

**Planning Board Meeting  
January 14, 2020 – 7:00 PM  
Town Office Conference Room**



**Meeting Materials**

**Planning Board  
Tuesday, January 14, 2020  
7:00 PM – Town Office Conference Room**

**CALL TO ORDER**

**MINUTES**

December 10, 2019

**COMMUNICATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

Gravel Pit Five Year Renewal – Route 26 Excavation, Inc – 1143 Maine Street – Map 39 Lot 16

Findings of Fact and Conclusions of Law for:

Formal Site Plan Review – Brent LeClerc – 462 Megquier Hill Road  
– Map 17 Lot 20A – Backlot

Proposed CLUC Changes

**ANY OTHER BUSINESS**

**ADJOURNMENT**

**POLAND PLANNING BOARD**  
**MINUTES OF MEETING**  
**December 10, 2019**  
**Approved on \_\_\_\_\_, 2020**

**CALL TO ORDER** – Chairperson Porter called the meeting to order at 7:00pm with Members Mark Weinberg, Cheryl Skilling, Stephanie Floyd, George Greenwood, Alternate Member Jimmy Walker, CEO Scott Neal, and Sarah Merrill present. Alternate Member Walker is not a voting member for this meeting.

**MINUTES** – November 26, 2019 – Member Greenwood moved to approve the minutes with a minor correction. Member Floyd seconded the motion.

Discussion: None    Vote: 5-yes 0-no

**COMMUNICATIONS** – None

**OLD BUSINESS** –

Formal Site Plan Review – Adam Mocciola – 46 Mechanic Falls Road – Map 12 Lot 16A  
Adam Mocciola presented the new information to the Board. The Board has requested the following additional information from Mr. Mocciola: measurements from the front porch to the boundary line, a new HHE-200 cover page with current information for the business and residence, an exact drawing of the planned parking area, and an updated application with changes and updates discussed at the meeting.

Member Greenwood moved to table the application pending the requested information. Member Floyd seconded the motion. Discussion: None    Vote: 5-yes 0-no

**NEW BUSINESS** –

Formal Site Plan Review – Brent LeClerc – 462 Megquier Hill Road – Map 17 Lot 20A – Backlot

Stuart Davis of Davis Land Surveying presented the project to the Board. The Applicant is requesting two waivers from the Board.

The first waiver request is for a reduction from the 100-foot minimum distance to  $\pm 54$  feet from the existing driveway to the newly proposed back lot right of way to allow for the existing driveway to the front lot to continue to be used in its existing location.

The second waivers request is for the minimum right of way width be reduced from 60-ft-wide to 50-ft-wide.

Member Greenwood moved to approve the checklist as complete. Member Skilling seconded the motion. Discussion: None    Vote: 5-yes 0-no

Member Greenwood moved to approve the Formal Site Plan Review with the following conditions: the public hearing is waived, the site walk is waived, and the two waivers requested by the Applicant are approved. Member Weinberg seconded the motion.

Discussion: None    Vote: 5-yes 0-no

**POLAND PLANNING BOARD**  
**MINUTES OF MEETING**  
**December 10, 2019**  
**Approved on \_\_\_\_\_, 2020**

Findings of Fact and Conclusions of law for:

Minor Subdivision Application – Joseph Cimino – 481 Maine Street  
– Map 6 Lots 47 and 47E

Member Greenwood moved to approve the Findings of Fact. Member Weinberg seconded the motion. Discussion: None    Vote: 5-yes 0-no

**ANY OTHER BUSINESS** – None

**ADJOURN** – Member Floyd moved to adjourn the meeting at 9:00 pm. Member Weinberg seconded the motion. Discussion: None    Vote: 5-yes 0-no

Recorded by: Sarah Merrill

Planning Board

\_\_\_\_\_  
James Porter, Chairperson

\_\_\_\_\_  
George Greenwood, Member

\_\_\_\_\_  
Mark Weinberg, Secretary

\_\_\_\_\_  
Stephane Floyd, Vice Chairperson

\_\_\_\_\_  
Cheryl Skilling, Member

Not a Voting Member for this Meeting  
\_\_\_\_\_  
James Walker, Alternate Member

# Town of Poland, Maine PLANNING BOARD AGENDA REQUEST

Date of meeting you are requesting to be scheduled for:

1 / 14 / 20

Meetings are normally conducted from 7:00 to 10:00 PM in the Municipal Conference Room at the Town Office

Map 39 Lot 16 Sub-lot \_\_\_\_\_

Applicant's Name: Route 26 Excavation, Inc.  
Mailing Address: 424 S. Main St.  
Town, State, Zip: Andover, ME. 04216  
Home Phone: 207-212-3051 Hours: 24/7  
Work Phone: \_\_\_\_\_ Hours: \_\_\_\_\_

Type of application: Gravel Pit 5 year review/renewal

☐ Sketch Plan

☐ Site Review

☐ Shoreland

☐ Subdivision

☐ Informational

Road location for project: 1143 Main St. (Route 26)  
Zoning: village Lake Watershed: Lower Range Pond  
Nature of business to be discussed (Brief description): 5 year review of Gravel Pit  
operations and conditions met renewal for  
Route 26 Sales and Excavation

## IMPORTANT - READ CAREFULLY:

**This Office must receive the original application, one PDF copy (on either cd or usb), and an additional nine (9) copies with appropriate fees by 1:00 p.m. eleven (11) days before the stated meeting to be put on the upcoming agenda.**

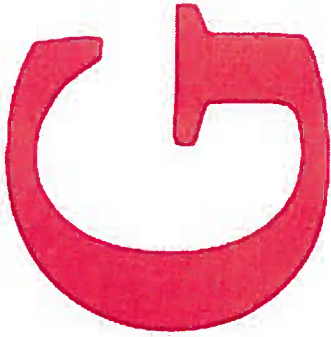
- New business is scheduled on the agenda in the order this office receives this form.
- If you want your application reviewed for contents prior to the meeting, it must be in this office 14 days before the meeting.
- Should the Board choose to adjourn before all business is addressed, all remaining business will be tabled until the next available meeting.
- Unfinished business is conducted before new business is addressed.

Applicant's Signature: Tom Learned Date: 11 130 1 19

## OFFICE USE ONLY:

Request Taken By: \_\_\_\_\_ Date: 1 / 1 Time: \_\_\_\_\_ : \_\_\_\_\_ a.m. p.m.

Return to the CEO Office by: 1-3-20



Permit Number: 2019-027

Land Owner      ROUTE 26 EXCAVATION & SALES INC.  
Parcel ID      0039-0016  
Road Location      1143 MAINE ST.  
Contractor Name

Annual Gravel Pit Registration

This permit is approved on the basis of information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues.

