board could consider approving the project as currently presented with a condition that the applicant return with a design when the roof is to be added.

Mr. Neagle this is a great business concept, but voiced concern of meeting the Route 100 Standards. The Standards state a building expanse greater than eighty feet requires something to break up the façade. However, with the ten foot overhang with posts and lumber storage, no one will see the expansive long wall. It is hard to approve because as shown it doesn't meet the Route 100 Standards. He prefers the sign on the building. Mr. Neagle stated the Board can waive submission requirements but can't waive Section 206.8; but can address landscaping as a condition of approval. He also recommended no cutting of the existing trees on the south side of the property.

Mr. Palmer stated they will submit a landscape plan with the berm to the Planner for approval.

Ms. Caron asked about parking.

Mr. Record stated the parking will be along the south side of the building.

Ms. Caron voiced concern of the look of outside lumber storage.

Mr. Ferland agreed with Mr. Neagle that this is a good plan for the community, and the 10' overhang with posts and lumber will break up the long façade of the building. He asked for more information on the proposed berm.

Mr. Palmer stated it would be approximately 120' long, with 30 or 40 feet in the front and 80 - 90 feet on the side.

Mr. Ferland asked about plans for the two remaining buildings.

Mr. Record stated they will be fixed up and used as some sort of storage.

Mr. Ferland asked Ms. Nixon what happens if in the future the use of those buildings change.

Ms. Nixon stated if the use changed in the future the applicant would come back for an amendment.

Mr. Richards stated he appreciates the effort to comply with the Route 100 Standards, the berm is an attempt to do that; he had no questions.

Mr. Couillard asked if the drip strip would be moved to the edge of the 10' overhang roof, and asked about lighting.

Mr. Palmer stated the light fixtures will be on the building, the lights will be shielded and point down, and yes, they would move the drip strip.

Mr. Couillard stated he has a problem with the side of the building and he is struggling to find conformance with the Route 100 Standards.

Mr. Record stated he could trim out another barn door on the side of the building that would give the visual look of a door from the road.

Mr. Vail stated architecturally the design receives a zero, but functionally the building receives a 100%, it doesn't meet the Route 100 Standards; he is not sure an industrial building can be pretty. The Board has been asked to promote business, but the Board needs to find that the plan adheres to the Standards. The application may be delayed to allow the Ordinance Committee to discuss amending the Guidelines.

Mr. Richards asked what needs to be done or changed to meet the Standards.

Ms. Nixon stated that some of the design standards are addressed with the current plan: the building will have wood clapboard siding, it will be painted in traditional colors (beige w/ a red door), it will have the porch with columns and the barn door feature. The long expanse of the building will be helped with the berm in the front and along the side and the porch.

Mr. Neagle stated for his vote the building needs the overhang, it looks like a covered bridge, perhaps windows near the roof line. The landscape berm will be consistent.

Ms. Caron stated she was not comfortable with the process, the Board is adding to design without considering additional cost to the applicant. She stated she didn't think a reader board sign was allowed.

Mr. Ward stated this is a Public Hearing, he asked for comments from the public; there were none. The public portion of the meeting was closed.

Mr. Ward asked for Board discussion.

Mr. Record stated he would be happy to box the posts and paint them to match the trim.

Mr. Ward stated this has been a good discussion and the Board's first opportunity to give input into the Route 100 Standards, he is uncomfortable approving without actually seeing the design, and a picture is worth a 1,000 words. The Route 100 Committee had a vision for the corridor. He asked Mr. Record what effect a month's delay would have on his business plan.

Mr. Record stated he is seeking an approval tonight and a month's delay would delay opening; he hoped he could be approved at this meeting.

Mr. Richards stated the applicant would need to be absolutely sure he understood the expectations.

Mr. Record asked if he could receive approval to begin the earthwork and come back for final building design approval.

Ms. Nixon voiced concern with this idea because it leaves the developer at risk if the Board approves a more expensive building.

Mr. Neagle asked the Chair to conduct a straw poll on whether the Board wanted to table the application.

A straw poll was conducted. No one voted to table the application.

Mr. Neagle stated he felt the concerns could be addressed with conditions of approval.

Mr. Vail sketched a proposal with the building rotated and a clear roof story, which is a glorified cupola two-thirds the length of the building.

Mr. Neagle stated he was less concerned with the angle of the building.

Mr. Ward voiced concern of added costs.

Mr. Record stated changing the location of the building would increase engineering costs and add to the cost. His goal for the business is to provide a product from sawmill to customer at an affordable cost. He will be a "cash only business" because credit accounts will add to the overhead cost. The building is a simple design to reduce overhead cost.

The Board reviewed the Findings of fact.

Mr. Neagle moved to adopt the findings of fact as revised from the Board's discussion.
Mr. Richards seconded. VOTE: Unanimous

Discussion:

Ms. Caron asked about the requirement for parking separated from the building.

Ms. Nixon stated this is a gravel parking area transitioning into crushed stone area transitioning into the overhang covered porch area. She stated she felt the Board could find based on the specific design of this building that the standard doesn't apply as written.

Mr. Neagle stated he sees pick up truck pulling up going into the office and then pull into the building to have lumber loaded. This is unique people will drive in and park next to the lumber they want.

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.

A wetland delineation was performed by WH Civil Engineering. The small areas of wetlands will not be impacted by this development. No other environmentally sensitive areas have been found on the site. The aquifer area will not be adversely affected by the proposed 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 MDOT has issued a Driveway/Entrance Permit. A trip generation report was submitted which showed that a MDOT Traffic Movement Permit is not required. There is more than adequate sight distance in both directions.

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 proposed entrance location complies with the standards of this section.

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 site plan shows a paved entrance area that transitions into a gravel drive and parking area. There is adequate area shown for parking, circulation, and emergency vehicles access.

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 site plan shows a location for 22 parking spaces along the southerly side of the building.

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 small scope of the project does not create a need for internal pedestrian ways; however the applicant has provided a 25' landscape easement along Route 100 that will allow for the construction of a sidewalk in the future.

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.

The application states that the proposed development will replace a portion of the existing impervious surface and increases the impervious area by

33,194 square feet. The runoff will be handled on site through a combination of infiltration and a natural detention basin on the site. The town engineer has reviewed and approved the plan with the requested waiver.

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

.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.

An erosion and sedimentation control plan has been provided that is based on Best Management Practices. The plan has been reviewed and approved by the town engineer.

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 Town of Cumberland will be extending public water to the site in the summer of 2010. A fire hydrant will be located in front of this parcel.

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.

A new septic system will be installed as part of this project. An HHE-200 was submitted showing passing test pit locations.

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. Electricity will be provided from Route 100 underground to the building.

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.

There will be a new septic system installed. An HHE-200 was submitted. 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.

The applicant has utilized consultants to prepare the site plan, perform wetlands delineation, and submit an HHE-200.

The Applicant is willing to show a bank statement with a checking balance equal to the \$130,000 cost of the project prior to a building permit being issued.

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 site has been developed as a residence with outbuildings. There are no apparent historic or archaeological resources on the site.

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.

The plan shows two bollard type full cut-off light fixtures, one on the front and one on the rear of the building.

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 plan does not show enough new landscaping, but the Applicant has agreed to add a berm as further described in the conditions of approval. There is a fairly dense tree line on the two sides and 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 retail facility will not create a noise nuisance for neighboring properties.

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.

The plan doesn't show outdoor storage areas. The dumpster needs to be as shown in the dumpster pad location on the plan. The applicant has described a desire to store lumber under the 10' overhang.

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.

The plan shows the required 25' landscape easement required for properties with frontage on Route 100. Additional landscaping has been agreed to by the Applicant.

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.

Parking is located on the side of the building. The building and parking areas are located well back from the road. There will be a 25' wide landscape buffer along Route 100.

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

.23 Fire Protection

The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a "Certificate of Compliance once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

The Town will be extending public water to the site in the summer of 2010. A fire hydrant will be located in front of this parcel and within 1000' of the new structure in compliance with the Fire Protection Ordinance.

.24 Aquifer Protection (if applicable)

If the site is located within the Town Aquifer Protection Area a positive finding by the board that the proposed plan will not adversely affect the aquifer, is required.

The parcel is located in the Aquifer Protection Area. The activities on the site will not adversely affect the aquifer.

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

.25 Route 100 Design Standards (if applicable)

All development in the Village Center Commercial, Village Office Commercial I and II, and the MUZ Districts shall be consistent with the Town of Cumberland Route 100 Design Standards; in making determination of consistency, the Planning Board may utilize peer review analysis provided by qualified design professionals.

The plans as presented do not conform to the design standards, however the applicant has agreed to landscape and design changes that will meet the standards.

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

.26 Route 1 Design Guidelines (if applicable)

All development in the Office Commercial North and Office Commercial South districts is encouraged to be consistent with the Route 1 Design Guidelines.

N/A

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.

Mr. Neagle moved to grant a waiver to Section 206.7.2.5.2.d - Engineering calculations used to determine drainage requirements based upon 25-year- 24-hour storm frequency.

Mr. Couillard seconded.

VOTE: Unanimous

Mr. Neagle moved to grant Major Site Plan approval with the standard and proposed conditions of approval to “*The Board Barn*” at 122 Gray Road, in the Village Center Commercial (VCC) district; Tax Assessor Map U20, Lot 66; Al Palmer, P.E., Representative, Michael Record, Owner.

Mr. Richards seconded.

Discussion on the motion:

Ms. Caron asked the hours of operation.

Mr. Record stated 7:00 a.m. to 5:00 p.m. Monday thru Friday, and 7:00 a.m. to 3:00 p.m. on Saturday.

