
TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: IN PERSON WITH REMOTE OPTION
PLACE: TOWN HALL/ZOOM

DATE: Tuesday, May 7, 2024
TIME: 6:00 PM

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

1. **ROLL CALL**

Quorum, Alternate Members, Conflicts of Interest

2. **PLEDGE OF ALLEGIANCE**

3. **MOMENT OF SILENCE**

4. **10-MINUTE PUBLIC INPUT SESSION**

5. **PUBLIC HEARING**

a) 324 Goodwin Rd. (Map 66, Lot 46): PID# 066-046-000, PB23-22: Home Business Application – Professional office and equipment storage

6. **NEW BUSINESS**

a) Stormwater Update – Kristie Rabasca, P.E., Town Stormwater Consultant

7. **OLD BUSINESS**

a) 147 Beech Road (Map 29/Lot 4) & 0 Harold L. Dow Highway (Map 36/Lot 13), PID # 029-004-000 and 036-013-000, PB24-7: Shoreland Zoning Permit Application – Town of Eliot Route 236 Water-Sewer Project Pump Stations

b) Route 236 / Growth Areas Zoning Discussion

8. **REVIEW AND APPROVE MINUTES**

9. **OTHER BUSINESS / CORRESPONDENCE**

10. **SET AGENDA AND DATE FOR NEXT MEETING**

a) May 21, 2024

11. **ADJOURN**

NOTE: All Planning Board Agenda Materials are available on the Planning Board/Planning Department webpages for viewing.

To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

a) Go to www.eliotme.org

b) Click on “Meeting Videos” – Located in the second column, on the left-hand side of the screen.

c) Click on the meeting under “Live Events” – The broadcasting of the meeting will start at 6:00pm (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.

a) Please call **1-646-558-8656**

1. When prompted enter meeting number ID: **899 6727 9018**

2. When prompted to enter Attendee ID

3. When prompted enter meeting password: **128516**

Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.

b) Press *9 to raise your virtual hand to speak

PB23-22: 324 Goodwin Rd. (Map 66, Lot 46): Home Business Application – Professional office and equipment storage



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
 From: Jeff Brubaker, AICP, Town Planner
 Cc: Kim Tackett, Land Use Administrative Assistant
 Shelly Bishop, Code Enforcement Officer
 Kathleen and Mark Moriarty, Applicants
 Date: May 2, 2024 (report date)
 May 7, 2024 (meeting date)
 Re: PB23-22: 324 Goodwin Rd. (Map 66, Lot 46): Home Business Application – Professional office and equipment storage

Application Details/Checklist Documentation	
Address:	324 Goodwin Rd.
Map/Lot:	66/46
Zoning District:	Rural (Critical Rural Overlay)
Shoreland Zoning:	N/A
Owner Name:	Kathleen Moriarty
Applicant Name:	Kathleen and Mark Moriarty
Proposed Project:	Professional office and equipment storage
✓ Application Received by Staff:	11/22/23
✓ Application Fee Paid and Date:	\$200 (\$25 HB; \$175 PH) 11/22/23
✓ Application Sent to Staff Reviewers:	Application has been discussed with Code Enforcement Officer and Public Works
✓ Application Heard by PB	2/20/24, 3/19/24
✓ Found Complete by PB	3/19/24
Site Walk	None
Public Hearing	5/7/24 (scheduled)
✓ Public Hearing Publication	4/30/24 (Portsmouth Herald/Seacoast Online)
✓ Reason for PB Review:	Home Business Application

Overview: This Home Business Application is for a professional office and equipment storage to be located at 324 Goodwin Rd. The property is at the corner of Goodwin Rd. and Frost Hill Rd., across from Moriarty Electric Co.

Type of Review Needed: Public hearing and deliberation

PB23-22: 324 Goodwin Rd. (Map 66, Lot 46): Home Business Application – Professional office and equipment storage

Review notes on application and home business performance standards (45-456.1)

- **Home business owner home occupancy:** Year round
- **Total home business area (1,500 sf max. allowed):** 1,500 sf
- **Structure used as part of a home business meeting principal setbacks (30' front and rear, 20' side):** Appears to be met, per sketch.
- **Sales of merchandise or products (up to 4 types of allowed sales):** No
- **Non-resident employees (max. 2):** Two (2)
- **Parking spaces for non-residents (max. 4):** Four (4)
 - **Parking spaces within front setback (max. 2):** None, based on sketch plan setback of 37 ft.
- **Home business sign:** No
- **External evidence of the home business and business-related vehicles:** Applicant reports that a solid fence 6-8 ft. high will be installed along Frost Hill Rd. and along neighboring property line. At the 3/19/24 meeting, the applicant mentioned that the order has been put in to install the PVC fence.
- **Use and storage of fluids, solids, and gases unique to the business:** None reported in application.
- **Sketch plan:** See application package

Other notes

- Warranty deed in previous application submittal
- Hours of operation sought for approval: 7am to 5pm, Monday-Friday (per email from applicant included in 3/19/24 packet)
- Land use table references (45-290):
 - Professional office (for lots not abutting Route 236 in the Rural district, allowable as a home business, subject to Planning Board site plan review)
 - Equipment storage, trucks, three or more: not allowed in Rural district

Allowable uses and materials storage

There was extensive discussion of this during the PB's 3/19/24 review. From my notes on the discussion, I recommend that the PB review this use as an allowable SPR home business use, professional office, but that the business-related materials allowed to be included inside the barn be limited.

Several PB members expressed concern about the scope and scale of products or materials associated with the business that might be stored in the barn. Of particular focus was generators, generator maintenance kits, and other large items. In previous correspondence for the 3/19/24 meeting, the applicant enumerated various equipment and supplies they would like to store in the space, including typical paperwork and office equipment, hand tools, and miscellaneous items, but also including generator maintenance kits. They clarified at the meeting that they would ultimately like to store generator parts and maintenance kits in the Bates/Pearsall barn next to Moriarty Electric (327 Goodwin Rd.) as soon as it is cleared out. They reported at the meeting that the generator maintenance kits being stored at the 324 Goodwin barn would need to be moved on a palette with a forklift. While

PB23-22: 324 Goodwin Rd. (Map 66, Lot 46): Home Business Application – Professional office and equipment storage

noting that the idea to store generator maintenance kits at the home business was temporary, the applicant sought approval for this storage via a use similar to auto repair garages and farm equipment stores, which both have allowability (SPR or SPR 8/home business) in the Rural zone.

I believe that the PB's concerns about scope and scale and type of equipment storage align with a reasonable application of the zoning to the home business proposal. Therefore, I would recommend the following condition of approval:

The business-related materials and equipment stored on the property shall be limited to paper records and documents; typical office supplies, furniture, and equipment; storage of small parts and tools that can be carried by hand; seasonal decorations; and similar items. Generators, generator maintenance kits, and other business-related equipment or products that can only be moved with the assistance of a forklift or similar machinery shall not be stored on the property. This limitation does not apply to the home-business-related vehicles on the property allowed by Section 45-456.1, as described in the application.

A 60-day grace period is also suggested to allow the applicant to move off the property any temporarily-stored items prohibited by the above condition.

Driveway

Previous correspondence, packets, and reviews have discussed the location and use of the driveway for the home business out onto Frost Hill Rd., a driveway that has existed in some form for some time as an apparent auxiliary driveway for the residential property but would now be the primary access for home-business-related vehicle trips. The driveway is now angled and seemingly wider than it was. We have received correspondence from an abutter with concerns about the driveway location, use, sight distance, and permit status. The abutter requested to meet about this and the meeting was held with the Code Enforcement Officer, Public Works Director, and myself on April 18.

In my opinion, this is a good topic for discussion during deliberation. The PB may review the appropriateness of a driveway via Section 45-406 or other applicable sections. Since the driveway appears to have a skewed angle of approach with Frost Hill Rd., I recommend that the PB ask the applicant about the angle that vehicles entering and exiting the driveway onto Frost Hill Rd. typically take and if that might affect their vision of Frost Hill Rd. cross-traffic. The PB may also receive public hearing comments on this, if any are offered. If you believe it is warranted, you could seek third-party review of the driveway with respect to Section 45-406 from a licensed professional engineer, with their findings to be reviewed at a future meeting. Another option would be a condition of approval requiring a new driveway permit be issued after the applicant submits a driveway application and plan that is then reviewed by the third-party engineer as a prerequisite to permit issuance. If warranted, a more perpendicular approach of the driveway onto Frost Hill Rd. could be required.

Recommendation

1. Approve with conditions, or
2. Require a third-party driveway review and defer action on the application to a future meeting

PB23-22: 324 Goodwin Rd. (Map 66, Lot 46): Home Business Application – Professional office and equipment storage

Motion templates

Approval with conditions (1 of 2 recommended options)

Motion to approve PB23-22 for a home business to serve as a professional office for an electrical contractor to comprise no greater than 1,500 square feet of space inside the barn at 324 Goodwin Road (Map 66, Lot 46), with the following conditions:

Standard conditions

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Additional conditions

4. The business-related materials and equipment stored on the property shall be limited to paper records and documents; typical office supplies, furniture, and equipment; storage of small parts and tools that can be carried by hand; seasonal decorations; and similar items. Generators, generator maintenance kits, and other business-related equipment or products that can only be moved with the assistance of a forklift or similar machinery shall not be stored on the property. This limitation does not apply to the home-business-related vehicles on the property allowed by Section 45-456.1, as described in the application.
5. Within 60 days of this approval:
 - a. The applicant shall move from the property any items prohibited by Condition #4 that are temporarily being stored on the property.
 - b. The applicant shall apply for a Town driveway permit for the driveway to be used by the home business onto Frost Hill Road. The permit application shall clearly show the layout and dimensions of the driveway, the angle of approach of vehicles that would use the driveway as designed, and sight distances. The Code Enforcement Officer may seek third-party technical assistance, at the expense of the applicant, from a licensed professional engineer to review the adequacy of the driveway with respect to Section 45-406 or other sections of the Town Code prior to acting on the permit application.