03/12/2019

Scott Neal  
Code Enforcement Officer

Date

**Code Enforcement Office**

Town of Poland  
1231 Maine Street, 04274  
Tel: (207) 998-4604  
Fax: (207) 998-2002

<b>Office Use Only</b>	
Date Posted:	3/8-19
Trio Receipt:	199522
Cash	Check 2560
Teller	Shah

**Residential Building Permit**

<b>Parcel ID</b>	0039-0016	<b>Permit #</b>	BP 2019-027
<b>Road Location</b>	1143 MAINE ST.	<b>Permit Type</b>	Gravel Pit Registration
<b>Land Owner</b>	ROUTE 26 EXCAVATION & SALES INC.	<b>Phone:</b>	207-212-3051
<b>Mailing Address</b>	P. O. BOX 3486, AUBURN, ME 04212		
<b>Application/Contractor Name:</b>			
<b>Contractor Address:</b>		<b>Phone</b>	
<b>Proposed Project Description:</b> Annual Gravel Pit Registration			

**Certificate of Occupancy is required before use of any structure may begin.**

Appl. Date	03/07/2019	Cost of Work	Permit Rates	Required Setbacks
Est. Cost	\$0.00	Up to \$1,00	\$20.00	
Lot Size	14.17	Add'l \$1,000	\$5.00 / 100	
Use Group		Detached Structure		Permit Fee \$25.00
Type Const.		Under 200 Ft:	\$20.00 / Structur	Under 200 Ft:
Zone	DV, APOI			Planning Board
Shoreland	No			
Flood Zone	No			

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.

**CERTIFICATION**

I understand that this permit is valid only for the use specified above. Any changes must be approved by the permitting Bitmap authority. I hereby acknowledge that I have read this application and STATE that the above information is correct, and AGREE to comply with ALL Municipal Ordinances and State Laws regulating activities covered by this permit.

SIGNATURE OF APPLICANT

DATE

This permit is approved on the basis of information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title

Permit Issued By:

Code Enforcement Officer

ALL STRUCTURES MUST MEET THE REQUIREMENTS OF THE MAINE UNIFORM BUILDING AND ENERGY CODE.  
Construction must be substantially started within six months of permit being issued or permit becomes void.



## TOWN OF POLAND

1231 Maine Street  
Poland, ME 04274

### Surface & Subsurface Excavation-Gravel Pit Annual Registration

#### FOR OFFICIAL USE ONLY

Date Received	3-7-19
Zoning	Downtown + Equifer
Property ID	0039-0016
PB Approval	
Permit Fee	\$25.00
Receipt Number	197522
Reviewed By	Scott Neal
Expiration Date	

Permit Number: 2019-027

#### Pit Information

Pit Address:	1143 Maine St., Poland, Maine
Parcel ID#:	Map/lot 0039-0016
Last Review by Planning Board:	2012 or 2013

#### Property Owner Information

Owner Name:	Route 26 Excavation & Sales Inc.
Mailing Address:	P.O. Box 3486, Auburn, ME 04212
Phone Number:	(207) 212-3051
Email Address:	tbird3211@AOL.COM

I understand that this permit is valid only for the use specified above. Any changes must be approved by the permitting authority. I hereby acknowledge that I have read this application and STATE that the above information is correct, and AGREE to comply with all Municipal Ordinances and State Laws regulating activities covered by this permit.

Applicant Signature:	<u>Ralph Sawyer</u>	Date: <u>3/5/2019</u>
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.....

This permit is approved on the basis of the information provided by the applicant regarding his ownership and boundary locations. The applicant has the burden of ensuring that he has legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden, nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues.

Permit Issued by:	<u>[Signature]</u>	Date: <u>3-12-19</u>
	CODE ENFORCEMENT OFFICER	





# Route 26 Pit Route 26, Poland



Map Notes:  
- Background hydrologic, topographic and political features are from MEGIS data layers with an accuracy of +/- 40 feet.  
- All spatial data is projected to NAD 1983 UTM Zone 19.  
- This map is to be used for reference purposes only and does not represent authoritative locations of displayed features.

Map Prepared By: Molly Zogby  
Maine DEP, BLWQ,  
Division of Land Resource Regulation  
July 30, 2008



## Legend

- Road
- State aid
- State hwy
- == Toll highway
- Streams**
  - <all other values>
- TYPE**
  - Perennial
  - Intermittent
- Ponds and Lakes
- Rivers
- Small Wetlands (points)
- Large Wetlands (polys)
- Inland\_Waterfowl\_Wader\_Habitat\_NRPA
- Tidal\_Waterfowl\_Wader\_Habitat
- Shorebird roosting area
- Shorebird feeding area
- Seabird\_Nesting\_Islands
- Bald\_Eagle\_EH.lyr
- Roseate\_Tern\_EH
- Deer\_Wintering\_Areas
- Piping\_Plover\_Least\_Tern\_EH
- Atlantic\_salmon\_Habitat

330 165 0 330 660 990 1,320  
Feet

1 inch equals 337 feet

CONTAINS INVISIBLE FLUORESCENT FIBERS AND TONER GRIP

THREE COLOR BACKGROUND WITH BLUE AND ORANGE

TRUE WATERMARKED PAPER • HOLD TO LIGHT TO VIEW

**Northeast**  
BANK

245867

DATE 12/10/19

PAY TO THE  
ORDER OF TOWN OF POLAND

EXACTLY \*\*150 AND 00/100 DOLLARS

\$ 150.00

ROUTE 26 GRAVEL PIT RENEWAL

**CASHIER'S CHECK**

THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED BEFORE ANY  
CASHIER'S CHECK OF THIS BANK WILL BE REPLACED OR REFUNDED IN THE  
EVENT IT IS LOST, MISPLACED, OR STOLEN.

*Michelle Flanagan*  
AUTHORIZED SIGNATURE

⑈0000245867⑈ ⑆211274557⑆ 5500012579⑈

245867

**Northeast**  
BANK

DATE 12/10/19

TOWN OF POLAND

EXACTLY \*\*150 AND 00/100 DOLLARS

\$ 150.00

ROUTE 26 GRAVEL PIT RENEWAL

CUSTOMER - FILE COPY

**CASHIER'S CHECK**

AUTHORIZED SIGNATURE  
NOT NEGOTIABLE

HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT





# Maine Department of Transportation Driveway/Entrance Permit

Permit Number: 6855

Location: Route: 0026X, Maine St.