VOTE ON THE MOTION TO APPROVE:

VOTE: 6 in favor (Neagle, Richards,
Caron, Ward, Vail, Ferland)
1 opposed (Couillard)

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Proposed Conditions of Approval

1. That the applicant meets the last four bullets as stated in the Fire Chief’s review memo.
 - *The building shall meet the requirements of the National Fire Protection Association Life Safety Code. These requirements cannot be determined until a complete set of building drawings are reviewed. For this type of building the requirements typically address, but may not be limited to: building exiting, emergency lighting, and fire extinguishers.*
 - *Any fuel storage shall meet the appropriate standard of the National Fire Protection Association. Attention to building and property line set back requirements should be included as part of the site plan review.*
 - *As the building is in excess of 4000 square feet, the building shall be protected in accordance with the Town’s fire protection ordinance.*
 - *Access to the building shall be adequate enough to accommodate fire department vehicles.*
2. That a 10’ extension of the existing roof be added on both sides of the building with posts every twenty feet, the posts are to be boxed in and painted to match the building trim.

3. That all existing trees not located in the area to be developed as shown on the site plan be retained, provided that trees near Route 100 may be cut or trimmed to allow adequate visual access to the sign and entrance area.
4. That the applicant provides a landscape plan with a three foot (high) by six feet (wide) berm that shall extend from the beginning of the parking area and continue south of the water lines to extend approximately 80' along the south side of the building. The berm shall be planted with evergreen trees, i.e. spruce, fir, which will be at least 3' tall and spaced at 12' on center. The Landscape Plan is to be approved by the Town Planner.
5. The proposed crushed stone drip strip to be moved from the side of the building to the outer edge of the roof extension.

The Board took a five minute break at 9:00 p.m.

The Board resumed at 9:15 p.m.

Mr. Ward stated they would take Item # 3 next.

2. Public Hearing: to recommend to the Town Council draft zoning amendments to Section 402 of the Cumberland Zoning Ordinance.

To add Section 402.A Domesticated Chickens: To allow no more than six chickens in a penned area on properties less than 2 acres.

To add Section 402.6: Deer Feeding and Baiting: to prohibit feeding of deer.

Mr. Moriarty, Town Councilor stated the Council Ordinance Committee discussed this in a workshop last week and the Town Council discussed the item on May 12th and voted to refer it to the Planning Board. Linda Emery gave a presentation at the Council on Lyme disease and reasons to not feed deer. She and her husband Brian are present this evening. This Ordinance will be to prohibit deer feedings based on concerns of:

- Lyme Disease from deer tick
- Deer feeding is bad for the deer herd; at a presentation from Inland Fisheries and Wildlife last fall they listed several reasons why it was bad to feed the deer.

The Town of Wells adopted this Ordinance in 2001; they have had no cited violations since 2001. There was no consensus at the Council. The difficulty of enforcement, intra neighborhood issues, and public health concerns were discussed by the Town Council. The Council thought this would be a no harm no foul Ordinance; and could be used for public education regarding the dangers of Lyme disease.

The public portion of the meeting was opened.

Ms. Lindy Emery of 15 Crystal Lane stated she is a registered nurse who has lived in town for 32 years. Last year her husband Brian was very ill with Lyme disease. Ms. Emery presented some facts about Lyme disease.

- It can be treated with antibiotics if diagnosed early
- There is not always a target rash

In her neighborhood there are people who feed wildlife, which is a public health threat. It attracts other wildlife species such as fox, and rodents. Chipmunks are initial hosts for deer ticks. A deer can carry 100 ticks which can lay 3,000 eggs one deer can have 300,000 ticks in a

season. In a typical fall 60% of ticks are contaminated with Lyme, this year in May due to the mild winter we have already reached that number. Feeding deer creates dependence which is not healthy for the deer herd. She understands it might be difficult to enforce this Ordinance but she is hoping it will be a deterrent.

Mr. Vail thought this was a good thing, his wife has had Lyme disease, and Lyme disease is a worry for his family.

Mr. Richards, Mr. Ferland, Ms. Caron, and Mr. Neagle agreed with the Ordinance and thanked Ms. Emery for her perseverance and information.

Ms. Caron moved to recommend to the Town Council the adoption of the draft Deer Feeding and Baiting Ordinance; Section 402.6 of the Cumberland Zoning Ordinance.

Mr. Vail seconded.

VOTE: Unanimous

402.6 Deer Feeding and Baiting (all new below)

Statement of fact.

The large number of deer attracted by feeding and baiting in and around public and private property increases the local deer population. Deer carry the deer tick known to cause Lyme disease, which is a serious debilitating illness that threatens the public health. When there are more deer and the deer move into areas frequented by people, such as roads and yards, there is a corresponding increase in the potential for deer ticks to come into contact with people. In addition, overpopulation and domestication of deer contribute to traffic safety problems and the destruction of important plants and vegetation on public and private property. When deer come to depend on humans for food, the natural order and balance in nature are upset and it is harmful to their long-term well-being.

Purpose.

The purpose of this article is to control the feeding and baiting of wild deer by the general public throughout the Town of Cumberland but, in particular, in areas where deer have become overpopulated, creating a traffic hazard because of their proximity to public roads and a threat to the public health of residents and visitors who face an increased risk of contracting Lyme disease. In addition, the presence of deer in yards and similar areas threatens gardens and other vegetation that are important to the community.

Prohibited conduct; exceptions.

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the United States Fish and Wildlife Service or his/her designee, shall feed or bait deer in the Town of Cumberland .

Definitions.

The following definitions shall apply unless the context clearly indicates another meaning:

DEER: Any wild deer.

FEEDING AND BAITING

The placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice deer to, on or over any areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered, including public and private properties and along any road and/or rights-of-way in the Town of Cumberland .

Enforcement.

This article may be enforced by the Animal Control Officer, the Town's Health Officer or his/her designee, and police officers of the Town of Cumberland.

Violations and penalties.

Whoever violates any provision of this article shall be subject to a **civil penalty of not less than \$100 nor more than \$500 for the first offense and not less than \$200 for any subsequent offenses**. All civil penalties shall be recovered, on complaint, for use by the Town of Cumberland for its efforts to educate the public about this article and its purpose. If the Town is the prevailing party in any action brought to enforce this article, the Town must be awarded reasonable attorney's fees, expert witness fees, and costs. Civil process may be waived, upon complaint, by payment to the Town of Cumberland of the minimum penalty set forth herein within seven days of the date of complaint.

3. Public Hearing: To recommend to the Town Council draft zoning amendments to Section 402 of the Cumberland Zoning Ordinance. To add Section 402.A Domesticated Chickens: To allow no more than six chickens in a penned area on properties less than 2 acres.

Mr. Moriarty, Town Councilor presented background on this section of the Ordinance as follows: The section was amended in November of 2009. Section 402.2 was amended to allow animals other than household pets and horses on lots of 2 acres in size in all districts. In 2008 Section 402.3 was amended to allow for free range of poultry within an owner's property. In researching prior Ordinances it appears prior to 1984 there was a requirement of 1 acre; there has always been a lot size requirement. Mr. Moriarty stated a resident approached the Council regarding having chickens on Woodside Drive. The Council had a split decision, so we are anxious to hear the Planning Board's input. The language proposed is from the Town of Brunswick.

The Board discussed noise of chickens and restriction of hens only (no roosters).

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

Mr. Neagle moved to recommend to the Town Council draft zoning amendments to Section 402.A Domesticated Chickens with the following changes:

That Section 402.3 adds: Animals other than horses **including chickens** or household pets may be kept...

That the language female chicken be changed to **hens**.

That the word ~~noise~~ be removed from Section V.

Mr. Couillard seconded.

VOTE: 6 in favor (Neagle, Caron, Ferland,
Ward, Vail, Couillard)
1 abstain: (Richards)

SECTION 402A: Domesticated Chickens Ordinance (All New below)

Purpose

The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. The Ordinance is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

Definitions

Chicken Pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of ~~female chickens~~ **hens (no roosters)**. A legally existing non-conforming detached shed, garage, or barn that may be located within the

required district setback can be used for this purpose if it meets all other standards contained in this Ordinance.

Section I. Keeping of Domesticated Chickens Located in the Growth Area.

- (a) **No more than 6 chickens shall be allowed per single-family detached dwelling property.** No chickens shall be permitted within multi-family complexes, including duplexes.
- (b) **Only female chickens hens** are permitted with no restriction on chicken species.
- (c) Chickens shall be kept only for personal use.
- (d) Advertising the sale of eggs, chicken breeding, or fertilizer production is prohibited.
- (e) Outside slaughtering of chickens is prohibited.

Section II. Enclosure

- (a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
- (b) Chickens shall be secured within the henhouse during non-daylight hours.
- (c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor, or other adverse impact.
- (d) An enclosure shall not be located in the front yard.

Section III. Henhouse

- a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
- b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire of less than one inch openings.
- c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
- d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than 10 feet to the side property line.
- e) **No henhouse shall be located within 10 feet of a rear or side property line.**

Section IV. Chicken Pens

- a) Chicken Pens. Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire, or solid roofing in a manner to prevent the escape of chickens.
- b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than 10 feet to the side property line.

- c) No chicken pen shall be located within 10 feet of a rear or side property line.

Section V. Odor, Noise, and Lighting

- a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- b) Only motion-activated lighting may be used to light the exterior of the henhouse.

Section VI. Waste Storage and Removal

- a) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

Section VII. Chickens on lots greater than 2 Acres (From Section 402)

- a) Animals other than horses including chickens or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]
- b) The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]
- c) No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

Section VIII. Licensing Requirements for Chickens on less than 2 Acres

- a) **A person who keeps domesticated chickens shall obtain a license for a fee of ten (\$10) dollars.** The license shall expire annually on the last day of April. The license shall be issued by the Town Clerk after favorable inspection by the Cumberland Animal Control Officer or designee. **The ten dollar (\$10) fee is non-refundable** if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars (\$10.) The fine will double after the license has been expired for more than thirty (30) days.

Section IX. Penalty

- a) In addition to any other enforcement action which the town may take, violation of any **provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.**

Section X. Removal of Chickens

- a) Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer to remove the chickens and the chicken-related structures. The Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.
-

4. Public Hearing: To recommend to the Town Council draft zoning amendments to Permitted and Special Exception uses in the Cumberland Zoning Ordinance.

