

Town of Hampden
Planning and Development Committee
Wednesday November 2, 2016, 6:10 pm

Municipal Building Council Chambers

Agenda

1. Approval of October 19, 2016 Minutes
2. Committee Applications:
3. Updates:
 - A. Status of MRC/Fiberight
4. Old Business:
 - A. Business Park TIF – Planner K. Cullen
5. New Business:
6. Zoning Considerations/Discussion
 - A. Continued Discussion of draft use table in the Zoning Ordinance
 - B. Discussion of draft home occupation language
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn



Town of Hampden
Planning and Development Committee
Wednesday October 19, 2016, 6:00 pm
Municipal Building Council Chambers
Minutes – Draft

Attending:

Committee/Council

Ivan McPike-Chair
David Ryder, Mayor
Terry McAvoy
Mark Cormier
Dennis Marble
Stephen Wilde

Staff

Angus Jennings, Town Manager
Karen Cullen, Town Planner
Myles Block, Code Enforcement Officer

Public

none

Chairman McPike called the meeting to order at 6:00 p.m.

1. Approval of September 21, 2016 Minutes – Motion to approve as presented made by Councilor Wilde with second by Councilor Marble; carried 6/0/0.
2. Committee Applications: None.
3. Updates:

A. Status of MRC/Fiberight

Town Manager Jennings and Planner Cullen gave an update on the project, primary points included:

- Town has recently received revised plans for the road and sewer which are being reviewed by our engineers, there are a number of changes to the plans from those previously submitted;
- Expect work to begin very soon on the first phase of road construction, which is to build one lane of the road to sub-base gravel;
- Preconstruction meeting was held last week and went well;
- MRC is holding a groundbreaking ceremony on Wed Oct 26 at 9:30 am at the road entrance at Coldbrook Road.

Aside: Sargent is getting started on the east road (East Cary Drive); the bond reduction for Carey Circle is being processed shortly and they will be putting up a bond for East Cary Drive.

4. Old Business:

- A. Business Park TIF: Planner Cullen handed out a map of the business park with the parcels noted as to whether they are designated in the Development Agreement as to be included in the TIF (light purple), excluded from the TIF (dark purple), or were already developed and thus not to be included in the TIF (blue). Policy question for TC – should the TIF district include the “excluded” (dark purple) parcels as well as the “included” parcels? A discussion took place with the main points:
- To be competitive in marketing the “excluded” (dark purple) parcels, Epstein would like them to be included in the TIF.
 - Staff understands that inclusion of a property in the TIF district does not obligate the town to enter into a credit enhancement agreement (CEA) on that parcel, it provides the option to do so.
 - If the “excluded” (dark purple) parcels are included in the TIF district and the town enters a CEA, that would give those parcels a strong competitive advantage relative to the other parcels – internal competition among the business park parcels.
 - Want to incentivize business in town to get more businesses in, that would then benefit taxpayers. It’s important how the marketing is managed; sequencing of parcel sales.
 - If the “excluded” (light purple) parcels are included in the TIF district, they will probably sell first.
 - As it stands now, no purchaser of any lot in the park will get any tax benefit, only Sargent will (per the Development Agreement). Furthermore, the building has to be valued at \$500,000 or more for 50% of the taxes to go to Sargent, and if it hits that threshold then the entire value of the building is counted.
 - The current arrangement per the Development Agreement makes it very difficult for us to offer an incentive to purchasers of the “included” (light purple) parcels for a period of ten years, putting Hampden at a competitive disadvantage to other towns.
 - Sargent has indicated they don’t mind if we include the “excluded” (dark purple) parcels in the TIF.
 - Consensus – include the “excluded” (dark purple) parcels in the TIF District. No decision to be made tonight; these parcels can be removed later if need be.
 - Aside: covenants are in place and are thought to be restrictive to development; buffer along Route 202 is unattractive.
 - Land use question: restaurants are allowed per zoning; what are your thoughts about marketing specifically for restaurants. Is that part of the vision for the park? Would it have the potential for competition with town center?
 - Staff is working on a list of eligible uses for the TIF funds.
 - Timeframe: to DECD by end of Feb; our goal is to get the whole TIF to P&D Dec 7 or 21 for referral to TC.