* * *

Respectfully submitted,
Jeff Brubaker, AICP, Town Planner

TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903



PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board
PLACE: Town Hall (1333 State Rd.) with Remote Option
DATE OF HEARING: May 7, 2024
TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, May 7, 2024 at 6:00 PM for the following application:

- **324 Goodwin Rd.** (Map 66, Lot 46), PID# 066-046-000, PB23-22: Home Business Application – Professional office and equipment storage
 - **Applicant:** Kathleen and Mark Moriarty
 - **Property Owner:** Kathleen Moriarty

Interested persons may be heard and written communication received regarding the proposed application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

Seacoastonline

Govt Public Notices

Originally published at seacoastonline.com on 04/30/2024

PUBLIC HEARING NOTICE

AUTHORITY: Eliot, Maine Planning Board

PLACE: Town Hall (1333 State Rd.) with Remote Option

DATE OF HEARING: May 7, 2024

TIME: 6:00PM

Notice is hereby given that the Planning Board of the Town of Eliot, Maine will hold a public hearing on Tuesday, May 7, 2024 at 6:00 PM for the following application:

- 324 Goodwin Rd. (Map 66, Lot 46), PID# 066-046-000, PB23-22: Home Business Application – Professional office and equipment storage
 - o Applicant: Kathleen and Mark Moriarty
 - o Property Owner: Kathleen Moriarty

Interested persons may be heard and written communication received regarding the proposed application at this public hearing. The application is on file and available for review in the Planning Office at Eliot Town Hall, 1333 State Road, Eliot, ME 03903. The meeting agenda and information on how join the remote Zoom meeting will be posted on the web page at eliotmaine.org/planning-board. Town Hall is accessible for persons with disabilities.

ANDERSON FAMILY TRUST
STEPHEN & PRISCILLA A AND
28 SAMUEL LEIGHTON WAY
ELIOT, ME 03903

LAVERDIERE FAMILY TRUST d
LAVERDIERE, ANDREW J AND
24 GREAT HILL WAY
,

STEWART FAMILY REVOCABLE
RANDALL T & VICKI E STEWA
14 GREAT HILL WAY
ELIOT, ME 03903

BARTOLOMEI, NICHOLAS
311 GOODWIN RD
ELIOT, ME 03903

LAVOIE, MELINDA A
LAVOIE, CHRISTOPHER L
335 GOODWIN RD
ELIOT, ME 03903

WRIGHT-LECIUS, DEBORAH
18 VIOLA DR
ELIOT, ME 03903

BATE LIVING TRUST dated M
BATE, LAURENCE W. AND BON
254 GOODWIN RD
ELIOT, ME 03903

MACGINNIS, PATRICK J
297 GOODWIN RD
ELIOT, ME 03903

BATE, JUDD L
340 GOODWIN RD
ELIOT, ME 03903

MALMQUIST, DAVID C
352 GOODWIN RD
ELIOT, ME 03903

GALVIN, JOHN T
GALVIN, JENNIFER J
345 GOODWIN RD
ELIOT, ME 03903

MCCORMACK, ROBERT B
MCCORMACK, SANDRA L
19 GREAT HILL RD
ELIOT, ME 03903

GMYREK, ROBERT J
GMYREK, MARSHA J
7 GREAT HILL WAY
ELIOT, ME 03903

NICHOLS, ROBERT N
NICHOLS, REBECCA
PO BOX 19
ELIOT, ME 03903

GREENER, JOHN D
GREENER, AMY P
18 FROST HILL RD
ELIOT, ME 03903

PEARSALL, ELEANOR
329 GOODWIN RD
ELIOT, ME 03903

JACKMAN, GREGORY R
JACKMAN, KRISTA L
11 FROST HILL RD
ELIOT, ME 03903

PEARSALL, TERRY E
348 GOODWIN RD
ELIOT, ME 03903

KELM, RENEE M
310 GOODWIN RD
ELIOT, ME 03903

RAKOWSKY, CONNIE LEE
MARSHALL, DAVID WILLIAM
298 GOODWIN RD
ELIOT, ME 03903

KRICHBAUM, FAMILY REVOCAB
PATRICIAL B KRICHBAUM TRU
32 FROST HILL RD
ELIOT, ME 03903

REEVES, JOHN A
REEVES, MICHELE
12 GREAT HILL WAY
ELIOT, ME 03903



Mr. Jeff Brubaker, AICP
Eliot Planner
Sent via email: jbrubaker@eliotme.org

April 30, 2024

**Subject: Materials for May 7, 2024 Eliot Planning Board Meeting
Update on Municipal Separate Storm Sewer System Permit**

Dear Brubaker:

Thank you for the opportunity to provide the Eliot Planning Board with an update on the status of the General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer System (MS4 General Permit).

We have attached a PowerPoint® deck which provides updates on the following topics:

1. Overview of the MS4 General Permit
2. Information on Public Education and Participation (litter and pet waste cleanups)
3. Overview of Post Construction sites in Town
4. Update on Requirement to implement Low Impact Development Standards

If you have any questions regarding this agreement, please contact Kristie Rabasca at 207.415.5830 or krabasca@integratedenv.com.

Sincerely,

Integrated Environmental Engineering, Inc.

Kristie Rabasca

Kristie L. Rabasca, P.E.



Update on implementation of the General Permit for Discharges from the Municipal Separate Storm Sewer System (MS4 General Permit)

Provided to Eliot Planning Board
Kristie Rabasca,
Integrated Environmental Engineering, Inc.
Environmental Engineer

May 7, 2024

Topics we will review:

1. Overview of the MS4 General Permit
2. Information on Public Education and Participation (litter and pet waste cleanups)
3. Overview of Post Construction sites in Town
4. Update on Requirement to implement Low Impact Development Standards

Overview of the General Permit

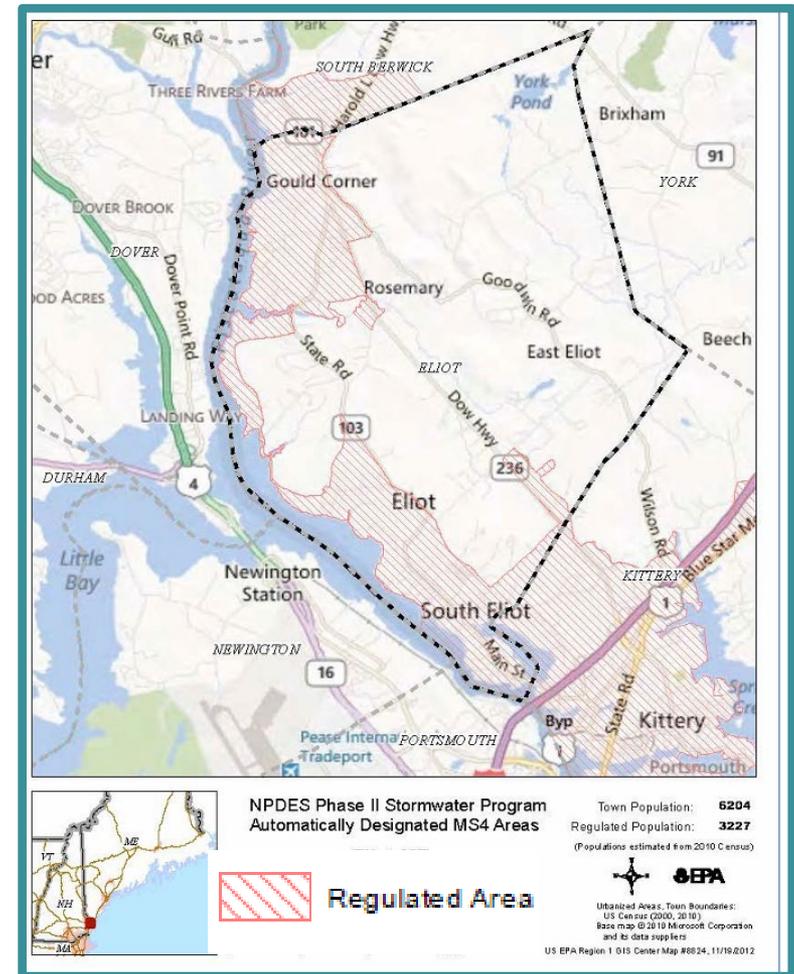
General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer System (MS4 General permit)

Town has been regulated by this since 2003.