Mr. Ward stated this was discussed at the Board's workshop on May 13, 2010.

Ms. Nixon stated this change is to move uses that are currently a special exception to permitted uses. The idea being that the use is neither special nor an exception. For non-residential uses that would come before the Planning Board for site plan review have been moved. This is recommended to help streamline the review process for the applicant. The Board of Appeals doesn't have the authority to review the uses in the same detail as the Planning Board. The Board of Appeals will continue to review uses such as home occupations which do not require site plan approval.

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

Mr. Vail moved to recommend to the Town Council draft zoning amendments to Permitted and Special Exception uses in the Cumberland Zoning Ordinance.

Mr. Ferland seconded.

VOTE: Unanimous

Sec. 204

District Regulations

204.1 Rural Residential Districts (RR1 and RR2) [Amended, effective 5/15/89]

The RR districts primarily allow agriculture, low density residential and other low density uses with the intent of maintaining significant amounts of open space and a generally rural character.

204.1.1 Rural Residential District 1 (RR1) [Amended, effective 5/15/89]

The RR1 district requires larger minimum lot sizes than does the RR2 district on the basis of the results of the Community Groundwater Study, Cumberland, Maine, March, 1989.

204.1.1.1 The following uses are permitted in the RR1 district:

- .1 Single family detached dwelling;
- .2 Duplex dwellings; [Amended, effective 5/15/89]
- .3 Multiplex dwellings, subject to the provisions of Sec. 406A; [Amended, effective 5/15/89]

- .4 Agriculture;
- .5 Animal husbandry on a site greater than three (3) acres;
- .6 Timber harvesting; subject to provisions of Section 429
- .7 Manufactured housing and mobile homes in the Manufactured Housing overlay zones as delineated on the official Town zoning map; [Amended, effective 1/9/85]
- .8 Private airport, personal use, subject to Site Plan Review and to the provisions of Section 418;
- .9 Private heliport, personal use, subject to Site Plan Review and to the provisions of Section 418;
- .10 Sewer pumping stations, subject to the provisions of Section 419.4;
- .11 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433. [Adopted, effective 12/13/99]
- .12 Animal husbandry on a site of three (3) acres or less;
- Excavation of land, subject to the provisions of Sec. 410;
- .13 Cemeteries, subject to Site Plan Review;
- .14 Religious institutions, subject to Site Plan Review;
- .15 Private Schools, subject to Site Plan Review;
- .16 Residential care facilities [see Sec. 432]; [Amended, effective 9/14/98]
- .17 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .18 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .19 Boarding kennels, subject to Site Plan Review;
- .20 Riding stables and schools, subject to Site Plan Review;
- .21 Extraction and/or bulk storage of groundwater or spring water subject to the provisions of Sec. 430;
- .22 Outdoor recreational facility, subject to Site Plan Review; [adopted, effective 4/28/97]
- .23 Above ground utility lines not located within public ways;
- .24 Municipal uses and buildings subject to Site Plan Review;
- .25 Accessory structures of public utilities subject to Site Plan Review;
- .26 Uses and buildings accessory to those above;

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204.1.1.2 The following uses are allowed as special exceptions in the RR1 district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations
- .2 Home Based Occupations; [Amended, effective 2/12/07]
- .3 Private kennels;
- .4 Animal husbandry on a site of three (3) acres or less;
- .4 Above ground utility lines not located within public ways;
- .5 Excavation of land, subject to the provisions of Sec. 410;
- .4 Temporary sawmills, subject to the provisions of Sec. 427;
- .7 Municipal uses and buildings, subject to Site Plan Review;
- .8 Accessory structures of public utilities subject to Site Plan Review;
- .9 Cemeteries, subject to Site Plan Review;
- .10 Religious institutions, subject to Site Plan Review;

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- ~~.11 Private schools, subject to Site Plan Review;~~
- ~~.7 Boarding kennels, subject to Site Plan Review;~~
- ~~.8 Riding stables and schools, subject to Site Plan Review;~~
- ~~.9 Extraction and/or bulk storage of groundwater or spring water subject to the provisions of Sec. 430;~~
- ~~.15 Residential care facilities [see Sec. 432]; [Amended, effective 9/14/88]~~
- ~~.16 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]~~
- ~~.17 Outdoor recreational facility, subject to Site Plan Review; [adopted, effective 4/28/97] [Amended, effective 12/12/05]~~
- ~~.5 Uses and buildings accessory to those above;~~

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204.1.1.3 The following lot standards apply in the RR1 district: [Amended, effective 5/15/89]

- .1 4 acre minimum lot size, except that the minimum lot size shall be 2 acres for a lot served by sewer;
- .2 In the case of duplex or multiplex development, there shall be no less than 2.5 acres of lot area per dwelling unit, except that the minimum lot area per dwelling unit for a lot served by sewer shall be 1 acre;
- .3 There shall be no less than 200 feet of lot frontage; [Amended, effective 8/10/98].

204.1.1.4 The following minimum setbacks are required in the RR1 district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines:

- .1 Front: 50 feet;
- .2 Rear: 75 feet;
- .3 Side: 30 feet; combined width at least 75 feet.**

204.1.1.5 Notwithstanding the provisions of Section 204.1.1.3, the owners of large parcels located in the RR1 district may create development lots that do not meet the minimum lot size requirement set forth in Section 204.1.1.3, provided that all of the following standards are met: [Amended, effective 4/12/99]

- .1 The parcel from which the new development lot will be created shall have no less than twenty-five (25) contiguous acres in the same ownership as of April 12, 1999. Parcels on the opposite sides of a town road or way shall not be considered contiguous for purposes of this section.
- .2 The creation of the new development lot does not result in the creation of a subdivision as defined in 30-A.M.R.S.A. Section 4401 and does not require an amendment to an existing subdivision plan recorded in Cumberland County Registry of Deeds.
- .3 A development lot shall be at least two (2) acres in size, unless served by public sewer, in which case the development lot shall be at least one (1) acre in size.

- .4 The creator of the development lot must create an easement parcel somewhere on the large contiguous parcel to create the development lot. The easement parcel shall be no smaller than the minimum amount of land necessary to meet the minimum lot size required by Section 2.1.1.3 when added to the land area of the development lot.
- .5 An easement parcel must meet one or more of the following standards:
- The parcel is active farmland, for purposes of this Section only active farmlands are defined as hayfields, pasture, row crops, orchards.
 - The parcel preserves an area with an active trail that can be used by the general public (as shown on the Greenbelt Plan or is an obvious well used trail).
 - The parcel provides a connection to an existing trail system that can be used by the general public.
 - The parcel preserve a high value wetland, wildlife habitat, or stream, all as determined by the Maine Department of Inland Fisheries and Wildlife.
 - The parcel provides access to a water body.
 - The parcel includes land included in the Resource Protection District or the Stream Protection District.
 - The parcel buffers a piece of land owned by the Town.
 - There are no existing structures on the proposed easement parcel, except for non-residential structures that are necessary to an agricultural or forestry use.
- .6 The creator of the easement parcel shall restrict the easement parcel so that it cannot be used for development or construction of any type other than non-residential structures that are accessory to agricultural or forestry use. In addition, the easement parcel may not be used for density calculations for or any development purpose other than those provided herein for the development lot. Any paving of the easement parcel shall be restricted either to that necessary for support of agricultural or forestry uses or to trails. The deed creating the easement parcel shall state that it is perpetual and it is created to benefit the development lot, and shall include both the purposes to which the parcel is limited and the development restrictions required by this Ordinance. The deed creating the easement parcel shall explicitly reference the deed for the development lot, and the deed creating the development lot shall explicitly reference the easement parcel. The creator of the easement parcel may hold the easement, or the creator may transfer the easement to the Town, to a qualified land trust, or to some other person or legal entity that will operate the easement parcel for

agricultural or forestry purposes. The creator of easement parcel may retain ownership of the fee interest in the easement parcel or may transfer it subject to the provisions of the easement. The owner of the development parcel does not have to own the easement parcel or be the holder of the easement. The creator of the easement parcel will provide copies of the proposed deeds to the easement parcel and the development lot to the Town for approval by the Town Manager and the Town Attorney prior to the sale of the development lot and will also provide evidence that the proposed holder of the easement has agreed to accept the easement. In no event shall any building permit be issued for a development lot until the applicant can demonstrate compliance with these provisions through the provision of copies of deeds recorded in the Cumberland County Registry of Deeds.

.7 Development lots shall not have frontage on the following roads:

Tuttle Road
Blanchard Road
Greely Road
Greely Road Extension
Range Road
Longwoods Road
Orchard Road

New development lots shall be subject to the backlot provisions Sec. 403 of this Ordinance.

