

SANFORD PLANNING BOARD MINUTES
MEETING June 23, 2010 – 7:30 P.M.
Town Hall Annex Third Floor Chambers

MEMBERS PRESENT: Kelly Tarbox, Chair
Robert Hardison, Vice Chair
John McAdam
David Mongeau
Gregory Vermette
Gary Morse, Secretary

MEMBERS ABSENT: Joseph Herlihy (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Michael Casserly, P.E., Assistant Engineer

STAFF ABSENT: Charles Andreson, P.E., AICP, Town Engineer (w/notice)
Barbara Bucklin, Administrative Assistant (w/notice)

I. CALL TO ORDER

Chair Tarbox called the meeting to order at 7:30 P.M.

II. PUBLIC HEARINGS

1. **File #999-10-T(3):** The Planning Board will review a proposal from the Planning Director to add Antique Stores as a conditionally permitted activity in the RR, RD, and RMU zones, and as permitted with review in the SB, DB, and CC zones. For the purpose of this activity, an antique “shall be a piece of art, furniture, decorative object, or the like which is at least 30 years of age.”

Chair Tarbox called for a representative to present the project.

Staff member Gulnac gave an overview of the description being reviewed for this item as far as the type of activity, extent of activity, outdoor display, lighting, signage, etc.

Chair Tarbox asked Board members if they had any questions for Mr. Gulnac.

Board member Mongeau asked Mr. Gulnac if the Planning Board should extend this definition into the other zones where retail is allowed, would this put more restrictions on antique stores versus other allowed retail businesses. Mr. Gulnac didn't think it would, and discussion followed. The main concern was how the Board was going to identify the other zones other than the RR, RD, and RMU zones in the table of land uses under the line item 'Antique Stores'. It was decided the Board would continue onto the public hearing and get input from the public, and then further discuss the concern after the hearing.

Chair Tarbox asked if anyone present wished to speak in favor of the proposed ordinance change.

Don Chasse, 82 Elm Street, Springvale is in favor of the proposal because he is interested in opening an antique store in this area.

Chair Tarbox asked if anyone present wished to speak against the proposed ordinance change. There was no one.

Chair Tarbox closed the public hearing.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #05-08-R: Goldmark LLC**, is requesting to add addendums A, B, & C to their approved Mineral Extraction Manual of Operations.

Chair Tarbox asked staff member Casserly to give the Board an overview of the request.

Staff member Casserly discussed the following:

- Addendum A addresses the performance guarantee. Mr. Casserly stated based on his recent site visits, the applicants are working to reclaim phases 1 and 2 of the project, and this would affect the amount of the current performance guarantee.

Mr. Casserly recently received a one month letter of credit from the applicant's bank so the request could be heard and voted on by the Board. His recommendation is to have the applicants submit a letter of credit in the amount of \$40,000 for a 3-month term, and went on to explain why.

Chair Tarbox asked about the 5-year letter of credit that was previously discussed, and Mr. Casserly said that was in the original operation manual, so this request is to modify the letter of credit. Chair Tarbox asked why the applicant wasn't having a letter of credit submitted that would cover the remaining portion of their approval.

Dana Goldberg stated the bank would only do a letter of credit for one-year periods. Mr. Goldberg said they just wanted to do \$40,000 for a year, and ask for a reduction once the reclaiming has taken place. Mr. Casserly stated this would be acceptable to him.

Mr. Casserly asked if the Board wanted to review this at a later date for the new request, or would it be ok to have staff review and approve. The Board said they were fine with staff doing the review and approval if staff was satisfied with the request.

Mr. Casserly stated the addenda that were being presented tonight were drafts that he received in April. If the documents are to be part of this approval, they would have to be rewritten to staff/Board's satisfaction, based on tonight's decision. He would then try to get new drafts of the addenda and submit them to the Planner or make a judgment on them to verify the documents reflect the agreement tonight. Chair Tarbox confirmed with Mr. Casserly that the Board could grant a conditional approval tonight if they choose to. Mr. Casserly replied that this was correct.