Upcoming Ordinance Changes

Town was drawn into the program because of US Census designation:

- US census high density areas with lots of impervious surface
- Shown here in pink hashing

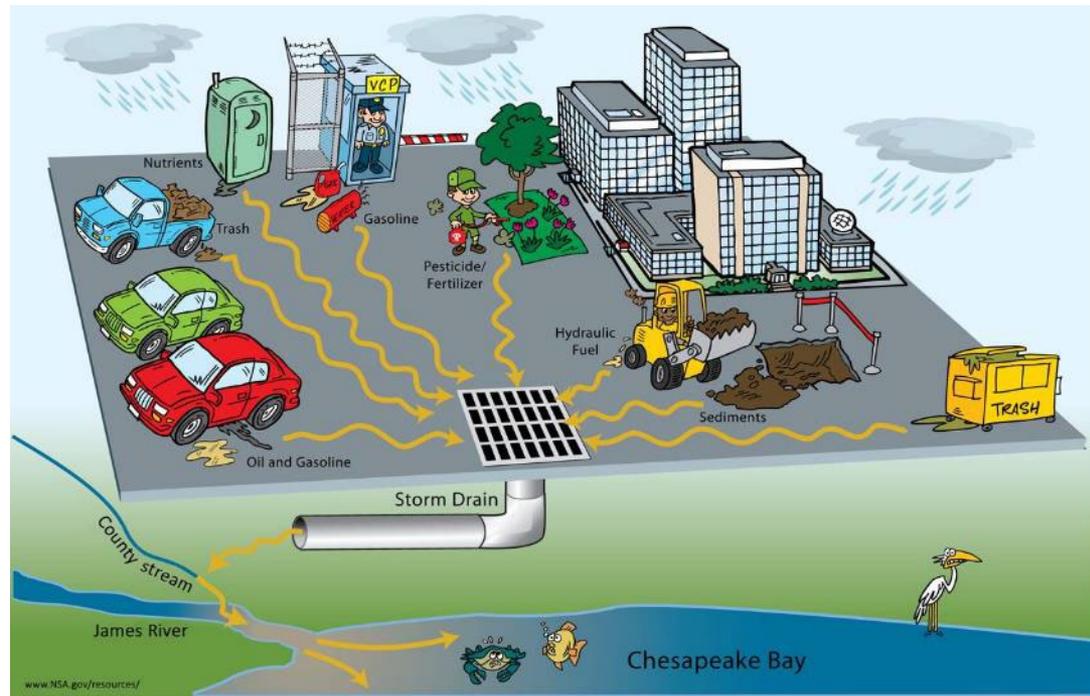


Upcoming Ordinance Changes

High impervious cover (paved and roofed areas)

Allows pollutants to build up

Which are released to waters when it rains.



Graphic credit: www.NSA.gov

Overview of the General Permit

Maine DEP MS4 Permits – Clean Water Act

2003 – 2008

2008 – 2013

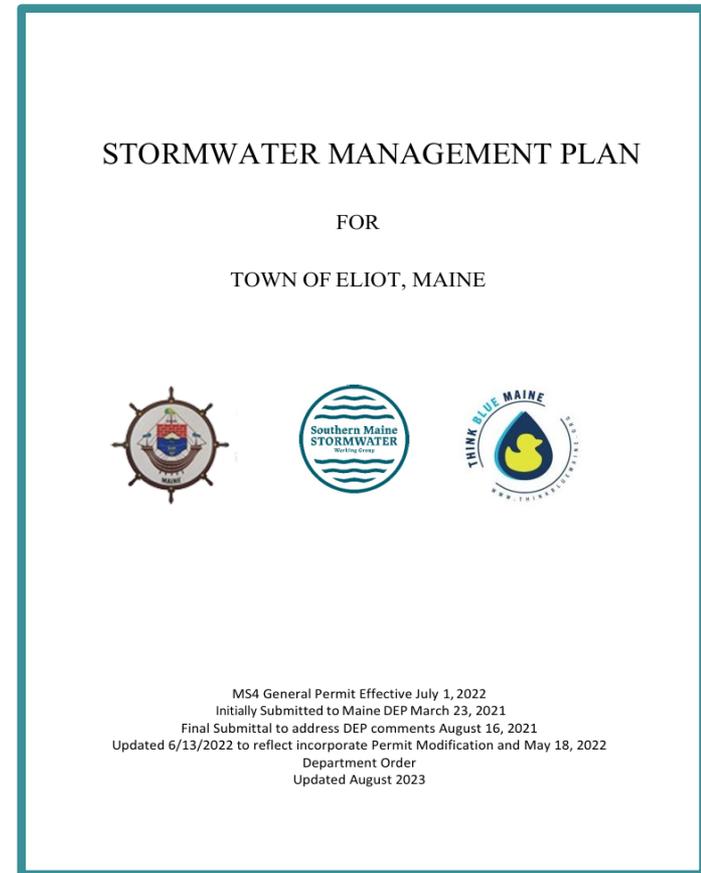
2013 – 2022

2022 – 2027

New Permit Began 7/1/2022

Stormwater Management Plan
provides more detail.

Available here: [Stormwater | Eliot
ME \(eliotmaine.org\)](https://www.eliotmaine.org)



Overview of the General Permit

Control Measures to Minimize Pollutants

1. Public Education/Outreach
2. Public Participation
3. Illicit Discharge Detection and Elimination
4. Construction Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention/Good Housekeeping

Public Education/Participation

- Focus is on pet waste and cigarette butt littering
- Facebook and Instagram Posts
- SMSWG (Eliot, Kittery, York, Berwick and South Berwick are the Southern Maine Stormwater Working Group)

Theo says:

Do you have the bags?



**Southern Maine
STORMWATER**
Working Group



Public Education/Participation

- Initial waste surveys showed a LOT of cigarette butts,
- Pet waste not as much of an issue.

SMSWGLitter

- AluminumCan
- ♻️ CigButt
- Electronic
- ★ Fabric



Public Education/Participation

- Applied for a KAB grant – for receptacles and pocket ashtrays.
- Should hear very soon on this application.
- Hope to work with local businesses to help maintain them.



Post Construction Sites in Town

After Development – MS4 General Permit requires maintenance of stormwater infrastructure at private developments in Town's regulated area.

Eliot passed Chapter 35 Post Construction Stormwater Management in 2009 (updated in 2021) requiring maintenance everywhere in Town (better for water quality, easier to track, consistent fair regulation).

After Planning Board – annual certification to town that development is maintaining their stormwater infrastructure.

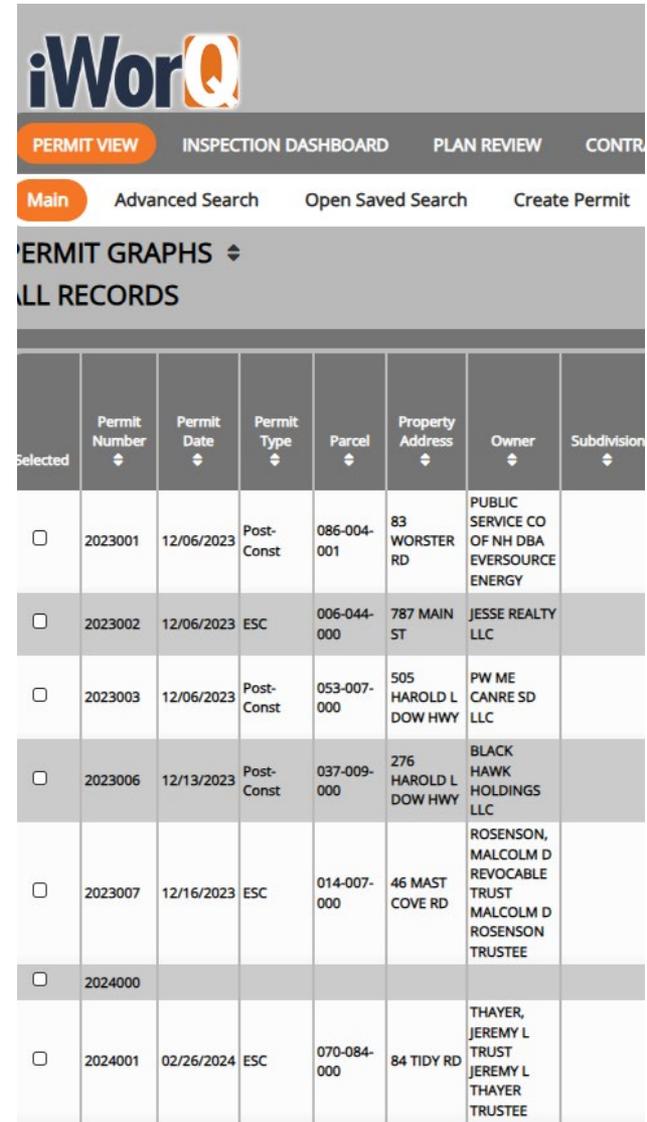
Applies to developments that disturb one or more acres of land.

Post Construction Sites in Town

Two sites in MS4 area
Three sites outside MS4 area
One site still under construction.

We have these set up in the iWorQ system so we can:

- Send out reminders more easily (Standard letters)
- Track annual certifications long term
- Track recurring maintenance needs



The screenshot shows the iWorQ software interface. At the top, there is a navigation bar with the iWorQ logo and several menu items: PERMIT VIEW, INSPECTION DASHBOARD, PLAN REVIEW, and CONTR. Below this is a secondary navigation bar with 'Main' selected, and other options: Advanced Search, Open Saved Search, and Create Permit. The main content area is titled 'PERMIT GRAPHS' and 'ALL RECORDS'. Below this is a table with the following columns: Selected, Permit Number, Permit Date, Permit Type, Parcel, Property Address, Owner, and Subdivision. The table contains several rows of data, each representing a permit record.