Owner: Rte 26 Sales & Excavation, Inc

Municipality: Poland

Address: 1408 Maine St

County: Androscoggin

Poland, ME 04274

Tax Map: 39; Lot Number: 15

Culvert Size: "

Culvert Type: N/R

Culvert Length: '

Date of Permit: 12-JUN-07

Approved Entrance Width: 40'

Telephone: (207) 998-5771

In accordance with rules promulgated under 23 M.R.S.A., Chapter 13, Subchapter I, Section 704, the Maine Department of Transportation (MaineDOT) approves a permit and grants permission to perform the necessary grading to construct, in accordance with sketch or attached plan, an Entrance to [a] Commercial Industrial at a point 572' E from Aggregate Rd., subject to the Chapter 299 Highway Driveway and Entrance Rules, standard conditions and special conditions (if any) listed below.

## Conditions of Approval:

This permittee acknowledges and agrees to comply with the Standard Conditions of Approval attached hereto and to any Specific Conditions of Approval shown here.

## Approved Special Condition(s):

- \* In the town of Poland on the southerly side of Rte 26, approximately 572 feet easterly of Aggregate Rd.
- \* Eliminating existing private driveway 65 feet westerly of proposed entrance.

Approved by:

D. Cesari P.E.

Date:

6/18/07

7/24/2014

# • Borrow Pit and Quarry Inspection Report •

## Maine Department of Environmental Protection

Bureau of Land and Water Quality, Division of Land Resource Regulation

### Site Information:

Site Name	Route 26 Pit	GPID #	663	Town	Poland
Owner	Route 26 Sales & Exc.	Operator	same as owner	Location	Route 26

### Contact Information:

Route 25 Sales & Excavation, Inc.  
Attn: Ralph Sawyer  
1408 Main St.  
Poland, ME 04274

On 6/3/2014, Department staff conducted an inspection of your mining operation referenced above. For purposes of compliance with the *Performance Standards for Excavations*, 38 M.R.S.A. § 490-D, the Department finds that,

- ☒ your operation is in substantial compliance.  
☐ there are issues that must be addressed to bring your operation into substantial compliance.  
☐ your operation is not in substantial compliance.

**Please carefully review this report, which fully outlines the details of the site inspection. If you have any questions regarding the contents of the report, please contact Christina Stacey at (207) 557-0787.**

### • Erosion and Sedimentation Control

- ☒ Satisfactory    ☐ Minor Problems    ☐ Major Problems    ☐ Not Applicable

Site exhibits natural internal drainage  
No off-site impacts observed

*Items to Inspect*  
Silt Fence/Hale Bale Barriers  
Diversion Ditches  
Stone Check Dams  
Channel/Ditch Stabilization  
Culvert Aprons and Plunge Pools  
Level Spreaders/Ditch Turn-outs  
Topsoil Storage/Stabilization  
Mud Runoff Area  
Natural Internal Drainage  
Access Road and Ditches

### • Site Reclamation

- ☐ Satisfactory    ☐ Minor Problems    ☐ Major Problems    ☒ Not Applicable

No active reclamation activities

*Items to Inspect*  
Final Slopes/Land Grading  
Topsoil Spreading Mix  
Adequate Vegetative Cover  
Mulch/Mulch Anchoring  
Tree/Shrub Plantings

### • Detention and Sediment Basins

- ☐ Satisfactory    ☐ Minor Problems    ☐ Major Problems    ☒ Not Applicable

*Items to Inspect*  
Embankment/Dike Condition  
Principal Outlet/Riser  
Structure  
Emergency Spillway  
Impoundment Size  
Sediment Removal and  
Maintenance

• **Blasting**

☐ Satisfactory

☐ Minor Problems

☐ Major Problems

☒ Not Applicable

*Items to Inspect*

*Seismograph Monitoring*

*Scaled Distance*

*Distance to Closest Buildings*

*Proper Warning Signals*

*Weather and Wind Conditions*

• **Off-Site Impacts**

Have deficiencies (if any) resulted in off site impacts to a protected natural resource? If yes, explain

☐

Yes

☐

No

• **Working Pit Size**

• Size of the working pit: 3.7 acres

• Size of the entire pit (working & reclaimed): 5 acres

Has the owner or operator expanded the pit beyond the area permitted? If yes, explain

☐

Yes

☒

No

• **Corrective Actions (if applicable)**

What is needed to bring the site into compliance?

Completion date:

• **Operator's Response (if applicable)**

Did you tell the owner or operator what actions are needed to bring the operation into compliance? If yes, what action has the owner or operator agreed to undertake?

☐

Yes

☐

No

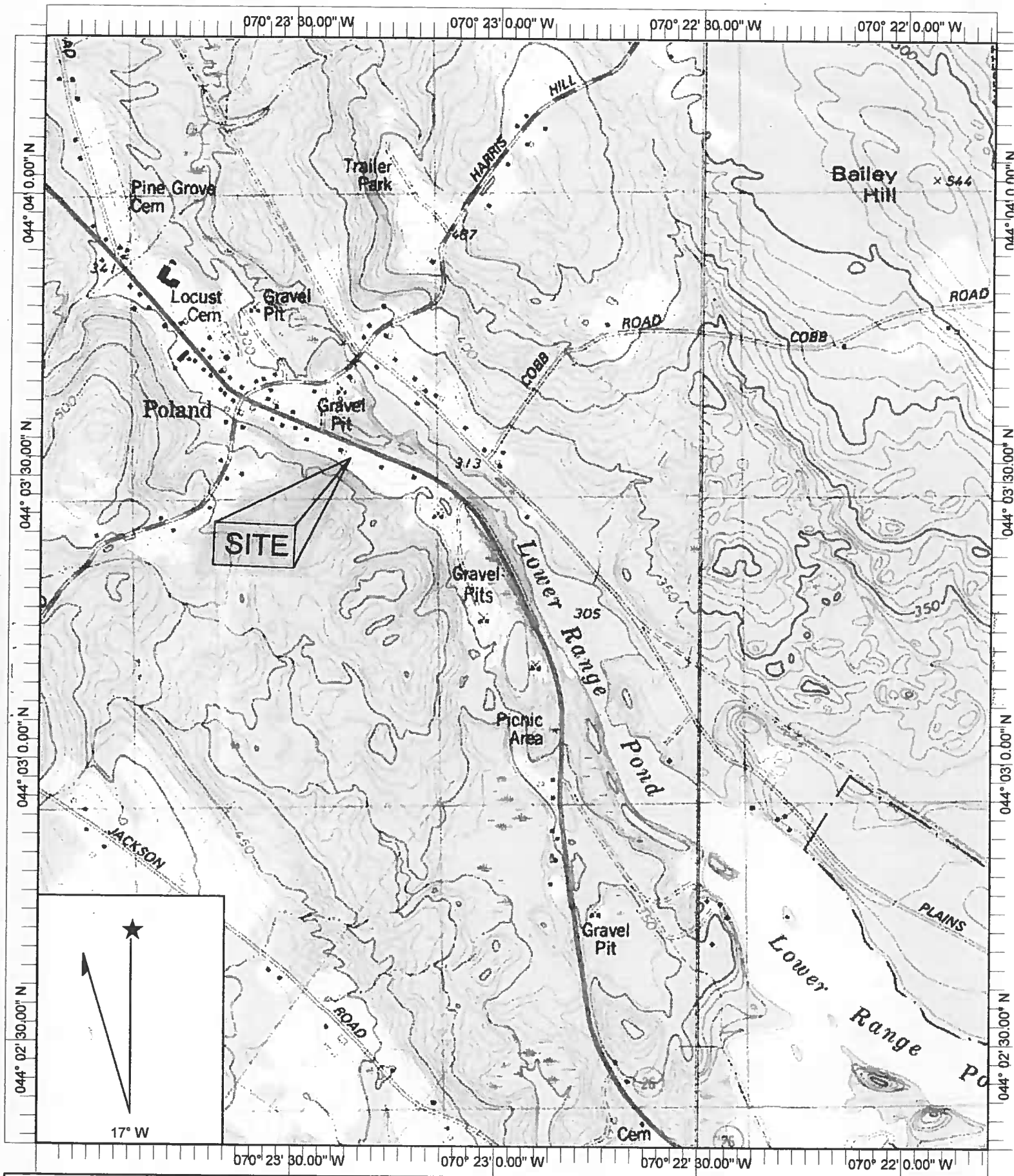
• **Additional Comments About The Site Inspection**