- Addendum B addresses groundwater monitoring. Chair Tarbox asked Mr. Casserly if he was comfortable with the groundwater monitoring as it was proposed. Mr. Casserly said the applicants would have to monitor wells 7, 102, and 2, and the applicants would have to supply test results by August 1, or a suitable date, and annually in the spring, then continue on with the frequency stated in the operations manual from two years ago. Chair Tarbox confirmed with the applicants that they agreed to this, and they did.

- Addendum C addresses the use of the saw mill. It was determined that this was not needed to be addressed by the Board as the operation was for personal use, not a commercial use. Chair Tarbox asked Mr. Casserly if he had any thoughts on a timeline for this use. Mr. Casserly said if the activity looks like it was going to be used commercially, then he would bring the matter to the Planning Director's attention to reevaluate the use.

Chair Tarbox asked Mr. Casserly if he would be making periodic inspections, and he stated he would be to assess the performance guarantee.

Vice Chair Hardison stated that if the sawmill was used for anything other than what was told to the Board, the applicants would be in violation of their approval; so, if the applicants decided to continue this use commercially, they would need to come before the Board for approval before doing so.

Mark O'Brien said they don't own the mill, and the milling is being done to build his camp. Once the camp is completed, the milling of lumber will stop. Vice Chair Hardison said if this is case, it will be a non-issue.

Board member Morse asked if Mr. Casserly had the ability to inspect the North Berwick side of the pit. Board member Morse wanted to know if Mr. Casserly could make a determination when significant extraction ceased in North Berwick. Mr. Casserly replied he could walk onto another town's property for the purpose of informing the Board what is taking place. Board member Morse was asking this question because he wanted to know if the Board should make this a condition of their approval.

Mr. O'Brien asked the Board if the inspection would be for the mining process or anything to do with it. He explained that Mr. Gulnac had suggested that the Town of Sanford be responsible for inspecting the North Berwick side as well as the Sanford side as they (the applicants) were going through the approval process in North Berwick, but when requesting the approval of this from North Berwick, the Town of North Berwick didn't want the Town of Sanford doing this.

Chair Tarbox asked Board member Morse what the reason was behind his request, and Board member Morse explained that he was concerned that the applicants would keep the Sanford portion of the gravel pit open as access to the North Berwick side, even if extraction was completed on the Sanford side. Discussion took place.

Chair Tarbox asked if any other Board members had any questions; they did not.

Chair Tarbox called for a motion.

Board member Morse made a motion that the Planning Board accept the Finding of Facts (see attached) and find that application File #05-08-R, Goldmark, LLC, requesting an addendum to their manual of operations for mineral extraction has been prepared in accordance with Article XVI, Section 290-91 Mineral Extraction Standards and Article XVII Site Plan Review of the Zoning Code of the Town of Sanford and subject to the conditions listed below approves the revisions:

- a) The approved operations manual continues as part of this approval with an understanding that activities not described in the manual may be considered as 'not permitted'.
- b) The applicant will provide four (4) complete sets of the approved plans to the Planning Department for certification (distribution of the certified plans: Planning, Engineering, CEO, and applicant).

- c) A renewable performance bond/letter of credit in an amount of \$40,000.00 per year is required. The Board will consider a reduction in this amount provided the applicant has successfully completed reclamation in the Sanford portion outside of the 5 acre 'open pit', and provided that a proper amount of topsoil has been stockpiled for reclamation of the 'open pit'.
- d) At a minimum the applicant will provide an activity report on April 30th and October 30th each year to the town engineer who will conduct an inspection to verify the report. The applicant will be responsible for maintaining an adequate inspection escrow with the engineering department.
- e) The Department of Environmental Protection permit is made part of this approval.
- f) No permit to operate this facility shall be issued until all the conditions of the approval have been satisfied.
- g) Any changes to the approved plan will require review and approval by the Planning Board.
- h) Any failure on part of the applicant or any subsequent owners to comply with the conditions of this approval will result in the immediate cessation of the operation.

Board member Vermette seconded the motion.

A vote was taken, and the motion passed 6-0.

2. File #999-10-T(1): Mineral Extraction Definition Ordinance Revision. *

Chair Tarbox called for a representative to present the project.