Selected	Permit Number	Permit Date	Permit Type	Parcel	Property Address	Owner	Subdivision
<input type="checkbox"/>	2023001	12/06/2023	Post-Const	086-004-001	83 WORSTER RD	PUBLIC SERVICE CO OF NH DBA EVERSOURCE ENERGY	
<input type="checkbox"/>	2023002	12/06/2023	ESC	006-044-000	787 MAIN ST	JESSE REALTY LLC	
<input type="checkbox"/>	2023003	12/06/2023	Post-Const	053-007-000	505 HAROLD L DOW HWY	PW ME CANRE SD LLC	
<input type="checkbox"/>	2023006	12/13/2023	Post-Const	037-009-000	276 HAROLD L DOW HWY	BLACK HAWK HOLDINGS LLC	
<input type="checkbox"/>	2023007	12/16/2023	ESC	014-007-000	46 MAST COVE RD	ROSENSON, MALCOLM D REVOCABLE TRUST MALCOLM D ROSENSON TRUSTEE	
<input type="checkbox"/>	2024000						
<input type="checkbox"/>	2024001	02/26/2024	ESC	070-084-000	84 TIDY RD	THAYER, JEREMY L TRUST JEREMY L THAYER TRUSTEE	

MS4 requirement for developers to implement Low Impact Development (LID) Strategies

Many possible definitions, ours is focused somewhat on stormwater:

Low Impact Development (LID) - Means a broad approach to site planning that preserves natural resources, processes, and habitat, defines what portions of the site are suitable for development and then utilizes Stormwater Treatment Measures to manage runoff from the proposed developed impervious areas.

In LID, Stormwater Treatment Measures using natural processes such as vegetated buffers are given preference over constructed treatment Stormwater Treatment Measures. The goals of LID are to minimize the environmental impacts of the development.

Example Low Impact Development (LID) Strategies

LID Measure	Performance Standard	York Notes and suggested approach
2. Protect the Natural Drainage System	Require the use of Maine Stream Smart Principals for crossings	Consistent with York Comprehensive Plan (Natural Resources Goals and Strategy 2.1 Beginning with Habitat), and current Site Plan and Subdivision Regulations 6.3.16 to maximize habitat values and corridors. Update 6.3.16



Example Low Impact Development (LID) Strategies

LID Measure	Performance Standard	York Notes and suggested approach
<p>3 - Minimize the decrease in time of concentration</p>	<p>Infiltration/storage requirement</p> <p>Volume control for new impervious area times:</p> <ul style="list-style-type: none"> • 0.4 inches of rain for type A soils • 0.25 inches of rain for type B soils • 0.1 inches of rain for type C soils • No infiltration for type D soils 	<p>Submittal Requirement –</p> <p>High Intensity Soil Survey by Maine Certified Soil Scientist (already required by York)</p> <p>Same submittal requirements as required by Chapter 500 for infiltration (de-icing plan, pesticide and fertilizer use plan, locations of hazardous or oil spill sites on or adjacent to site)</p> <p>Update Site Plan and Subdivision Regulations – 9.8 Stormwater Management to include.</p>

MS4 requirement for developers to implement Low Impact Development (LID) Strategies

Town (and 29 other regulated communities submitted proposed new LID standards to Maine DEP in 2022

Maine DEP approved the submittals, but Friends of Casco Bay appealed the approval saying “not enough”.

We are in limbo now, waiting for Maine DEP to decide what LID strategies we must include in Town ordinances.

Expect resolution in late 2024.



Summary/Questions?

1. Public Education/Participation – cleanups, social media, focus on cigarette butts and pet waste
2. Post Construction sites – annual certification of maintenance using iWorq system.
3. Low impact develop ordinance changes are on hold

147 Beech Road (Map 29/Lot 4) & 0 Harold L. Dow Highway (Map 36/Lot 13), PID # 029-004-000 and 036-013-000, PB24-7: Shoreland Zoning Permit Application – Town of Eliot Route 236 Water-Sewer Project Pump Stations – **Motion templates**



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Tyler Stanley, Underwood Engineers
Cole Melendy, PE, Underwood Engineers
Date: May 2, 2024 (report date)
May 7 2024 (meeting date)
Re: 147 Beech Road (Map 29/Lot 4) & 0 Harold L. Dow Highway (Map 36/Lot 13), PID # 029-004-000 and 036-013-000, PB24-7: Shoreland Zoning Permit Application – Town of Eliot Route 236 Water-Sewer Project Pump Stations – **Motion templates**

Overview

Applicant Town of Eliot seeks shoreland zoning permits to construct two sewer pumping stations and associated improvements at the subject parcels for the Route 236 Water & Sewer Extension Project. Similar applications were approved by the PB on September 20, 2022 (PB22-16); however, new review is needed due to the approvals expiring per Section 44-45.

Since the Town of Eliot is the applicant (represented by engineering consultant Underwood Engineers), to avoid potential bias as an employee of the Town and interim project manager for the project in 2021, I do not have a recommendation for an overall action on the applications and plan to recuse myself from the review discussion.

The PB may find the below motion templates useful as you deliberate an overall action.

Motion templates

Approval with shoreland zoning findings and conditions

Motion to approve the Shoreland Zoning Permit Applications for PB24-7 to construct sewer pumping stations and associated improvements at Map 36, Lot 13 (0 Harold L. Dow Hwy.), and 147 Beech Rd. (Map 29, Lot 4), with the following findings of fact (in addition to other applicable findings of fact to be included in the Notice of Decision):

1. All applicable sections of the Shoreland Zoning Ordinance (Chapter 44) and Shoreland Zoning Permit Application have been or will be met.
2. Based on the information presented by the applicant and in accordance with Sec. 44-44, the Planning Board finds that the proposed use:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;

147 Beech Road (Map 29/Lot 4) & 0 Harold L. Dow Highway (Map 36/Lot 13), PID # 029-004-000 and 036-013-000, PB24-7: Shoreland Zoning Permit Application – Town of Eliot Route 236 Water-Sewer Project Pump Stations – **Motion templates**

- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with floodplain development and use;
- h. Is in conformance with the provisions of section 44-35, land use standards.

The approval includes the following conditions:

Standard conditions *[simply reference “the standard conditions” if this is not the first reading of the night]*

- 1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
- 2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
- 3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Additional conditions

- 4. No later than 20 days after completion of the development, the applicant shall provide to the Code Enforcement Officer postconstruction photographs of the shoreline vegetation and developed sites.

Denial

Motion to deny the Shoreland Zoning Permit Application for PB24-7, for the following reasons:

- 1. _____
- 2. _____
- 3. _____ [etc.]

Continuance

Motion to continue PB24-7 to the May 21, 2024, meeting.

* * *

Respectfully submitted, Jeff Brubaker, AICP, Town Planner

✓

SHORELAND ZONING PERMIT APPLICATION
ROUTE 236

RECEIVED
MAR 19 2024
ELIOT MAINE

FOR OFFICE USE ONLY:

PERMIT NO.: _____

ISSUE DATE: _____

FEE AMOUNT: _____

TOWN OF ELIOT
SHORELAND ZONING PERMIT APPLICATION

GENERAL INFORMATION

1. APPLICANT Town of Eliot	2. APPLICANT'S ADDRESS 1333 State Rd Eliot, ME	3. APPLICANT'S TEL. # 207-439-1813
4. PROPERTY OWNER Town of Eliot	5. OWNER'S ADDRESS 1333 State Road Eliot, ME 03903	6. OWNER'S TEL. # 207-439-1813
7. CONTRACTOR TBD	8. CONTRACTOR'S ADDRESS TBD	9. CONTRACTOR'S TEL. # TBD
10. LOCATION/ADDRESS OF PROPERTY Property located on Harold L. Dow Hwy approximately 3,600 ft north of the intersection of Beech Rd	11. TAX MAP/PAGE & LOT # AND DATE LOT WAS CREATED 036-013-000	12. ZONING DISTRICT Resource Protection
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, (E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS, AND WELLS - PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3). The proposed construction consists of a pumping station building, wet well, propane tank, generator, and paved driveway. A culvert will be constructed under the driveway to maintain the existing drainage swale. The facilities are to be constructed on the easterly corner of the property. The facility will be an essential service, pumping future wastewater downstream from a portion of the Route 236 TIF Area to a planned gravity sewer manhole at Brook Road. There is no reasonable alternate location for this pumping station which is located on Town land at a topographic low point along Route 236 so it can collect wastewater flows by gravity from both the north and south. Clearing of trees and vegetation is anticipated to be limited to the area necessary for construction and site regrading. Some clearing is necessary within 25 feet of the upper wetland edge for erosion prevention (maintaining 1:3 slopes).		