Inspector's Name: Christina Stacey

Inspector's Signature: Christina Stacey

Date: 7/24/14

Cc: file



Name: MECHANIC FALLS ✓  
 Date: 7/23/2007  
 Scale: 1 inch equals 1333 feet

Location: 044° 03' 17.9" N 070° 22' 57.1" W  
 Caption: Figure 1  
 Route 26 Gravel Pit  
 Poland, Maine



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

September 7, 2007

Tom Learned  
Route 26 Sales & Excavation, Inc.  
1408 Maine Street  
Poland, ME 04274

Re: Placard for Route 26 Pit, Poland (GPID# 663)

Dear Mr. Learned:

I have enclosed a placard that states your gravel operation is licensed and subject to the standards under the Performance Standards for Excavations, 38 M.R.S.A. Section 490-C. The placard contains the gravel pit identification number and the license date. The card should be placed in an area near the entrance of the gravel operation.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me at (207) 287-5786

Sincerely,

Molly Zogby  
Environmental Specialist  
Division of Land Resource Regulation

AUGUSTA

17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR

106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

# Town of Poland, Maine

## Sign Permit

Date	8	2	2006	Permit #	2006-266
New Application	x			Map #	39
Registration				Lot #	16
Replacement				Zoning	V-1
Name	Route 26, Inc.				
Address	1408 Maine Street, Poland, Maine			Phone	998-5771

Sign Type & Description Free standing double sided 5.33' x 6' for permanent sign.  
Also up to 16 Sq. Ft. of changeable marquee below permanent section

Provide a scale drawing of sign below or attach drawing to this permit.

Provide a scale drawing of lot showing placement of sign(s) on reverse or attach drawing to this permit

See attached drawing

Date Approved 8/2/2006

Fee \$ 37.00

Signature of Applicant

*[Signature]*  
Code Enforcement Officer

Special Conditions:

*[Handwritten: Rd # 1414]*  
*[Handwritten: OK # 1414]*  
*[Handwritten: 2006]*



From: tlearned@roadrunner.com

Date: Dec 5, 2019 at 11:07:31 AM

To: Tom Learned tlearned@roadrunner.com



## MINING FACILITIES LICENSED UNDER PERFORMANCE STANDARDS

revised: January 2019

contact: DEP: (207) 287-7688

Type Code: G = Gravel; Q = Quarry; TS = Top Soil; TC = Top Soil/Clay; C = Clay

GPID	PIT NAME	COMPANY NAME	LOCATION	PIT STATUS	TY
663	ROUTE 26 PIT	ROUTE 26 SALES & EXCAVATION, INC.	POLAND	Active	G
658	CARON PIT	DAN CARON	POLAND	Active	G
379	WATERHOUSE BROOK PIT	POLAND, TOWN OF	POLAND	Active	G
184	WINTERBROOK PIT	POLAND, TOWN OF	POLAND	Active	G
414	POLAND QUARRY	PIKE INDUSTRIES	POLAND	Active	Q
773	SAFARI PIT	CHRISTOPHER KIMBALL	POLAND	Active	G
429	HARTMAN PIT	DANICA HARTMAN	PORTAGE LAKE	Not Jurisdictional	Q
95	PORTAGE PIT	IRVING FOREST PRODUCTS, INC.	PORTAGE LAKE	Active	G
338	ANDERSON PIT	ANDERSON SEPTIC SERVICE	PORTER	Active	G
202	KNIGHT PIT	SCOTT DUGAS TRUCKING & EXCAVATING	POWNALE	Active	G
618	MCGILLAN QUARRY	MCGILLAN, INC.	PRESQUE ISLE	Active	Q
350	SULLIVAN QUARRY	ED PELLETIER & SONS	PRESQUE ISLE	Active	Q
513	WOOD PIT	MCGILLAN, INC.	PRESQUE ISLE	Active	G
382	HAWES BRIDGE RD. QUARRY	PIKE INDUSTRIES	PROSPECT	Active	Q
645	BUTTERWORTH QUARRY	SALMONS INCORPORATED	PROSPECT	Active	Q
191	BOYNTON PIT	E C BOYNTON & SONS	PROSPECT	Active	G
227	TOWN OF RANGELY	RANGELY TOWN OF	RANGELY	Active	G

Sent from my iPhone



## Planning Board Office

1231 Maine Street,  
Poland, Maine 04274-7328

### **Findings of Fact & Conclusion of Law**

**Application Type:** Formal Site Plan

**Owners Name:** Brent D. Leclerc (53 Tiger Hill Rd. Poland, Maine 04274)

**Located at:** 462 Megquier Hill Rd.

**Parcel ID:** 0017-0020A

**Zoning District:** Rural Residential 1

#### **509.8 SUBMISSIONS**

The Planning Board (Board) voted on December 10, 2019 that the application for a backlot driveway included all the mandatory submissions requirements for the site plan application. Based on this information and in the record the Planning Board finds that this criterion will be met.

#### **509.9 SITE PLAN REVIEW STANDARDS**

##### **A. Preservation of Landscape:**

The applicant has proposed a backlot driveway to a 5.88 acre parcel with two buffer areas. There are no environmentally sensitive areas shown on the plan. Based on this information above and in the record the Planning Board finds that this criterion will be met.