Staff member Gulnac explained the information he gave to the Board tonight, which was an update to the March 17 project summary report for this change: deleted the requested action of the Planning Board of scheduling a public hearing – a public hearing has already been had; changed the wording of off-site to imported; and changed permitted use to conditional use in the review process.

Mr. Gulnac went on to explain to the Board that they would be approving the addition to the mineral extraction ordinance; adding the term beneficiation and its definition; and changing attachment 1, which is the table land uses.

In the conditional use review, the Board has already established the manual of operations as procedure, so this change is to allow for the activities that are taking place as long as it is still a mineral extraction facility. Once the mineral extraction processes cease, all additional beneficiation processes are not permitted. Chair Tarbox asked if this type of specific language should be included in the definition. Discussion took place.

Shirley Sheesley, Chief Codes Enforcement Officer, asked if the section of the definition of beneficiation that read 'centrifugal force' should read as 'centrifugal separation'. Both Chair Tarbox and Vice Chair Hardison said that the Board had previously recommended this change.

Chair Tarbox asked what language needed to be included to make sure beneficiation would only be allowed as an accessory use to mineral extraction activity. Board member Morse said the Board discussed this back in March and came up with the following: "all operations cease and reclamation must be completed once significant onsite extraction ends as determined by the town engineer." This will be added under the definition beneficiation.

Chair Tarbox asked if there were any other comments. There were none.

Chair Tarbox asked for a recommendation to the Town Council.

Vice Chair Hardison made a motion that the Planning Board accept the finding of facts (see attached) and, after consideration of the public comments and those of the staff, find that the requested changes listed below to amend the Zoning Ordinance of the Town of Sanford is consistent with the goals and objectives of the comprehensive plan and recommend that the changes be forwarded to the Town Council for their review and adoption.

Proposed definitions:

Section 280-5 Definitions:

Current: [delete]

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the extraction site.

Proposed:

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the extraction site. The operation may also involve the beneficiation of the product and the processing of both onsite and imported material. All activity and or operations will cease to be approved with the exception of reclamation when the removal of the material is no longer active.

Add new definition:

Beneficiation: The process whereby the extracted material is reduced to particles which can be separated into mineral and waste, the former suitable for further processing or direct use. These activities are primarily mechanical such as grinding, washing, magnetic separation, and centrifugal separation.

**Add to 280 Attachment 1, 1. Rural Uses A. Principal Uses, 11 Mineral Extraction:
Change from PR to CU in the RR, RMU & IB Zones**

Board member Morse seconded the motion.

A vote was taken, and the motion passed 6-0.

3. File #999-10-T(3): Antique Store Ordinance Change. *

Chair Tarbox opened the floor to discussions by asking the Board how narrowly they wanted this definition.

Board member Morse asked if the words 'used merchandise and second hand goods' could be replaced with just 'antiques'. He didn't want the use extended to army surplus or Goodwill-type stores in the RR zone. Vice Hardison agreed with Mr. Morse. Chair Tarbox said this was a reasonable request.

Chair Tarbox asked if the reference 'except motor vehicles such as automobiles, etc.' needed to be included; it was agreed to keep this in the proposed definition.

Board member Morse would prefer no outdoor display, but felt that if this was looked at during the site plan review and the display maintained the rural character it would be ok. Staff member Gulnac explained that the display area will be site specific, meaning that each site may not have the area to have an outdoor display area and still maintain the rural characteristics while another site in the same area may have an outdoor display area. Vice

Chair Hardison proposed the wording 'the limits of an outdoor display must be consistent with the rural character and will be determined by the Planning Board during site plan review', and Board member Morse confirmed dropping the reference to square footage in the proposed ordinance change.

Board member Morse asked about signage on the building. Staff member Gulnac explained that signage requires a permit by the CEO and also has its own section in the ordinance. After discussion, Vice Chair Hardison proposed the signage wording as 'the signs shall be of residential character mounted on simple posts or attached to the building.' Chair Tarbox agreed with this wording.

Board member Morse asked if the Board still wanted to keep 'the site must be in existence for five (5) years.' Staff member Gulnac said if this is what the Board wanted to do, they must also add an 'as of' date. Discussion took place.