↓ Rural Residential District 2 (RR2)

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The RR2 district requires a lesser minimum lot size than does the RR1 district on the basis of the results of the Community Groundwater Study, Cumberland, Maine, March, 1989. [Amended, effective 5/15/89]

204.1.2.1 The following uses are permitted in the RR2 district:

- .1 Single family detached dwellings;
- .2 Duplex dwellings; [Amended, effective 5/15/89]
- .3 Multiplex dwellings, subject to the provisions of Sec. 406 A; [Amended, effective 5/15/89]
- .4 Agriculture;
- .5 Animal husbandry on a site greater than three (3) acres;
- .6 Timber harvesting, subject to provisions of Section 429;
- .7 Manufactured Housing and mobile homes in Manufactured Housing overlay zones as delineated on the official Town zoning map; [Amended, effective 1/9/85]
- .8 Private airport, personal use, subject to site plan review and to the provisions of Section 418;
- .9 Private heliport; personal use, subject to site plan review and to the provisions of Section 418;
- .10 Sewer pumping stations, subject to the provisions of Section 419.4;
- .11 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]

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- .12 Accessory structures of public utilities, subject to site plan review;
- .13 Cemeteries, subject to site plan review;
- .14 Religious institutions, subject to Site Plan Review;
- .15 Private schools, subject to Site Plan Review;
- .16 Boarding kennels, subject to Site Plan Review;
- .17 Riding stables and schools subject to Site Plan Review;
- .18 Residential care facilities (see Sec. 432); [Amended, effective 9/14/88]
- .19 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .20 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .21 Outdoor recreational facilities, subject to Site Plan Review; [Adopted, effective 4/28/97]
- .22 Private kennels;
- .23 Above ground utility lines not located within public ways;
- .24 Animal husbandry on a site of three (3) acres or less;
- .25 Extraction of Earth Materials, subject to the provisions of Sec. 410.
- .26 Extraction and/or bulk storage of ground water or spring water subject to the provisions of Sec. 430;

.27 Municipal uses and buildings, subject to site plan review;

.28 Uses and buildings accessory to those above;

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204.1.2.2 The following uses are allowed as special exceptions in the RR2 district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations
- .2 Home Based Occupations; [Amended, effective 2/12/07]
- .2 Private kennels;
- .3 Animal husbandry on a site of three (3) acres or less;
- .4 Above ground utility lines not located within public ways;
- .4 Extraction of Earth Materials, subject to the provisions of Sec. 410.
- .3 Temporary sawmills, subject to the provisions of Sec. 427;
- .7 Municipal uses and buildings, subject to site plan review;
- .8 Accessory structures of public utilities, subject to site plan review;
- .9 Cemeteries, subject to site plan review;
- .10 Religious institutions, subject to Site Plan Review;
- .11 Private schools, subject to Site Plan Review;
- .12 Boarding kennels, subject to Site Plan Review;
- .13 Riding stables and schools, subject to Site Plan Review;
- .6 Extraction and/or bulk storage of ground water or spring water subject to the provisions of Sec. 430;
- .15 Residential care facilities (see Sec. 432); [Amended, effective 9/14/88]
- .16 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .17 Outdoor recreational facilities, subject to Site Plan Review; [Adopted, effective 4/28/97]
- .4 Uses and buildings accessory to those above;

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- 204.1.2.3 The following lot standards apply in the RR2 district: [Amended, effective 5/15/89]
- .1 2 acre minimum lot size, whether or not the lot is served by sewer;
 - .2 In the case of duplex or multiplex development, there shall be no less than 1.25 acres of lot area per dwelling unit except that the minimum lot area per dwelling unit for a lot served by sewer shall be one acre;
 - .3 There shall be no less than 200 feet lot frontage; [Amended, effective 8/10/98]
- 204.1.2.4 The following minimum setbacks are required in the RR2 district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines.
- .1 Front: 50 feet;
 - .2 Rear: 75 feet;
 - .3 Side: 30 feet; combined width at least 75 feet.
- 204.1.2.5 Notwithstanding the provisions of Section 204.1.2.3, the owners of large parcels located in the RR2 district may create development lots that do not meet the minimum lot size requirement set forth in Section 204.1.2.3, provided that all of the following standards are met: [Amended, effective 4/12/99]
- .1 The parcel from which the new development lot will be created shall have no less than twenty-five (25) contiguous acres in the same ownership as of April 12, 1999. Parcels on the opposite sides of a town road or way shall not be considered contiguous for purposes of this section.
 - .2 The creation of the new development lot does not result in the creation of a subdivision as defined in 30-A.M.R.S.A. Section 4401 and does not require an amendment to an existing subdivision plan recorded in Cumberland County Registry of Deeds.
 - .3 A development lot shall be at least two (2) acres in size, unless served by public sewer, in which case the development lot shall be at least one (1) acre in size.
 - .4 The creator of the development lot must create an easement parcel somewhere on the large contiguous parcel to create the development lot. The easement parcel shall be no smaller than the minimum amount of land necessary to meet the minimum lot size required by Section 2.1.1.3 when added to the land area of the development lot.
 - .5 An easement parcel must meet one or more of the following standards:
 - The parcel is active farmland, for purposes of this Section only active farmlands are defined as hayfields, pasture, row crops, orchards.

- The parcel preserves an area with an active trail that can be used by the general public (as shown on the Greenbelt Plan or is an obvious well used trail).
- The parcel provides a connection to an existing trail system that can be used by the general public.
- The parcel preserve a high value wetland, wildlife habitat, or stream, all as determined by the Maine Department of Inland Fisheries and Wildlife.
- The parcel provides access to a water body.
- The parcel includes land included in the Resource Protection District or the Stream Protection District.
- The parcel buffers a piece of land owned by the Town.
- There are no existing structures on the proposed easement parcel, except for non-residential structures that are necessary to an agricultural or forestry use.

- .6 The creator of the easement parcel shall restrict the easement parcel so that it cannot be used for development or construction of any type other than non-residential structures that are accessory to agricultural or forestry use. In addition, the easement parcel may not be used for density calculations for or any development purpose other than those provided herein for the development lot. Any paving of the easement parcel shall be restricted either to that necessary for support of agricultural or forestry uses or to trails. The deed creating the easement parcel shall state that it is perpetual and it is created to benefit the development lot, and shall include both the purposes to which the parcel is limited and the development restrictions required by this Ordinance. The deed creating the easement parcel shall explicitly reference the deed for the development lot, and the deed creating the development lot shall explicitly reference the easement parcel. The creator of the easement parcel may hold the easement, or the creator may transfer the easement to the Town, to a qualified land trust, or to some other person or legal entity that will operate the easement parcel for agricultural or forestry purposes. The creator of easement parcel may retain ownership of the fee interest in the easement parcel or may transfer it subject to the provisions of the easement. The owner of the development parcel does not have to own the easement parcel or be the holder of the easement. The creator of the easement parcel will provide copies of the proposed deeds to the easement parcel and the development lot to the Town for approval by the Town Manager and the Town Attorney prior to the sale of the development lot and will also provide evidence that the proposed holder of the easement has agreed to accept the easement. In no event shall any building permit be issued for a development lot until the applicant can demonstrate compliance with these provisions through the provision of copies of deeds recorded in the Cumberland County Registry of Deeds.

.7 Development lots shall not have frontage on the following roads:

Tuttle Road
Blanchard Road
Greely Road
Greely Road Extension
Range Road
Longwoods Road
Orchard Road

New development lots shall be subject to the backlot provisions Sec.
403 of this Ordinance.

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204.2.1 Low Density Residential District (LDR)

204.2.1 The following uses are permitted in the LDR district:

- .1 Single family detached dwellings;
- .2 and Duplex dwellings,
- .3 ~~Multiplex dwellings~~, subject to the provisions of Sec. 406A; [Amended, effective 5/15/89]
- .4 Agriculture;
- .5 Timber Harvesting, subject to provisions of Section 429;
- .6 Sewer pumping stations, subject to the provisions of Sec. 420.4;
- .7 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
- .8 Cemeteries, subject to site plan review;
- .9 Religious institutions, subject to Site Plan Review;
- .10 Private schools, subject to Site Plan Review;
- .11 Residential care facilities (see Sec. 432); [Amended, effective 9/14/88]
- .12 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .13 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .14 Above ground utility lines not located within public ways;
- .15 Municipal uses and buildings, subject to site plan review;
- .16 Accessory structures of public utilities, subject to site plan review;
- .17 Riding stables and schools, subject to Site Plan Review;
- .18 Extraction and/or bulk storage of ground or spring water, subject to the provisions of Section 430;
- .19 Uses and buildings accessory to those above;

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204.2.2 The following uses are allowed as special exceptions in the LDR district requiring the approval of the Board of Adjustment and Appeals.

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- .1 Home Occupations

	2 Home Based Occupations; [Amended, effective 2/12/07]	Deleted: and
	2 Above ground utility lines not located within a public way;	Deleted: ¶
	3 Temporary sawmills, subject to the provisions of Sec. 427;	Formatted: Font: 11 pt, Strikethrough
	4 Municipal uses and buildings, subject to Site Plan Review;	Deleted: 3
	5 Accessory structures of public utilities, subject to Site Plan Review;	Formatted: Font: 11 pt, Strikethrough
	6 Cemeteries, subject to Site Plan Review;	Deleted: 8
	7 Religious institutions, subject to Site Plan Review;	Formatted: Font: 11 pt, Strikethrough
	4 Riding stables and schools, subject to Site Plan Review;	Deleted: 8
	9 Private schools, subject to Site Plan Review;	Formatted: Font: 11 pt, Strikethrough
	5 Extraction and/or bulk storage of ground or spring water, subject to the provisions of Section 430;	Formatted: Font: 11 pt, Strikethrough
	11 Residential Care Facilities (see Sec. 432); [Amended, effective 9/14/88]	Deleted: 40
	12 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]	Formatted: Font: 11 pt, Strikethrough
	4 Uses and buildings accessory to those above;	Formatted: Font: 11 pt, Strikethrough
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204.2.3	The following lot standards apply in the LDR district: [Amended, effective 5/15/89]	Formatted: Font: 11 pt, Strikethrough
	.1 2 acre minimum lot size, except that the minimum lot size for lots served by sewer shall be 1.5 acres;	Deleted: 13
	.2 In the case of duplex or multiplex developments, there shall be no less than 1.25 acres of lot area per dwelling unit, except that the minimum lot area per dwelling unit for a lot served by sewer shall be .75 acres;	
	.3 There shall be no less than 150 feet lot frontage; [Amended, effective 8/10/98]	
204.2.4	The following minimum setbacks are required for all structures in the LDR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines.	
	.1 Front: 50 feet	
	.2 Rear: 65 feet	
	.3 Side: 30 feet - combined width at least 65 feet.	
204.3	Medium Density Residential District (MDR)	Deleted: -----Page Break-----
204.3.1	The following uses are permitted in the MDR district:	
	.1 Single family detached dwellings;	
	.2 Duplex dwellings <u>so long as each such dwelling is connected to sewer facilities;</u>	
	.3 Multiplex dwellings, so long as each such dwelling is connected to sewer facilities, and provided that multiplex dwellings are subject to the provisions of Sec. 406A; [Amended, effective 5/15/89]	Deleted: and m
	4 Timber Harvesting, <u>subject to provisions of Section 429,</u>	Deleted: 3
	5 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]	Deleted: ;
	.6 Agriculture; [Adopted, effective 4/24/00]	Deleted: .4 . Sewer pumping stations, subject to the provisions of Sec. 419.4;¶
	.7 Cemeteries, <u>subject to site plan review;</u>	
	.8 Religious institutions, <u>subject to Site Plan Review;</u>	

