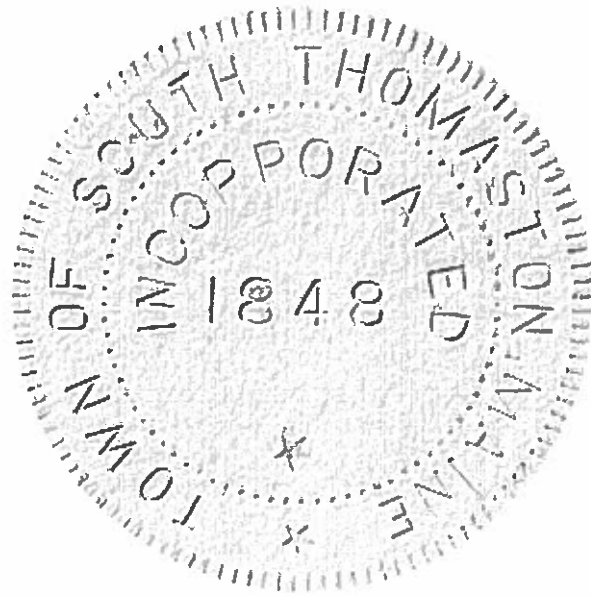


TOWN OF SOUTH THOMASTON, MAINE



LAND USE ORDINANCE

Adopted 21 March 1989

Amended 29 March 2005

Amended 27 March 2012

Amended 27 March 2018

Amended 15 June 2021

Amended 18 June 2024



**Town of South Thomaston, Maine
Land Use Ordinance**

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Section I TITLE

This ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of South Thomaston, Maine".

Section II PURPOSE AND ESTABLISHMENT OF DISTRICTS

A. Purpose

This Ordinance is designed for all the purposes of zoning embraced in the Maine Revised Statutes. It is designed to encourage use of land throughout the municipality in an appropriate manner as expressed in the Comprehensive Plan.

B. Establishment of Districts

For the purposes of this Ordinance, the Town of South Thomaston is hereby divided into the following districts:

Villages District
Village Extension District
Rural - 1 District
Rural - 2 District

C. Land Use Maps

The above districts are shown on maps filed in the office of the Town Clerk. These maps are hereby made a part of this Ordinance (see Attachment A)

D. District Boundaries

1. Uncertainty of Boundaries - Where uncertainty exists with respect to the boundaries of the districts shown on the Land Use Map, the following rules shall apply:

- a) Boundaries indicated as following the center lines of streets or roads shall be construed to follow such center lines;
- b) Boundaries indicated as following lot lines shall be construed to follow such lot lines;
- c) Boundaries indicated as following municipal limits shall be construed to follow such limits;
- d) Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and shall be construed to move with such high water line in the event of natural change to the shoreline. Boundaries indicated as following the center lines of streams, rivers, canals, or other water bodies shall be construed to follow such center lines;
- e) Boundaries indicated as being parallel to or extensions of features Indicated in paragraphs a) through d) above shall be so construed. Distances not indicated on the Land Use Map shall be determined from the scale of the map. Any conflict between the map and a metes and bounds description shall be resolved in favor of the description by metes and bounds.

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- f) Where physical or cultural features existing on the ground are different from those shown on the Land Use Map, or where items in paragraphs a) through e) above are not clear, the Board of Appeals shall interpret the district boundaries.

2. Division of Lots by District Boundaries - Where a district boundary line divides a lot, the provisions applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot by not more than fifty feet.

E. Conflict with Other Ordinances

Wherever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

F. Separability

In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such a decision shall not affect the validity of any other section or other portion of this Ordinance.

G. Effective Date, Amendments

This Ordinance shall be effective on the day following enactment or amendment by a majority vote at the Town Meeting. No amendment to this Ordinance shall be adopted until the Selectboard has held a public hearing at least ten days before it is submitted to the Town for consideration. Such amendments shall be considered following petition, recommendation of the Planning Board, or motion of the Selectboard. Petitioners are encouraged to work with and request assistance from the Planning Board so that proposed changes and amendments can be of greatest benefit to the citizens of South Thomaston. Petitioners shall be responsible for paying for all required advertisements and notifications.

Section III NONCONFORMANCE

A. Purpose

It is the intent of this ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

B. General

1. **Transfer of Ownership.** Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and

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such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. Expansion. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure or cause any new nonconformity.

2. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that all setbacks are met to the greatest practical extent as determined by the permitting authority, basing its decision on the criteria specified in subsection 3(C) Relocation, below.

3. Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the permitting authority. In no case shall a structure be relocated in a manner that causes the structure to become more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

4. Reconstruction or Replacement. Any nonconforming structure which is removed or damaged or destroyed, regardless of the cause, by over 50% of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of such damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with applicable dimensional requirements to the greatest practical extent as determined by the permitting authority in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity or to cause a new nonconformity.

Any nonconforming structure that is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

5. Change of Use of Nonconforming Structure. The use of a nonconforming structure may not be changed to another use unless the applicable permitting authority, after receiving a written application, determines that the new use will have no greater adverse impact on the surrounding neighborhood and the environment than the existing use. In determining that no greater adverse impact will occur, the permitting authority shall require written documentation from the applicant regarding the probable effects on public health and safety, nuisance, traffic, noise, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, and archaeological and historic resources, as applicable.

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D. Nonconforming Uses

1. **Expansions.** Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the permitting authority, be expanded within existing residential structures or within permitted expansions of such structures.
2. **Resumption Prohibited.** A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the permitting authority may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not be used to apply to the resumption of residential use of a structure.
3. **Change of Use.** An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent property and resources. In determining that no greater adverse impact will occur, the permitting authority shall require written documentation from the applicant regarding the probable effects on public health and safety, nuisance, traffic, noise, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, and archaeological and historic resources, as applicable.

E. Nonconforming Lots

1. A nonconforming lot of record as of the effective date of this Ordinance or relevant amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met.
2. **Contiguous Built Lots.** If two or more contiguous lots or parcels are in a single or joint ownership of record as of the effective date of this Ordinance or relevant amendment thereto, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that each lot meets the State Minimum Lot Size Law (12 M.R.S. §§ 4807-A through 4807-D and the State of Maine Subsurface Wastewater Disposal Rules.
3. **Two Structures or Uses on One Lot.** If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance or relevant amendment thereto, each may be sold on a separate lot provided that the each lot thus created is as conforming as possible to the dimensional requirements of this Ordinance and complies with the State Minimum Lot Size Law (12 M.R.S. §§ 4807-A through 4807-D and the State of Maine Subsurface Wastewater Disposal Rules.
4. **Contiguous Lots – Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record as of or since the enactment of this Ordinance or relevant amendment thereto, and any of these lots do not individually

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meet the dimensional requirements of this Ordinance, and if one or more of the lots are vacant or contains no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section IV ADMINISTRATION

A. Applications and Permits Issued

No building or other structure in excess of 100 square feet of ground coverage shall be erected, moved, added to, demolished, or structurally altered without a Building Permit Issued by the Code Enforcement Officer. Building permits shall also be required for swimming pools. No on-site construction activity shall occur prior to issuance of a Building Permit. No change or resumption of any use requiring a Building Permit shall occur prior to issuance of a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance. No Building Permit shall be required for clearing to allow surveys and soil tests, and excavating for soil tests.

A fee schedule for building and use permits shall be established by the Selectboard.

1. Applications. All applications for Permits shall be in writing on forms provided by the Code Enforcement Officer. The permit applications may be updated by the CEO and attached to this document for convenience (see Attachment B). All applications for Building Permits shall include the location and dimensions of the proposed building or alteration and, as applicable, the proposed sewage disposal system as certified by a registered civil engineer or a plumbing inspector appointed by the Town. The application shall include any information lawfully required by the Code Enforcement Officer to determine conformance with this Ordinance; including, but not limited to:

(a) name, address and contact information, including a phone number of the applicant and all other persons having a legal interest in the property, and, when applicable, individual(s) hired by the applicant to manage or control such property;

(b) the location of the premises for which a permit is sought by identification of town tax map number and street address;

(c) the dimensions and acreage of the property;

(d) the identification of any other approvals required by the Town of South Thomaston, by any state or federal agency or department, if any;

(e) a copy of a site plan, drawn to a scale of approved by the Code Enforcement Officer, which identifies the boundary lines of the property for which a permit is sought;

(f) the location of all existing and proposed buildings, structures and uses;

(g) when applicable (see *Conditional Use*), the location of all existing and proposed parking areas and walkways and any other site improvements;

(h) the location and characteristics of all existing and proposed vegetation and or fencing to be maintained for screening, when required (see *Conditional Use*);

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(i) when applicable (see *Conditional Use*), a site location map at a scale approved by the Code Enforcement Officer showing all adjoining residential uses and any schools, churches, cemeteries, family day care homes, small day care facilities, day care centers and public parks and play grounds; the location and characteristics of all vehicular entrances and exits serving the property;

(j) a nonrefundable application fee in accordance with the Town's fee schedule and an **original and, if required for Planning Board review, eight (8) copies of the permit application, and all supporting documentation.**

2. Soils. Plumbing Permit. In all districts, no Building Permit for any building or structure which requires any form of plumbing, shall be issued until the applicant, or his agent, has secured a satisfactory soil analysis test and/or a Plumbing Permit in accordance with the State Plumbing Code.

3. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 35 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance and any other applicable ordinances. Permits may be issued subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

a. Permits issued by the Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those completed applications on which he/she is empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance or any other ordinance.

b. Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall grant a permit, if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions, and is in conformance with the provisions of this Ordinance and all other ordinances.

4. Expiration. The permit shall be valid for a period of one year from the date of issuance and shall expire if the proposed activity is not started. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. To start construction is to place forms for a foundation, or to begin erection or assembly of an addition, building or structure on the site. An extension of time to start construction shall be granted upon application to and approval by the permit issuing authority for reasonable cause.

B. Code Enforcement Officer.

The Code Enforcement Officer shall report to the Planning Board at all Planning Board meetings, all applications and permits issued and any notifications of violations issued. It

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shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other actions authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. A copy of such notices shall be maintained by the Code Enforcement Officer as a permanent record.

C. Legal Actions and Violations.

When any violation of any provision of this Ordinance shall be found to exist, the Selectboard upon their own Initiative or upon notice from the Code Enforcement Officer or Planning Board, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable including seeking injunctions of violations and impositions of penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of South Thomaston.

D. Penalties.

The penalties for violations of this Ordinance shall be as follows:

1. The minimum penalty for starting construction or undertaking land use activity without the required permit shall be \$100.00 and the maximum penalty shall be \$2500.00.
2. The minimum penalty for any other specific violation shall be \$100.00 and the maximum penalty shall be \$2500.00.
3. In addition, violators may be ordered to correct or abate the violation.

In all other respects, assessment of penalties under this Ordinance shall be in accordance with Title 38 MRSA, Section 429 and Title 30 MRSA, Section 4966. Each day a violation continues may be counted as a separate offense. Assessment of penalties shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer and/or Selectboard to the person in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person shall not in any respect invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in Superior Court to enjoin violation of this Ordinance and for such other relief as the law may provide. The Selectboard will periodically establish and publish a Schedule of Fees and Fines which will be attached to this document for convenience (see Attachment D).

E. Appeals

If the Code Enforcement Officer or Planning Board disapproves an application, or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Code Enforcement Officer or Planning Board in writing to the Board of Appeals within 30 days of the decision.

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The Board of Appeals shall hold a public hearing and an appellate review (see MRSA Title 30-A, paragraph 2691 or as amended), within 30 days of the appeal. Within 45 days after the hearing, or within such time as may be mutually agreed to, the board of Appeals shall issue a decision.

The Board of Appeals may amend the Code Enforcement Officer's or Planning Board's decision only upon the finding that there has been an error in administrative procedures, or an error in interpretation of the ordinance, or that the information provided to the Code Enforcement Officer or Planning Board was erroneous or incomplete. The case shall continue as follows:

1. If the Board of Appeals finds errors in administrative procedure, the case shall be referred back to the Officer or Board for rectification.
2. If the Board of Appeals finds errors of interpretation, the Board of Appeals may modify the interpretation or reverse the order of the Code Enforcement Officer or Planning Board but may not alter the conditions attached by the Planning Board. The case shall be referred back to the Code Enforcement Officer or Planning Board for rectification and changes in conditions shall be made by the Planning Board in accordance with the Board of Appeals' interpretation.
3. If the Board of Appeals finds errors or omissions in information leading to the decision of the Code Enforcement Officer or Planning Board, the case shall be referred back to the Officer or Board for rectification.

An appeal may be taken within 30 days after any decision is rendered by the Board of Appeals by any party, including the Planning Board, to Superior Court, in accordance with State law.

F. Conditional Uses

A building, structure or lot of land may be employed for a Conditional Use if the Use is specifically allowed in the district in which the use is proposed; if the building, structure or lot of land meets all required conditions and if a Conditional Permit is approved by the Planning Board. The Planning Board will periodically create/update a template (or checklist) for use in this review which will be attached to this document for convenience (see Attachment C).

1. Application for Conditional Use Permit. Application shall be made to the Code Enforcement Officer on forms provided for the purpose, accompanied by such fee as may be established by the Town. The applicant shall:

- a) Clearly specify the location of the proposed use, including street address, tax map and lot number, and a location map at a scale no smaller than the tax map;
- b) Describe the exact nature of the proposed use;
- c) Submit such other information as will enable the Planning Board to determine that the standards for approval of a Conditional Use Permit have been met.