Vice Chair Hardison felt that five years was too short of a time, and felt that fifteen years was more appropriate, and Board member Mongeau agreed. Staff member Gulnac said adding some time frame was fine as long as the Board's intent is clear. Vice Chair Hardison stated that the Board has two (2) intents: 1) to maintain a rural characteristic; and 2) to preclude or prevent someone from constructing a building for specific use as an antique store. Staff member Gulnac recommends adding this to the explanation to the finding of facts. Discussion took place.

The Board agreed that 10-years was a sufficient amount of time.

Chair Tarbox asked Shirley Sheesley if she would like to add anything to the discussion. Ms. Sheesley said there were already guidelines in the current ordinance under the RMU and RR zones; Ms. Sheesley went on to read what the ordinance currently says so there would be no conflict of wording with this proposed ordinance change. Chair Tarbox said what is currently in the ordinance may be sufficient enough that the Board would not need to add further restrictions to this proposal if an applicant meets the current guidelines.

It was agreed that what was currently written in the ordinance covers the reuse of a building in the RMU and RR zones. Chair Tarbox said what the Board needed to do now was to write a section that would cover new construction. Vice Chair Hardison proposed: "the intent of the requirement for a site to be in existence for a period of 10 years is to 1) preserve the rural nature of the site, 2) to permit reuse of an existing facility/building, and 3) to preclude the construction of new building on this site for this specific purpose. The Board wanted to add this under finding of facts item #3.

Chair Tarbox asked if this meant that item #6 in the finding of facts can now be dropped. Vice Chair Hardison said that item #6 would now read: "the proposed site, including buildings, must be in existence for a period of 10 years."

Discussion took place about the number of years a site should be in existence, adding a phrase to the condition regarding signs, and defining the word antiques in the ordinance.

As a result of the discussion, it was decided that a site would have to be in existence for ten (10) years, would add 'consistent with the existing sign ordinance' to the proposed sign condition, and defining an antique as being something over thirty (30) years old.

Chair Tarbox called for a motion.

Vice Chair Hardison made a motion that the Planning Board add item #3 to the finding of facts: "the intent of the requirement for a site to be in existence for a period of 10 years is to 1) preserve the rural nature of the site, 2) to permit the reuse of an existing facility/building, and 3) to preclude the construction of new building on this site for this specific purpose." Vice Chair Hardison then continued that the Planning Board confirm the finding of facts (see attached) and recommend that the revision to the Town of Sanford Zoning Code itemized below and contained in file #999-10-T(3) and, after consideration of the public comments and those of the staff, makes the following recommendation to the zoning code:

Article II, Section 280-5 Definitions:

Add:

Antique Stores:

An establishment attached to or located on a single family home parcel engaged in retailing antiques (except motor vehicles such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes). An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past, and at least 30 years old.

Attachment 1 Table of Land Uses. VI Commercial and Industrial Uses B. Accessory Uses (New #7.)

Antique Stores: Permitted (P) as CU (Conditional Use) in the RR & RMU Zones; PR (Permitted with Review) in GR and RD Zones; and Permitted (P) in CC, SU, and SB Zones.

Article XIV Conditional Uses 280-66 Standards for conditional use approval

New section D. Antiques stores. In addition to the requirements of this section and any other applicable section of the Town's ordinances the following guidelines shall be used in the review of applications:

1. The limits of outdoor display will be determined by the Planning Board during site plan review such that they were consistent with the rural character of the neighborhood.
2. That no stripping of antiques and/or furniture is permitted on the premises.
3. Signs shall be of residential character on simple posts and/or attached to the building and consistent with the requirements of the sign ordinance Section 280-84 of the Town Zoning code. If sign is illuminated it must be of low wattage no brighter than 100 watts.
4. Exterior lighting shall be of residential style.
5. The business shall be owner occupied.
6. The building for the proposed antique store must be in existence at least ten (10) years as of the date of the application.
7. Any additional conditions determined by Planning Board at the time of review.

Board member Vermette seconded the motion.

A vote was taken, and the motion passed 6-0.

V. APPROVAL OF MINUTES – May 5, 2010 and May 19, 2010

Chair Tarbox called for approval of the minutes.