14. PROPOSED USE OF PROJECT Sewer pumping station	15. ESTIMATED COST OF CONSTRUCTION \$900,000
---	--

SHORELAND AND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 16,117 sq	17. FRONTAGE ON ROAD (FT.) 173 ft
18. SO. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES 1,941 sq (12.04%)	19. ELEVATION ABOVE 100 YR. FLOOD 12 ft
20. FRONTAGE ON WATERBODY (FT.) 313 ft	21. HEIGHT OF PROPOSED STRUCTURE 16 ft
22. EXISTING USE OF PROPERTY Vacant	23. PROPOSED USE OF PROPERTY Essential Services - Other

Note: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: N/A _____ SQ. FT.	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89: N/A _____ CUBIC FT.
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: N/A _____ SQ. FT.	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT: N/A _____ CUBIC FT.
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: N/A _____ SQ. FT.	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK: N/A _____ CUBIC FT.
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89: N/A	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89: N/A

$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$	$(\% \text{ INCREASE} = \frac{B+C}{A} \times 100)$
<p>N/A</p> <hr style="width: 80%; margin: auto;"/> <p style="text-align: right;">%</p>	<p>N/A</p> <hr style="width: 80%; margin: auto;"/> <p style="text-align: right;">%</p>

NOTE: IT IS IMPERATIVE THAT EACH MUNICIPALITY DEFINE WHAT CONSTITUTES A STRUCTURE, FLOOR AREA, AND VOLUME AND APPLY THOSE DEFINITIONS UNIFORMLY WHEN CALCULATING EXISTING AND PROPOSED SO. FT. AND CU. FT.

SITE PLAN

PLEASE INCLUDE: LOT LINES; AREA TO BE CLEARED OF TREES AND OTHER VEGETATION; THE EXACT POSITION OF PROPOSED STRUCTURES, INCLUDING DECKS, PORCHES, AND OUT BUILDINGS WITH ACCURATE SETBACK DISTANCES FROM THE SHORELINE, SIDE AND REAR PROPERTY LINES; THE LOCATION OF PROPOSED WELLS, SEPTIC SYSTEMS, AND DRIVEWAYS; AND AREAS AND AMOUNTS TO BE FILLED OR GRADED. IF THE PROPOSAL IS FOR THE EXPANSION OF AN EXISTING STRUCTURE, PLEASE DISTINGUISH BETWEEN THE EXISTING STRUCTURE AND THE PROPOSED EXPANSION.

NOTE: FOR ALL PROJECTS INVOLVING FILLING, GRADING, OR OTHER SOIL DISTURBANCE YOU MUST PROVIDE A SOIL EROSION CONTROL PLAN DESCRIBING THE MEASURES TO BE TAKEN TO STABILIZE DISTURBED AREAS BEFORE, DURING AND AFTER CONSTRUCTION (See attached guidelines)

See plan sheets in Attachment A

SCALE: ____ = ____ FT.

FRONT OR REAR ELEVATION

SIDE ELEVATION

See plan sheets in Attachment A

DRAW A SIMPLE SKETCH SHOWING BOTH THE EXISTING
AND PROPOSED STRUCTURES WITH DIMENSIONS

ADDITIONAL PERMITS, APPROVALS, AND/OR REVIEWS REQUIRED

CHECK IF REQUIRED:

- PLANNING BOARD REVIEW APPROVAL
(e.g. Subdivision, Site Plan Review)
- BOARD OF APPEALS REVIEW APPROVAL
- FLOOD HAZARD DEVELOPMENT PERMIT
- EXTERIOR PLUMBING PERMIT
(Approved HHE 200 Application Form)
- INTERIOR PLUMBING PERMIT
- DEP PERMIT (Site Location,
Natural Resources Protection Act)
- ARMY CORPS OF ENGINEERS PERMIT
(e.g. Sec. 404 of Clean Waters Act)

**Permit-by-Rule application to be submitted
after Shoreland Zoning Permit approval**

OTHERS:

NOTE: APPLICANT IS ADVISED TO CONSULT WITH THE CODE ENFORCEMENT OFFICER AND APPROPRIATE STATE AND FEDERAL AGENCIES TO DETERMINE WHETHER ADDITIONAL PERMITS, APPROVALS, AND REVIEWS ARE REQUIRED

I CERTIFY THAT ALL INFORMATION GIVEN IN THIS APPLICATION IS ACCURATE. ALL PROPOSED USES SHALL BE IN CONFORMANCE WITH THIS APPLICATION AND THE TOWN OF ELIOT SHORELAND ZONING ORDINANCE. I AGREE TO FUTURE INSPECTIONS BY THE CODE ENFORCEMENT OFFICER AT REASONABLE HOURS.

APPLICANT'S SIGNATURE

DATE

AGENT'S SIGNATURE (if applicable)

DATE

ATTACHMENT B

Route 236 Pumping Station Site

Parcel # 036-013-000



Photo of property taken from east side of Route 236 (April 2020)

ATTACHMENT B

Route 236 Pumping Station Site

Parcel # 036-013-000



Photo of property taken from west side of Route 236 (April 2020)

TITLE OPINION LETTER
ROUTE 236 PUMPING STATION
(LOT 13 – TAX MAP 36)



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
F (207) 774 - 1127

Peter Van Hemel, Esq.
pvanhemel@bernsteinshur.com

February 12, 2024

Town of Eliot
1333 State Road
Eliot, Maine 03903

Attn: Michael J. Sullivan, Town Manager

RE: Property located off Harold L. Dow Highway (Route 236), Eliot, Maine
Identified as Lot 13 on Tax Map 36

Dear Mr. Sullivan:

At your request and in accordance with the standards adopted by the Maine State Bar Association, we hereby certify that we have examined or caused to be examined the records in the Registry of Deeds and Probate Court within and for the County of York and State of Maine, and all instruments of record therein as reflected by the indices affecting title to the premises described in a Tax Lien Certificate in favor of the Town of Eliot against Gertrude Hammond recorded on July 14, 1992 at York County Registry of Deeds in Book 6164, Page 107 and recorded on August 2, 1993 at York County Registry of Deeds in Book 6655, Page 54, copies of which are attached hereto as Exhibit A and hereinafter referred to as the "Premises".

We hereby certify that on December 5, 2023 at 8:00 a.m., the Town of Eliot was the record owner of the Premises in fee simple with good and marketable title thereto, free and clear of all encumbrances, subject to the General Exceptions listed below and to the following Special Exceptions:

SPECIAL EXCEPTIONS

1. Such state of facts disclosed by a Standard Boundary Survey prepared for Lora M. Dow, Eliot, Maine, dated May 17, 1990, by Francis J. Gannon, and recorded at the York County Registry of Deeds in Plan Book 194, Page 28.
2. Riparian rights of others in any streams and/or brooks that may cross the premises.

A copy of item #1 above is enclosed herewith for your information.

GENERAL EXCEPTIONS

There are certain possible or latent defects in some titles to real property which an examining attorney cannot discover from a search of records at the Registry of Deeds and the Probate Court. For this reason, the following matters are excepted from this title opinion:

1. Any conditions or State of Facts which would be disclosed by inspection of the Premises and/or an accurate engineering survey (including the exact geographic location of the premises).
2. Persons in possession of the Premises and those claiming under oral or unrecorded leases.
3. Our examination indicates that there are no mechanic's or labor liens of record against the Premises, but liens of this nature may be perfected within 120 days from the last date that services are rendered or materials furnished by contractors and/or suppliers.
4. Questions as to possible encroachments, whether or not buildings and improvements are located entirely within the boundaries, whether or not roadways serving the Premises are public or private and availability of public water supply, septic or storm drainage and other utilities to the Premises.
5. Any and all provisions of any law, ordinance, regulation, order or ruling affecting the disposition, use, zoning and/or occupancy of the Premises.
6. Any bankruptcy proceedings other than those of the immediate Grantor, and any defect resulting from a conveyance in the chain of title being set aside as a fraudulent conveyance under applicable Federal or State bankruptcy, insolvency or fraudulent conveyance laws.
7. Any disability of any Grantor in the chain of title; any forgery of an instrument in the chain of title; any fraudulent or mistaken identity of a record title holder due to similar or identical names; any Registry of Deeds or Probate Court errors in the record; the rights, if any, of undisclosed heirs; any exercise of a power of attorney after death or disability of the creator of the power; and any defects in conveyances in the chain of title due to lack of delivery.
8. We make no representations nor have we made any independent investigations as to any past or current use of the Premises for the storage, collection, handling, or discharge whether intentional or unintentional of any hazardous or toxic waste, material or substance, any pesticide, petroleum product or derivative, as such may be defined by Federal, State or local law.

February 12, 2024

Page 3 of 3

9. Any loss of title to the Premises or loss of lien priority under the so-called "superlien" provision of 38 M.R.S.A. 1371 et. seq. (1987) which relates to the abatement, cleanup or mitigation of hazards posed by an uncontrolled hazardous substance site.

LIMITATION ON RELIANCE

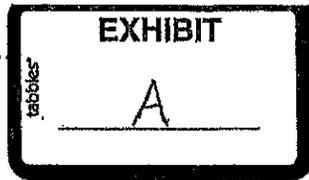
This letter has been provided in support of the Town's application for funding for improvements at the Route 236 Pump Station and is current only as of the date of the certification provided herein. Please note that no party other than the Town of Eliot is entitled to rely upon this letter for any purpose. In the event that the certification contained in this letter is intended for reliance by any other party than the one to which it is addressed, it shall require an updated certification identifying the party entitled to such reliance.