2. Additional Conditions. The Planning Board may, in order to carry out the purposes of the Conditional Use procedure, require additional conditions, specifications, criteria, and standards necessary to protect the public interest and to fit such uses harmoniously and compatibly into their neighborhoods and locations. Such conditions may include, but are not limited to:

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(a) increased setbacks;

(b) specified water supplies or sewage disposal facilities, as well as the impact of the use on the quality and quantity of groundwater available to abutting properties, is comparable to that for surrounding uses, and the capacity of sewerage and water supply systems is adequate to accommodate the proposed use and, where applicable, the capacity of the storm drainage system is adequate to accommodate the proposed use. Any uses in fragile/sensitive areas, such as Spruce Head Island should consider how groundwater will be impacted;

(c) type of vegetation, landscaping, planting screens, installation and maintenance of effective opaque fencing and to provide visual screening at least six feet in height to be located along side and rear property lines that abut properties in residential use;

(d) periods and methods of operation, including types of services provided, clientele and populations to be served, staffing requirements, security provisions, hours of operation, anticipated parking demand and peak hour traffic; lighting; signs, markings and advertisement; the generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances in comparison to that generated by surrounding uses; that the proposed onsite use shall not be of a character as to have significant adverse impact upon the value or quiet possession of surrounding properties.

(e) routing of traffic, to include vehicular and pedestrian access and circulation to, from, into and within the site that will be safe and no public way will be overburdened or made hazardous as a result of the new use of and or development of the property; that vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development as certified by a licensed traffic engineer; and that topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards set forth in the South Thomaston Land Use Ordinance or applicable State of Maine standards;

(f) professional and safe operation consistent with the proposed use, including: provision of documentation and receipt of all approvals and licenses required by any and all government agencies of competent jurisdiction; that adequate facilities are present to assure the safety of pedestrians passing by or through the site; that municipal or other facilities serving the proposed use will not be overburdened or made hazardous; and the ability of the fire department to provide necessary protection services to the site and development is adequate;

(g) the size and character of proposed use is reasonably comparable to the size of surrounding uses; and unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, do not aggravate or cause adverse impacts upon surrounding properties (especially in fragile/sensitive areas such as Spruce Head Island);

(h) maintenance and inspection of sewage disposal facilities;

(i) and other required performance guarantees as specified in the application review process.

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Such conditions imposed, and the reasons therefore, shall be written as part of those permits issued by the Planning Board which may involve additional conditions.

3. Procedure. The Planning Board shall follow the following procedure in considering Conditional Use: A quorum of at least three members shall be present to consider a Conditional Use. The secretary of the Board shall maintain a record of all meetings, including a transcript, if any, and exhibits or documents submitted regarding Conditional Uses, which shall be a public record. The Board may receive oral or documentary evidence regarding the requested Conditional Use; each party having the right to submit rebuttal evidence, conduct cross-examination and to be represented by legal counsel. Notice of any decision shall be mailed to the applicant and the Code Enforcement Officer within seven days of the decision.

4. Duration of Conditional Use Permits. Provided all conditions and standards of approval are met, a Conditional Use Permit shall be a permanent grant of permission and shall "run with the land".

G. Variances

1. Application. Application for a variance from specifications in this Ordinance is to be made to the Board of Appeals, following the requirements for Conditional Uses.

2. Procedure. The Board of Appeals shall follow the procedures set forth in MRSA Title 30, §2411, "Board of Appeals".

3. Variances Limited. A variance may be granted only for dimensional requirements. A use not allowed in a district may not be granted by variance. Furthermore, the applicant must show that the strict application of the terms of this Ordinance would create an undue hardship on the applicant. The term "undue hardship" shall mean:

- a) That the land in question cannot yield a reasonable return unless a variance is granted;
- b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c) That the granting of a variance will not alter the essential character of the locality;
- d) That the hardship is not the result of action taken by the applicant or a prior owner.

Before granting any variance, the Board of Appeals may refer the application to the Planning Board for an informational report concerning the effect of the request on the surrounding area and any other pertinent data in respect of the Comprehensive Plan of South Thomaston.

4. Duration of Variance. A Variance Permit shall be a permanent grant of permission and shall "run with the land".

Section V DISTRICTS

A. General

Land uses and activities involving minimal structural improvements or alteration of the land are allowed in all districts and shall not, unless specifically required by this Ordinance, require permits from the Code Enforcement Officer. These activities include, but are not

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limited to: hiking, hunting, snowmobiling, harvesting of wild crops, wildlife management and observation, fire prevention activities, surveying, mineral exploration, trail construction and maintenance, emergency operations, home maintenance and gardening. Such activities shall conform to applicable state and federal laws and regulations.

1. District Definitions

Villages	-- Spruce Head, Spruce Head Village and Keag Village (including specific areas abutting the old Village area)
Village Extension	-- Village areas designated for multifamily, affordable housing on smaller lots
Rural -1	-- least restrictive
Rural -2	-- rural, agricultural, open space
Shoreland	-- there is a separate Shoreland Zoning Ordinance. Any use within the Shoreland Districts shall conform to the standards of the Shoreland Zoning Ordinance.

2. Purposes of Districts

Villages District

This district is to establish and preserve residential village areas while encouraging continued low impact mixed use businesses following traditional development patterns and maintaining historic characteristics.

Village Extension (VE) District

This district is to promote affordable housing near existing village areas by allowing development on smaller lots.

Rural - 1 District

This is the least restrictive district to allow for moderate income housing and a variety of land uses, but discourages high-density large-scale suburban type development.

Rural - 2 District

This district is meant to preserve the rural/agricultural character, the sweeping beauty and coastal heritage of South Thomaston. Allows lower density residential development, conservation and open space subdivisions.

B. Table of Land Uses

Key

YES	=	Use Allowed, No Permit Required
CEO	=	Use Allowed, Permit Required (issued by Code Enforcement Officer)
PB	=	Use Allowed by with conditions (granted by the Planning Board)
NO	=	Use Prohibited

Note: All land uses not allowed by this Ordinance are prohibited.

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District Use	V	VE	R - 1	R - 2
Accessory Use or Structure	CEO	CEO	CEO	CEO
Additions (in excess of 100 square feet ground coverage)	CEO	CEO	CEO	CEO
Agricultural Land Management	YES	YES	YES	YES
Bed and Breakfast, Tourist Home	PB	PB	PB	PB
Campground	NO	NO	PB	PB
Campsites (individual/private)	CEO	CEO	CEO	CEO
Cemetery	YES	YES	YES	YES
Church	CEO	CEO	CEO	CEO
Commercial**				
Less than 10,000 sq. ft.	PB	PB	PB	PB
Greater than 10,000 sq. ft.	NO	NO	PB	NO
Day Care Center	PB	PB	PB	PB
Forest Management	YES	YES	YES	YES
Home Occupation	PB	PB	PB	PB
Industrial Uses	NO	NO	PB	NO
Inn, Lodge, Motel*	PB	PB	PB	PB
Institutional Uses	PB	PB	PB	PB
Junkyard or Automobile Graveyard	NO	NO	PB	NO
Manufactured Home	CEO	CEO	CEO	CEO
Marine-Oriented Use	PB	PB	PB	PB
Mobile Home	CEO	CEO	CEO	CEO
Mobile Home Park	NO	PB	NO	NO
Multi-family Dwelling	NO	PB	PB	PB
Municipal Use	CEO	CEO	CEO	CEO
Medical Facilities Other Than Professional Office Use	NO	NO	PB	NO
Outpatient Addiction Treatment Clinics	NO	NO	PB	NO
Professional Office	PB	PB	PB	PB
Public Utility	PB	PB	PB	PB
Recreation (non-commercial)	PB	PB	PB	PB
Restaurant	PB	PB	PB	PB
School, Public or Private	PB	PB	PB	PB
Single Family Dwelling	CEO	CEO	CEO	CEO
Solar Energy System:				
Large Scale Solar Energy System	NO	NO	PB	NO
Large Scale Solar Energy System (for municipal use)	PB	PB	PB	PB
Small Scale Solar Energy System	YES	YES	YES	YES
Small Scale Solar Energy System (commercial)	BP	BP	BP	BP
Two Family Dwelling	CEO	CEO	CEO	CEO
Uses similar to allowed Uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB

* Inn, Lodge, Motel not allowed on Spruce Head Island

**The area of a Commercial Use shall be determined by the Planning Board and shall include all areas of the parcel and any contiguous parcels actively used in support of a commercial use, including but not limited the footprint of buildings, outdoor seating, display or storage areas, and parking areas.

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C. Table of Dimensions

District Dimension	V	VE	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	1/2 ACRE	1 ACRE	1 ACRE

Notwithstanding these requirements, additional dwelling units may be permitted as follows:

- a. Up to four dwelling units may be constructed on any vacant property located in the VE District;
- b. Up to two dwelling units may be constructed on any vacant property located in any other district; and
- c. In any district, up to two additional dwelling units may be constructed on any property on which one dwelling unit currently exists, with one additional dwelling unit within or attached to the existing structure or one additional detached dwelling unit, or one of each.

Additional dwelling units permitted in accordance with this section must satisfy the following standards:

- a. All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwellings;
- b. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each additional dwelling unit is or will be connected to adequate water and wastewater services; and
- c. The dwelling unit(s) must be located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A (see Attachment E);

Properties with multiple Uses must comply with the most restrictive lot size.

Industrial Uses			3 ACRES	
Campgrounds			3 ACRES	3 ACRES
All Other Non-Residential Uses	1 ACRE	1 ACRE	1 ACRE	1 ACRE

Maximum Building Height (Feet)

Residential	35	35	35	35
Commercial/Industrial/Agricultural	50	50	50	50

Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or

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structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.

Corner Clearance (Feet)	40	40	40	40
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Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

Section VI GENERAL PERFORMANCE STANDARDS

A. Purpose

The standards contained in this Section are intended to allow various uses to be accommodated without detriment to neighboring uses and properties.

B. Campgrounds:

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

C. Campsites (individual/private):

Individual private campsites not associated with campgrounds are allowed for temporary habitation, provided the following conditions are met (note: recreational vehicles, tents or similar shelters stored or parked and **not normally used for habitation** (less than 7 consecutive days) is not restricted by this ordinance):

(1) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(2) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(3) When a recreational vehicle, tent or similar shelter is placed on-site, for habitation, more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal.

D. Lighting:

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All exterior lighting shall be shielded to prevent direct glare on adjoining residential property or public rights of way.

E. Industrial Uses:

All outdoor storage of materials, products or vehicles shall be screened from view from adjacent residential lots.

F. Off-Street Parking and Loading Standards:

1. Applicability. For all new construction, additions and changes of use, there shall be provided off-street parking and loading space adequate for their use, according to the following standards.

2. Standards. No off-street parking lot shall have more than two entrances on the same street. Parking lots with more than four spaces shall be arranged so that vehicles can be turned around within such area and are prevented from backing into the street.

Use	Number of Off-Street Spaces Required
Residential Uses	At least two parking spaces for the first dwelling unit on a lot, and one additional parking space for each additional dwelling unit on the lot, excluding Accessory Dwelling Units. See Subsection (J) for parking requirements applicable to Affordable Housing Developments.
Any Land Use	Sufficient parking spaces, as determined by the Code Enforcement Officer or the Planning Board, to eliminate the necessity of on-street parking.
Any Use Requiring Loading Bays for Trucks, Trailers or Containers	Sufficient loading bays so arranged that no truck, trailer or container need be loaded or stored so as to obstruct a public way

G Location Criteria and Public Safety Standards for Outpatient Addiction Treatment Clinics

Applicants for a permit pursuant to Section IV, Subsection G., and this subsection, must demonstrate to the satisfaction of the Planning Board that all the standards contained in this Ordinance, and set forth as additional conditions, are met. No clinic may be located within 1,000 feet of any church, cemetery, school, family day care home, day care center, or public park or playground. A minimum of two meetings per calendar year shall be conducted at the clinic with the applicant, the Code Enforcement Officer, the Sheriff of Knox County and the Chief of the Maine State Police and or their designee, in order to establish and maintain professional cooperation.

H. Solar Energy Systems

All Solar Energy Systems, where permitted, shall meet the following performance standards:

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1. Dimensional Requirements.

- A. No Solar Energy System may exceed 25 feet in height if structurally attached to the ground.
- B. Large-Scale Solar Energy Systems must be set back no less than 50 feet from all property lines.

2. Screening, Security, Maintenance and Regulatory Compliance (Large-Scale Solar Energy Systems) Large-Scale Solar Energy Systems shall meet the following additional performance standards at all times.

- A. The System shall be reasonably buffered from roads and residences by plantings, berms, or natural topographical features.
- B. The System shall be protected by a perimeter fence. One or more signs shall be affixed to the fence identifying the owner of the facility and emergency contact information.
- C. For purposes of emergency services, the owner or operator of the System shall provide a copy of the project summary, electrical schematic, and site plan to the South Thomaston Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation.
- D. The owner or operator of the System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the South Thomaston Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.
- E. The owner or operator of the System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

3. Performance Guarantee: After Planning Board approval but before a permit is issued, the applicant for a Large Scale Ground Mounted Solar Energy System shall submit to the Town of South Thomaston a performance guarantee in the amount of 150% of the applicant's estimated demolition cost of the system, subject to a review and approval of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures in accordance with this Ordinance and any decommissioning plan provided to the Town, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

4. Decommissioning and Removal

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A. Any Large-Scale Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed. For Large-Scale Solar Energy Systems, removal shall be conducted pursuant to a plan approved by the Planning Board during the application process. The owner or operator shall complete removal of the installation within 180 days after the date of discontinued operations. For Large-Scale systems, the owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the date of the discontinued operations and plans for removal.

B. Decommissioning shall consist of:

- (1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
- (2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and
- (3) stabilization or re-vegetation of the site as necessary to minimize erosion.

The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Large Scale Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determinations of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator of a Large-Scale Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the date of decommissioning, the Town of South Thomaston retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed. Any removal costs not covered by a performance guarantee shall be chargeable to the owner and/or operator, and any legal fees or other costs of collection shall be payable by the owner and/or operator.

I. Accessory Dwelling Units

Accessory dwellings shall be subject to Code Enforcement Officer review and shall be permitted subject to the following standards:

1. The accessory dwelling unit may be constructed in any district in which residential uses are permitted and may be located within an existing dwelling,

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attached to an existing single-family detached dwelling unit or as a separate accessory building.

