

Planning Board Meeting
8/22/19

A Public Hearing for John Ross Emmons auto sales and auto repair CUP opened at 7:00. There were no public comments or input. Public Hearing closed at 7:04

Planning Board meeting opened at 7:05 p.m.

Attendance: David Strock, Josiah Pierce, Matt Sanborn, Sue Olafsen, and Matthew Fricker. Selectmen Gerry Brown and Dwight Warren, as well as CEO Wes Sunderland were present. Town Counsel David Lourie was also in attendance (at the invitation of Dwight Warren).

Citizens Kathy Pierce, Kurt Olafsen and Mandy Sanborn were also present.

Item 1: Review and vote on draft minutes from August 8, 2019 meeting

- The board reviewed and voted unanimously to approve minutes from August 8, 2019 meeting.

Item 2: Consideration of Mr. Emmons' CUP application

- John Emmons CUP approved unanimously. An apology was offered to Mr. Emmons from the Planning Board for the inconvenience of having to bring him back for a second Public hearing and Planning Board vote on his CUP. A copy of the CUP is attached.

Item 3: Discussion regarding Northeast Watercross Championship organization's statement of intent to operate a campground and commercial outdoor recreation activity without a conditional use permit, including consideration whether a third-party consultant should be engaged to document, including photographic and audio/noise sensors, the activity (note - two individuals associated with Northeast Watercross Championship previously approached the Board about a Conditional Use Permit).

- Since Northeast Watercross Championship (NEWC) is planning an event at Nature's Wilderness Resort (NWR), Jo Pierce voluntarily recused himself from any and all discussions or votes regarding NWR. This is not something that was voted on by the Planning Board. He left the Planning Board table and sat in the audience to participate as a citizen.
- David Strock received comments from several citizens of Baldwin that NEWC was having a race event in Baldwin. The NEWC Facebook page/website indicated it was a 3-day event to be held at NWR. Online publicly available information indicated that the NEWC event at NWR is a commercial outdoor recreational activity with campground activity. David Strock raised the question whether these activities are under the purview of the Baldwin Land Use ordinance and are prohibited unless you have a CUP. The Planning Board is not the enforcement arm of the Town however when something like this comes up it is useful to have a discussion about it, learn more about the event and perhaps retain a third party to collect information about the event.
- A discussion was held covering the Selectmen's Meeting on 20August2019 where the topic of the NEWC race event was presented to interested townspeople. Subsequent to NEWC approaching the Planning Board about a CUP for an event at Wood's Mill Pond, they were contacted by the CEO who informed them they could hold a race under the auspices of a Mass Gathering Policy approved by the Town Selectmen. That policy was subsequently rescinded, and a plan was made to develop a Mass Gathering Ordinance that would be put forth for approval at an Annual Town Meeting.

- David Lourie informed the Selectmen that they did not have legislative authority and did not have authority to adopt a new ordinance, so he originally drafted and delivered a special event policy intended to be a non-prosecutorial policy, but the Selectmen opted to build a policy off of the Cornish policy. Esquire Lourie clarified that the Town's special event policy (borrowed from the Town of Cornish) is not a Mass Gathering Policy but is a Single Event Policy. Nonetheless he indicated if camping is involved in the NEWC event, it had the potential to be a violation of the Land Use Ordinance (LUO) and would require a CUP. He also indicated that a State permit would be needed if the event was > 12 hours and > 2,000 people.
- The CEO discussed his view of the differences between an ordinance and a policy. A policy is intended for "single use" application, whereas a CUP "goes with the land forever". David Strock and Wes Sunderland discussed the relative merits and demerits of an ordinance vs. a policy. It was clarified that the important issue was to get the topic before the Town for discussion, and that just because something is added to the Land Use Ordinance does not necessarily mean it requires a CUP, it could be a "permitting structure" as well. The CEO queried the role of Town government in managing events as opposed to just letting events happen and trusting the capabilities and common sense of the organizers. David Strock indicated that if an activity is covered under the LUO then the Planning Board has a responsibility discuss and manage the process and the CEO is required to enforce the ordinances.
 - Specifically, if the NEWC is operating an event that comes under the LUO, the CEO was asked if he would enforce it.
- The Planning Board held a discussion as to whether or not the Board believed that the planned race activities of NEWC come under the LUO. Based on analyzing the LUO, Campgrounds (definition read from LUO) and Commercial Outdoor Recreation (definition read from LUO) are not permitted uses in the Rural District. Campgrounds and Commercial Outdoor Recreation are conditional uses within the Rural District and require a CUP.
 - The Planning Board agreed that, based on the information available, the NEWC activities represent Campgrounds and Commercial Outdoor Recreation as defined in the LUO, and if executed without a CUP would be a violation of the LUO.
 - The Planning Board posed a question to the CEO as to whether this needed to be enforced.
 - The CEO indicated that his authority is to identify a violation and provide gentle persuasion. He "suggests and writes letters" e.g., a "Notice of Violation", but the Select Board "enforces."
 - The Planning Board conveyed their perspective that the intended event by the NEWC is inconsistent with the LUO to the CEO and the Select Board. If the CEO also believes this is a violation, he was asked to convey the issue of the potential ordinance violation to NEWC in writing and to provide a copy to the Planning Board.
- The topic of NEWC events was opened up for discussion. It was made known by Kurt Olafsen that there have been at least two other racing events held at NWR:
 - October 2018 NEWC race
 - July 2018 UTV Rally Rush – included entry fees, prizes, attendee fees, etc.
 - NEWC planned for late September
 - October 2019 – UTV Rally Rush planned.
 - The CEO was not aware of these events.