##### **B. Relation of Proposed Buildings to Environment:**

The applicant has proposed the backlot driveway only. There are no proposed buildings at this time. Based on this information above and in the record the Planning Board finds that this criterion will be met.

##### **C. Compatibility with Residential Areas:**

The proposed backlot driveway will be used to access the backlot for a residential home. There is ample parking located on the lot for the proposed use and the proposal will not create any unsightly views, noise, odor, or lighting pollution. Based on this information above and in the record the Planning Board finds that this criterion will be met.

##### **D. Vehicular Access:**

This parcel does not appear to contain more than five hundred (500) feet of street frontage on a single street and consists of more than ten (10) acres; therefore, a conceptual access master plan is not required. Based on this information and in the record the Planning Board finds that this criterion will be met.

##### **E. Access to Route:**

The Maine Department of Transportation (MDOT) has approved the new driveway entrance. Based on this information and in the record the Planning Board finds that this criterion will be met.

**F. Surface Water:**

The applicant has proposed a thirty (30) foot level lip spreader at the end of the backlot driveway. Based on this information and in the record the Planning Board finds that this criterion will be met.

**G. Conservation, Erosion and Sediment Control:**

The applicant has proposed an erosion and sedimentation control plan created by Terradyn Consultants, LLC. Based on this information and in the record the Planning Board finds that this criterion will be met.

**H. Phosphorus Export:**

The parcel is in the Tripp Pond watershed, a great pond watershed. The applicant has proposed a phosphorus management plan created by Terradyn Consultants, LLC. Based on this information and in the record the Planning Board finds that this criterion will be met.

**I. Site Conditions:**

The applicant has proposed a phosphorus management plan created by Terradyn Consultants, LLC. Based on this information and in the record the Planning Board finds that this criterion will be met.

**J. Signs:**

There are no signs proposed on this application; therefore, the Board finds that this section is not applicable.

**K. Special Features:**

The applicant is not proposing to install any new mechanical equipment. Based on this information and in the record the Planning Board finds that this criterion will be met.

**L. Exterior Lighting:**

The applicant is not proposing to install any new exterior lighting. Based on this information and in the record the Planning Board finds that this criterion will be met.

**M. Emergency Vehicle Access:**

The proposed backlot driveway and hammerhead create sufficient access to the backlot. Based on this information and in the record the Planning Board finds that this criterion will be met.

**N. Municipal Services:**

All Town departments have not disclosed any concerns with the application as it stands. Based on this information and in the record the Planning Board finds that this criterion will be met.

**O. Water Supply:**

There are no buildings or wells proposed for this property at this time; therefore, the Board finds that this section is not applicable.

**P. Ground Water:**

The parcel is not located in an aquifer overlay district and no above or below ground fuel storage has been proposed; therefore, the Board finds that this section is not applicable.

**Q. Air Emissions:**

The proposed backlot driveway will not create any dust, ash, smoke, or other particulate matter and will meet or exceed the standards set by the MDEP. Based on this information and in the record the Planning Board finds that this criterion will be met.

**R. Odor Control:**

The proposed backlot driveway will not produce any offensive or harmful odors. Based on this information and in the record the Planning Board finds that this criterion will be met.

**S. Noise:**

The applicant has stated that the proposed backlot driveway will meet the Town and MDEP'S minimum noise standards. Based on this information and in the record the Planning Board finds that this criterion will be met.

**T. Sewage Disposal:**

The applicant has provided a letter from George Bouchles stating that there are suitable soils and area to accommodate a subsurface wastewater system for a three bedroom home. Based on this information and in the record the Planning Board finds that this criterion will be met.

**U. Waste Disposal:**

The applicant is proposing no visible on-site waste disposal. Based on this information and in the record the Planning Board finds that this criterion will be met.

**V. Buffer Areas:**

Two wooded buffers are shown on the plan dated 12/10/2019. Based on this information and in the record the Planning Board finds that this criterion will be met.

**W. Adequate Financial and Technical Capacity:**

The question of financial and technical capacity was not addressed in this application; therefore, the Board finds that this section is not applicable.

**X. Conformance with the Comprehensive Plan:**

The backlot driveway is a permitted use in the Rural Residential 1 zoning district and will be in conformance with the Comprehensive Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

### **509.11 Back Lots and Back Lot Driveways**

**E. Relocation of Driveways:**

The applicant has requested a waiver from the requirement to relocate the existing driveway to the new right of way. The applicant has requested the waiver due to the additional cost for road maintenance and possible interference with the existing subsurface waste. The Board has agreed to waive this section to allow the existing driveway to remain in place.

### **807.1 Design Standards for Streets**

**H.3 Waiver of Minimum Width:**

The applicant has requested a waiver to reduce the backlot driveway right of way to fifty (50) feet to maintain a two hundred (200) foot wide circle equal to the required road frontage. The Board has agreed to waive the sixty (60) foot minimum down to fifty (50) feet.

### **Conclusion**

- The Board reviewed the Site Plan application on December 10, 2019 at which time the Board deemed the application as completed and decided to not hold a public hearing or site walk for the application.
- The applicant has provided the Board with a deed (Book 9774 Page 144) showing reasonable right, title, or interest in the property.
- The Board has concluded that they have the jurisdiction to review the application under Ch. 5 §509.2.A.3, (New uses of existing structures or land or existing uses that require Site Plan Review).

Therefore, the Town of Poland Planning Board by a vote of 5-0 hereby approves with the following conditions the application for Brent Leclerc to create a backlot driveway as described in the application dated December 10, 2019 and the above findings of facts.

### **Conditions of Approval:**

- Plan approval is also conditioned upon compliance by the Applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral or written commitments regarding the project which were specifically made by the Applicant to the Board in the course of its deliberations
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time
- Building/use permits shall be obtained prior to the start of construction/use
- The Applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. §480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. §420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.

Pursuant to Section 304.5.B of the CLUC anyone aggrieved of this decision may file a written appeal within Thirty (30) Days of date of this decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

**Date Approved: December 10, 2019**  
**Poland Planning Board**

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James Porter, Chairman

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Stephanie Floyd, Vice Chairman

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Mark Weinberg, Secretary

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George Greenwood, Member

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Cheryl Skilling, Member

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Not A Voting Member

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James Walker, Alternate Member

12/24/2019

Town of Poland

Planning Board

**Re: Ordinance Amendment**

Dear Members,

The purpose of this correspondence is to offer a suggestion relative to a possible amendment to the CLUC. Paragraph 7 on page 120 references types of fencing that are not allowed in the district.