2. The accessory dwelling unit shall be subject to the same permitting requirements as a dwelling unit if located within or attached to an existing dwelling, or a single-family detached dwelling, if constructed as a separate building.
3. No more than one accessory dwelling unit may be located on any property on which a single-family detached dwelling already exists.
4. Density and lot size requirements otherwise applicable to the district in which the accessory dwelling unit is located shall not apply to the accessory dwelling unit; if two or more principal dwelling units will be located on a single lot, the dimensional requirements in Section V(C) apply.
5. The accessory dwelling unit shall be subject to the same setback requirements applicable to an accessory building.
6. No additional parking shall be required for any accessory dwelling.
7. The accessory dwelling unit shall be at least 190 square feet in size and no more than 865 square feet or 66 % of the square footage of the principal dwelling, whichever is less.
8. No permit for an accessory dwelling unit may issue until the applicant has provided written verification that the accessory dwelling unit will have adequate connection to water and wastewater services, as required by 30-A M.R.S.A §4364-B(7), as amended.

J. Affordable Housing Developments

In the Village Extension (VE) District, an affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located and may not be required to provide more than two off-street parking spaces for every three dwelling units. In calculating the allowances permitted under this Section, any fractional result shall be rounded down to the nearest whole number. These allowances shall be granted to any such affordable housing development that satisfies the following performance standards:

1. The affordable housing development is located on a property on which multiple family dwellings are permitted;
2. The affordable housing development is located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A see Attachment E;

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3. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and
4. As a condition of final approval, the owner or applicant must execute and record in the Knox County Registry of Deeds a restrictive covenant, in the form of a deed or other recordable instrument, satisfying the following criteria:
 - A. The restrictive covenant must be enforceable by the Town or a party acceptable to the Town;
 - B. The restrictive covenant must remain in full force and effect for a period of at least 30 years;
 - C. The restrictive covenant must provide for the following restrictions on the use of the property: (1) for dwelling units offered for rent, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and (2) for dwelling units offered for sale, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy. If this definition is in conflict with 30-A M.R.S. § 4364(1), as it may be amended, the definition set forth in said statute shall control; and
 - D. The restrictive covenant must provide for reporting to the Town of all initial sales or all rents.

Section VII DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural, and vice versa.

Abutting Property: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

Accessory Use or Structure: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal

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structure or a garage attached to the principal structure by a roof or common wall is considered part of the principal structure.

Accessory Dwelling Unit: A self-contained dwelling unit, featuring living, cooking and bathroom facilities, designed for and occupied by not more than one (1) family and located within, attached to or detached from a single-family dwelling.

Affordable: means (1) for dwelling units offered for rent, a dwelling unit for which a family whose aggregate income is less than 80% of the median income for the area would spend no more than 30% of its monthly income on housing costs; and (2) for dwelling units offered for sale or permanent ownership, a dwelling unit for which a family whose aggregate income does not exceed 120% of the median income for the area would spend no more than 30% of its monthly income on housing costs. For purposes of this definition, “median income for the area” is defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended. For purposes of this definition, “housing costs” include but are not limited to the cost of rent and utilities paid for rental dwelling units and the cost of mortgage principal and interest, real estate taxes and assessments, private mortgage insurance, and condominium and homeowners’ association fees for dwelling units offered for sale.

Affordable housing development: One or more dwelling units on a single property that are offered for rent or sale, provided that at least 51% of such dwelling units are designated as affordable by the owner or developer.

Agricultural Land Management: Those devices and procedures utilized in the cultivation of land to further crop, silvicultural and livestock production.

Automobile Graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 1010, subsection 42, or parts of the vehicles. This includes an area used for automobile dismantling, salvage and recycling operations.

A. “Automobile graveyard” does not include:

- a. An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle’s storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- b. An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist’s activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in sections 3754-A, subsection 5,

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paragraph B, subsection (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

- c. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- d. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
- e. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
- f. An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- g. An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
- h. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Bed and Breakfast: An owner-occupied residential structure in which no more than six sleeping rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multi-family dwelling.

Campground: An area devoted to overnight recreational or educational use, where the land area is divided into lots or sites for which a charge is made; either on a short or long term basis by sale, rent, lease or condominium type of financing.

Campsites (individual/private): An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Cemetery: means a graveyard; burial ground. Place or area set apart for interment of the dead. Term includes not only lots for depositing the bodies of the dead, but also avenues, walks, and grounds for shrubbery and ornamental purposes.

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Church: Any place of worship, regardless of denomination.

Commercial Use: The use of lands, buildings or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. This Use includes Small Scale Solar Energy Systems used for commercial purposes.

Community Living Arrangement: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified by the State. A community living arrangement may include a group home, foster home or immediate care facility. "Disability" has the same meaning as the term "handicap". A community living arrangement is deemed a single-family use of property for the purposes of zoning.

Comprehensive Plan: Any part of the overall plan or policy for the development of the town.

Day Care Center: A state-licensed facility for the daytime care or instruction of more than three pre-school or school aged children, exclusive of children who are residents of the home.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking area, roads and other areas not revegetated.

Driveway: A private vehicular entrance from a road or right-of-way.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking and eating.

Elderly Congregate Housing: A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied by elderly persons as a residential shared living environment. Such housing will normally include small individual apartments, shared community and dining facilities, housekeeping and personal services, and specialized services such as medical support services and physical therapy.

Expansion of a Structure: An increase in the footprint of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Expansion of a Use: The addition of weeks or months to a use's operating season, additional hours of operation, an increase in floor area or ground area devoted to a particular use, or any change that will result in materially increased traffic or other impacts from the use.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or motel

Family Day Care Home: means child care for three to 12 children under 13 years of age (not related by blood or marriage to, or legal wards of, the operator or foster children living in the private family residence; i.e., dwelling unit, serving as the day care home)

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who are unattended by parents or guardians for any part of the day. A family day care home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the Town of South Thomaston.

Forest Management: Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction or creation of roads.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Inn, Lodge, Motel: A building or group of buildings designed and equipped for use as temporary living quarters which may include provisions for living space, cooking, eating and bathing.

Institutional: A building used for some public, governmental, educational, charitable, medical or other similar purpose.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle:

- a) Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
- b) Discarded, scrap and junked lumber; or
- c) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Manufactured Home: A residential dwelling unit designed for transportation, after fabrication, in two or more units, by truck or trailer, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

Marine-Oriented Use: Any non-residential use requiring or substantially benefiting from location on, over or directly adjacent to tidal waters, including, but not limited to: marinas, boat and ship yards, marine related retail and service establishments, launching ramps and facilities, wharves, piers, dealers in sea foods, and aquacultural facilities.

Mobile Home: A detached residential dwelling unit designed for transportation, after fabrication, in one or more units, each on its own chassis, on streets or highways, to the site where it is to be located on a slab or other foundation and which is, after joining of

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the units, placement on the foundation, and connection of utilities, complete and ready for occupancy.

Mobile Home Park. "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes.

Multi-family Dwelling: A building containing three or more attached dwelling units.

Municipal Use: A use of land, structure or building owned or controlled by the Town of South Thomaston or any district, agency or commission thereof, which serves a public purpose.

Outpatient Addiction Treatment Clinic: means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including, but not limited to gambling addiction, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parking Space: An area not less than nine feet wide and eighteen feet long, not including the access thereto, accessible from streets, and usable for the storage or parking of passenger vehicles. A parking space to accommodate the handicapped shall be an area not less than twelve feet wide and eighteen feet long. A parking space may be on an open lot or within a building.

Permitting Authority: The authority (Code Enforcement Officer or Planning Board) designated as the reviewing authority for a particular use or structure, as set forth in the Table of Uses.

Professional Office: Any building which houses the business office of a person or persons who supply a service to the public.

Public Park or Playground: means an area of land or ground, whether enclosed or not, set aside for pleasure, historical markers and monuments, child-play and/ or recreation of the public.

Public Utility: Those essential, public services, such as, but not limited to, water, electricity, telephone, gas and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or the Federal Communications Commission. The provisions of this Ordinance shall apply to those buildings and structures located outside of public rights of way, but shall not apply to those facilities, either above or below ground, lying wholly within public rights of way.

Recreation: Non-commercially operated recreational facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open

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space, mini parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such lands and facilities, but not including campgrounds.

Restaurant: A place for the serving of prepared food and beverages to the public. Restaurant shall not include a "fast food" restaurant serving primarily pre-prepared foods served over the counter or at a drive-up window for consumption off the premises.

School, Public or Private: A place or institution for teaching and learning, which teaches courses of study.

Solar Energy System: A facility whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

A. Large Scale Solar Energy System: for purposes of this Ordinance: a solar energy system that has a physical size based on total airspace projected over the ground equal to or greater than 20,000 square feet; and is structurally attached to the ground.

B. Small Scale Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that has a physical size based on total airspace projected over the ground smaller than 20,000 square feet, or (b) is structurally attached to the roof of an existing or newly constructed building.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, excluding driveways, walkways, patios and other paved surfaces, and fences.

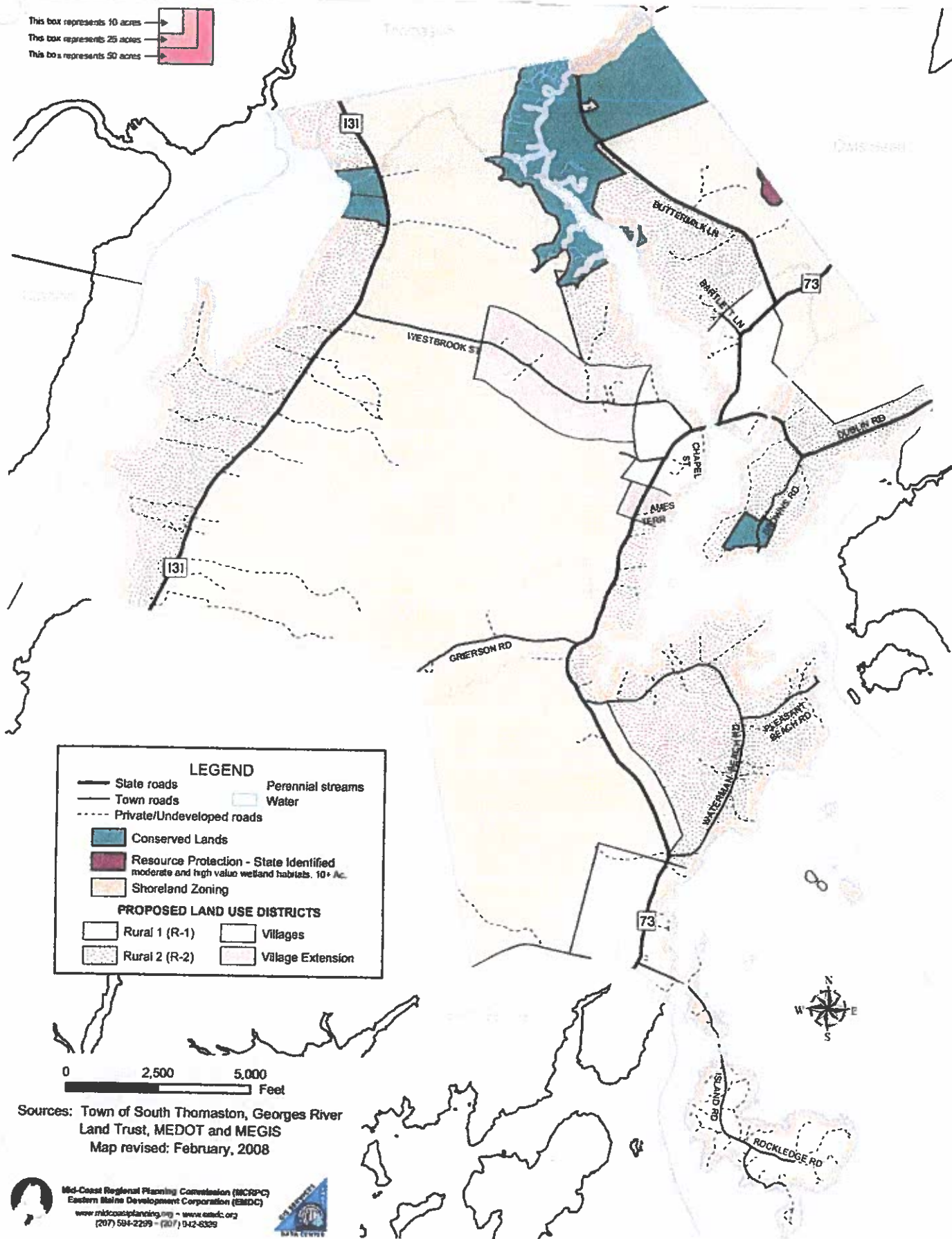
Attest a true copy

*Tern Lynn Baines
Town Clerk*



SOUTH THOMASTON LAND USE DISTRICTS

This box represents 10 acres
 This box represents 25 acres
 This box represents 50 acres



Land Use Permit Application

Town of South Thomaston Code Enforcement Office

125 Spruce Head Road
 POB 147
 South Thomaston, ME
 04858
 (207) 596-6584
 (207) 313-0250
mo@souththomaston.me

For office use only

Date received:	Permit #	Permit Fee \$
Approved By:		Date:

For Applicant

Property Address:		Map	Lot
Owners name		Owners Phone	Email address
Owners address		City	State Zip
Applicant Name (if different from Owner)		Phone	Email address
Contractors Name		Phone	Email address
Cost of Improvements	Construction	Electrical	Plumbing Heating & AC Total Cost

Type of Improvement

<input type="checkbox"/> New Building or Structure	<input type="checkbox"/> Alteration	<input type="checkbox"/> Demolition	<input type="checkbox"/> Change of Use
<input type="checkbox"/> Addition	<input type="checkbox"/> Repair-Replace	<input type="checkbox"/> Relocation	<input type="checkbox"/> Other _____

Measurement of Proposed Structure: _____ FT X _____ FT (If new or replacement)

Is work within 250' of a wetland or Waterbody: YES NO (Circle One)

Is work within 100-year flood plain: YES NO (Circle One)

Plumbing Permit Required: YES NO (Circle One)