Gerry Brown stated that the October 2018 NEWC race was actually just a gathering of 100 to 150 friends at the NWR location, but acknowledged that Steve Reynolds from NEWC was

present at the gathering.

Gerry Brown stated that the 2018 Rally Rush event had about 25 participants and about 75 others in attendance.

Gerry Brown stated that he anticipated the planned NEWC event for late September would have between 800 – 1,000 people, but he previously stated there may be up to 1,500 people at the event.

- Kurt Olafsen asked the Town Attorney, David Lourie, what the standards were for when a Town Selectman should recuse themselves. David Strock asked how we should navigate this issue of situations of potential conflict of interest.
 - Selectman Gerry Brown said he would recuse himself on any issues including NWR.
 - David Lourie indicated that for discussion at a Planning Board, Selectman Gerry Brown did not need to recuse himself to comment on issues regarding NWR as he would be considered as just a member of the public.
 - Attorney Lourie explained further that for official Select Board business, a Selectman must recuse themselves if there is even an appearance that there is “temptation to put their personal financial interest ahead of their town responsibilities”. The selectman’s actions/decisions could be voidable if they did not recuse themselves.

- The Planning Board tabled the topic of whether or not to hire a consultant to monitor (noise, vibration, traffic impact, etc.) the NEWC event after briefly discussing the whether the Board could spend the funds, what type of skills the consultant would need, and the concern that such a consultant would be expensive. David Strock asked the Selectmen present whether the Select Board would be interested in hiring a consultant for the event. Dwight Warren stated that he was not sure the Town had the money.

Item 4: Discussion with Baldwin's Code Enforcement Officer and the Board whether Nature's Wilderness, LLC (a Florida Corporation) is in current violation of the Land Use Ordinance under Article 8.1 on the Ordinance:

- Article 8.1 second sentence of LUO was read. Article 8.5 was also read.
- The NEWC planned use of NWR property is viewed as a violation of the LUO by the Planning Board. However, if the CEO does not treat it as a violation, the Planning Board cannot do anything relative to Article 8.1 or 8.5. The CEO must issue an N.O.V. (Notice of Violation), and according to MMA it is solely the purview of the CEO to interpret and enforce ordinances.
- It is informative to the Planning Board’s review of the NWR CUP application relative to Articles 8.1 and 8.5 if the CEO finds that NWR is conducting activities in violation of the LUO.
- It was noted in Article 8.6 that a CUP can have an “event” aspect or sunset provision. The Board asked Esquire Laurie whether they could issue a CUP that ended on a specific date or for a specific period. Esquire Laurie responded that the Board had that authority.

Item 5: Professional minute taker for Planning Board Meetings.

- Cornish currently has a minute taker for Planning Board meetings. It is estimated that the earn \$11 and hour for about 12 hours per month for a monthly cost of approximately \$132.00. The CEO will obtain contact information from Cornish.

Item 6: Consideration of a motion to adjourn.