- .9 Private schools, subject to Site Plan Review;
- .10 Residential care facilities (see Sec. 432); [Amended, effective 9/14/88]
- .11 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]
- .12 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .13 Sewer pumping stations, subject to the provisions of Sec. 419.4;
- .14 Above ground utility lines not located within public ways;
- .15 Accessory structures of public utilities, subject to site plan review;
- .16 Extraction and/or bulk storage of ground water or spring water, subject to the provisions of Sec. 430;
- .17 Municipal uses and buildings, subject to site plan review;
- .18 Uses and buildings accessory to those above;

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204.3.2 The following uses are allowed as special exceptions in the MDR district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations;
- ~~.2 Home Based Occupations; [Amended, effective 2/12/07]~~
- ~~.2 Above ground utility lines not located within public ways;~~
- ~~.3 Accessory structures of public utilities, subject to Site Plan Review;~~
- ~~.4 Municipal uses and buildings, subject to Site Plan Review;~~
- ~~.5 Religious institutions, subject to Site Plan Review;~~
- ~~.6 Cemeteries, subject to Site Plan Review;~~
- ~~.7 Private schools, subject to Site Plan Review;~~
- ~~.3 Extraction and/or bulk storage of ground water or spring water, subject to the provisions of Sec. 430;~~
- ~~.9 Residential Care Facilities (see Sec. 432); [Amended, effective 9/14/88]~~
- ~~.10 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]~~
- ~~.3 Uses and buildings accessory to those above;~~

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204.3.3 The following lot standards shall apply within the MDR district:

- .1 2 acre minimum lot size, except that the minimum lot size for lots served by sewer shall be 1 acre; [Amended, effective 5/15/89]
- .2 In the case of duplex or multiplex developments, the minimum lot area per dwelling unit for a lot served by sewer shall be .5 acres; [Amended, effective 5/15/89]
- .3 There shall be no less than 150 feet of lot frontage. [Amended, effective 8/10/98]

204.3.4 The following minimum setbacks are required for all structures in the MDR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines:

- .1 Front: 35 feet
- .2 Rear: 50 feet
- .3 Side: 20 feet - combined width at least 50 feet.

204.4 VMDR ---Village Medium Density Residential

The purpose of the VMDR zone is to provide an area for medium density residential use with reduced lot standards to enable the development of affordable housing. [Adopted, effective 10/22/07]

204.4.1 The following uses are permitted in the VMDR district:

- .1 Single family detached dwellings;
- .2 Duplex dwellings
- ~~.3 Multiplex dwellings;~~
- ~~.4 Bed and Breakfasts & Inns;~~
- ~~.4 Daycare Homes; Delete Use~~
- .5 Municipal Uses and Buildings;
- .6 Sewer pumping stations, subject to the provisions of Sec. 420.4;
- ~~.7 Religious institutions, subject to Site Plan Review;~~
- ~~.8 Private schools, subject to Site Plan Review;~~
- ~~.9 Residential Care Facilities; (see Sec. 432); [Amended, effective 9/14/88]~~
- ~~.10 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]~~
- ~~.11 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.~~
- ~~.12 Timber harvesting, subject to provisions of Section 429;~~
- ~~.13 Above ground utility lines not located within public ways;~~
- ~~.14 Accessory structures of public utilities, subject to Site Plan Review;~~
- ~~.15 Extraction and/or bulk storage of ground water or spring water, subject to the provisions of Sec. 430;~~
- ~~.16 Uses and buildings accessory to those above~~

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204.4.2 The following uses are allowed as special exceptions in the VMDR district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations
- ~~.2 Home Based Occupations; [Amended, effective 2/12/07]~~
- ~~.3 Home Based Retail~~
- ~~.2 Above ground utility lines not located within public ways;~~
- ~~.3 Accessory structures of public utilities, subject to Site Plan Review;~~
- ~~.4 Religious institutions, subject to Site Plan Review;~~
- ~~.5 Cemeteries, subject to Site Plan Review;~~
- ~~.6 Private schools, subject to Site Plan Review;~~
- ~~.4 Extraction and/or bulk storage of ground water or spring water, subject to the provisions of Sec. 430;~~
- ~~.8 Residential Care Facilities; (see Sec. 432); [Amended, effective 9/14/88]~~

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~~.9 Day care centers and nursery schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89, Amended, effective 4/12/99]~~

~~.5 Timber harvesting;~~

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~~.4 Uses and buildings accessory to those above;~~

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204.4.3 The following lot standards shall apply within the VMDR district:

- .1 20,000 sq. ft lot size;
- .2 In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be 20,000 sq. ft.
- .3 There shall be no less than 100 feet of lot frontage;

204.4.4 The following minimum setbacks are required for all structures in the VMDR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines:

- .1 Front: 25 feet
- .2 Rear: 25 feet
- .3 Side: 15 feet - combined width at least 35 feet

204.5 Island Residential District (IR)

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204.5.1 The following uses are permitted in the IR district:

~~.1 Single family detached dwellings;~~

~~.2 Duplex dwellings; [Amended, effective 5/15/89]~~

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~~.3 Agriculture;~~

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~~.4 Uses related to commercial fishing, including storage and repair of traps, seines, boats and other equipment, the keeping and cooking of fish for sale at retail on the premises, and fish processing as a home occupation;~~

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~~.5 Timber Harvesting, subject to provisions of Section 429;~~

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~~.6 Private Heliport Personal Use, subject to Site Plan Review and to the provisions of Section 419;~~

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~~.7 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]~~

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~~.8 Private kennels;~~

~~.9 Municipal buildings and uses, subject to Site Plan Review;~~

~~.10 Accessory structures of public utilities, subject to Site Plan Review;~~

~~.11 Cemeteries, subject to Site Plan Review;~~

~~.12 Private clubs, subject to Site Plan Review;~~

~~.13 Religious institutions, subject to Site Plan Review;~~

~~.14 Boat building, storage, or marina, subject to Site Plan Review;~~

~~.15 Private schools, subject to Site Plan Review;~~

~~.16 Boarding kennels, subject to Site Plan Review;~~

~~.17 Day care centers and nursery schools, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89]~~

~~.18 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.~~

~~.19 Above ground utility lines not located in a public way;~~

~~.20 Animal husbandry;~~

- ~~21~~ Uses and buildings accessory to those above; [Amended, effective 12/24/86]

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204.5.2 The following uses are allowed as special exceptions in the IR district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations
- ~~.2~~ Home Based Occupations; [Amended, effective 2/12/07]
- ~~.3~~ Above ground utility lines not located in a public way;
- ~~.3~~ Private kennels;
- ~~.3~~ Temporary sawmill, subject to the provisions of Sec. 427;
- ~~.5~~ Animal husbandry;
- ~~.6~~ Municipal buildings and uses, subject to Site Plan Review;
- ~~.7~~ Accessory structures of public utilities, subject to Site Plan Review;
- ~~.8~~ Cemeteries, subject to Site Plan Review;
- ~~.9~~ Private clubs, subject to Site Plan Review;
- ~~.10~~ Religious institutions, subject to Site Plan Review;
- ~~.11~~ Funeral homes, subject to Site Plan Review; Delete Use
- ~~.12~~ Any use permitted in Island Business (IB), subject to Site Plan Review; Delete Use
- ~~.13~~ Boat building, storage, or marina, subject to Site Plan Review;
- ~~.14~~ Private schools, subject to Site Plan Review;
- ~~.15~~ Boarding kennels, subject to Site Plan Review;
- ~~.4~~ Riding stable, subject to Site Plan Review;
- ~~.17~~ Professional office building, subject to Site Plan Review;
- ~~.18~~ Campgrounds; Delete Use
- ~~.19~~ Extraction and/or bulk storage of ground water subject to the provisions of Sec. 430; Delete Use
- ~~.20~~ Day care centers and nursery schools, subject to the provisions of Section 408A and Site Plan Review; [Amended, effective 12/13/89]
- ~~.5~~ Uses and buildings accessory to those above;

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204.5.3 The following lot standards shall apply to all lots. [Amended, effective 12/28/2009]

- .1 1.5 acre minimum lot size; [Amended, effective 5/15/89]
- .2 In the case of duplex development, there shall be no less than 0.94 acres of lot area per dwelling unit. [Amended, effective 5/15/89]
- .3 There shall be no less than 150 feet of lot frontage; [Amended, effective 8/10/98]

204.5.4 The following minimum setbacks are required for all structures in the IR district, except that sheds and driveways are permitted to a minimum setback of fifteen (15) feet from the side and rear lot lines.

- .1 Front: 55 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet.
- .4 Shoreland setbacks shall be as required by Section 423.