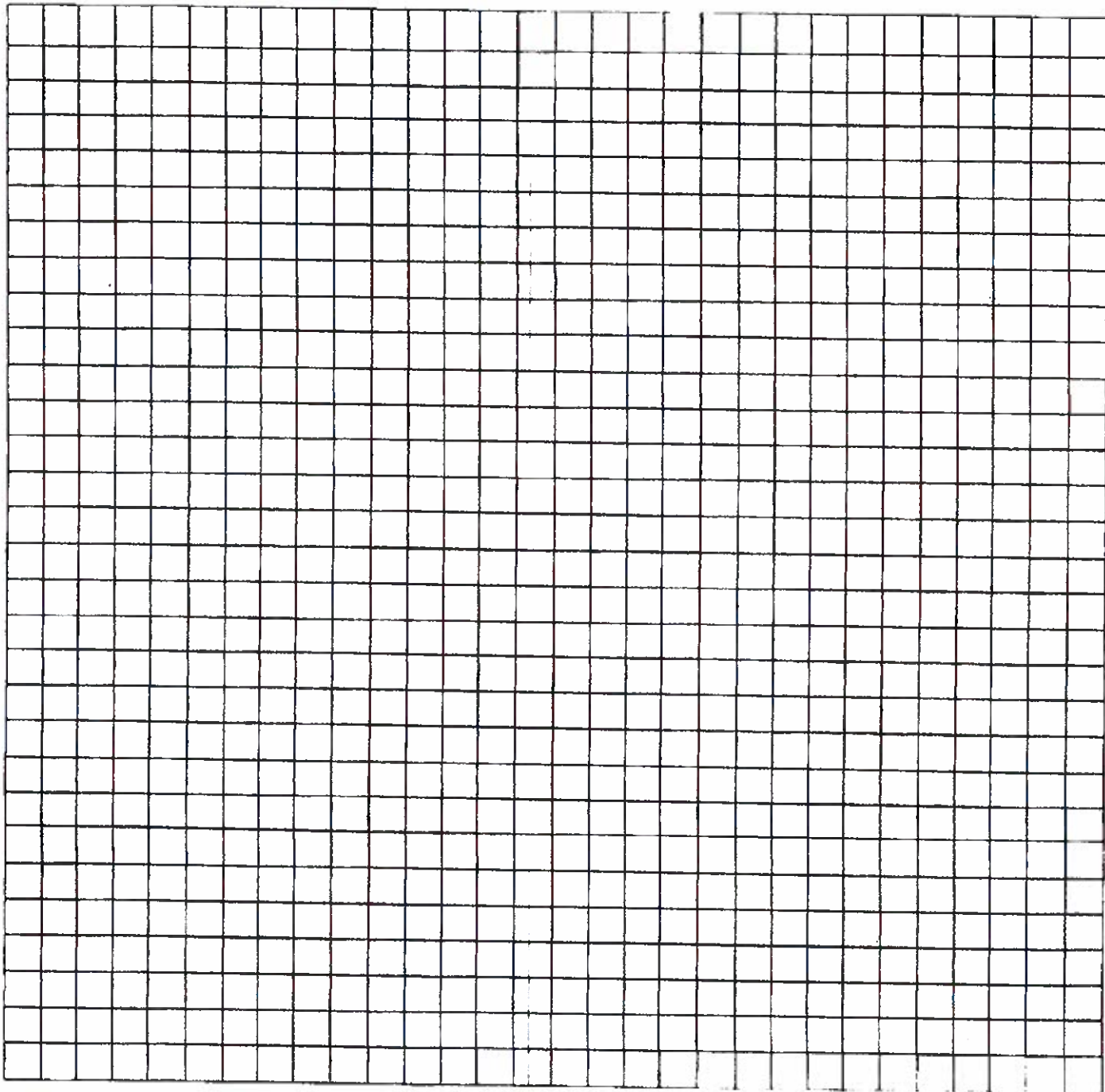
Will a Chimney be built _____ if yes, the chimney must be constructed of solid masonry units or reinforced concrete (this includes the regular brick chimney) or commercial concrete sections or, it may be one of several prefabricated metal chimneys. Every chimney shall be provided with a properly installed clean out opening with a metal door for each flue, where applicable.

Describe in detail the work you will be doing under this permit. (use the back of page 3 if necessary)

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION. I ALSO CERTIFY THAT THE INFORMATION PROVIDED IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION.

Signature of owner or applicant:	Date:
-----------------------------------------	--------------

Plot Plan to include property lines and dimensions, streets and street names, location of proposed building, structure, or addition, existing buildings, proposed and existing driveways, location of septic (if applicable).



Town Of South Thomaston
Application for a Permit from the Planning Board

Applicant _____	Phone (Home) _____
Mailing Address _____	(Work) _____
_____	(Cell) _____
Property Owner _____	Phone (Home) _____
Mailing Address _____	(Work) _____
_____	(Cell) _____
Property Address _____	Map _____ Lot _____
	Book _____ Page _____

_____ If applicant is not the property owner, provide a copy of a leased agreement, sales and purchase agreement subject to Planning Board approval, or other document demonstrating that you have title to the property.

Acreage of Lot _____

Existing use of property _____

Property is zoned as: Resource Protection Stream Protection Rural-Residential General Development
 Commercial Fisheries/Marine Activities General Development Island District Village 1 Village 2 Rural 1 Rural 2

Proposed Use(s) -- Check all that apply

- Subdivision
- Multi Family Residence
- New Commercial Structure or Addition
- Permanent Dock
- Filling or other earth moving greater than 10 cubic yards in Resource Protection or Stream Protection Districts.
- Other _____

1. Site Plan-- Provide a site plan with the following information. A GIS based map will often be a good starting point to provide the information in a scaled format. A hand drawn map may also be acceptable.

- Plot of lot and abutting properties drawn to scale
- North arrow and scale of map
- Location of existing and proposed septic system and well
- Location of footprint of existing and proposed building(s) and/or addition(s)
- Location of water bodies, wetlands, and other natural features such as wooded areas
- Designation of areas that will be cleared
- Location of roads that will provide access to the site
- Location of parking areas, pedestrian access ways, and points of ingress and egress from public streets to the lot
- Location of existing and proposed vegetative and non-vegetative buffers and proposed landscape plantings
- Location of phosphorus buffer or other phosphorus treatment system, if applicable

- _____ Location of existing and proposed outdoor lighting and signs
- _____ Location of shoreland and flood zones, if applicable

2. Provide a narrative explaining the project including proposed use(s). Include hours and days that the proposed business will be open.

3. Provide a copy of the existing septic system HHE-200 form, if available. This can be obtained from the LPI or from the State of Maine at this web address: <https://www1.maine.gov/cgi-bin/online/mecdc/septicplans/index.pl>.

Design flow of septic system _____

4. Provide a copy of the proposed septic system evaluation by a licensed site evaluator if this is deemed necessary by the Town's LPI.

Proposed design flow of septic system _____

Signoff of LPI The existing septic system is / is not adequate and does / does not need review by a licensed site evaluator.

_____ LPI Town of South Thomaston

5. Indicate which permits are required in addition to the Planning Board Permit. The CEO can provide assistance with this.

- _____ Town subdivision
- _____ Town Floodplain Management
- _____ Town Building
- _____ Town Septic
- _____ Town Shoreland
- _____ Town internal plumbing
- _____ DEP NRPA
- _____ DEP Stormwater
- _____ DEP Site Location of Development

- _____ DOT Driveway Entrance
- _____ DOT Traffic Movement Permit
- _____ Fire Marshall's Office
- _____ Dept of Human Services
- _____ U S Army Corp of Engineers
- _____ Other _____

6. a. Provide a copy of the state DOT driveway entrance permit if a new driveway is proposed on a state road or if the DOT determines that a driveway entrance permit is necessary for a change of use.
- b. Provide a copy of the DOT traffic movement permit if it is required.

7. Provide a sketch of the proposed building(s) or addition(s) including height, width, footprint, and floor plan.

8. Verify that lot coverage, lot area, property line and water setbacks requirements, and structure height requirements will be met if additions or new structures are proposed.

Dimensional	Proposed	CEO Initial as Compliant
Percentage of Lot Coverage		
Lot Area		
Property Line Setbacks From Road		
Water or Wetland Setback		
Water Frontage		
Structure Height		

The information provided is accurate to the best of my knowledge.

Signed

_____ Signature of applicant

Date

APPLICATION: Applicant Name: _____

Address _____

PERFORMANCE STANDARDS REVIEW

DATE: _____

GENERAL FINDINGS

Jurisdiction: FINDINGS: Applicant requests Special Exception/Conditional Use under the Land Use Ordinance

The Application for _____ Use in the _____ Zone was determined to be complete

The Applicant has in hand all state and federal permits and approvals that are required. Specifically:

MDOT - Site Determination, Entrance Review and Permit Y or N/A

MDEP - Site Review Y or N/A

MDIFW - Site Review regards impacts on wildlife Y or N/A

OTHERS - Y or N/A

The Planning Board is given jurisdiction to review the application under the Land Use Ordinance.

The proposed Use (_____) is an authorized Use within _____, and may be Conditioned by the Planning Board.

BASED ON THE ABOVE FINDINGS, The Planning Board maintains jurisdiction to review the application before it

VOTE: _____

2. Standing: FINDINGS: The Applicant _____ provided Deed and/or Trust Agreement for _____

South Thomaston, Maine: Map _____ Lot _____ BASED ON THE ABOVE FINDINGS, Applicant has established right, title and interest to the parcel that is the subject of this application and therefore has standing to make application.

VOTE: _____

3. Land Use Ordinance: FINDINGS: This property is within District _____ Applicant is requesting to _____

The proposed operation is defined as a(n) " _____ use".

which is permissible by the Planning Board as a Special Exception/Conditional Use. BASED ON THE ABOVE FINDINGS, the proposed use is a permitted use in _____ and the property is within District _____

VOTE: _____

4. Land Use Ordinance: FINDINGS: Compliance with Dimensional Requirements: "Section V. C. _____ requires at least

_____ Acre(s). This property is _____ Acres. BASED ON THE ABOVE FINDINGS, the application does conform with ordinance dimensional requirements.

VOTE: _____

5. Land Use Ordinance: FINDINGS: "Section VI GENERAL PERFORMANCE STANDARDS: B. Campgrounds: See SLZ Y or N/A

C. Lighting shall be shielded to prevent direct glare on adjoining residential property or public rights of way. Y or N/A

D. Industrial Uses: Outdoor storage of materials, products or vehicles shall be screened from view Y or N/A

E. Off Street Parking: shall provide sufficient spaces as determined by the PB to eliminate on-street parking. Y or N/A # _____

F. Outpatient Addiction Treatment Clinics: Specific conditions in the Land Use Ordinance Apply Y or N/A

BASED ON THE ABOVE FINDINGS, the proposed permit complies with the performance standard, with noted conditions.

VOTE: _____

6. Conformance with Comprehensive Plan: FINDINGS: The Comprehensive Plan does or does not recommend any changes to the zoning in this area. The CP also does or does not recommend any changes to the permitted uses in this District.

BASED ON THE ABOVE FINDINGS, the application does or does not conform to the Comprehensive Plan.

VOTE: _____ Note: if it does not conform to the CP, can additional restrictions/conditions allow approval?

Y or No: Specify additional Conditions: _____

7. Land Use Ordinance: FINDINGS: "IV. G. Special Exceptions (Conditional Uses) 2. Additional Conditions: "the Planning Board

may, in order to carry out the purposes of the Special Exception procedure, require additional conditions, specifications, criteria and standards necessary to protect the public interest and to fit such uses harmoniously and compatibly

into their neighborhoods and locations. Such conditions may include but are not limited to:

(a) Increased setbacks: For this use, State of Maine requires setback from property lines, setback from Rt _____ and from bodies of water Y or No. If Yes: **CONDITIONAL REQUIREMENT: Comply with State of Maine set backs and provide additional setback from any dwelling, existing at the time of permit, totalling _____ ft. Relevant boundary lines will be clearly marked by a licensed surveyor.**

VOTE: _____

(b) Water Y or N/A

Supply: _____

Sewage: _____

Impact on quality/quantity of groundwater: **CONDITIONAL REQUIREMENT:** _____

VOTE: _____

(c) Visual screening: **CONDITIONAL REQUIREMENT:** Operations will not be visible from _____ Y or N/A

Fence(s): **CONDITIONAL REQUIREMENT:** if Operations or equipment storage is visible from adjacent dwellings, fencing or landscaped screening (trees, shrubs and/or bushes) will be installed. Y or N/A

Landscaping Y or N/A

VOTE:

(d) Operations (Consider each and indicate applicability and specifics for each)

Type of Services: Limited to the scope of the application. Increased scope will require a new permit (specifically if this would constitute an increase in scope)

Clientele and Populations:

Staffing:

Security: and See Lighting

Hours of operations: CONDITIONAL REQUIREMENT: Monday - Friday m, Saturday: n:

Daylight Only, no operations on holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day,

Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day Y or N/A

Parking:

Lighting: CONDITIONAL REQUIREMENT: Any Exterior lighting will be designed to ensure safe movement and security by use of motion detectors, but will minimize adverse impact on neighboring properties, including glare and reflections.

Signs: Signs will only be used to ensure safe movement and security. Y or N/A

Noise: CONDITIONAL REQUIREMENT: Noise will not exceed 65DB at the nearest property line. Y or N/A

Dust: CONDITIONAL REQUIREMENT: Operations shall not create an emission of dust or dirt beyond the property line.

This may require resurfacing of the access road, use of water and/or tenting to mitigate the dust and a halt of operations if the wind direction or speed is not favorable for operations. Y or N/A

Odor:

Vibration: CONDITIONAL REQUIREMENT: Use of a " " will be limited to

Applicant (or agent) will notify the CEO

a minimum of 10 days prior to any operations. Y or N/A

Nuisances: See above operational notes and conditions.

VOTE:

(e) Routing of Traffic

Vehicular/pedestrian access: CONDITIONAL REQUIREMENT: Operation will be limited to /day.

Y or N/A

Circulation safe: Access to the site, the public will be restricted and controlled.