Very truly yours,

Bernstein Shur Sawyer & Nelson

Bernstein, Shur, Sawyer & Nelson

/ s/ JVB / PRS



32768

STATE OF MAINE

To: HAMMOND, GERTRUDE
C/O EDGEWOOD CENTER
400 SOUTH STREET PORTSMOUTH, NH 03801

JANE VITTUM CLARKE, Tax Collector of the Municipality of ELIOT, in the County of YORK, said taxes having been duly and legally committed to me for collection on the 27th day of SEPTEMBER 1991 hereby certify that a tax of ~~SEVENTY EIGHT HUNDRED TWENTY EIGHT~~ ~~DOLLARS & 04 CENTS~~, duly and legally assessed to said real estate in said Municipality, and assessed against HAMMOND, GERTRUDE, of PORTSMOUTH, NH as owner thereof, said real estate being bounded and described as follows:

Location 00000
Map No. 013 Book Page

Maps 1 thru 111 as compiled by JAMES W. SEWALL CO. OF OLD TOWN, MAINE, DATED APRIL 1, 1990. Tax maps may be examined at the Tax Assessor's office, located at the TOWN HALL, 141 STATE ROAD, ELIOT, MAINE.

together with interest of ~~SEVENTY EIGHT~~ ~~DOLLARS & 00 CENTS~~, which has been added to and become a part of said tax, a total of ~~SEVENTY EIGHT HUNDRED NINETY FOUR~~ ~~DOLLARS & 04 CENTS~~ remains unpaid; that a lien is claimed on said real estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said HAMMOND, GERTRUDE, by sending to certified mail, return receipt requested to his last known address at C/O EDGEWOOD CENTER 400 SOUTH STREET PORTSMOUTH, NH on the 27th day of June, 1992 a notice in writing signed by me stating the amount of said tax, describing the real estate to which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax, and demanding payment of said tax and costs within 30 days after mailing of said notice, in accordance with the provisions of Title 26, M.R.S.A., Sections 942 and 943 as amended.

Principal \$ 328.01
Interest \$ 66.90
Provisional costs \$ 21.00
Mailing, Recording, &
Disseminating \$ 5.00
Certified Mail \$ 1.29
Total Fees \$ 21.30
Total Tax Amt \$ 346.24

Jane Vittum Clarke
JANE VITTUM CLARKE Tax Collector
Municipality of ELIOT

RECEIVED YORK S.S.
92 JUL 14 PM 2:31

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/19/03 BY SP5/STP/STP

STATE OF MAINE

JULY 16, 1992

When personally appeared the above subscribed JANE VITTUM CLARKE, Tax Collector, and acknowledged the foregoing instrument to be her free act and deed in her own right.

Before me, *Patricia R. Cress*
PATRICIA R. CRESS Notary Public
My Commission Expires February 21st, 1994

STATE OF MAINE

TO: HAMMOND, GERTRUDE
 346 PLEASANT STREET
 PORTSMOUTH, NH 03801

I, JANE VITTON CLARKE, Tax Collector of the Municipality of ELIOT, in the County of YORK, said taxes having been duly and legally committed to me for collection on the 2nd day of OCTOBER 1992 hereby certify that a tax of ~~THIRTY~~THIRTY NINE DOLLARS & 62 CENTS, duly and legally assessed to said real estate in said Municipality, and assessed against HAMMOND, GERTRUDE, of PORTSMOUTH, NH as owner thereof, said real estate being bounded and described as follows:

Location 00000
 Map 003A Lot 013 Book 1306 Page 524

Maps 1 thru 116 as compiled by JAMES W. SEWALL CO. OF OLD TOWN, MAINE, DATED APRIL 1, 1989. Tax maps may be examined at the Tax Assessor's office, located at the TOWN HALL, 141 STATE ROAD, ELIOT, MAINE.

together with interest of ~~TWO~~TWO DOLLARS & 94 CENTS, which has been added to and become a part of said tax, a total of ~~FORTY TWO~~FORTY TWO DOLLARS & 46 CENTS remains unpaid; that a lien is claimed on said real estate, above described, to secure the payment of the said tax; that a demand for payment of said tax has been made of the said HAMMOND, GERTRUDE, by my sending by certified mail, return receipt requested to his last known address at 346 PLEASANT STREET PORTSMOUTH, NH on the 23rd day of June, 1993 a notice in writing signed by me stating the amount of said tax, describing the real estate on which said tax is assessed, alleging that a lien is claimed on said real estate to secure the payment of said tax, and demanding payment of said tax and costs within 30 days after mailing of said notice, in accordance with the provisions of Title 36, M.R.S.A., Sections 982 and 983 as amended

Tax	\$ 39.62
Interest	1 2 84
Additional Costs	\$ 13.00
Filing, Recording, &	
Discharging	\$ 16.00
Certified Mail	\$ 2.29
<hr/>	
Total Fees	\$ 31.29
Total Tax/Int	\$ 42.46

Jane Vitton Clarke
 JANE VITTON CLARKE Tax Collector
 Municipality of ELIOT

STATE OF MAINE

County of YORK

AUGUST 2, 1993

Then personally appeared the above subscribed JANE VITTON CLARKE, Tax Collector, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

RECEIVED YORK S.S

93 AUG -2 PH 4:15

ATTEST: *Clara Stone*
 REGISTRY OF DEEDS

Before me, *Patricia A. Chubb*
 PATRICIA A. CHUBB Notary Public
 My Commission Expires February 7th, 1999

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Planning Board recommends _____ (#-#)

Select Board recommends _____ (#-#)

April 25, 2024 DRAFT

Short title

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction, Chapter 45 – Zoning, and the Official Zoning Map, Related to Establishment of New Zoning Districts and New or Updated Zoning Regulations

Warrant article – Special Town Meeting – _____, 2025

ARTICLE # __: Shall an Ordinance entitled “Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations” be enacted?

(A copy of this ordinance is available in the Town Clerk’s Office)

Background and rationale

[...]

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

New text underlined in bold

~~Deleted text in strikethrough~~

[Text in brackets, bold, and italics introduces a large block of new text:]

[Text in brackets and italics is a temporary explanatory note]

[Revision annotations at the end of sections may be omitted – to be updated accordingly by Municode during codification]

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show changes]

[...]

~~*Institutional buildings and uses* means educational, religious, philanthropic, fraternal or social activities primarily conducted indoors and not including residential occupancy.~~

[...]

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Sec. 45-290. – Table of permitted and prohibited uses.

[This section was updated by ordinance amendments approved in November 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those November 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	VT	236 MU	C/I
Accessory dwelling unit	CEO	CEO	CEO		CEO	CEO
Affordable housing development	no	SPR ²³	SPR		SPR	no
Agriculture, except animal breeding and care	yes	yes	yes		yes	no yes
Animal breeding	yes ¹	12	SPR ^{1&8}		no	no
Animal husbandry	yes ¹	yes ¹	yes ¹		yes¹	no
Apartment house, see multiple-family dwelling	—	—	—		=	—
Apartment, see single-family dwellings	—	—	—		=	—
Aquaculture	13	13	SPR ⁸		no	no
Assisted living facility	no	SPR/SD	SPR/SD		SPR/SD	SPR/SD
Auto graveyards	SPR	no	no		no	no
Auto hobbyist storage area	SPR	SPR	no		no	no
Auto junkyard	no	no	no		no	no
Auto recycling business	9	9	no		no	SPR
Auto recycling operation, principal	9	no	no		no	SPR
Auto recycling operation, limited	9	9	no		no	SPR
Auto repair garages	14	14	SPR ⁸		no	SPR
Auto service stations	no	9	no		no	SPR
Banks	no	no	SPR		SPR	SPR
Bathhouse	11	11	no			no
Bathing beach	yes	yes	yes		no	no
Bed and breakfasts	14	14	SPR ⁸		SPR	SPR
Boarding homes, see lodging businesses	—	—	—		=	—
Boarding kennel	no	no	no		SPR	SPR
Bulk oil fuel tanks	no	no	no		no	SPR ²
Business office	14	14	SPR ⁸		SPR	SPR

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Campgrounds	SPR	no	no	<u>no</u>	no
Cemeteries	SPR	SPR	SPR	<u>no</u>	no
Child care facility	16	16	16	<u>SPR</u>	SPR
Child care provider, family	SPR ⁸	SPR ⁸	SPR ⁸	<u>SPR</u>	SPR
Clearing	yes	yes	yes	<u>yes</u>	yes
Clinics	no	no	no	<u>SPR</u>	SPR
Clustered housing	SPR	no	no		no
Commercial adult enterprise	no	no	no	<u>no</u>	SPR
Commercial establishment, 2 or more where allowed	-	9	no		SPR
Earth material removal, less than 100 cubic yards	yes	yes	yes	<u>yes</u>	yes
100 cubic yards or greater	SPR	SPR	SPR	<u>SPR</u>	SPR
Elderly housing	no	SPR/SD	SPR/SD	<u>SPR/SD</u>	SPR/SD
Emergency operations	yes	yes	yes	<u>yes</u>	yes
Equipment storage, trucks, 3 or more	no	no	no	<u>no</u>	yes
Essential services	yes	yes	yes	<u>yes</u>	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	<u>CEO</u>	CEO
Farm equipment stores	SPR	10	no	<u>SPR</u>	SPR
Fences	yes ⁵	yes ⁵	yes ⁵		yes ⁵
Firewood sales	yes	13	SPR ⁸	<u>yes</u>	yes
Fireworks sales	no ¹⁹	no ¹⁹	no ¹⁹	<u>no¹⁹</u>	no ¹⁹
Forest management, except timber harvesting	yes	yes	yes	<u>yes</u>	yes
Funeral establishment	no	no	SPR	<u>SPR</u>	SPR
Gambling casino	no	no	no	<u>no</u>	no
Gardening	yes	yes	yes	<u>yes</u>	yes
Gasoline stations	no	9	no	<u>no</u>	SPR
Governmental buildings or uses	SPR	SPR	SPR	<u>SPR</u>	SPR
Grain or feed stores	SPR	10	no		SPR
Harvesting wild crops	yes	yes	yes	<u>yes</u>	yes
Home business	SPR ⁸	SPR ⁸	SPR ⁸	<u>SPR⁸</u>	SPR ⁸
Home occupations	10	10	no		no
Home office	CEO	CEO	CEO	<u>CEO</u>	CEO
Hospitals	no	no	no	<u>no</u>	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	<u>SPR</u>	SPR