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204.6 Highway Commercial District (HC)

The purpose of the HC District is to allow a wide range of business and professional uses that provide town-wide service, as well as roadside service for through traffic on major arterials. Site plan review and approval by the Planning Board is required, with the exception of single-family dwellings, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89, Amended, effective 1/25/99, amended, effective 10/22/07]

204.6.1 The following uses are permitted in the HC District:

- .1 Business and professional offices;
- .2 Restaurants;
- .3 Personal Services;
- .4 Private Clubs;
- .5 Lodging Houses;
- .6 Private Schools;
- .7 Landscaping Services;
- .8 Retail Store;
- .9 Gasoline Station;
- .10 Motor Vehicle Sales;
- .11 Timber harvesting, subject to provisions of Section 429;
- .12 Hotels; motels;
- .13 Buildings accessory to single family dwellings;
- .14 Telecommunication Facilities, subject to Site Plan Review and the provisions of Sec. 433;
- .15 Municipal uses and buildings;
- .16 Agriculture;
- .17 Animal Husbandry;
- .18 Private heliport, personal use, subject to Site Plan Review and to the provisions of Section 418;
- .19 Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89]
- .20 Additions to and accessory structures to single-family dwellings existing as of the effective date of this amendment; [Amended, effective 8/10/98]
- .21 Contractor's Space (new use)
- .22 Warehousing and wholesale distribution related thereto, but exclusive of junk yards and salvaging operations;
- .23 Transportation Facilities ~~termini~~;
- .24 Light manufacturing, as defined;
- .25 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .26 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .27 Boarding kennels; [Amended, effective 1/25/99]
- .28 Above ground utility transmission lines not located within public ways;
- .29 Accessory structures of public utilities;
- .30 Uses and buildings accessory to those above;

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204.6.2 The following uses are allowed as special exceptions in the HC district, requiring the approval of the Board of Adjustment and Appeals:

- ~~1 Accessory structures of public utilities;~~
- ~~2 Warehousing and wholesale distribution related thereto, but exclusive of junk yards and salvaging operations;~~
- ~~3 Transportation termini;~~
- ~~4 Above ground utility transmission lines not located within public ways;~~
- ~~5 Light manufacturing, as defined;~~
- ~~6 Home occupations; [Amended, effective 12/13/89]~~
- ~~2 Home Based Occupations; [Amended, effective 2/12/07]~~
- 3 Home Based Retail
- 4 Day care Homes (new use)
- ~~7 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]~~
- ~~8 Boarding kennels; [Amended, effective 1/25/99]~~
- ~~5 Uses and buildings accessory to those above;~~

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204.6.3 The following lot standards apply in the HC District:

- .1 40,000 square feet minimum lot size;
- .2 There shall be no less than 150 feet of lot frontage on a public right-of-way; [Amended, effective 8/10/98]

204.6.4 The following setbacks are required for all structures in the HC District:

- .1 Front: 50 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet.

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204.7 Office Commercial North (OC-N)

The purpose of the OC-N District is to allow a limited range of employment-intensive commercial uses with low intensity land use impacts, measured in terms of traffic generation, environmental effects, and building scale and site layout. The OC-N District is intended to allow higher density residential development and commercial health and recreation facilities [Adopted, effective 10/13/92]. Site Plan review and approval by the Planning Board is required with the exception of day care homes and bed & breakfast inns with three or fewer guest bedrooms. All development in this zone is encouraged to be consistent with the Route 1 Design Guidelines. [Amended, effective 12/13/89, amended, effective 10/22/07, 12/8/08]

204.7.1 The following uses are permitted within the OC-N District:

- .1 Business and professional offices;
- .2 Research facilities;
- .3 Uses and buildings accessory to those above;
- .4 Sewer pumping stations, subject to the provisions of Sec. 419.4;

.5 Duplex, ~~multiplex dwellings, subject to the following~~; [Amended, effective 11/22/99, Amended, effective 10/22/07];

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.1 The minimum lot size shall be 20,000 square feet per dwelling unit, except that for units constructed specifically for persons 55 years of age or older the minimum lot size shall be 10,000 square feet per dwelling unit; [Amended, effective 11/22/99].

.2 No more than 40% of a tract or parcel developed hereunder shall be required to be reserved as open space; [Amended, effective 5/15/89]

.3 All dwelling units shall be connected to the public water and sewer system; [Adopted, effective 11/22/99]

~~.6 Commercial health and recreation facility; [Amended, effective 10/13/92]~~

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~~.7 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]~~

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~~.8 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]~~

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.1 The minimum lot size shall be 4 acres;

.2 All facilities shall be connected to the public water and sewer system;

.3 The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres;

.4 Buildings and parking lots shall cover not more than 25% of the lot;

.5 The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard;

10. Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]

~~.9 Contractor's space (new use)~~

~~.10 Light manufacturing, as defined;~~

~~.11 Hotels and motels;~~

~~.12 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]~~

~~.13 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.~~

~~.14 Contractor's Space~~

~~.15 Municipal uses and buildings;~~

~~.16 Accessory structures of public utilities;~~

~~.17 Above ground utility transmission lines not located within public ways;~~

~~.18 Uses and buildings accessory to those above; [Amended, effective 5/15/89]~~

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204.7.2 The following uses are allowed as special exceptions in the OC-N District, requiring the approval of the Board of Adjustment and Appeals:

~~.1 Light manufacturing, as defined;~~

~~.2 Hotels and motels;~~

~~.3 Municipal uses and buildings;~~

~~.4 Accessory structures of public utilities;~~

~~.5 Above ground utility transmission lines not located within public ways;~~

~~.1 Home occupations; [Amended, effective 12/13/89]~~

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- ~~2~~ 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; [Amended, effective 12/13/89]~~
- ~~3~~ Uses and building accessory to those above;

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204.7.3 The following lot standards apply in the OC-N District:

- .1 One (1) acre minimum lot size, except that the minimum lot size per dwelling unit in a duplex or multiplex development under Sec. 204.8.1.5 above shall be 20,000 square feet, except that for units constructed specifically for persons 55 years of age or older the minimum lot size shall be 10,000 square feet per dwelling unit; [Amended, effective 5/15/89, Amended, effective 11/22/99]
- .2 There shall be no less than 150 feet of lot frontage; [Amended, effective 5/15/89]

204.7.4 The following setbacks are required for all structures in the OC-N District: [Amended, effective 6/12/95, Amended, effective 10/22/07]

- .1 Front: 25 feet;
- .2 Rear: 65 feet;
- .3 Side: 20 feet;

204.8 Office Commercial South (OC-S)

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The purpose of the OC-S District is to allow a limited range of employment-intensive commercial uses with low intensity land use impacts, measured in terms of traffic generation, environmental effects, and building scale and site layout. All development in this zone is encouraged to be consistent with the Route 1 Design Guidelines. Site Plan review and approval by the Planning Board is required with the exception of day care homes and bed & breakfast inns with three or fewer guest bedrooms. [Amended, effective 12/13/89, Amended, effective 10/22/07, [Amended, effective 12/8/08]

204.8.1 The following uses are permitted within the OC-S District:

- .1 Business and professional offices;
- .2 Research facilities;
- .3 Uses and buildings accessory to those above;
- .4 Sewer pumping stations, subject to the provisions of Sec. 419.4;
- .5 Commercial health and recreation facility; [Amended, effective 10/13/92]
- .6 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]
- .7 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]
 - .1 The minimum lot size shall be 4 acres;
 - .2 All facilities shall be connected to the public water and sewer system;

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- .3 The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres;
- .4 Buildings and parking lots shall cover not more than 25% of the lot;
- .5 The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard;
- .8 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
- .9 Contractor's Space (new use)
- .10 Light manufacturing, as defined;
- .11 Hotels and motels;
- .12 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .13 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .14 Associated Retail
- .15 Retail Store
- .16 Municipal uses and buildings;
- .17 Accessory structures of public utilities;
- .18 Above ground utility transmission lines not located within public ways;
- .19 Uses and buildings accessory to those above; [Amended, effective 5/15/89]

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204.8.2 The following uses are allowed as special exceptions in the OC-S District, requiring the approval of the Board of Adjustment and Appeals:

- ~~.1 Light manufacturing, as defined;~~
- ~~.2 Hotels and motels;~~
- ~~.3 Municipal uses and buildings;~~
- ~~.4 Accessory structures of public utilities;~~
- ~~.5 Above ground utility transmission lines not located within public ways;~~
- ~~.6 Home occupations; [Amended, effective 12/13/89];~~
- ~~.7 Home Based Occupations [Amended, effective 2/12/07]~~
- ~~.8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]~~
- ~~.9 Uses and building accessory to those above;~~

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204.8.3 The following lot standards apply in the OC South District:

- .1 One (1) acre minimum lot size;
- .2 There shall be no less than 150 feet of lot frontage; [Amended, effective 5/15/89]

204.8.4 The following setbacks are required for all structures in the OC South District: [Amended, effective 6/12/95]

- .1 Front: 25 feet;
- .2 Rear: 65 feet;

.3 Side: 20 feet

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204.9

Village Center Commercial (VCC)

The purpose of the Village Center Commercial District is to provide an area that allows for a mix of commercial uses such as retail sales, restaurants and business and professional offices. Pedestrian and bicycle travel will be safely provided through the use of sidewalks and bike lanes. [Adopted, effective 10/22/07]

All development in this district shall be consistent with the Town of Cumberland Route 100 Design Standards.

There shall be a 25-foot landscape buffer for any property with frontage on Route 100. The applicant shall either improve this landscape buffer with a sidewalk, trees, and other landscaping and street furniture, as approved by the Planning Board as part of site plan approval for the site, or shall, in the alternative, grant a landscape easement to the Town for the purpose of installation and maintenance of the required sidewalk and other streetscape improvements.

204.9.1 The following uses are permitted within the VCC District:

- .1 Auto Repair Service Garage;
- .2 Business and professional offices, to include those with drive through facilities;
- .3 Gasoline Stations;
- .4 Restaurants;
- .5 Retail Store (25,000 maximum footprint);
- .6 Grocery Stores (35,000 maximum footprint);
- .7 Veterinary Office;
- .8 Commercial Health and Recreation;
- .9 Personal Services;
- .10 Landscaping Services and Retail;
- .11 Motor Vehicle Sales;
- .12 Research facilities;
- .13 Sewer pumping stations, subject to the provisions of Sec. 4169.4;
- .14 Commercial health and recreation facility;
- .15 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]
- .16 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]
 - .1 The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres;

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.2The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard;

~~.17~~ Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]

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~~.18~~ Contractor's Space (new use)

~~.19~~ Light manufacturing, as defined;

~~.20~~ Hotels and Inns;

~~.21~~ Inns;

~~.21~~ Warehousing and Distribution (300' minimum setback restriction from Route 100);

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~~.22~~ Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;

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~~.23~~ Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.