5. New Business: None.
6. Zoning Considerations/Discussion:
 - A. Format of Use listings in zoning ordinance – Planner Cullen led a discussion of the use listings in the ordinance; currently set up as paragraph format by district, conversion to table format allows reader (property owners, town officials and staff) to more readily and easily understand what is allowed where. Karen drafted a use table for Hampden using all of the existing districts and the current uses (by right, with site plan approval, and by conditional use) and presented it for discussion to the Committee. She and Town Manager Jennings pointed out a number of issues that were uncovered by putting the uses into table form, including inconsistencies between uses, districts, and in at least one case state law. Karen also noted there are 26 footnotes which are qualifiers to some of the uses in some of the districts. This is a work in progress but staff would like direction on whether to continue work on this or if Council prefers the existing paragraph format. Consensus of the Committee is to keep working on this, the table format is better than the paragraph format.
 - B. Ballot Question 1, retail marijuana – Planner Cullen said that in the event question 1 passes on Nov 8th, staff needs to be prepared with the direction Council would like to go with the whole retail marijuana issue. While the Town cannot regulate the use of marijuana, we do have the option to either prohibit or regulate (or neither) any or all of the five retail marijuana categories included in the Act: stores, social clubs, cultivation facilities, product manufacturing, or testing facilities. It was noted the Act provides a 9 month period for the state to adopt rules, and we understand the Town can rightfully reject any applications for any retail marijuana establishments during that time; this gives us time to draft and adopt local regulations or a moratorium in the event that becomes necessary. After the election we'll know how Hampden voters feel about it, which might inform Council's decision. After discussion it was the consensus of the Committee that if question 1 passes, staff should be prepared to proceed with regulating retail marijuana businesses.

Planner Cullen also noted the town has the option to issue local licenses for such establishments; CEO Myles Block said an argument in favor of licensing is the benefit of having an annual inspection requirement.
7. Citizens Initiatives: None.
8. Public Comments: None.
9. Committee Member Comments: None.
10. Adjournment: Motion to adjourn at 7:06 by Councilor Marble; seconded by Mayor Ryder, carried 6/0/0.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

Town of Hampden
RECEIVED

OCT 27 2016

Office of the
Town Clerk

DEPARTMENT ORDER

IN THE MATTER OF

MUNICIPAL REVIEW COMMITTEE, INC.)	NATURAL RESOURCES PROTECTION ACT
AND FIBERIGHT, LLC)	WATER QUALITY CERTIFICATION
Hampden, Penobscot County)	
COMPENSATION MODIFICATION)	MINOR REVISION
L-26497-TG-C-M (approval))	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of MUNICIPAL REVIEW COMMITTEE, INC. AND FIBERIGHT, LLC with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-26497-NJ-A-N/L-26497-TG-B-N, dated July 14, 2016, the Department approved the construction of a stormwater management system for a 30-foot wide by 4,460-linear foot long road and utility corridor to access a proposed solid waste and recycling facility and other potential development in the future on an approximately 90-acre parcel of land. The proposed project will directly impact 105,000 square feet of forested wetland to construct the proposed solid waste facility, access road, and utility corridor. To compensate for the wetland impacts, the Department approved the preservation of an 80-acre parcel. The project site is located off Coldbrook Road in the Town of Hampden.

B. Summary: The applicants are proposing to modify the wetland compensation package from the preservation of an 80-acre parcel to making a contribution to the In-Lieu Fee (ILF) program of the Maine Natural Resource Conservation Program (MNRCP). The total ILF contribution of \$291,124 will be paid in three stages. To date, the applicants have submitted an ILF payment of \$87,600 for impact due to the construction of the access road. Additionally, \$131,400 must be paid prior to starting construction of the solid waste facility; and \$72,124 must be paid prior to the start of the construction of the utility corridor.

C. Current use of Site: The site of the proposed project is a mix of sports fields, agricultural fields, and forestland with an existing gravel road. There are no structures on the property.