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Industrial and business research laboratory	no	no	no		<u>no</u>	SPR
Industrial establishments and uses	no	no	no		<u>no</u>	SPR
Institutional buildings and uses, indoor	no	9	no			no
Junkyards	no	no	no		<u>no</u>	no
Landfill, dump	no	no	no		<u>no</u>	no
Libraries	SPR	SPR	SPR		<u>SPR</u>	SPR
Life care facility	no	SPR/SD	SPR/SD		<u>SPR/SD</u>	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸		<u>SPR</u>	SPR
Manufacturing	SPR ⁸	SPR ⁸	SPR ⁸			SPR
Marijuana establishment*	no	no	no			SPR ²⁰
Medical marijuana establishment*	no	no	no			SPR ²⁰
Mobile home parks	SPR/SD ⁷	SPR/SD ⁷	SPR/SD ⁷			no
Mobile vendor site	no	no	SPR			SPR
Motel	no	no	no			SPR
Multiple-family dwelling	no	SPR	SPR			no
Museums	SPR	SPR	SPR			SPR
New construction of telecommunication structure 70 feet and higher	9	9	no			SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO			CEO
Nurseries, plants	CEO	17	SPR ⁸			no
Nursing facility	no	SPR	SPR			SPR
Off-site parking	no	no	no			no
Outdoor education program	yes	yes	yes			yes
Parks	SPR	SPR	SPR			no
Places of worship	SPR	SPR	SPR			SPR
Playgrounds	SPR	SPR	SPR			no
Printing plant	14	14	SPR ⁸			SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes			no
Professional offices	14	14	SPR ⁸			SPR
Public utility facilities	SPR	SPR	SPR			SPR
Recreational facilities, nonintensive	SPR	SPR	SPR			no
Recreational use not requiring structures	SPR	yes	yes			no

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Restaurant	9	9	SPR ⁸			SPR
Restaurant, takeout	no	no	no			SPR
Retail stores, local, other	18	18	SPR ⁸			SPR
Road construction	CEO	CEO	CEO			SPR
Schools	SPR	SPR	SPR			SPR
Sewage disposal systems, private	CEO	CEO	CEO			CEO
Signs, 6 square feet	CEO	CEO	CEO			CEO
Signs, other	CEO	CEO	CEO			CEO
Single-family dwellings	CEO	CEO	CEO			no ⁶
Small wind energy system	SPR	SPR	SPR			SPR
Solar energy system, small-scale ground mounted or roof-mounted	CEO ²¹	CEO ²¹	CEO ²¹			CEO ²¹
Solar energy system, larger-scale	SPR ²¹	SPR ²¹	no			SPR ²¹
Surveying and resource analysis	yes	yes	yes			yes
Timber harvesting	yes	yes	yes			yes
Tiny home on wheels	CEO ²²	CEO ²²	CEO ²²			no ²²
Truck terminals and storage	no	no	no			SPR
Two-family dwellings	CEO	CEO	CEO			no ⁶
Veterinary hospital	15	15	No			SPR
Warehouse	no	no	no			SPR
Waste containers	CEO ³	CEO ³	CEO ³			CEO ³
Wholesale	no	no	no			SPR
Wholesale business facilities	no	no	no			SPR
Youth camp	SPR	SPR	SPR			SPR
Uses similar to allowed uses	CEO	CEO	CEO		CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO		CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR		SPR	SPR

*Marijuana establishment and medical marijuana establishment are defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.
18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
20. Must conform to the requirements of section 33-190. Marijuana establishments and medical marijuana establishments may only be authorized as principal uses, and not as accessory uses.
21. Must conform to the requirements of section 45-462.

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

22. May be permitted as a principal residential unit or as an accessory dwelling unit. All tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes shall also conform to the requirements of Section 45-459. For tiny homes in the C/I zoning district, reference footnote 6.

23. Must be served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

Cross reference(s)—Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

DRAFT

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Sec. 45-405. Dimensional standards.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

(a) Lots and structures in all districts shall meet or exceed the following minimum requirements:

District	Rural	Suburban	Village		<u>VT</u>	<u>236 MU</u>	C/I	MHP
			No water or sewer ^w	Water & sewer ^w		<u>Water & sewer^w</u>		
Min. lot size, acres (ac) or square feet (ft ²)	3 ac	2 ac	1 ac	½ ac		<u>½ ac</u>	3 ac	6,500 ft ² ⁿ 12,000 ft ² ⁿ 20,000 ft ² ⁿ
Min. street frontage (ft.) ^l	200	150	100	75		<u>100</u>	300	50/75/100 ⁿ
Min. street frontage: back lots	m	m	m	m				
	Min. area per dwelling unit, acres (ac)							
1 unit	3 ac	2 ac	1 ac	½ ac		<u>½ ac</u>	—	o
2 units	6 ac	4 ac	2 ac	1 ac			—	—
Each additional unit	3 ac	12 ac	½1 ac ^g	½ ac			—	—
Accessory dwelling unit	u	u	u	u		<u>u</u>	u	—
Assisted living facility	—	s	s	s		<u>s</u>	s	—
Elderly housing	—	g	g	g		<u>g</u>	g	—

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Life care facility	—	t	t	t		<u>t</u>	t	—
	Min. yard dimensions (ft.)							
Front yard	30	30 ^P	30 ^P	25 ^P		<u>25^P</u>	50 ^{a,p} 30	20°
Side yards	20	20 ^P	20 ^P	15 ^P		<u>20^P</u>	20 ^P 100 ^b	20°
Rear yard	30	30 ^P	30 ^P	25 ^P		<u>25^P</u>	20 ^P 100 ^b	10°
	Accessory building ^c							
Front yard setback	30	30	30	30		<u>30</u>	50 ^a 30 ^a	5°
Side and rear yard setback	10	10	10	10		<u>5</u>	20 100 ^b	5°
Accessory dwelling unit	u	u	u	u		<u>u</u>	u	—
Max. height (ft.)	35	35	35	35		<u>35</u>	55 ^d	35
Max. lot coverage (%)	10	15 ^q	20 ^q	20 ^q		<u>60</u>	50 ^q	50°
Setback-normal high water mark (feet) ^e	75	75	75	75		<u>N/A</u>	75	75
	Dwelling units:							
	Min. size (sq. ft. per unit):							
Accessory dwelling unit (ADU)	u	u	u	u		<u>u</u>	u	—
Assisted living facility	—	300	300	300		<u>300</u>	300	—
Federal or state elderly housing, other	—	No min.	No min.	No min.		<u>No min.</u>	No min.	—

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

than assisted living facility								
Mobile home park units	—	—	—	—		—	—	650
Tiny home on wheels or foundation-built tiny home	r	r	r	r		<u>r</u>	r	—
All other units	650	650	650	650		<u>650</u>	650	—
Max. number of principal structures per lot	h	h	h	h		??	v	1

(b) Signs in all districts shall meet or exceed the following minimum requirements:

Signs:						
District	Rural	Suburban	Village	<u>236 MU</u>	C/I	MHP
Max. sign area (sq. ft.)	6	6	6		100	6
Max. sign area (sq. ft.), commercial establishments only	12	12	12		100 ⁱ	12
Max. sign area (sq. ft.), new residential subdivisions	50 ^j	50 ^j	50 ^j			50 ^l
Min. setback (ft.) (front lot line only)	8 ^k	8 ^k	8 ^k		-- ^k	8 ^k

(c) Affordable housing developments (AHDs) may seek a density bonus of up to two-and-a-half times the dwelling unit density otherwise allowed in the zoning district. This means that the minimum area per dwelling unit in subsection (a) may be divided by up to 2.5 to determine the allowable number of dwelling units for a given acreage. AHDs shall meet the minimum lot size requirements in subsection (a). Applications for AHDs shall include a calculation showing the number of dwelling units that would be allowed for a non-AHD development in comparison with the number of dwelling units proposed for the AHD. This calculation shall also include the number of affordable units consistent with the definition of “affordable housing development” in

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Section 1-2 and the standards in Section 45-464. The density bonus may not be applied in conjunction with (that is, in addition to) the density bonuses provided in this section for an assisted living facility, elderly housing, or a life care facility.