When I was before the Board with the storage proposal, the merits of black chain link were discussed. When I indicated I used black chain link in the Bridgton facility, one of the members stated that she had seen the facility and "did not realize there was any fence". That is the attraction of black chain link. It is virtually invisible.

In a subsequent discussion, the merits of black chain link versus wood fence with respect to providing security while allowing customers to be seen from the road were discussed. I stated that over 50% of the customers for storage units are women and they like the security of the fence with the ability to be seen from the road. A member of the board indicated that they "agreed" with my statement but were bound by the ordinance.

The ordinance requires that fencing be wood or vinyl. There are wood fences adjacent to my site that would technically meet the requirements in the ordinance but are in complete disrepair and look terrible. Across the street from my site, there are 2 rows of chain link that surround the track for the high school.



My site is heavily treed and bordered by wetlands on the north side. The significant buffer of trees and the wetlands serve as a natural buffer between my development and the adjacent properties and the area that is being fence is about 400' from the roadway at the closest point.

The architectural requirements in the district required that the portion of my building that faces the street have a gable end, faux windows and wood siding resulting in buildings that are more attractive. It seems counterintuitive to add these features to a development and then hide them with solid fencing.

I feel an amendment that would allow the Planning Board to exercise some discretion, with respect to the type of fence that is required, should be considered based on things such as:

- Natural buffers retained between a development and existing buildings.
- Distance from the traveled way.
- Product inside the fenced area.

After the Planning Board approved my storage facility, there was discussion about the Economic Development Committee being the starting point for amendments to ordinances. I did forward a letter to the EDC with the concerns and opinions referenced above. The EDC indicated that they "understood" my position but were not the committee that initiates ordinance amendments and directed me back to the Planning Board.

In light of the above, I respectfully request that the Planning Board consider an amendment to the ordinance that allows the Planning Board some discretion on fencing requirements based on natural buffers, distance from

the traveled way and the product or building that is being protected.

If you have any questions or need clarification on my request, please let me know.

Thank you,



Mark Lopez



## 2020 Proposed CLUC Changes

### 506.2 Land Use Key

#### A. Village 1

##### 1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- Single Family Dwelling
- Accessory Uses & Structures
- Housing, Manufactured, Definition B
- Accessory Apartment
- Accessory Residential Structure
- Offsite Accessory Structure
- Two Family/Duplex Dwelling
- Home Occupation
- Farm Stand
- Home Day care
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- Medical Marijuana Caregiver Cultivation
- Medical Marijuana Manufacturing Facilities
- Medical Marijuana Testing Facilities
- Adult Use Marijuana Cultivation Facilities: Tier 1

##### 2. Permitted Uses Requiring Planning Board Approval

- Filling more than 5,000 cubic yards

##### 3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

- Accessory uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Business (Primary Function)
- Campgrounds Transient
- Day Care Facility
- Farm Market
- Grocery Store
- Hotel/Motel
- Mini Mall
- Pet Store
- Pet Care Facility
- Neighborhood Convenience Store (with or without fuel island)
- Nurseries and Greenhouses
- Offices – Business, Medical, Professional
- Recreational Facilities (Commercial)
- Restaurants (includes Taverns and Bars)
- Small Engine Repairs
- Vehicle – Body Shop, Repair, Sales and/or Service, Service Station
- Microbreweries and Brew Pubs
- Gravel Pits, Quarries
- Sewerage Pumping Station
- Campgrounds - Religious Associations/ Clubs
- Medical Clinic
- Congregate Care Facility
- Hospice/Nursing Home
- Hospital
- Library
- Museum
- Public Buildings
- Public Facilities, Operational
- Religious Institution

## 2020 Proposed CLUC Changes

- Recreational Facilities, Municipal or State
  - Planned Commercial Development
  - Schools
  - Utilities, Service Structure
  - Cemeteries
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - And development defined as a Subdivision by 30-A. M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 Cubic yards
  - Timber Harvesting
  - Utilities (Above and Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **B. Village 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
- Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured, Definition B
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Farm Stand
  - Home Day Care
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult use Marijuana Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
- Filling of more than 5,000 cubic yards
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

## 2020 Proposed CLUC Changes

- Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Day Care Facility
  - Pet Care Facility
  - Sewerage Pumping Station
  - Farm Market (the lot upon which the farm market is located shall be at least twenty [20] acres
  - in size and shall be a working farm)
  - Congregate Care facility
  - Library
  - Museum
  - Administrative Public Buildings
  - Religious Institutions
  - Recreational Facilities, Municipal or State
  - Schools
  - Utilities, Service Structure
  - Cemeteries
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above and Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **C. Village 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
- Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured, Definition B
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Farm Stand
  - Home Occupation
  - Home Day Care
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities

## 2020 Proposed CLUC Changes

- Adult use Marijuana Cultivation Facilities:  
Tier 1

### 2. Permitted Uses Requiring Planning Board Approval

- Filling of more than 5,000 cubic yards

### 3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Business (Primary Function)
- Campgrounds Transient
- Day Care Facility
- Farm Market
- Pet Care Facility
- Pet Store
- Neighborhood Convenience Store (with or without fuel island)
- Offices – Business, Medical, Professional
- Restaurants (Includes Taverns, Bars)
- Vehicle – Sale and/or service
- Gravel Pits, Quarries
- Sewerage pumping Station
- Campgrounds – Religious Associations/Clubs
- Medical Clinic
- Congregate Care Facility
- Hospice/Nursing Home
- Hospital with >10 beds
- Library
- Museum
- Public Buildings
- Public Facilities, Operational
- Religious Institution
- Recreational Facilities, Municipal or State
- Schools
- Utilities, Service Structure
- Cemeteries

### 4. Permitted Uses Requiring Subdivision Review Cluster Development

- Cluster Development
- Planned Residential Development
- Any development defined as a Subdivision by 30-A M.R.S.A. §4401

### 5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above and Below Ground)

### 6. All uses that are not expressly listed above shall be prohibited.

## 2020 Proposed CLUC Changes

### D. Village 4

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
  - Single Family Dwelling
  - Accessory Uses and Structures
  - Housing, Manufactured, Definition B
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Farm Stand
  - Home Occupation
  - Home Day Care
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult Use Marijuana Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
  - Filling of more than 5,000 cubic yards
  - Medical Marijuana Registered Caregiver Retail Store
  - Adult Use marijuana Cultivation Facilities: Tier 2
  - Adult Use Marijuana Products Production Facilities
  - Adult Use Marijuana Testing Facilities
  - Adult Use Marijuana Store
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
  - Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Business (Primary Function)
  - Day Care Facility
  - Farm Market
  - Grocery Store
  - Hotel/Motel
  - Mini Mall
  - Pet Care Facility
  - Pet Store
  - Neighborhood Convenience Store (with or without fuel island)
  - Nurseries/Greenhouses
  - Offices – Business, Medical, Professional
  - Recreational Facilities (Commercial)
  - Restaurants (Includes Taverns, Bars)
  - Small Engine Repairs
  - Vehicle – Body Shop, Repair, Sales and/or Service, Service Station