Y or N/A

Adequate capacity on other roads:

Y or N/A

Added driveways:

Y or N/A

VOTE:

(f) Professional and safe operation consistent with proposed use

All other approvals

Licenses:

Fire department access: If Yes: CONDITIONAL REQUIREMENT: STh Fire Chief will verify site access is adequate

VOTE:

(g) Size and character is reasonably comparable: CONDITIONAL REQUIREMENT: Applicant will limit activity Y or N/A

and will comply with State of Maine provided guidance for Erosion Control, Groundwater monitoring, fuel storage and reclamation.

VOTE:

(h) Maintenance and inspection of sewage facilities; Y or N/A

VOTE:

(i) Other(s): CONDITIONAL REQUIREMENT: Applicant and agent will comply with all federal and state requirements.

FINDING:

VOTE:

DECISION

Based upon the above findings, and with the specified conditions, the application for approval under the Land Use Ordinance was APPROVED/DENIED by a

VOTE:

NOTE: South Thomaston Land Use Ordinance, Section IV, Paragraph B.5. "... Permits shall not be denied if the proposed

use is found to be in conformance with the provisions of this Ordinance. „”

CONDITIONAL REQUIREMENTS SUMMARY

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT: Hours of Operation:

CONDITIONAL REQUIREMENT: Any Exterior lighting will be designed to ensure safe movement and security, but will minimize adverse impact on neighboring properties, including glare and reflections.

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT:

CONDITIONAL REQUIREMENT: Applicant and agent will comply with all federal and state requirements.

South Thomaston Fee Schedule

as if 02/12/2020

New construction, Reconstruction, Additions, and Placement of Mobile Home

Per Square Foot for new construction of residence, commercial building, pier or wharf (permanent or temp) and placement of mobile home	\$ 0.10
Minimum fee for above up to 1000 Sq. Ft	\$ 75.00
Per Square Foot for reconstruction, expansion of residence, commercial building	\$ 0.10
Minimum fee for above up to 400 Sq. Ft	\$ 30.00
Per Square Foot for residential garage, workshop, etc	\$ 0.10
Minimum fee for above up to 500 Sq. Ft	\$ 30.00

Item	Fee Amount
Change of Use	\$ 25.00
Commercial Business	\$ 50.00
Deck	\$ 0.10/Per Square Foot
Demolition/ Removal	\$ 25.00
Relocation of Structure	\$ 20.00
Sign	\$ 20.00
Fence (over 4' excluding livestock and domestic animal fencing)	\$15.00 up to 100 ft additional 0.10/ per linear foot over 100 ft
Riprap	\$ 25.00
Shed	\$ 25.00
Swimming Pool	\$ 25.00
Timber Harvesting	\$ 25.00

Double Fees:

Start of construction or use without a permit when required will incur a payment of DOUBLE the appropriate fee(s)

**ATTACHMENT E
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TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

November 10, 1993 – The following amendments were adopted this date.

Amended Section V, Sub-Section B., Table of Land Uses (Allowing Manufactured and Mobile Homes in the Village 2 District and deleted Community Living and Elderly Congregate Housing Uses from table).

Amended Section VI, Sub-Section C. Community Living Use, Elderly Congregate Housing. (This sub-section was deleted).

Amended Section VII Definitions (Amended Community Living Arrangement Definition).

March 29th, 2005 - The following amendment was adopted this date.

Section V: C. pg. 11 (last paragraph) now reads: Corner clearance for purposes of traffic safety shall apply to all intersections of public and or private roads and all intersections of driveways with public or private roads. No building or structure other than a mailbox may be located nor may any vegetation other than deciduous shade trees be maintained above the height of three feet above street level within forty feet of the intersection of the center lines of intersecting streets or driveways.

This section amended to read: Corner clearance, for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

March 27th, 2012 – the following amendments/additions/changes was adopted this date:

1. By adding the following categories and corresponding tables of land use restrictions, special exceptions and prohibitions to subsection B. of Section V. of said Ordinance:

"Outpatient Addiction Treatment Clinics"

"Medical Facilities Other Than Professional Office Use":

(Island)	NO
(V-1)	NO
(V-2)	NO
(R-1)	SE
(R-2)	NO

2. Further, by deleting the period, after the last sentence in Section IV., Subsection B., Paragraph (1), after the words "this Ordinance" and adding the following:

; including, but not limited to:

(a) name, address and contact information, including a phone number of the applicant and all other persons having a legal interest in the property, and, when applicable, individual(s) hired by the applicant to manage or control such property;

(b) the location of the premises for which a permit is sought by identification of town tax map number and street address;

(c) the dimensions and acreage of the property;

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

- (d) the identification of any other approvals required by the Town of South Thomaston, by any state or federal agency or department, if any;
- (e) a copy of a site plan, drawn to a scale of 50 feet or less to the inch, which identifies the boundary lines of the property for which a permit is sought;
- (f) the location of all existing and proposed buildings and structures;
- (g) when applicable (see Special Exceptions/Conditional Use), the location of all existing and proposed parking areas and walkways and any other site improvements;
- (h) the location and characteristics of all existing and proposed vegetation and or fencing to be maintained for screening, when required (see Special Exceptions/Conditional Use);
- (i) when applicable (see Special Exceptions/Conditional Use), a site location map at a scale of not greater on 1" to 100' showing all adjoining residential uses and any schools, churches, cemeteries, family day care homes, small day care facilities, day care centers and public parks and play grounds; the location and characteristics of all vehicular entrances and exits serving the property;
- (j) a nonrefundable application fee in accordance with the Town's fee schedule and an original and eight (8) copies of the permit application, and all supporting documentation.

3. Further, by deleting Paragraph 2. "Additional Conditions" in Section IV., Subsection G. of said Ordinance, and inserting the following:

2. Additional Conditions. The Planning Board may, in order to carry out the purposes of the Special Exception procedure, require additional conditions, specifications, criteria, and standards necessary to protect the public interest and to fit such uses harmoniously and compatibly into their neighborhoods and locations. Such conditions may include, but are not limited to:

- (a) increased setbacks and yards;
- (b) specified water supplies or sewage disposal facilities, as well as the impact of the use on the quality and quantity of groundwater available to abutting properties, is comparable to that for surrounding uses, and the capacity of sewerage and water supply systems is adequate to accommodate the proposed use and, where applicable, the capacity of the storm drainage system is adequate to accommodate the proposed use;
- (c) type of vegetation, landscaping, planting screens, installation and maintenance of effective opaque fencing and to provide visual screening at least six feet in height to be located along side and rear property lines that abut properties in residential use;
- (d) periods and methods of operation, including types of services provided, clientele and populations to be served, staffing requirements, security provisions, hours of operation, anticipated parking demand and peak hour traffic; lighting; signs, markings and advertisement; the generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances in comparison to that generated by surrounding uses; that the proposed onsite use shall not be a character as to have significant adverse impact upon the value or quiet possession of surrounding properties.

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(e) routing of traffic, to include vehicular and pedestrian access and circulation to, from, into and within the site that will be safe and no public way will be overburdened or made hazardous as a result of the new use of and or development of the property; that vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development as certified by a licensed traffic engineer; and that topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards set forth in the South Thomaston Land Use Ordinance or applicable State of Maine standards;

(f) professional and safe operation consistent with the proposed use, including: provision of documentation and receipt of all approvals and licenses required by any and all government agencies of competent jurisdiction; that adequate facilities are present to assure the safety of pedestrians passing by or through the site; that municipal or other facilities serving the proposed use will not be overburdened or made hazardous; and the ability of the fire department to provide necessary protection services to the site and development is adequate;

(g) the size and character of proposed use is reasonably comparable to the size of surrounding uses; and unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, do not aggravate or cause adverse impacts upon surrounding properties;

(h) maintenance and inspection of sewage disposal facilities;

(i) and other performance guarantees as specified in the application review process.

Such conditions imposed, and the reasons therefore, shall be written as part of those permits issued by the Planning Board which may involve additional conditions.

4. Further, after category G., of Section VI., "General Performance Standards" of said Ordinance, add the following category:

H. Location Criteria and Public Safety Standards for Outpatient Addiction Treatment Clinics

Applicants for a permit pursuant to Section IV, Subsection G., and this subsection, must demonstrate to the satisfaction of the Planning Board that all the standards contained in this Ordinance, and set forth as additional conditions, are met. No clinic may be located within 1,000 feet of any church, cemetery, school, family day care home, day care center, or public park or playground. A minimum of two meetings per calendar year shall be conducted at the clinic with the applicant, the Code Enforcement Officer, the Sheriff of Knox County and the Chief of the Maine State Police and or their designee, in order to establish and maintain professional cooperation.

5. Further, by adding the following Definitions to Section VII. of said Ordinance:

Cemetery means a graveyard; burial ground. Place or area set apart for interment of the dead. Term includes not only lots for depositing the bodies of the dead, but also avenues, walks, and grounds for shrubbery and ornamental purposes.

Family Day Care Home: means child care for three to 12 children under 13 years of age (not related by blood or marriage to, or legal wards of, the operator or foster children living in the private family residence; i.e., dwelling unit, serving as the day care home) who are unattended by parents or guardians for any part of the day. A family day care

**ATTACHMENT E
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home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the Town of South Thomaston.

Outpatient Addiction Treatment Clinic: means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including, but not limited to gambling addiction, alcohol or controlled substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Public Park or Playground means an area of land or ground, whether enclosed or not, set aside for pleasure, historical markers and monuments, child-play and/ or recreation of the public.

March 27, 2018 – The following amendments were adopted this date.

Section III NONCONFORMANCE

Expansion of Use or Structure

Section F now reads:

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function beyond the boundaries of land in the same ownership on the date of adoption or amendment of this Ordinance. Any addition to a non-conforming building or structure shall not exceed the height of the existing building or structure and shall otherwise comply with the provisions of this Ordinance.

Amended to read:

F. A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function beyond the boundaries of land in the same ownership on the date of adoption or amendment of this Ordinance. Any addition to a non-conforming building or structure shall comply with the provisions of this Ordinance and if applicable the Shore Land Zoning Ordinance. Any addition to a nonconforming building or structure shall not exceed the height of the existing building or structure and shall otherwise comply with the provisions of this Ordinance.

Section IV ADMINISTRATION

Now reads:

A. Building Permits

No building or other structure in excess of 100 square feet of ground coverage shall be erected, moved, added to, or structurally altered without a Building Permit Issued by the Code Enforcement Officer. No on site construction activity shall occur prior to issuance of a Building Permit. No change

**ATTACHMENT E
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or resumption of any use requiring a Building Permit shall occur prior to issuance of a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance. No Building Permit shall be required for clearing to allow surveys and soil tests, and excavating for soil tests. A fee schedule for building and use permits shall be established by the Selectmen.

Amended to read:

A. Applications and Permits Issued

No building or other structure In excess of 100 square feet of ground coverage shall be erected, moved, added to, or structurally altered without a Building Permit Issued by the Code Enforcement Officer. No on-site construction activity shall occur prior to issuance of a Building Permit. No change or resumption of any use requiring a Building Permit shall occur prior to issuance of a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance. No Building Permit shall be required for clearing to allow surveys and soil tests, and excavating for soil tests.

A fee schedule for building and use permits shall be established by the Selectmen.

1. Applications. All applications for Building Permits shall be in writing on forms provided by the Code Enforcement Officer. All applications for Building Permits shall include the location and dimensions of the proposed building or alteration and, as applicable, the proposed sewage disposal system as certified by a registered civil engineer or a plumbing inspector appointed by the Town. The application shall include any information as lawfully maybe required by the Code Enforcement Officer to determine conformance with this Ordinance; including, but not limited to:

(1)(e)

Now Reads:

a copy of a site plan, drawn to a scale of 50 feet or less to the inch, which identifies the boundary lines of the property for which a permit is sought;

Amended to read:

a copy of a site plan, drawn to a scale of 50 feet or less to the inch approved by the Code Enforcement Officer, which identifies the boundary lines of the property for which a permit is sought;

(1)(f)

Now Reads:

the location of all existing and proposed buildings and structures;

Amended to read:

the location of all existing and proposed buildings and, structures and uses;

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(1)(i)

Now Reads:

when applicable (see Special Exceptions/Conditional Use), a site location map at a scale of not greater on 1" to 100' showing all adjoining residential uses and any schools, churches, cemeteries, family day care homes, small day care facilities, day care centers and public parks and play grounds; the location and characteristics of all vehicular entrances and exits serving the property;

Amended to read:

when applicable (see Special Exceptions/Conditional Use), a site location map at a scale of not greater on 1" to 100' approved by the Code Enforcement Officer showing all adjoining residential uses and any schools, churches, cemeteries, family day care homes, small day care facilities, day care centers and public parks and play grounds; the location and characteristics of all vehicular entrances and exits serving the property;

(1)(j)

Now Reads:

a nonrefundable application fee in accordance with the Town's fee schedule and an original and eight (8) copies of the permit application, and all supporting documentation.

Amended to read:

a nonrefundable application fee in accordance with the Town's fee schedule and an **original and**, if required for Planning Board review, eight (8) copies of the permit application, and all supporting documentation.

A, (4)

Now Reads:

Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets conditions a. through i. of the Shoreland Zoning Ordinance, Part II, Section 2, C., 6 and is in conformance with the provisions of Section VI, General Performance Standards, of this Ordinance

Amended to read:

Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented

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to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions of the Shoreland Zoning Ordinance, and is in conformance with the provisions of this Ordinance.

A, (5)

Now Reads:

Procedure for Administering Permits. Within 30 days of the date of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 30 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. Permits may be subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

Amended to read:

5. Procedure for Administering Permits. Within 30 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing

6. Either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 30 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. Permits may be issued subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

A, (7)

Now Reads:

Expiration. The permit shall be valid for a period of one year from the date of issuance and shall expire if the proposed activity is not started. To start construction is to place forms for a foundation, or to begin erection or assembly of an addition, building or structure on the site. An extension of time to start or complete construction shall be granted upon application to and approval by the Board of Appeals for reasonable cause.

Amended to read:

Expiration. The permit shall be valid for a period of one year from the date of issuance and shall expire if the proposed activity is not started. To start construction is to place forms for a foundation, or to begin erection or assembly of an addition, building or structure on the site. An extension of time to start or complete construction shall be granted upon application to and approval by the permit issuing authority for reasonable cause.