2. FINDING:

The proposed change is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Department Order #L-26497-NJ-A-N/L-26497-TG-B-N.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 480-A et seq. and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life, provided the applicants make the contributions to the In-Lieu Fee (ILF) program as described in Finding 1.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S.A. Section 480-P.

THEREFORE, the Department APPROVES the application of MUNICIPAL REVIEW COMMITTEE, INC. AND FIBERIGHT, LLC to modify the wetland compensation plan as described in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.

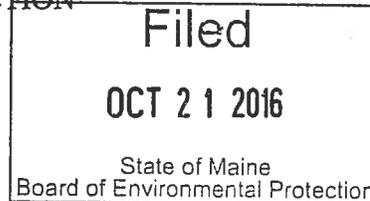
2. In addition to any specific erosion control measures described in this or previous orders, the applicants shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
4. Prior to the start of construction of the solid waste facility, the applicants shall submit a payment in the amount of \$131,400, payable to "Treasurer, State of Maine", to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.
5. Prior to the start of utility corridor construction, the applicants shall submit a payment in the amount of \$72,124, payable to "Treasurer, State of Maine", to the attention of the ILF Program Administrator at 17 State House Station, Augusta, Maine 04333.
6. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L- L-26497-NJ-A-N/L-26497-TG-B-N are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 21ST DAY OF OCTOBER, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Paul Mercer*
 For: Paul Mercer, Commissioner



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

TL/L26497CM/ATS#80948

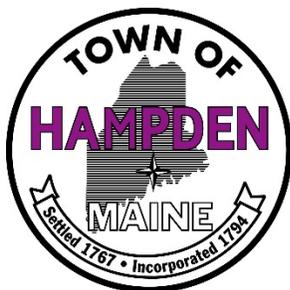


Natural Resources Protection Act (NRPA) Standard Conditions

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. § 480-A ET SEQ., UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. Approval of Variations From Plans. The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. Compliance With All Applicable Laws. The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Erosion Control. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. Compliance With Conditions. Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other the specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. Time frame for approvals. If construction or operation of the activity is not begun within four years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- F. No Construction Equipment Below High Water. No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- G. Permit Included In Contract Bids. A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- H. Permit Shown To Contractor. Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.

Revised (12/2011/DEP LW0428)



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner *KME*
Date: October 31, 2016
RE: Draft list of eligible uses for Business Park TIF

On the following pages you will find a draft of the eligible uses for expenditure of TIF funds by the municipality for projects that will benefit economic development within the town. You will see the chart includes statute citations which give the authority to expend TIF funds for these various project types. The list is purposefully broad to allow flexibility given the time frame involved. As of yet I do not have any estimated costs for these projects, they will be filled in as we work with our consultants on the development of the TIF. The "Common Projects" column will also be filled in at a later date, it is to list other TIFs that have the same or similar eligible projects listed.

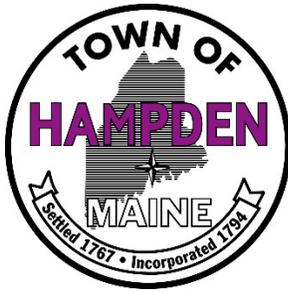
We will be discussing this in detail at the meeting on Wednesday.

List of eligible uses for business park TIF funds:

Draft, v2, 10/31/16

Project	Eligibility Under Title 30-A	Estimated Cost	Common Projects
TIF Administration and Organization Costs – associated costs and pro-rated salaries of municipal employees and consultants in connection with implementing and administering this Development Program and related Credit Enhancement Agreement	§5225(1)(A)(5) §5225(1)(A)(7)		Emera TIF
Stormwater Improvements – costs of catch basin (SW-1) and outfall (SW-2) repair within Urbanized area	§5225(1)(B)(1)		
Stormwater (MS4) - Impaired watershed management plans for Shaw Brook (SW-3) and Sucker Brook (SW-4)	§5225(1)(B)(1)		
Roadway Improvements – to accommodate additional wear and tear due to increased commercial traffic in and around the commercial and industrial areas, including feasibility, engineering, permitting, and legal costs. Such projects may include but are not limited to the intersection of Route 202 and Penobscot Meadow Drive/Mecaw Road, Route 202 and Carey Circle, Route 202 and Coldbrook Road, and Route 202 and Western Avenue.	§5225(1)(B)(1)		
Culvert repair/replacement - Old County Road culvert (PW-9), Sucker Brook culvert (PW-13) (at what road?)	§5225(1)(B)(1)		
Coldbrook Rd “master plan” to support future commercial and industrial development of the corridor between US 202 and I-95; include limiting curb cuts by use of frontage roads and include bike/pedestrian path along the road. (T-7 and T-17 of Transpo Implementation Strategy of comp plan)	§5225(1)(B)(1)		
Town Center Improvements – improved pedestrian facilities (e.g. sidewalks, crosswalks, pedestrian lights, benches, bike racks) throughout the town center; additional and/or improved public parking facilities; repair infrastructure for holiday lights (PW-1).	§5225(1)(B)(2)? §5225(1)(C)(6)?		
Internet access – broadband internet access to all commercial and industrial areas in town in support of business development and retention.	§5225(1)(B)(1)		
General business attraction/marketing and economic development – contribution to costs of town staff or consultants associated with municipal economic development activities; marketing activities including materials.	§5225(1)(C)(1)		
Revolving Loan/Grant/Investment Program – to promote business development, renovations, and expansions to businesses, especially small businesses, throughout the town.	§5225(1)(C)(3) §5230		

Project	Eligibility Under Title 30-A	Estimated Cost	Common Projects
<p>Workforce Training – costs of town sponsored or town supported worker training programs, including facility rental, instruction, and incidental costs. TIF funds could also be in the form of grant or matching fund grants for business assistance to help train for jobs created or retained due to employer need for employees with specific skill sets not available in the current workforce.</p>	<p>§5225(1)(C)(4)</p>		
<p>Recreation Trails – expansion and maintenance of recreational trail system (including ATV and snowmobile trails) to enhance and provide connectivity in order to promote economic development and public health and safety. Requires DECD finding that the trail will benefit economic development.</p>	<p>§5225(1)(A)(1) §5225(1)(C)(6)</p>		



Town of Hampden
Land & Building Services

Memorandum

To: Planning & Development Committee
From: Karen M. Cullen, AICP, Town Planner
Date: October 27, 2016
RE: Amendment to Zoning – Home Occupation

I have drafted new language for Section 4.10 of the zoning ordinance. The proposed language is based on language I had drafted for other communities in the past, revised to take into consideration the current language as well as the typical/likely home occupation uses in Hampden. It is very similar to language I had drafted for Ware MA, which is remarkably similar to Hampden in many ways.

This proposed language breaks the “use of residence for business purposes” into three categories which are meant to address the various types of business uses that typically occur in towns like Hampden these days:

- Home Business is a person running a business or working from home where there is no outward sign of any business activity being conducted at the property, e.g. artists, desktop publishers, telecommuters, certain types of contractors, etc.
- Customary Home Occupation is a business where there is an obvious business presence at the property, e.g. lawyer, accountant, beautician, real estate agent, etc.
- Home Based Contractor is someone (usually in the building or construction trades) who runs a small business from the residential property and has some equipment and/or material stored on the site for the business, e.g. cabinet maker, landscaper, plumber, etc. Larger businesses with many employees are supposed to be located in commercial or industrial districts as they are not secondary to a residential use.

By creating this tiered system, it is possible to have review and approval processes that make more sense for the type of business being proposed and also provide a better relationship (or rationale) between the business use and the regulations they are subject to. For example, it doesn't make a lot of sense to require someone who telecommutes for a full time job to go through a public hearing and provide a site plan sketch, since there would be no impact on abutters or the neighborhood from the business.

If the Committee is in favor of this approach, then I will draft the related amendments to relevant sections of the ordinance, such as 4.1, site plan review.