## 2020 Proposed CLUC Changes

- Breweries and Distilleries  
(maximum 40,000 sq. ft.  
of floor area)
  - Microbreweries and Brew  
Pubs
  - Sewerage Pumping  
Station
  - Medical Clinic
  - Congregate Care Facility
  - Hospice/Nursing Home
  - Planned Commercial  
Development
  - Museum
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Cluster Development
  - Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **E. Downton**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
- Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured Definition A, B, and C
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Home Day Care
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult use Marijuana Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
- Filling of more than 5,000 cubic yards

## 2020 Proposed CLUC Changes

3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
  - Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Business (Primary Function)
  - Day Care Facility
  - Farm Market
  - Farm Stand
  - Grocery Store
  - Hotel/Motel
  - Mini Mall
  - Pet Care Facility
  - Pet Store
  - Neighborhood Convenience Store (with or without fuel island)
  - Nurseries/Greenhouses
  - Offices – Business, Medical, Professional
  - Recreational Facilities, Commercial (indoor recreational facilities only, limited to no more than 15,000 sq. ft. per structure)
  - Restaurants (Includes Taverns, Bars)
  - Small Engine Repairs
  - Microbreweries and Brew Pubs
  - Laboratories, Research
  - Manufacturing, General (Manufacturing allowed only if there is also a retail outlet on the premises)
  - Sewerage Pumping Station
  - Medical Clinic
  - Congregate Care Facility
  - Group Home
  - Hospice/Nursing Home
  - Hospital, >10 Overnight Beds
  - Hospital, <10 Overnight Beds
  - Library
  - Museum
  - Public Buildings, Administrative
  - Public Facilities, Operational
  - Religious Institution
  - Municipal or State Recreational Facilities
  - Cemeteries
  - Planned Commercial Development
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Cluster Development
  - Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture

## 2020 Proposed CLUC Changes

- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (above and Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

### **F. Historic**

#### 1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- Single Family Dwelling
- Accessory Uses & Structures
- Accessory Apartment
- Offsite Accessory Structure
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- Medical Marijuana Cultivation
- Medical Marijuana Manufacturing Facilities
- Medical Marijuana Testing Facilities
- Adult use Marijuana Cultivation Facilities: Tier 1

#### 2. Permitted Uses Requiring Planning Board Approval

- Filling of more than 5,000 cubic yards

#### 3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Business (Primary Function)
- Day Care Facility
- Farm Market
- Hotel/Motel
- Mini Mall
- Nurseries/Greenhouses
- Offices – Business, Medical, Professional
- Recreational Facilities (Commercial)
- Restaurants (Includes Taverns, Bars)
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Campgrounds, Religious Associations/Clubs
- Medical Clinic
- Congregate Care Facility
- Hospice/Nursing Home
- Hospital >10 Overnight Beds
- Library
- Museum
- Public Buildings, Administrative
- Religious Institution
- Municipal or State Recreational Facilities
- Cemeteries
- Utilities, Service



## 2020 Proposed CLUC Changes

4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. § 4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **G. Rural Residential 1**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
  - Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured Definition A, B, and C
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult Use Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
  - Filling of more than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
  - Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast

## 2020 Proposed CLUC Changes

- Day Care Facility
  - Farm Market (the lot upon which the farm market is located shall be at least twenty [20] acres in size and shall be a working farm)
  - Recreational Facilities (Commercial)
  - Gravel Pits & Quarries
  - Sewerage Pumping Station
  - Campgrounds – Religious Association/Clubs
  - Congregate Care facility
  - Library
  - Museum
  - Public Facilities, Operational
  - Religious Institution
  - Schools
  - Cemeteries
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **H. Rural Residential 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
- Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured Definition A, B, and C
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult Use Marijuana Cultivation Facility: Tier 1

## **2020 Proposed CLUC Changes**

2. Permitted Uses Requiring Planning Board Approval
  - Filling of more than 5,000 cubic yards
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
  - Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Day Care Facility
  - Farm Market (the lot upon which the farm market is located shall be at least twenty [20] acres in size and shall be a working farm)
  - Gravel Pits & Quarries
  - Sewerage Pumping Station
  - Congregate care Facility
  - Library
  - Museum
  - Religious Institution
  - Municipal or State Recreation Facilities
  - Schools
  - Cemeteries
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **I. Rural Residential 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
  - Single Family Dwelling
  - Accessory Uses & Structures
  - Housing, Manufactured Definition A, B, and C
  - Accessory Apartment

## 2020 Proposed CLUC Changes

- Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult Use Marijuana Cultivation Facility: Tier 1
2. Permitted Uses Requiring Planning Board Approval
- Filling more than 5,000 cubic yards
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
- Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Day care Facility
  - Farm Market (the lot upon which the farm market is located shall be at least twenty [20] acres in size and shall be a working farm)
  - Public Facilities, Operational
  - Gravel Pits & Quarries
  - Sewerage Pumping Station
  - Congregate Care Facility
  - Library
  - Museum
  - Religious Institution
  - Municipal or State Recreation Facilities
  - Schools
  - Cemeteries
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Cluster Development
  - Planned Residential Development
  - Manufactured Housing Community
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)

## 2020 Proposed CLUC Changes

6. All uses that are not expressly listed above shall be prohibited.

### **J. Farm and Forest**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- Single Family Dwelling
- Accessory Uses & Structures
- Housing, Manufactured Definition A, B, and C
- Accessory Apartment
- Accessory Residential Structure
- Offsite Accessory Structure
- Two Family/Duplex Dwelling
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- Medical Marijuana Caregiver Cultivation
- Medical Marijuana Manufacturing Facilities
- Medical Marijuana Testing Facilities
- Adult Use Marijuana Cultivation Facility: Tier 1

2. Permitted Uses Requiring Planning Board Approval

- Filling of more than 5,000 cubic yards
- Adult Use Marijuana Cultivation Facilities: Tier 2 and Tier 3
- Adult Use Marijuana Products Production Facilities
- Adult Use Marijuana Testing Facilities

3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Boat Storage Facilities
- Transient Campgrounds
- Kennel
- Nurseries/Greenhouses
- Restaurants, includes Taverns and Bars (in existing structures only)
- Small Engine Repair
- Agriculture (Process & Storage)
- Sawmills
- Farm Market
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Waste Disposal
- Campgrounds – Religious Associations/Clubs
- Group Home
- Confined Feeding Operations
- Library
- Museum
- Religious Institution
- Municipal or State Recreation Facilities
- Schools
- Cemeteries
- Utilities, Service Structure