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C.

Now Reads:

Code Enforcement Officer.

The Code Enforcement Officer shall report to the Planning Board at all Planning Board meetings, to report all applications and permits issued and any notifications of violations issued. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other actions authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. A copy of such notices shall be maintained by the Code Enforcement Officer as a permanent record.

B. Code Enforcement Officer.

The Code Enforcement Officer shall report to the Planning Board at all Planning Board meetings, all applications and permits issued and any notifications of violations issued. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other actions authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. A copy of such notices shall be maintained by the Code Enforcement Officer as a permanent record.

D. Legal Actions and Violations is amended to C. Legal Actions and Violations

E. Penalties is amended to D. Penalties

F. Appeals is amended to E. Appeals

G Special Exceptions now reads:

G Special Exceptions (Conditional Uses)

A building, structure or lot of land may be employed for a Special Exception (Conditional Use) if the Special Exception is specifically allowed in the district in which the use is proposed; if the building, structure or lot of land meets all required conditions for a Special Exemption; and if a Special Exception Permit is approved by the Planning Board.

Amended to read:

F. Special Exceptions (Conditional Uses)

A building, structure or lot of land may be employed for a Special Exception (Conditional Use) if the Special Exception is specifically allowed in the district in which the use is proposed; if the

**ATTACHMENT E
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building, structure or lot of land meets all required conditions and if a Special Exception Permit is approved by the Planning Board.

G (1)(c)Special Exceptions now reads:

Submit such other information as will enable the Board of Appeals to determine that the standards for approval of a Special Exception Permit have been met.

Amended to read:

F. (1)(c) Special Exceptions (Conditional Uses)

Amended to read:

F. (1)(c) Special Exceptions (Conditional Uses)

Submit such other information as will enable the Planning Board to determine that the standards for approval of a Special Exception Permit have been met.

G (2)(i)Special Exceptions now reads:

and other performance guarantees as specified in the application review process.

Amended to read:

and other required performance guarantees as specified in the application review process.

H. Variances is amended to G. Variances

B. Table of Land Uses now reads:

Key

- YES = Use Allowed, No Permit Required
- BP = Use Allowed, Building Permit Required (issued by Code Enforcement Officer)
- SE = Use Allowed by Special Exception (granted by the Planning Board)
- NO = Use Prohibited

Note: All land uses not allowed by this Ordinance are prohibited.

District Use	Island	V-1	V - 2	R - 1	R - 2
Single Family Dwelling	BP	BP	BP	BP	BP
Two Family Dwelling	BP	BP	BP	BP	BP
Multi-family Dwelling	NO	NO	NO	SE	SE
Manufactured Home *	BP	BP	BP	BP	BP
Mobile Home *	BP	BP	BP	BP	BP

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Home Occupation	YES	YES	YES	YES	YES
Tradesman's Shop	YES	YES	YES	YES	YES
Additions (in excess of 100 square feet ground coverage)	BP	BP	BP	BP	BP
Accessory Use or Structure	BP	BP	BP	BP	BP
Bed and Breakfast, Tourist Home	SE	SE	SE	SE	SE
Agricultural Land Management	YES	YES	YES	YES	YES
Forest Management	YES	YES	YES	YES	YES
Campground	NO	NO	NO	SE	SE
Church	BP	BP	BP	BP	BP
Cemetery	YES	YES	YES	YES	YES
Commercial	NO	SE	SE	SE	SE
Day Care Center	SE	SE	SE	SE	SE
Industrial Uses	NO	NO	NO	SE	NO
Inn, Lodge, Motel	NO	SE	SE	SE	SE
Institutional Uses	SE	SE	SE	SE	SE
Junkyard	NO	NO	NO	SE	NO
Marine-Oriented Use	SE	SE	SE	SE	SE
Municipal Use	BP	BP	BP	BP	BP
Neighborhood Store	SE	SE	SE	SE	SE
Professional Office	SE	SE	SE	SE	SE
Public Utility	SE	SE	SE	SE	SE
Recreation (non-commercial)	SE	SE	SE	SE	SE
Restaurant	SE	SE	SE	SE	SE
School, Public or Private	SE	SE	SE	SE	SE
Outpatient Addiction Treatment Clinics	NO	NO	NO	SE	NO
Medical Facilities Other Than Professional Office Use	NO	NO	NO	SE	NO

* Amended on November 10, 1993

** Amended on March 27, 2012

Amended to read:

Key

- YES = Use Allowed, No Permit Required
- BP = Use Allowed, Permit Required (issued by Code Enforcement Officer)
- SE = Use Allowed by Special Exception (granted by the Planning Board)
- NO = Use Prohibited

Note: All land uses not allowed by this Ordinance are prohibited.

District Use	Island	V-1	V - 2	R - 1	R - 2
Single Family Dwelling	BP	BP	BP	BP	BP
Two Family Dwelling	BP	BP	BP	BP	BP
Multi-family Dwelling	NO	NO	NO	SE	SE
Manufactured Home *	BP	BP	BP	BP	BP

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Mobile Home *	BP	BP	BP	BP	BP
Home Occupation	BP	BP	BP	BP	BP
Additions (in excess of 100 square feet ground coverage)	BP	BP	BP	BP	BP
Accessory Use or Structure	BP	BP	BP	BP	BP
Bed and Breakfast, Tourist Home	SE	SE	SE	SE	SE
Agricultural Land Management	YES	YES	YES	YES	YES
Forest Management	YES	YES	YES	YES	YES
Campground	NO	NO	NO	SE	SE
Church	BP	BP	BP	BP	BP
Cemetery	YES	YES	YES	YES	YES
Commercial	SE	SE	SE	SE	SE
Day Care Center	SE	SE	SE	SE	SE
Industrial Uses	NO	NO	NO	SE	NO
Inn, Lodge, Motel	NO	SE	SE	SE	SE
Institutional Uses	SE	SE	SE	SE	SE
Junkyard	NO	NO	NO	SE	NO
Marine-Oriented Use	SE	SE	SE	SE	SE
Municipal Use	BP	BP	BP	BP	BP
Professional Office	SE	SE	SE	SE	SE
Public Utility	SE	SE	SE	SE	SE
Recreation (non-commercial)	SE	SE	SE	SE	SE
Restaurant	SE	SE	SE	SE	SE
School, Public or Private	SE	SE	SE	SE	SE
Outpatient Addiction Treatment Clinics	NO	NO	NO	SE	NO
Medical Facilities Other Than Professional Office Use	NO	NO	NO	SE	NO

* Amended on November 10, 1993

** Amended on March 27, 2012

***Amended on March 27, 2018

C. Table of Dimensions reads now:

District Dimension				Island	V-1	V - 2	R - 1	R - 2
Minimum	Lot	Area	Per					
Dwelling Unit				1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE
Industrial Uses							3 ACRES	
Campgrounds							3 ACRES	3 ACRES
All Other Uses	Non-Residential			1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE

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HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Maximum Building Height (Feet)					
Residential	34	34	34	34	34
Non Residential	50	50	50	50	50
Corner Clearance (Feet)	40	40	40	40	40

Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.

Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

Amended to Read:

District Dimension	Island	V-1	V - 2	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE
Note: The CEO may issue a permit for a second dwelling unit (such as a "mother-in-law" area) if existing constraints in Maine State Statutes and the Town's Shoreland Zone Ordinance can be met; such as 30,000 square feet (.60 acre)/dwelling unit in the Shoreland Zone, 20,000 square feet (.46 acres)/dwelling unit outside the of the Shoreland Zone, minimum, water frontage/dwelling unit requirements in accordance with State Law and a successful septic-system review by the town's LPI (This exception to the above District Dimension requirements does not otherwise change lot size requirements.)					
Industrial Uses				3 ACRES	
Campgrounds				3 ACRES	3 ACRES
All Other Non-Residential Uses	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE

Maximum Building Height (Feet)					
Residential	34	34	34	34	34
Commercial/Industrial/Agricultural	50	50	50	50	50
Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.					
	40	40	40	40	40

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TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Corner Clearance (Feet)

Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

Section VI GENERAL PERFORMANCE STANDARDS

C: Community Living Use, Elderly Congregate Housing – deleted.

D. Lighting amended to C. Lighting

E. Industrial Uses amended to E. Industrial Uses

F. Off-Street Parking and Loading Standards amended to E. Off-Street Parking and Loading Standards.

G. Off Street Parking and Loading Standards – Deleted

H. Location Criteria and Public Safety Standards for Outpatient Addiction Treatment Clinics amended to F. Location Criteria and Public Safety Standards for Outpatient Addiction Treatment Clinics

Section VII DEFINITIONS

Accessory Use or Structure now reads:

A non residential use or structure of a nature customarily incidental or subordinate to that of the primary use or the principal structure to which the premises are devoted, i.e., garages, woodsheds, fish house, or other non residential uses.

Amended to read:

A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered a part of the principal structure.

Building now reads:

Any structure in excess of 100 square feet of ground coverage having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animal, goods or property of any kind. A building shall include a multi-family dwelling.

Amended to read:

Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animal, goods or property of any kind. A building shall include a multi-family dwelling.

Commercial now reads:

A Retail or Wholesale establishment, other than a restaurant, in excess of 2,000 square feet of ground coverage or 3,000 square feet of total floor area.

Amended to read:

Commercial Use: The use of lands, buildings or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Home Occupation now reads:

An occupation or profession which is customarily carried on in a dwelling unit or structure(s) accessory thereto, which is incidental to residential use, and employs two or fewer full-time equivalent non-family employees.

Amended to read:

An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses: and 2) which employ no more than two (2) persons other than family members residing in the home.

Industrial now reads:

Activities including the assembly, fabrication, finishing, packaging, processing or storage of goods or the extraction, processing or storage of minerals.

Amended to read:

The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Neighborhood Store was deleted.

Professional Office now reads:

Any structure which houses the business office of a person or persons who supply a service to the public.

Amended to read:

Any building which houses the business office of a person or persons who supply a service to the public.

Tradesman's Shop deleted.

June 30, 2020- – The following amendments were adopted this date.

History of Amendments move to the end of the document, as Attachment E

Section II PURPOSE AND ESTABLISHMENT OF DISTRICTS

C. Land Use Maps

Added to the end of the only sentence: "(see Attachment A)."

Section IV ADMINISTRATION

A. Applications and Permits Issued

1. Applications

Added as second sentence: "The permit applications may be updated by the CEO and attached to this document for convenience (see Attachment B).

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

NOW READS:

3. Permits issued by the Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those applications on which he/she is empowered to act within 5 working days. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

4. Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions of the Shoreland Zoning Ordinance, and is in conformance with the provisions of this Ordinance.

5. Procedure for Administering Permits. Within 30 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. All permits shall be either approved or denied in writing within 30 days of receiving a completed application including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. Permits may be issued subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

6. Expiration.

AMENDED TO READ:

3. Procedure for Administering Permits. Within 30 days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance and any other applicable ordinances. Permits may be issued subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of a permit shall be made within 30 days of the approval or denial.

a. Permits issued by the Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those completed applications on which he/she is empowered to act within 5 working days. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance or any other ordinance.

b. Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application including all information requested, grant a permit, within 30 days, if it makes a positive finding based

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions of the Shoreland Zoning Ordinance (if applicable), and is in conformance with the provisions of this Ordinance and all other ordinances.

4. Expiration.

D. ADDED AS LAST SENTENCE: “The Selectboard will periodically establish and publish a Schedule of Fees and Fines which will be attached to this document for convenience (see Attachment D).”

F. Special Exceptions (Conditional Uses)

ADDED AS LAST SENTENCE OF FIRST PARAGRAPH: “The Planning Board will periodically create/update a template (or checklist) for use in this review which will be attached to this document for convenience (see Attachment C).”

Section V DISTRICTS

B. Table of Land Uses

NOW READS:

District Use	Island	V-1	V - 2	R - 1	R - 2
Single Family Dwelling	BP	BP	BP	BP	BP
Two Family Dwelling	BP	BP	BP	BP	BP
Multi-family Dwelling	NO	NO	NO	SE	SE
Manufactured Home *	BP	BP	BP	BP	BP
Mobile Home *	BP	BP	BP	BP	BP
Home Occupation	BP	BP	BP	BP	BP
Additions (in excess of 100 square feet ground coverage)	BP	BP	BP	BP	BP
Accessory Use or Structure	BP	BP	BP	BP	BP
Bed and Breakfast, Tourist Home	SE	SE	SE	SE	SE
Agricultural Land Management	YES	YES	YES	YES	YES
Forest Management	YES	YES	YES	YES	YES
Campground	NO	NO	NO	SE	SE
Church	BP	BP	BP	BP	BP
Cemetery	YES	YES	YES	YES	YES
Commercial	SE	SE	SE	SE	SE
Day Care Center	SE	SE	SE	SE	SE
Industrial Uses	NO	NO	NO	SE	NO
Inn, Lodge, Motel	NO	SE	SE	SE	SE
Institutional Uses	SE	SE	SE	SE	SE
Junkyard	NO	NO	NO	SE	NO
Marine-Oriented Use	SE	SE	SE	SE	SE
Municipal Use	BP	BP	BP	BP	BP
Professional Office	SE	SE	SE	SE	SE
Public Utility	SE	SE	SE	SE	SE
Recreation (non-commercial)	SE	SE	SE	SE	SE
Restaurant	SE	SE	SE	SE	SE
School, Public or Private	SE	SE	SE	SE	SE

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Outpatient Addiction Treatment Clinics	NO	NO	NO	SE	NO
Medical Facilities Other Than Professional Office Use	NO	NO	NO	SE	NO

* Amended on November 10, 1993

** Amended on March 27, 2012

AMENDED TO READ (Note: table Alphabetized, "Automobile Graveyard" added to "Junkyard" and " * , ** " amendment notes deleted)

District Use	Island	V-1	V - 2	R - 1	R - 2
Accessory Use or Structure	BP	BP	BP	BP	BP
Additions (in excess of 100 square feet ground coverage)	BP	BP	BP	BP	BP
Agricultural Land Management	YES	YES	YES	YES	YES
Bed and Breakfast, Tourist Home	SE	SE	SE	SE	SE
Campground	NO	NO	NO	SE	SE
Cemetery	YES	YES	YES	YES	YES
Church	BP	BP	BP	BP	BP
Commercial	SE	SE	SE	SE	SE
Day Care Center	SE	SE	SE	SE	SE
Forest Management	YES	YES	YES	YES	YES
Home Occupation	BP	BP	BP	BP	BP
Industrial Uses	NO	NO	NO	SE	NO
Inn, Lodge, Motel	NO	SE	SE	SE	SE
Institutional Uses	SE	SE	SE	SE	SE
Junkyard or Automobile Graveyard	NO	NO	NO	SE	NO
Manufactured Home	BP	BP	BP	BP	BP
Marine-Oriented Use	SE	SE	SE	SE	SE
Mobile Home	BP	BP	BP	BP	BP
Multi-family Dwelling	NO	NO	NO	SE	SE
Municipal Use	BP	BP	BP	BP	BP
Medical Facilities Other Than Professional Office Use	NO	NO	NO	SE	NO
Outpatient Addiction Treatment Clinics	NO	NO	NO	SE	NO
Professional Office	SE	SE	SE	SE	SE
Public Utility	SE	SE	SE	SE	SE
Recreation (non-commercial)	SE	SE	SE	SE	SE
Restaurant	SE	SE	SE	SE	SE
School, Public or Private	SE	SE	SE	SE	SE
Single Family Dwelling	BP	BP	BP	BP	BP
Two Family Dwelling	BP	BP	BP	BP	BP

C. Table of Dimensions

**Maximum Building Height
(Feet)**

Residential CHANGED FROM 34 to 35 IN ALL DISTRICTS

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Section VII DEFINITIONS

ADDED AFTER “Agricultural Land Management” and before “Bed and Breakfast, Tourist Home”.