May 5, 2010

Board member Morse made a motion to approve the minutes as written.

Board member Vermette seconded the motion.

A vote was taken and the motion passed 6-0.

May 19, 2010

Board member Morse made a motion to approve the minutes as written.

Board member Vermette seconded the motion.

A vote was taken and the motion passed 6-0.

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac informed the Board and the applicants for both ordinance items that these articles were already scheduled to go before the Town Council for the first reading on July 6. The vote would follow two weeks later, after the second reading takes place.

Board members wanted to review the record of action reports for these items before they went in front of the Council. Mr. Gulnac said he would email a draft to the members for their comments before finalizing the report and forwarding them to Sherry Lord, Executive Assistant to the Town Manager.

Mr. Gulnac also told the Board that the Town Council will be referring the matter of the medical marijuana facility in front of the Planning Board. He then presented his idea of how he thought the item should be handled during the review process. Discussion took place.

VII. ADJOURN

The meeting adjourned at 8:38 PM. A work session immediately followed.

Attachment to June 23, 2010 Minutes

*Finding of Facts for Old Business Item #1
File #05-08-R: Goldmark, LLC*

- The applicant received approval for an extension on an updated Manual of Operations on September 17, 2008.
- Mineral extraction applications are classified as a "major conditional use" which requires Planning Board review. As a conditional use, an application also requires a public hearing.
- The Board reviewed the request at their June 2, 2010 meeting and determined that the request did not reach the level of impact requiring a public hearing. In fact, by requesting a reduction in area the impact was lessened.
- The Board also determined that the activity involving the saw mill was not a commercial activity and was solely for the benefit of the property owner and therefore did not require any review or approval by the Planning Board.
- After discussion the Board reached agreement on the following:
 - The total land area of mineral extraction is in two towns (Sanford and North Berwick).
 - The area that the applicants want to mine within Sanford has been completed.
 - The applicants wish to keep an area in Sanford open for operation so that they can access the material in North Berwick.
 - At such time as it is reasonable, they will switch the direct access to North Berwick.
 - The net area to be located in Sanford and remain open after the reduction will be a +/- 5 acre "open pit" to serve as a stockpiling and crushing area associated with the North Berwick operation.
 - Access to Route 4 would be maintained as well as the fueling area.
 - A performance guarantee in the amount of \$40,000.00 will be required.

Finding of Facts for Old Business Item #2
File #999-10-T(1): Mineral Extraction Definition Ordinance Revision

Background Information:

The latest application by HDC (Hissong), File #06-09-R, to amend the operations manual for Hay Brook Mineral has raised some questions concerning whether or not what is being requested is a permitted activity. I think the basic question concerns the addition of the term and activities associated with 'processing'. The introduction of processing has also added the activity of importing material from offsite onto the mineral extraction site. These materials would then be stored (stockpiled) or could be mixed (processed) with onsite materials. The request also describes a selling of onsite and offsite materials, as well as processed materials from the site.

The current ordinance provides the following:

Definition: Section 280-5

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the site.

Permitted use Table; Section 280 Attachment 1, I Rural Uses A. Principal Uses 11. Mineral Extraction PR in the RR, RMU and IB zones

Mineral Extraction Standards: Section 280-91. (I have included only information that I feel pertains to the discussion)

- A. General. The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading lagooning, dredging, and other earthmoving activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.
- B. Application for approval. The application for site plan approval for commercial excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by the following in addition to the information required in Article XVII (Site Plan).
- C. Standards:
- D. Optional conditions of approval: The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the municipality which may include: (1) methods of removal or processing:

Areas of Concern:

I think the first issue relates to the definition. The key words are: *removal* and *transports*. This would seem to limit an approved activity under this heading to involve only the removal of the material and the transporting of this material to another site. The Board should consider this and decide if this is still adequate to describe the activity.

As you know I have been utilizing the North American Industrial Classification System (NAICS) whenever possible when we look to update our ordinance. I have attached a PDF of the page with the definition I would propose. A key new term is *beneficiating*. I would suggest we also add a definition for beneficiating: see second paragraph under 2123 Nonmetallic Mining and Quarrying in the attached PDF.