## 2020 Proposed CLUC Changes

4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **K. General Purpose 1**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
  - Accessory Uses & Structures
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult use Marijuana Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
  - Filling of more than 5,000 cubic yards
  - Medical Marijuana Registered Caregiver Retail Store
  - Adult Use Marijuana Cultivation Facilities: Tier 2
  - Adult Use Marijuana Products Production Facilities
  - Adult Use Marijuana Testing Facilities
  - Adult Use Marijuana Store
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
  - Accessory Uses & Structures
  - Adult Book & Video Stores

## 2020 Proposed CLUC Changes

- Adult Entertainment Facility
- Antenna, Saucer, Tower (Commercial)
- Business (Primary Function)
- Kennel
- Grocery Store
- Neighborhood Convenience Store (with or without fuel islands)
- Offices – Business, Medical, Professional
- Nurseries & Greenhouses
- Restaurants (includes Taverns & Bars)
- Small Engine Repair
- Vehicles – Body Shop, Repair, Sales, Service, Service Station
- Agriculture (Process & Storage)
- Bottling Facility
- Breweries & Distilleries
- Industrial General
- Laboratories, Research
- General Manufacturing
- Sawmills
- Farm Market
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Trucking, Distribution Terminal
- Waste Disposal
- Yard – Salvaged Materials & Scrap Metal
- Confined Feeding Operations
- Museum
- Public Buildings, Administrative
- Public Buildings, Operational
- Municipal or State Recreation Facilities
- Utilities, Service Structure
- 

4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

### **L. General Purpose 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer
  - Accessory Uses & Structures
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs

## 2020 Proposed CLUC Changes

- Filling 200 cubic yards to 5,000 cubic yards
  - Medical Marijuana Caregiver Cultivation
  - Medical Marijuana Manufacturing Facilities
  - Medical Marijuana Testing Facilities
  - Adult use Marijuana Cultivation Facilities: Tier 1
2. Permitted Uses Requiring Planning Board Approval
- Filling of more than 5,000 cubic yards
3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review
- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Accessory Uses &amp; Structures</li><li>• Antenna, Saucer, Tower (Commercial)</li><li>• Business (Primary Function)</li><li>• Kennel</li><li>• Grocery Store</li><li>• Offices – Business, Medical, Professional</li><li>• Nurseries &amp; Greenhouses</li><li>• Small Engine Repair</li><li>• Vehicles – Body Shop, Repair, Sales, Service</li><li>• Agriculture (Process &amp; Storage)</li><li>• Bottling Facilities</li><li>• Breweries &amp; Distilleries</li><li>• Industrial General</li><li>• Laboratories, Research</li><li>• General Manufacturing</li></ul> | <ul style="list-style-type: none"><li>• Sawmills</li><li>• Farm Market</li><li>• Gravel Pit &amp; Quarries</li><li>• Sewerage Pumping Station</li><li>• Trucking, Distribution Terminal</li><li>• Waste Disposal</li><li>• Yard – Salvaged Material &amp; Scrap Metal</li><li>• Confined Feeding Operations</li><li>• Museum</li><li>• Public Buildings, Administrative</li><li>• Public Buildings, Operational</li><li>• Municipal or State Recreation Facilities</li><li>• Utilities, Service Structure</li></ul> |
|--|---|
4. Permitted Uses Requiring Subdivision Review Cluster Development
- Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting



## 2020 Proposed CLUC Changes

- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

### **M. General Purpose 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer

- Accessory Uses & Structures
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 cubic yards to 5,000 cubic yards
- Medical Marijuana Caregiver Cultivation
- Medical Marijuana Manufacturing Facilities
- Medical Marijuana Testing Facilities
- Adult use Marijuana Cultivation Facilities: Tier 1

2. Permitted Uses Requiring Planning Board Approval

- Filling of more than 5,000 cubic yards

3. Permitted Commercial, Industrial, Institutional, Governmental, and Other Uses Requiring a Site Plan Review

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Business (Primary Function)
- Kennel
- Grocery Store
- Offices – Business, Medical, Professional
- Nurseries & Greenhouses
- Small Engine Repair
- Vehicles – Body Shop, Repair, Sales, Service
- Abattoir (Slaughterhouse)
- Auto Graveyards/Junkyards
- Hazmats – Manufacturing, Storage, Distribution
- Agriculture (Process & Storage)
- Bottling Facility
- Breweries & Distilleries
- Industrial General
- Laboratories, Research
- General Manufacturing
- Sawmills
- Farm Market
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Trucking, Distribution Terminal
- Waste Disposal
- Yard – Salvaged materials & Scrap Metal
- Confined Feeding Operations
- Museum
- Public Buildings, Administrative

## 2020 Proposed CLUC Changes

- Public Buildings, Operational

- Municipal or State Recreation Facilities
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review Cluster Development
  - Any development defined as a Subdivision by 30-A M.R.S.A. §4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code.
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

**Structure:** Anything temporary or permanently located built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground, exclusive. The term includes structures temporarily or permanently located including membrane structures, decks, patios, satellite dishes, and solar panels. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

### 1204 ADOPTION OF NFPA 1 FIRE CODE BY REFERENCE

- A. That a certain document, three (3) copies of which are on file in the office of the Town of Poland Clerk of the Town with one (1) copy being in the Town Clerk's Office, marked and designated as the NFPA Fire Code 1 – 2018 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine and further amended by section 1204.B, be and is hereby adopted as the Fire Code of the Town of Poland

### 1205 ADOPTION OF NFPA LIFE SAFETY 101 BY REFERENCE

- A. That a certain document, three (3) copies of which are on file in the office of the Poland Town Clerk Town, with one (1) copy being in the Town Clerk's Office, marked and designated as the Life Safety Code 101 – 2018 Edition including Appendices A and B

## 2020 Proposed CLUC Changes

as published by the National Fire Protection Association, as adopted and amended by the State of Maine and amended by section 1205.B, be and is hereby adopted as the Life Safety Code of the Town of Poland for control of buildings and structures as herein provided.

**1511. 1 Allowed Locations** – Adult use marijuana products manufacturing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all locations where adult use Tier 2 and Tier 3 cultivation is allowed and must be co-located with a cultivation facility.
- B. This is a permitted use requiring Planning Board approval and licensing by the Town to operate.

**1512. 1 Allowed Locations** – Adult use marijuana testing facilities shall be allowed in the following locations, subject to the requirements of this Section:

- A. Allowed in all locations where adult use Tier 2 and Tier 3 cultivation is allowed and must be co-located with a cultivation facility.
- B. This is a permitted use requiring Planning Board approval and licensing by the Town to operate.