“Automobile Graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 1010, subsection 42, or parts of the vehicles. This includes an area used for automobile dismantling, salvage and recycling operations.

A. “Automobile graveyard” does not include:

- a. An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle’s storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- b. An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist’s activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in sections 3754-A, subsection 5, paragraph B, subsection (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- c. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- d. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
- e. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
- f. An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- g. An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle’s storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
- h. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or

**ATTACHMENT E
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TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

storage of equipment or vehicles that are not operational while stored or parked in the area.”

Home Occupation: last sentence “more that two (2) persons” changed to read “more than two (2) persons”.

Junkyard: NOW READS: “A yard, field or other area licensed as a place of storage for the following items, excluding items which are being stored out of doors for household use:

- a) Three or more unserviceable, discarded, worn-out or junked motor vehicles as defined by state law, not including temporary storage by an establishment engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;
- b) Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- c) Discarded, scrap and junked lumber or building materials; or
- d) Old or scrap metals, rope, rags, batteries, paper, rubber, or other solid waste.”

AMENDED TO READ: “A yard, field or other outside area used to store, dismantle or otherwise handle:

- e) Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
- f) Discarded, scrap and junked lumber; or
- g) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.”

ADDED TO THE END OF THE ORDINANCE AS ATTACHMENTS:

Zoning Map	Attachment A
Permit Applications	Attachment B
Permit Review Template	Attachment C
Schedule of Fees and Fines	Attachment D
History of Amendments	Attachment E

June 15, 2021- – The following amendments were adopted this date.

Synopsis: Changes were designed primarily to incorporate the Town approved Comprehensive Plan, (March 30, 2010) recommendations, including the Comprehensive Plan’s updated Zoning Map (Attachment A).

Other changes facilitate consistency between this Ordinance and the Shoreland Zone Ordinance including changing the term “Special Exceptions” to “Conditional Uses”.

Changed “Section II, B. Establishment of Districts” listing from:

Island District	Spruce Head Island
Village – 1 District	Spruce Head Village
Village – 2 District	Keag Village
Rural - 1 District	
Rural - 2 District	

**ATTACHMENT E
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TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

To: Villages District
Village Extension District
Rural - 1 District
Rural - 2 District

Deleted the words “Special Exceptions” in “Section IV A.1.(g), and (h)”

Changed “Section IV A.3.” as indicated:

3. Procedure for Administering Permits. Within ~~30~~ **35** days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make a complete application. *(added): All permits shall be either approved or denied in writing within 35 days of receiving a completed application including all information requested. ...*

Changed “Section IV A.3.a. and b.” as indicated:

a. Permits issued by the Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those completed applications on which he/she is empowered to act *(deleted) within 5 working days. ...*

b. Permits issued by the Planning Board. The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall *(deleted), after the submission of a complete application including all information requested,* grant a permit *(deleted), within 30 days,* if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use meets all conditions *(deleted) of the Shoreland Zoning Ordinance (if applicable),* and is in conformance with the provisions of this Ordinance and all other ordinances.

Changed “Section IV A.4.” as indicated:

4. Expiration. The permit shall be valid for a period of one year from the date of issuance and shall expire if the proposed activity is not started. *(added) If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. ...*

Added to “E. Appeals” in the second paragraph to read:

The Board of Appeals shall hold a public hearing *(added) and an appellate review (see MRSA Title 30-A, paragraph 2691 or as amended),* within 30 days of the appeal. ...

Deleted “Special Exceptions” in every occurrence in “Section IV. F. and G.1.”

Changed “Section V Districts A.1.” from:

**ATTACHMENT E
HISTORY OF AMENDMENTS
TOWN OF SOUTH THOMASTON LANDUSE ORDINANCE**

Island -- Spruce Head Island
Village -1 -- Spruce Head and Spruce Head Village
Village -2 -- Keag Village
Rural -1 -- least restrictive
Rural -2 -- rural, agricultural, open space
Shoreland -- there is a separate Shoreland Zoning Ordinance. Any use within the Shoreland Districts shall, in addition to the standards of this Ordinance, conform to the standards of the Shoreland Zoning Ordinance.

To:

Villages -- Spruce Head, Spruce Head Village and Keag Village (including specific areas abutting the old Village area)
Village Extension -- Village areas designated for multifamily, affordable housing on smaller lots
Rural -1 -- least restrictive
Rural -2 -- rural, agricultural, open space
Shoreland -- there is a separate Shoreland Zoning Ordinance. Any use within the Shoreland Districts shall conform to the standards of the Shoreland Zoning Ordinance.

Changed "Section V Districts A.2." from:

Island District

This district is to protect the critical fresh water resources and limited land area on Spruce Head Island.

Village - 1 District

This district is to establish and preserve a residential village area for Spruce Head Village.

Village - 2 District

This district is to establish residential/village areas and to protect the historic architecture of the Keag Village.

Rural - 1 District

This is the least restrictive district to allow for moderate income housing and a variety of land uses.

Rural - 2 District

This district is meant to preserve the rural/agricultural character, the sweeping beauty and coastal heritage of South Thomaston.

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To:

Villages District

This district is to establish and preserve residential village areas while encouraging continued low impact mixed use businesses following traditional development patterns and maintaining historic characteristics..

Village Extension (VE) District

This district is to promote affordable housing near existing village areas by allowing development on smaller lots.

Rural - 1 District

This is the least restrictive district to allow for moderate income housing and a variety of land uses, but discourages high-density large-scale suburban type development.

Rural - 2 District

This district is meant to preserve the rural/agricultural character, the sweeping beauty and coastal heritage of South Thomaston. Allows lower density residential development, conservation and open space subdivisions.

“Section V Districts B. Table of Land Uses” change “BP” to “CEO” and “SE” to “PB” in all occurrences.

Change “Key”

From: “SE = Use Allowed by Special Exception (granted by the Planning Board)

To: “PB= Use Allowed with conditions (granted by the Planning Board)

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Change Table from:

District Use	Island	V-1	V - 2	R - 1	R - 2
Accessory Use or Structure	BP	BP	BP	BP	BP
Additions (in excess of 100 square feet ground coverage)	BP	BP	BP	BP	BP
Agricultural Land Management	YES	YES	YES	YES	YES
Bed and Breakfast, Tourist Home	SE	SE	SE	SE	SE
Campground	NO	NO	NO	SE	SE
Cemetery	YES	YES	YES	YES	YES
Church	BP	BP	BP	BP	BP
Commercial	SE	SE	SE	SE	SE
Day Care Center	SE	SE	SE	SE	SE
Forest Management	YES	YES	YES	YES	YES
Home Occupation	BP	BP	BP	BP	BP
Industrial Uses	NO	NO	NO	SE	NO
Inn, Lodge, Motel	NO	SE	SE	SE	SE
Institutional Uses	SE	SE	SE	SE	SE
Junkyard or Automobile Graveyard	NO	NO	NO	SE	NO
Manufactured Home	BP	BP	BP	BP	BP
Marine-Oriented Use	SE	SE	SE	SE	SE
Mobile Home	BP	BP	BP	BP	BP
Multi-family Dwelling	NO	NO	NO	SE	SE
Municipal Use	BP	BP	BP	BP	BP
Medical Facilities Other Than Professional Office Use	NO	NO	NO	SE	NO
Outpatient Addiction Treatment Clinics	NO	NO	NO	SE	NO
Professional Office	SE	SE	SE	SE	SE
Public Utility	SE	SE	SE	SE	SE
Recreation (non-commercial)	SE	SE	SE	SE	SE
Restaurant	SE	SE	SE	SE	SE
School, Public or Private	SE	SE	SE	SE	SE
Single Family Dwelling	BP	BP	BP	BP	BP
Two Family Dwelling	BP	BP	BP	BP	BP

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To:

District Use	V	VE	R - 1	R - 2
Accessory Use or Structure	CEO	CEO	CEO	CEO
Additions (in excess of 100 square feet ground coverage)	CEO	CEO	CEO	CEO
Agricultural Land Management	YES	YES	YES	YES
Bed and Breakfast, Tourist Home	PB	PB	PB	PB
Campground	NO	NO	PB	PB
Campsites (individual/private)	CEO	CEO	CEO	CEO
Cemetery	YES	YES	YES	YES
Church	CEO	CEO	CEO	CEO
Commercial				
Less than 10,000 sq. ft.	PB	PB	PB	PB
Greater than 10,000 sq. ft.	NO	NO	PB	NO
Day Care Center	PB	PB	PB	PB
Forest Management	YES	YES	YES	YES
Home Occupation	PB	PB	PB	PB
Industrial Uses	NO	NO	PB	NO
Inn, Lodge, Motel*	PB	PB	PB	PB
Institutional Uses	PB	PB	PB	PB
Junkyard or Automobile Graveyard	NO	NO	PB	NO
Manufactured Home	CEO	CEO	CEO	CEO
Marine-Oriented Use	PB	PB	PB	PB
Mobile Home	CEO	CEO	CEO	CEO
Mobile Home Park	NO	PB	NO	NO
Multi-family Dwelling	NO	PB	PB	PB
Municipal Use	CEO	CEO	CEO	CEO
Medical Facilities Other Than Professional Office Use	NO	NO	PB	NO
Outpatient Addiction Treatment Clinics	NO	NO	PB	NO
Professional Office	PB	PB	PB	PB
Public Utility	PB	PB	PB	PB
Recreation (non-commercial)	PB	PB	PB	PB
Restaurant	PB	PB	PB	PB
School, Public or Private	PB	PB	PB	PB
Single Family Dwelling	CEO	CEO	CEO	CEO
Solar Energy System:				
Large Scale Solar Energy System	NO	NO	PB	NO
Large Scale Solar Energy System (for municipal use)	PB	PB	PB	PB
Small Scale Solar Energy System	YES	YES	YES	YES
Small Scale Solar Energy System (commercial)	BP	BP	BP	BP
Two Family Dwelling	CEO	CEO	CEO	CEO
Uses similar to allowed Uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB

* Inn, Lodge, Motel not allowed on Spruce Head Island

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Change “C. Table of Dimensions” from:

Table of Dimensions

District Dimension	Island	V-1	V - 2	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE

Note: The CEO may issue a permit for a second dwelling unit (such as a “mother-in-law” area) if existing constraints in Maine State Statutes and the town’s Shoreland Zone Ordinance can be met; such as 30,000 square feet (.69 acres)/dwelling unit in the Shoreland Zone, 20,000 square feet (.46 acres)/dwelling unit outside of the Shoreland Zone, minimum water frontage/dwelling unit requirements in accordance with State Law and a successful septic-system review by the town’s LPI. (This exception to the above District Dimension requirements does not otherwise change lot size requirements.)

Industrial Uses				3 ACRES	
Campgrounds				3 ACRES	3 ACRES
All Other Non-Residential Uses	1 ACRE	1 ACRE	1 ACRE	1 ACRE	1 ACRE

Maximum Building Height (Feet)

Residential	35	35	35	35	35
Commercial/Industrial/Agricultural	50	50	50	50	50

Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.

Corner Clearance (Feet)	40	40	40	40	40
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Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the

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To:

Table of Dimensions

District Dimension	V	VE	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	$\frac{1}{2}$ (decreased) ACRE	1 ACRE	1 ACRE

The CEO may issue a permit for a second dwelling unit (such as a "mother-in-law" area) if existing constraints in Maine State Statutes can be met, such as 20,000 square feet (.46 acres)/dwelling unit and a successful septic-system review by the town's LPI. (This exception to the above District Dimension requirements does not otherwise change lot size requirements.)

Properties with multiple Uses must comply with the most restrictive lot size. (added)

Industrial Uses			3 ACRES	
Campgrounds			3 ACRES	3 ACRES
All Other Non-Residential Uses	1 ACRE	1 ACRE	1 ACRE	1 ACRE

Maximum Building Height (Feet)

Residential	(changed)	35	35	35	35
Commercial/Industrial/Agricultural		50	50	50	50

Building Height is the vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys, ventilators, antennas and flagpoles.

Corner Clearance (Feet)	40	40	40	40
--------------------------------	----	----	----	----

Corner Clearance for purposes of traffic safety, shall apply to all intersections of public roads with private roads or driveways. No structure other than a mailbox may be located, nor may any vegetation, other than deciduous shade trees, be maintained above the height of three feet above street level within forty feet of the center of the intersection.