Proposed Home Occupation language:

- 4.10 Use of Residence for Business Purposes. There are three categories of businesses (including professions and trades) that may be conducted in or at a residence (dwelling) as an accessory use: a home business, a customary home occupation, and a home based contractor.
- 4.10.1 Home Business — A business, profession, or trade which is conducted by a resident of the premises entirely within the residence or an accessory building, and does not involve more than occasional business vehicular traffic to the property. Examples include but are not limited to artists, desktop publishers, software developers, craftsmen, contractors who only operate an office at the home, and people who work at home and conduct business by mail or electronic communication (including employees who telecommute). Home businesses are subject to the provisions of §4.10.4 and §4.10.5 below.
- 4.10.2 Customary Home Occupation — A business, profession, or trade which is conducted by a resident of the premises entirely within the residence or an accessory building, and involves an increase in traffic for clients, customers, patients, associates, or employees. Examples include but are not limited to lawyers, accountants, beauticians, professional consultants (such as mental health, design, and real estate), and small retail businesses not exceeding 300 square feet GFA. Customary Home Occupations are subject to the provisions of sections 4.10.4 and 4.10.6 below.
- 4.10.3 Home Based Contractor — A business which is conducted by a resident of the premises accessory to a residential use, but not entirely enclosed within the residence or one or more accessory buildings. Examples include but are not limited to building, plumbing, electrical, cabinetry, landscaping, and other similar contractors who perform their work off-site but use the residence as a base of operations including an office and small scale storage of equipment and materials. This category is meant to serve the needs of small businesses with limited space needs, with the expectation that once the business has grown to a larger size it will be moved to a more appropriate location in a commercial or industrial district. Home Based Contractors are subject to the provisions of sections 4.10.4 and 4.10.7 below.
- 4.10.4 General Requirements.
- 4.10.4.1 The activity must be operated by residents of the dwelling unit.
- 4.10.4.2 The activity must be clearly incidental and secondary to the primary use of the premises as a residence.
- 4.10.4.3 The activity must not change the character of the premises or surrounding neighborhood. There shall be no window displays or other features not normally associated with residential use.
- 4.10.4.4 If carried on within the principal residential structure, the activity shall not occupy more than thirty (30%) percent of the floor area. If carried on within an accessory structure the total floor area dedicated to the business use shall not exceed fifty (50%) percent of the total finished floor area of the principal residential structure.

- 4.10.4.5 The activity shall not cause sound, noise, odors, dust, gas, fumes, smoke, light or other dangerous emissions discernable or detectable from beyond the property line of the subject property, beyond that which is normally associated with residential use. In addition, no business activity shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes visual or audible interference in any radio or television receivers off the premises. The applicant shall demonstrate that the proposed business activity will not interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use.
- 4.10.4.6 One (1) unlighted, unreflective sign no greater than four (4) square feet may be erected on the premises. Off-premises Official Business Directional Signs, as defined in 23 M.R.S.A. section 1903, are prohibited. *[Ed note: I'm not sure this is legal. From MRSA: "Official business directional sign" means a sign erected and maintained in accordance with this chapter, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to section 1910.]*
- 4.10.4.7 No commercial vehicles in excess of 10,000 pounds gross vehicle weight (GVW) shall be used for the delivery of products, foods, or materials to and from the premises.
- 4.10.4.8 A permit shall be granted to a person or corporation and is not granted to run with the land nor is the permit transferable to a subsequent owner or renter.
- 4.10.5 Home businesses are permitted in all zoning districts without need for a special permit, but must conform to the following provisions in addition to those listed in section 4.10.4 above:
 - 4.10.5.1 The business must be conducted entirely within the residence or an accessory building.
 - 4.10.5.2 No non-resident employees are permitted on site.
 - 4.10.5.3 There shall be no exterior display, no exterior storage of materials or equipment, no parking or storage of business vehicles or equipment greater than 10,000 pounds gross vehicle weight, and no other variation from the residential character of the premises other than a sign in conformance with §4.8, Signs.
 - 4.10.5.4 The business shall not generate traffic that is inconsistent with the traffic associated with a single-family residence, either in quantity or type.
- 4.10.6 Customary Home Occupations are permitted in all zoning districts by conditional use permit, if in compliance with the following provisions in addition to those listed in section 4.10.4 above:
 - 4.10.6.1 The business must be conducted entirely within the residence or an accessory building.