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~~.24~~ Antenna;

~~.25~~ Accessory structures of public utilities;

~~.26~~ Above ground utility transmission lines not located within public ways;

~~.27~~ Municipal Uses;

~~.28~~ Uses and buildings accessory to those above; [Amended, effective 5/15/89]

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204.9.2 The following uses are allowed as special exceptions in the VCC District, requiring the approval of the Board of Adjustment and Appeals:

~~.1~~ Light manufacturing, as defined;

~~.2~~ Hotels;

~~.3~~ Inns;

~~.4~~ Warehousing and Distribution (300' minimum setback restriction from Route 100);

~~.5~~ Antenna;

~~.6~~ Accessory structures of public utilities;

~~.7~~ Above ground utility transmission lines not located within public ways;

~~.1~~ Home Occupations;

~~.2~~ Home Based Occupations;

~~.3~~ Home Based Retail;

~~.11~~ Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;

~~.4~~ Uses and building accessory to those above;

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204.9.3 The following lot standards apply in the VCC District:

.1 20,000 sq. ft. minimum lot size;

.2 There shall be no less than 75 feet of lot frontage;

204.9.4 The following setbacks are required for all structures in the VCC District:

- .1 Front: 45 feet; (Note: the front setback for lots with frontage on Route 100 in this district shall include the required 25' landscape easement to the Town of Cumberland.
- .2 Rear: 50 feet; (Note: where a proposed non-residential use will abut an existing residential zone, there shall be a 25' landscaped buffer within the required setback.
- .3 Side: 15 feet;

204.10

Village Office Commercial I (VOCI)

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The purpose of the Village Office Commercial I district is to provide substantial areas for integrated development of professional offices and related businesses in a park or campus-like setting which are of a unified architectural design and landscaping, compatible with the natural surroundings. [Adopted, effective 10/22/07]

All development in this district shall be consistent with the Town of Cumberland Route 100 Design Standards.

204.11.1 The following uses are permitted within the VOC I District:

- .1 Business and professional offices with drive-through facilities;
- .2 Commercial schools;
- .3 Commercial health and recreation facilities;
- .4 Outdoor recreation facilities;
- .5 Municipal Uses;
- .6 Sewer pumping stations, subject to the provisions of Sec. 419.4;
- .7 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]
- .8 Multiplex dwellings;
- .9 Riding stables and schools;
- .10 Bed and Breakfasts;
- .11 Day care home;
- .12 Contractor's Space (new use)
- .13 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]
 - .A The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.
 - .B The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard.
- .14 Light manufacturing, as defined;
- .15 Antenna;
- .16 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;
- .17 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .18 Agriculture Uses [Amended, effective 11/12/07]

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- .19 Accessory structures of public utilities;
- .20 Above ground utility transmission lines not located within public ways;

204.10.2 The following uses are allowed as special exceptions in the VOC I District, requiring the approval of the Board of Adjustment and Appeals:

- ~~.1 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]~~
- ~~.2 The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.~~
- ~~.3 The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard.~~
- ~~.4 Light manufacturing, as defined;~~
- ~~.5 Antenna;~~
- ~~.6 Accessory structures of public utilities;~~
- ~~.7 Above ground utility transmission lines not located within public ways;~~
- ~~.8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;~~
- ~~.1 Home Occupations;~~
- ~~.2 Home Based Occupations;~~
- ~~.3 Home Based Retail;~~
- ~~.4 Uses and building accessory to those above;~~

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204.10.3 The following lot standards apply in the VOC I District:

- .1 40,000 sq. ft. minimum lot size;
- .2 There shall be no less than 75 feet of lot frontage;

204.10.4 The following setbacks are required for all structures in the VOC I District:

- .1 Front: 50 feet;
- .2 Rear: 50' feet (Note: where a proposed non-residential use will abut an existing residential zone, there shall be a 25' landscaped buffer within the required setback;
- .3 Side: 20 feet;

204.11 Village Office Commercial II (VOC II)

The purpose of the Village Office Commercial II is to provide for the flexible development or redevelopment of an area that has historically featured a mix of residential and retail uses. [Adopted, effective 10/22/07]

All development in this district shall be consistent with the Town of Cumberland Route 100 Design Standards.

204.11.1 The following uses are permitted within the VOC II District:

- .1 Business and professional offices without drive-through facilities;
- .2 Commercial schools;
- .3 Commercial health and recreation facilities;
- .4 Outdoor recreation facilities;
- .5 Municipal Uses;
- .6 Sewer pumping stations, subject to the provisions of Sec. 419.4;
- .7 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]
- .8 Multiplex Dwellings;
- .9 Riding stables and schools;
- .10 Bed and Breakfasts;
- ~~.11 Day care home; (Delete Use)~~
- ~~.11 Contractor's Space (New Use)~~
- ~~.12 Agriculture Uses [Amended, effective 11/12/07]~~
- ~~.13 Light Manufacturing, as defined;~~
- ~~.14 Antenna;~~
- ~~.15 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;~~
- ~~.16 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.~~
- ~~.17 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]:~~
 - ~~A. The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.~~
 - ~~B. The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard as demonstrated by a parking analysis submitted by the applicant.~~
- ~~.18 Accessory structures of public utilities;~~
- ~~.19 Above ground utility transmission lines not located within public ways;~~

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204.11.2 The following uses are allowed as special exceptions in the VOC II District, requiring the approval of the Board of Adjustment and Appeals:

- .1 Single family detached dwelling;
- .2 Duplex dwelling;
- ~~.3 Light manufacturing, as defined;~~
- ~~.4 Antenna;~~
- ~~.3 Home occupations;~~
- ~~.4 Home Based Occupations;~~
- ~~.5 Home-based Retail;~~
- ~~.8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;~~

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.12 . Agriculture Uses [Amended, effective 11/12/07]¶
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~~9 Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99];~~

~~• The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.~~

~~• The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard as demonstrated by a parking analysis submitted by the applicant.~~

~~10 Accessory structures of public utilities;~~

~~11 Above ground utility transmission lines not located within public ways;~~

~~6 Uses and building accessory to those above;~~

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204.11.3 The following lot standards apply in the VOC II District:

- .1 40,000 sq. ft. minimum lot size;
- .2 There shall be no less than 75 feet of lot frontage;

204.11.4 The following setbacks are required for all structures in the VOC II District:

- .1 Front: 50 feet;
- .2 Rear: 65 feet; (Note: where a proposed non-residential use will abut an existing residential zone, there shall be a 25' landscaped buffer within the required setback.
- .3 Side: 20 feet.

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204.12

Mixed Use Zone (MUZ)

The purpose of the Mixed Use Zone is to provide an area along the Route 100 Corridor that will accommodate a mix of residential, retail and office uses in a campus-like setting. [Adopted, effective 10/22/07]

All development in this district shall be consistent with the Town of Cumberland Route 100 Design Standards.

204.12.1 The following uses are permitted within the MUZ District:

- .1 Business and professional offices; with drive-through facilities;
- .2 Restaurants;
- .3 Retail; (25,000 maximum footprint)
- .4 Grocery Stores; (35,000 maximum footprint)
- .5 Commercial Schools;
- .6 Commercial Health and Recreation;
- .7 Multiplex Dwellings;
- .8 Riding Stables and Schools;
- .9 Hotels and Inns;

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- ~~.10 Inns;~~
- ~~.10 Bed and Breakfasts;~~
- ~~.11 Personal Services;~~
- ~~.13 Day Care Homes;~~
- ~~.12 Municipal Uses;~~
- ~~.13 Commercial Health and Recreation;~~
- ~~.14 Personal Services;~~
- ~~.15 Municipal Uses;~~
- ~~.16 Sewer pumping stations, subject to the provisions of Sec. 419.4;~~
- ~~.17 Timber harvesting, subject to provisions of Section 429; [Amended, effective 10/26/98]~~
- ~~.18 Agriculture Uses, [Amended, effective 11/12/07]~~
- ~~.19 Contractor's Space (new use)~~
- ~~.20 Residential care facilities; subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]~~
 - ~~a) The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.~~
 - ~~b) The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not require the stated amount.~~
- ~~.21 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;~~
- ~~.22 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.~~
- ~~.23 Light manufacturing, as defined;~~
- ~~.24 Veterinary Office;~~
- ~~.25 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]~~
- ~~.26 Accessory structures of public utilities;~~
- ~~.27 Above ground utility transmission lines not located within public ways;~~
- ~~.28 Uses and buildings accessory to those above; [Amended, effective 5/15/89]~~

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204.12.2

The following uses are allowed as special exceptions in the MUZ District, requiring the approval of the Board of Adjustment and Appeals:

- ~~.1 Residential care facilities; subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]~~
 - ~~a) The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.~~
 - ~~b) The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not require the stated amount.~~

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.21 The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres.¶
 .22 The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard as demonstrated by a parking analysis submitted by the applicant.¶

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- ~~.2 Light manufacturing, as defined;~~
- ~~.3 Veterinary Office;~~
- ~~.4 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]~~
- ~~.5 Accessory structures of public utilities;~~
- ~~.1 Home Occupations;~~
- .2 Home Based Occupations
- .3 Home Based Retail
- ~~.7 Above ground utility transmission lines not located within public ways;~~
- ~~.8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review;~~
- ~~.4 Single-family dwelling;~~
- ~~.5 Uses and building accessory to those above;~~

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204.12.3 The following lot standards apply in the MUZ District:

- .1 30,000 sq. ft. minimum lot size;
- .2 There shall be no less than 100 feet of lot frontage;

204.12.4 The following setbacks are required for all structures in the MUZ District:

- .1 Front: 40 feet;
- .2 Rear: 25 feet; for lots bordering the Falmouth town line, or the Power line;
Lots bordering the VOC II district:
Residential uses: 50 feet;
Non-Residential uses: 50 feet of which 25 feet shall be a landscape buffer.
- .3 Side: 25 feet;

Section 204.13: V-MUZ---Village Mixed Use Zone

The purpose of the Village Mixed Use Zone is to provide an area that allows for a dense, village-like development that promotes a neighborhood feel by allowing for a mix of residential types as well as for small scale office commercial, retail and restaurant uses with interconnected streets, sidewalks and trails.