In their review, the Board may wish to also compare the definition for mineral extraction and the way it is described in the standard section of the ordinance. The existing definition for mineral extraction defines a simple activity. The reality in the business world is that these simple activities are no longer profitable. The market demand has shifted so as to require that the operation involve beneficiating. A revision to the definition to include the term "beneficiating" as provided in the NAICS 2123 & 21231

would allow for the operations of the activities described as mineral extraction to continue as a permitted activity. The Board may also want to review the concept of “selling product” directly from the site. It does not seem to me to fall under the general heading of ‘retail’ but it might make sense to clarify the issue to avoid possible confusion at a later date.

It may also make sense to add language which confirms that the use requires a conditional use review. Furthermore, it seems that the section on the standards (280-91) allows enough flexibility for the Planning Board to review the applications without any immediate revisions.

Proposed definitions: For the purposes of discussion:

Section 280-5 Definitions:

Current: to be deleted

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the extraction site.

Proposed: to be added

Mineral Extraction: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction, and transports the product removed away from the extraction site. The operation may also involve the beneficiation of the product and the processing of both onsite and imported material. {The following was added by the Planning Board on June 23rd}. All activity and/or operations will cease to be approved, with the exception of reclamation, when the removal of the material is no longer active.

Add new definition:

Beneficiation: The process whereby the extracted material is reduced to particles which can be separated into mineral and waste, the former suitable for further processing or direct use. These activities are primarily mechanical such as grinding, washing, magnetic separation, and centrifugal separation.

Add to 280 Attachment 1, 1. Rural Uses A. Principal Uses, 11 Mineral Extraction:

- Change from PR in the RR, RMU & IB to CU in the RR, RMU & IB zones

Finding of Facts for Old Business Item #3

File #999-10-T(3): Antique Store Ordinance Change

- A public hearing was held on June 23, 2010 as required by Section 280-14 of the Zoning Code of the Town of Sanford Zoning Code. Don Chasse spoke in favor of the proposed change. No one spoke against the proposal.
- The Planning Board has held a series of work sessions on the proposal and based upon these meetings and the comments in the public hearing finds that the request to add the requested change to the definitions and establish a category for the business of antiques sales in the RR and RMU zones is consistent with the Comprehensive Plan and growth plan for the Town of Sanford. The activity would continue to be reviewed as a retail use in those zones which permit retail.
- The Planning Board feels that the use should be considered as a “conditional use” so that each application could be reviewed by the Board to ensure that the impact of the activity maintained the rural residential character as stated in Sections 280-40 Rural Residential Zone (RR) and 280-41 Rural Mixed Use (RMU).
- The Board also agreed that the purpose of creating this definition was to permit the reuse of existing structures rather than, the construction of new facilities for this purpose.
- The Board reviewed the proposal as presented in the Planning Director’s report and after discussion made the changes identified below:

Article II, Section 280-5 Definitions:

Add:

Antique Stores:

An establishment attached to or located on a single family home parcel engaged in retailing, antiques (except motor vehicles such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes). An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past, and at least 30 years old.

Attachment 1 Table of Land Uses. VI Commercial and Industrial Uses B. Accessory Uses (New # 7.)

Antique Stores: Permitted as CU in the RR & RMU Zones

Article XIV Conditional Uses 280-66 Standards for conditional use approval

New section D. Antiques stores. In addition to the requirements of this section and any other applicable section of the Town's ordinances the following guidelines shall be used in the review of applications:

1. The limits of outdoor display will be determined by the Planning Board during site plan review such that they were consistent with the rural character of the neighborhood.
2. That no stripping of antiques and/or furniture is permitted on the premises.
3. Signs shall be of residential character on simple posts and/or attached to the building and consistent with the requirements of the sign ordinance, Section 280-84 of the Town Zoning code. If sign is illuminated it must be of low wattage no brighter than 100 watts.
4. Exterior lighting shall be of residential style.
5. The business shall be owner occupied.
6. The building for the proposed antique store must be in existence at least ten (10) years as of the date of the application.
7. Any additional conditions determined by Planning Board at the time of review.