Added to "Section VI General Performance Standards B. Campgrounds and C. Campsites (individual/private)" to read:

B. Campgrounds:

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

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(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland..

C. Campsites (individual/private):

Individual private campsites not associated with campgrounds are allowed for temporary habitation, provided the following conditions are met (note: recreational vehicles, tents or similar shelters stored or parked and **not normally used for habitation** (less than 5 consecutive days) is not restricted by this ordinance):

(1) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(2) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(3) When a recreational vehicle, tent or similar shelter is placed on-site, for habitation, more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal.

Added to "Section VI General Performance Standards H. Solar Energy Systems" to read:

H. Solar Energy Systems

All Solar Energy Systems, where permitted, shall meet the following performance standards:

1. Dimensional Requirements.

- A. No Solar Energy System may exceed 25 feet in height if structurally attached to the ground.
- B. Large-Scale Solar Energy Systems must be set back no less than 50 feet from all property lines.

2. Screening, Security, Maintenance and Regulatory Compliance (Large-Scale Solar Energy Systems) Large-Scale Solar Energy Systems shall meet the following additional performance standards at all times.

- A. The System shall be reasonably buffered from roads and residences by plantings, berms, or natural topographical features.

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B. The System shall be protected by a perimeter fence. One or more signs shall be affixed to the fence identifying the owner of the facility and emergency contact information.

C. For purposes of emergency services, the owner or operator of the System shall provide a copy of the project summary, electrical schematic, and site plan to the South Thomaston Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation.

D. The owner or operator of the System shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the South Thomaston Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way.

E. The owner or operator of the System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

3. Performance Guarantee: After Planning Board approval but before a permit is issued, the applicant for a Large Scale Ground Mounted Solar Energy System shall submit to the Town of South Thomaston a performance guarantee in the amount of 150% of the applicant's estimated demolition cost of the system, subject to a review and approval of such cost by the Code Enforcement Officer. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures in accordance with this Ordinance and any decommissioning plan provided to the Town, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

4. Decommissioning and Removal

A. Any Large-Scale Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed. For Large-Scale Solar Energy Systems, removal shall be conducted pursuant to a plan approved by the Planning Board during the application process. The owner or operator shall complete removal of the installation within 180 days after the date of discontinued operations. For Large-Scale systems, the owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the date of the discontinued operations and plans for removal.

B. Decommissioning shall consist of:

(1) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;

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(2) disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and

(3) stabilization or re-vegetation of the site as necessary to minimize erosion.

The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, Large Scale Ground Mounted Solar Energy Systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Code Enforcement Officer. Determinations of abandonment shall be made by the Code Enforcement Officer.

D. If the owner or operator of a Large-Scale Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the date of decommissioning, the Town of South Thomaston retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed. Any removal costs not covered by a performance guarantee shall be chargeable to the owner and/or operator, and any legal fees or other costs of collection shall be payable by the owner and/or operator.

Added to "Section VII Definitions"

Campites (individual/private): An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Commercial Use: The use of lands, buildings or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. (Added) This Use includes Small Scale Solar Energy Systems used for commercial purposes.

Mobile Home Park. "Mobile home park" means any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more mobile homes.

Solar Energy System: A facility whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

A. Large Scale Solar Energy System: for purposes of this Ordinance: a solar energy system that has a physical size based on total airspace

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projected over the ground equal to or greater than 20,000 square feet; and is structurally attached to the ground.

B. Small Scale Solar Energy System: for purposes of this Ordinance: (a) a solar energy system that has a physical size based on total airspace projected over the ground smaller than 20,000 square feet, or (b) is structurally attached to the roof of an existing or newly constructed building.

June 2024 Amendments

Section III NONCONFORMANCE

A. Purpose

It is the intent of this ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

General

1. Transfer of Ownership. Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

1. Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. Expansion. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure or cause any new nonconformity.

2. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that all setbacks are met to the greatest practical extent as determined by the permitting authority, basing its decision on the criteria specified in subsection 3(C) Relocation, below.

3. Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the

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permitting authority. In no case shall a structure be relocated in a manner that causes the structure to become more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

4. Reconstruction or Replacement. Any nonconforming structure which is removed or damaged or destroyed, regardless of the cause, by over 50% of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of such damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with applicable dimensional requirements to the greatest practical extent as determined by the permitting authority in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity or to cause a new nonconformity.

Any nonconforming structure that is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

5. Change of Use of Nonconforming Structure. The use of a nonconforming structure may not be changed to another use unless the applicable permitting authority, after receiving a written application, determines that the new use will have no greater adverse impact on the surrounding neighborhood and the environment than the existing use. In determining that no greater adverse impact will occur, the permitting authority shall require written documentation from the applicant regarding the probable effects on public health and safety, nuisance, traffic, noise, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, and archaeological and historic resources, as applicable.

D. Nonconforming Uses

- 1. Expansions.** Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the permitting authority, be expanded within existing residential structures or within permitted expansions of such structures.
- 2. Resumption Prohibited.** A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the permitting authority may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not be used to apply to the resumption of residential use of a structure.
- 3. Change of Use.** An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact

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on the subject and adjacent property and resources. In determining that no greater adverse impact will occur, the permitting authority shall require written documentation from the applicant regarding the probable effects on public health and safety, nuisance, traffic, noise, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, and archaeological and historic resources, as applicable.

D. Nonconforming Lots

1. A nonconforming lot of record as of the effective date of this Ordinance or relevant amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met.
2. **Contiguous Built Lots.** If two or more contiguous lots or parcels are in a single or joint ownership of record as of the effective date of this Ordinance or relevant amendment thereto, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that each lot meets the State Minimum Lot Size Law (12 M.R.S. §§ 4807-A through 4807-D and the State of Maine Subsurface Wastewater Disposal Rules.
3. **Two Structures or Uses on One Lot.** If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance or relevant amendment thereto, each may be sold on a separate lot provided that the each lot thus created is as conforming as possible to the dimensional requirements of this Ordinance and complies with the State Minimum Lot Size Law (12 M.R.S. §§ 4807-A through 4807-D and the State of Maine Subsurface Wastewater Disposal Rules.
4. **Contiguous Lots – Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record as of or since the enactment of this Ordinance or relevant amendment thereto, and any of these lots do not individually meet the dimensional requirements of this Ordinance, and if one or more of the lots are vacant or contains no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section IV ADMINISTRATION

A. Applications and Permits Issued

No building or other structure in excess of 100 square feet of ground coverage shall be erected, moved, added to, demolished, or structurally altered without a Building Permit Issued by the Code Enforcement Officer. Building permits shall also be required for swimming pools. No on-site construction activity shall occur prior to issuance of a Building Permit. No change or resumption of any use requiring a Building Permit shall occur prior to issuance of a Building Permit. No Building Permit shall be issued except in conformity with the provisions of this Ordinance. No Building Permit shall be required for clearing to allow surveys and soil tests, and excavating for soil tests.

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Solar Energy System:				
Large Scale Solar Energy System	NO	NO	PB	NO
Large Scale Solar Energy System (for municipal use)	PB	PB	PB	PB
Small Scale Solar Energy System	YES	YES	YES	YES
Small Scale Solar Energy System (commercial)	BP	BP	BP	BP
Two Family Dwelling	CEO	CEO	CEO	CEO
Uses similar to allowed Uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB

* Inn, Lodge, Motel not allowed on Spruce Head Island

**The area of a Commercial Use shall be determined by the Planning Board and shall include all areas of the parcel and any contiguous parcels actively used in support of a commercial use, including but not limited the footprint of buildings, outdoor seating, display or storage areas, and parking areas.

A. Table of Dimensions

District Dimension	V	VE	R - 1	R - 2
Minimum Lot Area Per Dwelling Unit	1 ACRE	1/2 ACRE	1 ACRE	1 ACRE

Notwithstanding these requirements, additional dwelling units may be permitted as follows:

- a. Up to four dwelling units may be constructed on any vacant property located in the VE District;
- b. Up to two dwelling units may be constructed on any vacant property located in any other district; and
- c. In any district, up to two additional dwelling units may be constructed on any property on which one dwelling unit currently exists, with one additional dwelling unit within or attached to the existing structure or one additional detached dwelling unit, or one of each.

Additional dwelling units permitted in accordance with this section must satisfy the following standards:

- a. All additional dwelling units shall be subject to the same dimensional and setback requirements as single-family dwellings;
- b. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each additional dwelling unit is or will be connected to adequate water and wastewater services; and

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- c. The dwelling unit(s) must be located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A (see Attachment E):

Properties with multiple Uses must comply with the most restrictive lot size.

D. Off-Street Parking and Loading Standards:

1. Applicability. For all new construction, additions and changes of use, there shall be provided off-street parking and loading space adequate for their use, according to the following standards.

2. Standards. No off-street parking lot shall have more than two entrances on the same street. Parking lots with more than four spaces shall be arranged so that vehicles can be turned around within such area and are prevented from backing into the street.

Use	Number of Off-Street Spaces Required
Residential Uses	At least two parking spaces for the first dwelling unit on a lot, and one additional parking space for each additional dwelling unit on the lot, excluding Accessory Dwelling Units. See Subsection (J) for parking requirements applicable to Affordable Housing Developments.
Any Land Use	Sufficient parking spaces, as determined by the Code Enforcement Officer or the Planning Board, to eliminate the necessity of on-street parking.
Any Use Requiring Loading Bays for Trucks, Trailers or Containers	Sufficient loading bays so arranged that no truck, trailer or container need be loaded or stored so as to obstruct a public way

H. Accessory Dwelling Units

Accessory dwellings shall be subject to Code Enforcement Officer review and shall be permitted subject to the following standards:

1. The accessory dwelling unit may be constructed in any district in which residential uses are permitted and may be located within an existing dwelling, attached to an existing single-family detached dwelling unit or as a separate accessory building.
2. The accessory dwelling unit shall be subject to the same permitting requirements as a dwelling unit if located within or attached to an existing dwelling, or a single-

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family detached dwelling, if constructed as a separate building.

3. No more than one accessory dwelling unit may be located on any property on which a single-family detached dwelling already exists.

4. Density and lot size requirements otherwise applicable to the district in which the accessory dwelling unit is located shall not apply to the accessory dwelling unit; if two or more principal dwelling units will be located on a single lot, the dimensional requirements in Section V(C) apply.

5. The accessory dwelling unit shall be subject to the same setback requirements applicable to an accessory building.

6. No additional parking shall be required for any accessory dwelling.

7. The accessory dwelling unit shall be at least 190 square feet in size and no more than 865 square feet or 66 % of the square footage of the principal dwelling, whichever is less.

8. No permit for an accessory dwelling unit may issue until the applicant has provided written verification that the accessory dwelling unit will have adequate connection to water and wastewater services, as required by 30-A M.R.S.A §4364-B(7), as amended.

I. Affordable Housing Developments

In the Village Extension (VE) District, an affordable housing development may be allowed at least 2.5 times the base density otherwise permitted within the district in which it is located and may not be required to provide more than two off-street parking spaces for every three dwelling units. In calculating the allowances permitted under this Section, any fractional result shall be rounded down to the nearest whole number. These allowances shall be granted to any such affordable housing development that satisfies the following performance standards:

1. The affordable housing development is located on a property on which multiple family dwellings are permitted;
2. The affordable housing development is located on a property that complies with the minimum lot size requirements of 12 M.R.S.A. c. 423-A see Attachment E;
3. The owner or applicant must provide written verification, in accordance with 30-A M.R.S.A. § 4364-A(4) and any rules or regulations adopted pursuant thereto, that each dwelling unit is or will be connected to adequate water and wastewater services; and
4. As a condition of final approval, the owner or applicant must execute and record in the Knox County Registry of Deeds a restrictive covenant, in the form of a deed or

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other recordable instrument, satisfying the following criteria:

- A. The restrictive covenant must be enforceable by the Town or a party acceptable to the Town;
- B. The restrictive covenant must remain in full force and effect for a period of at least 30 years;
- C. The restrictive covenant must provide for the following restrictions on the use of the property: (1) for dwelling units offered for rent, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 80% of the local area median income at the time of initial occupancy; and (2) for dwelling units offered for sale, that all dwelling units designated as affordable shall be occupied by families whose aggregate income is equal to or less than 120% of the local area median income at the time of initial occupancy. If this definition is in conflict with 30-A M.R.S. § 4364(1), as it may be amended, the definition set forth in said statute shall control; and
- D. The restrictive covenant must provide for reporting to the Town of all initial sales or all rents.

Section VII DEFINITIONS

Accessory Dwelling Unit: A self-contained dwelling unit, featuring living, cooking and bathroom facilities, designed for and occupied by not more than one (1) family and located within, attached to or detached from a single-family dwelling.

Affordable: means (1) for dwelling units offered for rent, a dwelling unit for which a family whose aggregate income is less than 80% of the median income for the area would spend no more than 30% of its monthly income on housing costs; and (2) for dwelling units offered for sale or permanent ownership, a dwelling unit for which a family whose aggregate income does not exceed 120% of the median income for the area would spend no more than 30% of its monthly income on housing costs. For purposes of this definition, “median income for the area” is defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended. For purposes of this definition, “housing costs” include but are not limited to the cost of rent and utilities paid for rental dwelling units and the cost of mortgage principal and interest, real estate taxes and assessments, private mortgage insurance, and condominium and homeowners’ association fees for dwelling units offered for sale.

Affordable housing development: One or more dwelling units on a single property that are offered for rent or sale, provided that at least 51% of such dwelling units are designated as affordable by the owner or developer.

Expansion of a Structure: An increase in the footprint of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

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Expansion of a Use: The addition of weeks or months to a use's operating season, additional hours of operation, an increase in floor area or ground area devoted to a particular use, or any change that will result in materially increased traffic or other impacts from the use.

Permitting Authority: The authority (Code Enforcement Officer or Planning Board) designated as the reviewing authority for a particular use or structure, as set forth in the Table of Uses.