All development in this district shall be connected to public water and sewer. All non-residential uses shall be subject to Section 206 – Site Plan Review. [Adopted, effective 2/23/09]

204.13.1 The following uses are permitted in the V-MUZ district:

- .1 Dwelling, detached;
- .2 Dwellings, Duplex, and Mulitplex, to include condominiums, apartments, and senior housing.
- .3 Personal Services;
- .4 Business and Professional Offices;
- .5 Markets: 5,000 sq. ft. maximum square footage, with no drive-through;

- .6 Restaurants: 3000 sq. ft. maximum footprint, with no drive-through and in accordance with Section 204.13.5.3
- .7 Retail Stores: 2,000 sq. ft. maximum footprint per business unit;
- .8 Private Schools;
- .9 Research Facilities;
- .10 Municipal uses and buildings;
- .11 Sewer Pumping Stations, subject to the provisions of Sec. 419.4;
- .12 Residential Care Facilities, subject to Section 432;
- .13 Commercial Health and Recreation Facility;
- .14 Day Care Centers and Nursery Schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review;
- .15 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .16 Religious Institutions;
- .17 Accessory structures of public utilities;
- .18 Uses and buildings accessory to those above.

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204.13.2 The following uses are allowed as special exceptions in the V-MUZ district, requiring the approval of the Board of Adjustment and Appeals:

- ~~.1 Residential Care Facilities, subject to Section 432;~~
- ~~.2 Commercial Health and Recreation Facility;~~
- ~~.1 Home Occupations;~~
- ~~.2 Home Based Occupations;~~
- ~~.3 Home Based Retail;~~
- ~~.4 Bed and Breakfast Inns;~~
- ~~.8 Day Care Centers and Nursery Schools for no more than 20 children, subject to the provisions of Section 408A and Site Plan Review;~~
- ~~.9 Accessory structures of public utilities;~~
- ~~.10 Religious Institutions;~~
- ~~.5 Uses and buildings accessory to those above.~~

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204.13.3 The following lot standards shall apply within the V-MUZ district:

- .1 5,000 sq. ft. minimum lot size
- .2 In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 2,500 sq. ft.
- .3 There shall be no less than 50 feet of lot frontage.

204.13.4 The following minimum setbacks are required for all structures in the V-MUZ district, except that sheds and driveways are permitted to a minimum setback of eight (8) feet from the side and rear lot lines:

- .1 Front: 15 feet
- .2 Rear: 15 feet
- .3 Side: 10 feet

204.13.5 The following performance standards shall apply within the V-MUZ district, provided however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified.

204.13.5.1: **Building Design:** New structures within the district shall be of a New England architectural style and materials. This includes clapboard, shingle, or brick siding (composed of natural or composite materials), pitched rooflines, and neutral colors.

204.13.5.2: **Lighting:** The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs.

204.13.5.3: **Restaurant Standards:** Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right of way. No kitchen ventilation hoods will be mounted on the front or street side of the building and will be located to minimize impact on neighboring properties.

204.13.5.4: **Road and Drainage Design Standards:**

Road design as follows:

- ROW Width: 60 ft.
- Paved Travel way width: 22 ft.
- Grass Esplanade: 4 ft. each side
- Paved Sidewalk : 6 ft. each side
- On-street parking when approved by Planning Board.
- All other street design standards as per Section 8.2 of the Subdivision Ordinance.
- Closed Drainage System with curbing and catch basins.

204.13.5.5: **Parking Standards:** Parking shall be located to the side or rear of both residential and commercial structures. There shall be no garage doors facing the street. On street parking may be allowed upon Planning Board approval.

204.13.5.6: **Buffering and Landscaping:** All uses 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, changed in grade and/or a combination of these or other techniques.

DEFINITION OF MARKET: A retail store selling primarily food products that does not exceed 5,000 sq. ft.

204.14

Industrial (I)

The purpose of the Industrial District is to provide controlled areas for manufacturing, production, processing, treatment, research, warehousing and distribution as well as other compatible but less intensive uses with the goal of creating employment opportunities within the Town of Cumberland. [Amended, effective 12/28/2009]

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204.14.1: The following uses are permitted in the Industrial District, subject to Site Plan Review:

- .1 Industrial;
- .2 Low Impact Industrial;
- .3 Extraction of Earth Materials; subject to the provisions of Sec. 410;
- .4 Aggregate Processing;
- .5 Boarding Kennels
- .6 Business and Professional Offices;
- .7 Commercial Health and Recreation;
- .8 Landscaping Services;
- .9 Retail Store;
- .10 Personal Services;
- .11 Private Kennels
- .12 Veterinary Offices;
- .13 Self Storage Facilities;
- .14 Contractor's Space;
- .15 Motor Vehicle Service Repair;
- .16 Wholesale Distribution Facilities;
- .17 Warehousing and Storage;
- .18 Construction Operations;
- .19 Research Facilities;
- ~~.20~~ Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
- ~~.21~~ Timber harvesting subject to provisions of Section 429; [Amended, effective 10/26/98]
- ~~.22~~ Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- ~~.23~~ Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89]
- ~~.24~~ Primary buildings of a public utility;
- ~~.25~~ Above ground utility transmission lines not located within public ways;
- ~~.26~~ Agriculture;
- ~~.27~~ Animal Husbandry;
- ~~.28~~ Municipal Uses and Buildings;
- ~~.29~~ Uses and building accessory to those above.

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204.14.2 The following uses are allowed as special exceptions in the Industrial District, requiring the approval of the Board of Adjustment and Appeals:

- ~~.1~~ Primary buildings of a public utility;
- ~~.1~~ Temporary sawmills, subject to Sec. 427;
- ~~.2~~ Junk yards, subject to Sec. 415;
- ~~.3~~ Agriculture;
- ~~.4~~ Animal Husbandry;
- ~~.3~~ Home occupations; [Amended, effective 12/13/89]
- ~~.4~~ Home Based Occupations; [Amended, effective 2/12/07]

- ~~8 Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;~~
~~9 Sewer pumping stations, subject to the provisions of Sec. 419.4; [Amended, effective 12/13/89];~~
~~10 Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]~~
~~11 Above ground utility transmission lines not located within public ways;~~
~~5 Uses and buildings accessory to those above;~~

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204.14.3: The following lot standards shall apply in the Industrial district:

- .1 40,000 square feet minimum lot size;
- .2 100 feet minimum lot frontage on a public right-of-way;

204.14.4: The following setbacks are required for all structures in the Industrial District:

- .1 Front: 45 feet;
- .2 Rear: 50 feet;
- .3 Side: 15 Note: where a proposed non-residential use will abut an existing residential zone, the side setback shall be 75' of which ~~15'~~ will be a landscaped buffer consisting of vegetation, fencing or a landscaped berm or a combination of the three; provided that the landscape buffer may be waived by the Planning Board when the topography of the site makes the buffering useless.

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~~204.15 Rural Industrial (RI)~~

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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. [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 Contractor's Space (new use)
- .15 Day care centers and nursery schools subject to the provisions of Sec. 408A and Site Plan Review;
- .16 Day care center adult for no more than 20 persons; subject to Site Plan Review or Special Exception as required.
- .17 Motor Vehicle Service Repair; excluding storage and sale of gasoline of motor fuel. ~~Facilities for repair and servicing of motor vehicles, but not including the storage or sale of gasoline or motor fuel;~~
- .18 Other than light manufacturing;
- .19 Above ground utility transmission lines not located within public ways;
- .20 Primary buildings of a public utility; subject to Site Plan Review

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- .21 Uses and buildings accessory to those above;

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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;~~
- ~~.3 Home Based Occupations; [Amended, effective 2/12/07]~~
- .4 Home Based Retail (new use)
- ~~.7 Day care centers and nursery schools subject to the provisions of Sec. 408A and Site Plan Review;~~
- .5 Uses and buildings accessory to those above;

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204.15.3 The following lot standards shall apply in the RI District:

- .1 2 acre 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 1.25 acres of lot area per dwelling unit except that the minimum lot area per dwelling unit for a lot served by sewer shall be one acre;
- .3 There shall be no less than 200 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 The following buffering and screening shall be provided along each boundary of any lot in the RI District which lot is unimproved as of the effective date of the amendment or which lot is created after the effective date of this amendment 1) where residential use will be made of said lot and the boundary adjoins a lot that contains nonresidential use or uses at the time that subdivision or building permit (if subdivision review is not required) application is made to the Town, or 2) where nonresidential use will be made of said lot and the boundary adjoins a lot that contains a residential use or uses at the time that site plan or building permit (if site plan review is not required) application is made to the Town:

- .1 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 suggested having another workshop to discuss the Route 100 Design Standards and the Fire Protection Ordinance. Ms. Nixon suggested if the agenda for June was light that the workshop be held after the meeting.

Mr. Neagle suggested in reviewing the Route 100 Standards the language is kind of fuzzy and hard to interrupt; perhaps in checking with the Town Attorney the language can be changed to more Ordinance type language.

Ms. Nixon will e-mail the Board time and date for the workshop.

Mr. Richards asked for an update on the CMP project.

Ms. Nixon stated the press indicates it might be scaled down; we haven't heard from CMP on the status.

Mr. Neagle moved to adjourn.

Mr. Richards seconded.

VOTE: Unanimous

The meeting was adjourned at 9:45 p.m.

A TRUE COPY ATTEST:

William P. Ward, Board Chair

Pam Bosarge, Board Clerk