Notes:

- a. A front yard abutting a state or town road shall have a minimum depth of 50 feet from the right-of-way line. A front yard abutting an interior street within the proposed site shall have a minimum depth of 30 feet from the right-of-way line. All parking areas shall conform to setback requirements.
- b. All side and rear yards abutting an existing residential use shall have a minimum depth of 100 feet from the side or rear lot lines.
- c. Accessory buildings shall be located no less than 30 feet from any principal buildings on adjacent property.
- d. Rooftop antennas and other telecommunications structures shall conform to the requirements of sections 33-185 and 45-460. Steeples and spires shall be exempt from maximum height requirements.
- e. Setbacks and setback measurements in shoreland zones shall follow requirements of chapter 44.
- f. (Reserved.)
- g. The minimum acreage for elderly housing in all districts, where allowed, shall be one acre for the first dwelling unit and one quarter acre for each additional unit. Minimum acreage requirements shall revert back to dwelling unit requirements if elderly housing is discontinued.
- h. In the rural, suburban and village districts, more than one principal structure may be located on a single lot, provided each such structure is located in such a fashion that it could be separately conveyed on a separate lot in compliance with all dimensional requirements of the district (except that any lawfully existing structure which does not meet all minimum dimensional requirements may continue that nonconformity).
- i. See section 45-528(c) for other requirements applicable to two or more commercial or industrial establishments under separate ownership on one parcel within the commercial/industrial district.
- j. Signs identifying subdivisions of ten or more lots shall be posted at the entrance of the subdivision and shall be approved by the planning board. Signs shall contain only the name of the subdivision.
- k. See section 45-532 for additional sign placement requirements.
- l. Street frontage shall be measured along one street. The planning board is authorized to vary frontage requirements for new subdivisions according to section 41-255(g). Such lots shall be treated as conforming lots for the purpose of this chapter.
- m. Back lot requirements are contained in section 45-466.

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

- n. Lots within a mobile home park shall be a minimum of:
6,500 feet² if served by public sewer. Minimum lot width is 50 feet.
12,000 feet² if served by central subsurface wastewater disposal approved by the state department of human services. Overall density of park, including road rights-of-way and buffer strips shall be 20,000 feet² per dwelling. Minimum lot width is 75 feet.
20,000 feet² if served by onsite subsurface wastewater disposal. Minimum lot width is 100 feet.
- o. See section 41-276 et seq. for specific requirements.
- p. Elderly housing, nursing facility, assisted living facility and life care facility shall have setbacks of 50 feet from lot line or 100 feet from residential dwelling unit, whichever is greater.
- q. Life care facility shall have a maximum lot coverage of 50 percent. Elderly housing, nursing facility or assisted living facility individually shall have a maximum lot coverage of 35 percent.
- r. Tiny homes on wheels shall conform to the requirements of Section 45-137. Accessory dwelling unit tiny homes on wheels and foundation-built tiny homes shall also conform to the requirements of Section 45-459.
- s. One acre for the first dwelling unit and then one-fifteenth acre for each additional dwelling unit provided all other dimensional requirements are met.
- t. One acre for the first dwelling unit and then one-fifteenth acre for each additional assisted living facility dwelling unit plus one-fourth acre for each additional elderly housing dwelling unit plus district acreage requirement (1-village, 2-surburban, 3-C/I) for each single family dwelling unit provided all other dimensional requirements are met.
- Example:* A 15-acre suburban district lot could contain three single family dwelling units (five acres) plus 61 assisted living facility dwelling units (five acres) plus 17 elderly housing dwelling units (five acres) plus a nursing facility (0 acres) provided all dimensional requirements are met.
- u. See section 45-459 for requirements. Additional lot area per dwelling unit is not required for an accessory dwelling unit.
- v. In the C/I district, more than one principal structure may be located on a single lot which meets the minimum lot size and street frontage requirements for the district. Each such structure must maintain required yards adjacent to the front, side, and rear lot lines and must be located no closer than 20 feet (as viewed from the front lot line) to any other such structure on the lot. Such structures need not comply separately with the minimum lot size and frontage requirements, but the aggregate of all the structures on the lot shall not exceed the maximum lot coverage requirement. Nonconforming lots of record, with existing commercial structures, at the time of adoption of this section change may also contain more than one principal structure provided the setback and expansion requirements are met. Separation of structures shall not be less than 20 feet.
- w. For the purpose of this table, “Water & sewer” means that the lot and all dwelling units thereon are served by connections to both a public water system and a public sewer system. “No water or sewer” means that the lot or at least one dwelling unit thereon are not served by a public water system, a public sewer system, or both.

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Cross reference(s)—Requirements unique to mobile home park subdivisions, § 41-276 et seq.; other district regulations, § 45-286 et seq.

DRAFT

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Sec. 45-423. - Fences

(a) Fences allowed. Fences are allowed in every zoning district as long as they meet the requirements of this section, meet other applicable requirements in this Code, and do not cause a significant or undue risk to public health, safety, or welfare.

~~(a)~~**(b) Fence heights.** No person, firm, corporation, or other organization shall erect or cause to be erected a fence exceeding eight feet in height from ground level with the exception of those described in section 33-175.

~~(b)~~**(c) Fence design and location.**

- (1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. All fences and their supporting parts and appurtenances shall be set back at least two feet from all lot lines (unless adjoining property owners agree by written instrument recorded in the York County Registry of Deeds that a fence may be located on their common boundary). In addition, no fence and its supporting parts and appurtenances shall be located closer than four feet to the edge of pavement of a paved road or the edge of the traveled way on an unpaved road.
- (2) On a lot located at the intersection of two streets (corner lot), no fence or vegetal elements shall be erected or placed in such a manner as to impede vision between either street and a triangular portion of the lot bounded by the two street lines and a straight line joining two points, each of which is located along one of the street lines at a distance of 30 feet from their intersection. For corner lots that are located on the inside curve of streets and at intersections that are not within 15 degrees of perpendicular, adequate and safe sight distances in both directions, as determined by the code enforcement officer, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.
- (3) Fencing that will obstruct the required ~~site~~ **sight** distances of sections 37-70(d) and 45-406 is not allowed.

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Sec. 45-530. - Illumination.

- (a) The color or format of any sign shall not resemble or conflict with traffic signs or signals. Signs with flashing lights or moving parts shall be prohibited, and gas-filled light tubes shall be allowed only when used for indirect illumination and when placed in such a manner that light tubes are not exposed to public view. Illumination of signs shall be designed and conducted in such a manner as to reflect light away from residential properties and motorists' vision.
- (b) Neon or tubular gas-filled signs shall be permitted in the commercial-industrial zone; provided they are located at least 200 feet from any existing residential use or are effectively screened from view of any existing residential use located less than 200 feet from such signs by trees, shrubs, fences, walls, berms or any combination thereof.
- (c) Direct or indirect illuminated signs shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the appeals board, by variance, makes a determination that the nature of the businesses or services offered require that the sign be illuminated.
- (d) In the [236 mixed use] zone, direct illuminated signs are prohibited, except for temporary construction signs as allowed in Subsection 45-532(c).**

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

Sec. 45-495. - Schedule of minimum required offstreet parking spaces.

[This section was updated by ordinance amendments approved in June 2023, which are not yet reflected in Municode. It has been manually updated to reflect those amendments, but it may not be 100% accurate with those June 2023 changes. The intent is for the table to illustrate the proposed changes of these ordinance amendments.]

	Use	Standards
(1)	Dwelling units	Affordable housing developments—2/3 of a space per dwelling unit, rounded up to the nearest whole number
		Accessory dwelling units—no spaces required
		All other units—alternately, 2 for the first unit, 3 for the second unit, 2 for the third unit, and so on
(2)	Lodging business and motels	1 space for each sleeping room and for each person anticipated to be employed on the largest shift
(3)	Home occupation	1 for each employee and customer up to 10 maximum, not counting residential use
(4)	Camper park	1 space per site
(5)	Takeout restaurant	minimum 25 parking spaces plus 1 space for each 50 square feet (or fraction thereof) of floor space in excess of 900 square feet, and 1 space for every exterior table
(6)	Other restaurants or places serving food	1 space for each 3 seats, permanent or otherwise
(7)	Wholesale or retail sales, or service establishment	1 space for each 150 square feet of retail floor area; 1 space for each 100 square feet of retail floor area (minimum 10 spaces) for marijuana retail stores)
(8)	Automobile, truck and tractor repair and filling stations	1 parking space for each regular employee plus 1 space for each 50 square feet of floor area used for service work

Proposed Town Code Amendments of Chapter 1 – Definitions and Rules of Construction and Chapter 45 – Zoning and the Official Zoning Map, Related to Establishment of a New Zoning District and New or Updated Zoning Regulations

(9)	Public building and professional offices (excluding medical and dental offices), nonprofit medical marijuana dispensaries	1 parking space for each 200 square feet, or major fraction thereof, of floor area exclusive of bulk storage areas
(10)	Medical and dental offices	7 parking spaces for each physician, dentist or other medical practitioner
(11)	Commercial and industrial uses not specifically enumerated	1 space for each person employed or anticipated to be employed on the largest shift
(12)	Schools	Child care center—2 parking spaces for each child care room plus 1 space for each adult instructor
		Family child care provider—See Section 45-456.1
		Elementary and junior high schools—1 parking space for each adult employee plus 15 parking spaces for each 100 students, or major fraction thereof, of total enrollment
(13)	Theaters, auditoriums, churches, arenas, and libraries	1 parking space for every 4 seats, or for every 100 square feet of assemblage space if no fixed seats
(14)	Hospital, sanitariums or nursing homes	1 space for each 500 square feet (or major fraction thereof) of floor area, exclusive of basement
(15)	Adequate spaces shall be provided to accommodate customers, patrons, and employees for permitted uses not listed above	