- 4.10.6.2 Not more than two non-resident people shall be employed in the business at the site.
 - 4.10.6.3 There shall be no exterior display, no exterior storage of materials or equipment, and no other variation from the residential character of the premises other than a sign in conformance with §4.8, Signs.
 - 4.10.6.4 No home occupation shall be approved or allowed to operate if it generates more than twenty (20) auto trips by customer/clients in any one day.
 - 4.10.6.5 The business shall not necessitate more than four parking spaces for clients, customers, patients, non-resident employees, or other business related demands. Required parking must be accommodated off-street, and new parking areas must be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing vegetation, fencing, and/or topography. To the extent practical, parking areas should be located at the side or rear of the residence or accessory buildings.
- 4.10.7 Home Based Contractors are permitted by conditional use permit, if in compliance with the following provisions in addition to those listed in section 4.10.4 above:
- 4.10.7.1 The parcel on which the business is operated is within the Rural district.
 - 4.10.7.2 The parcel must be a minimum of two acres in size.
 - 4.10.7.3 Not more than eight vehicles associated with the business (maximum of four construction equipment such as loader/backhoe, skidder, etc.) shall be parked at the site at any given time, including employee vehicles and construction vehicles, but excluding personal vehicles not typically used for the operation of the business.
 - 4.10.7.4 The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be substantially and permanently screened from the view of abutters and from public ways by buffers such as vegetation, fences, and/or topography.
 - 4.10.7.5 No more than 25% of the parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.
 - 4.10.7.6 The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet. This shall not be construed to mean that a greater number of vehicles may be parked at the site than is permitted above.
 - 4.10.7.7 The Planning Board shall take into consideration the road network serving the proposed business location in regard to safety of the residents of the vicinity and the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site each day.

4.10.8 Application Procedure

- 4.10.8.1 Applicants for a Home Business shall submit a request to the Land & Building Services office on the form provided, for review by the Code Enforcement Officer. If the he/she determines that the proposed business meets the criteria of this category, then he/she shall sign the form stating that the proposed home business does not require approval under sections 4.10.6 or 4.10.7 (i.e. a conditional use permit is not required).
- 4.10.8.2 Applicants for a Customary Home Occupation or a Home Based Contractor shall submit an application for a conditional use permit to the Land & Building Services office. A sketch plan as described in section 4.1 shall be submitted along with the application form.
- 4.10.8.3 Applicants shall demonstrate that they have adequate right, title and interest in a property in order to apply for a Home Business, Customary Home Occupation, or Home Based Contractor.
- 4.10.8.4 Additional Conditions Necessary for Approval of Home Occupations. If in the judgment of the Planning Board additional improvements or safeguards are necessary in order to make a proposed home occupation safe, sanitary or less intrusive in a neighborhood the Board may place conditions on the approval of the home occupation that further limit the operation of the business, provide for screening or buffer yards, or improve traffic safety. (Amended: 03-21-05)
- 4.10.9 Alterations to Land and Buildings of Previously Approved Home Occupations. If additions or alterations have been constructed, or are proposed for construction to primary use residences or to accessory use buildings which in the opinion of the Code Enforcement Officer significantly alter a Planning Board approved home occupation the Code Enforcement Officer shall require that the home occupation use seek a revision from the Planning Board. In order to determine if the alterations or additions alter the approved Home Occupation the Code Enforcement Officer shall review the municipal documents on file including the minutes of the Board meeting at which the Home Occupation was approved. The Code Enforcement Officer shall not issue a building permit or certificate of compliance for such additions or alterations that have not received Planning Board Home Occupation permit approval unless the applicant surrender the home occupation permit and or conditional use/site plan home occupation use approval in writing. (Amended: 03-21-05)
- 4.10.10 Discontinuation and Abandonment of a Legacy Home Occupation. If a home occupation, created under the provisions of the Ordinance prior to January 1, 2005, has been discontinued or abandoned for a period of 12 months the home occupation use may not be re-established without first receiving a Home Occupation Permit under the provisions of Article 4.10 of this ordinance. The Code Enforcement Officer shall have authority to issue a determination that the use has been discontinued or abandoned for a 12-month period. (Amended: 03-21-05)