A motion to adjourn was made, seconded and the meeting ended at 9:10 p.m.

Attachment A:

Baldwin Planning Board - 8/22/19 Meeting Agenda

David Strock dastrock@gmail.com

To:

Board - Below is the agenda for the next meeting:

Public Hearing for consideration of John Emmons Conditional Use Permit (building in front of Dodge Oil facility, across from Whistle Stop)

Open The Board Meeting:

1. Review and vote on draft minutes from August 8, 2019 meeting;
2. Consideration of Mr. Emmons' CUP application;
3. Discussion regarding Northeast Watercross Championship organization's statement of intent to operate a campground and commercial outdoor recreation activity without a conditional use permit, including consideration whether a third-party consultant should be engaged to document, including photographic and audio/noise sensors, the activity (note - two individuals associated with Northeast Watercross Championship previously approached the Board about a Conditional Use Permit);
4. Discussion with Baldwin's Code Enforcement Officer and the Board whether Nature's Wilderness, LLC (a Florida Corporation) is in current violation of the Land Use Ordinance under Article 8.1 on the Ordinance; and
5. Consideration of a motion to adjourn.

Respectfully,
David Strock, Chair Planning Board

PS - Danielle - please feel free to post agenda on website.

greenlightoilco@gmail.com

For Town Use Only

Date Application Received _____
Received By: _____
Fee Paid: \$ _____

Town of Baldwin, Maine.
Application for Conditional Use Permit

The Land Use Ordinance of the Town of Baldwin allows the Planning Board to grant a Conditional Use Permit for those uses listed specifically as Conditional Uses in Article 6, District Regulations of the code. Before granting a permit, the Board must find that the standards contained in Article 8, Conditional Uses have been met. It is your obligation to submit the necessary materials to allow the Planning Board to determine if those standards have been met. Three copies of the complete application and supporting materials and the applicable fee shall be submitted to the Code Enforcement Officer.

Pine State Performance
and Auto Sales

Section A: Basic Information (to be completed by all applicants)

✓ 1. Applicant's Legal Name John Ross Emmons

✓ 2. Applicant's Mailing Address 19 Fox Run
Windham, ME 04062

3. Phone number where applicant can be reached during business hours 207-572-8900

4. Are you the owner of record of the property for which the Conditional Use Permit sought?
 yes (provide copy of title and go to Question 8)
 no (answer Questions 5, 6, and 7)

5. To apply for a conditional Use Permit, you must have legal right, title, or interest in the property. Please indicate your interest in the property and attach written evidence of this interest.
EXHIBIT #1

✓ 6. Property Owner's Name Jay K. Banks

✓ 7. Property Owner's Address 38 Hillview Rd
Gorham, ME 04038

8. Location of property for which the permit is sought Map # 1 251 PEQUAWKUS TRAIL
LOT 7A-B

✓ 9. Indicate the Map and Lot number for the property from the Town's assessment records
Map # 1 Lot # 71-13

10. Indicate Zoning District in which the property is located (check as many as apply)
 Natural Resource Protection Highlands
 Village Commercial Rural

11. List the use for which a Conditional Use Permit is being sought. Please refer to Article 6, District Regulations. The proposed use must be specifically listed as conditional use in the district in which it is located.
AUTO SALES & AUTO REPAIR
(FOR AUTOS TO SELL)

Town of Baldwin, Maine
Application for Conditional Use Permit
(continued – page #2)

12. Attach the following information to this application as outlined in Article 8 Conditional Uses. For each item, please indicate by checking that item that it has been included with your application.

- a. A location map showing the location of the property with respect to roadways and major natural features. This map should allow the Board to locate the parcel in the field and on the Town's zoning and tax maps. EXHIBIT #2,
- b. A written description of the proposed use of the property. This statement shall describe the exact nature of the proposed use. EXHIBIT #3
- c. An accurate, scale drawing of the lot showing the location of any existing or proposed buildings, structures, and natural features, Driveways and parking areas. EXHIBIT #4-A 4-B

Section B: Standards for a conditional Use Permit (the full text appears in Article 8.3)

1. The Planning Board shall consider impact:

- a. The size of the proposed use compared with surrounding uses.
- b. The intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expense of pavement, and similar measures of intensity of use, compared with surrounding uses.
- c. The potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances.
- d. Unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties.
- e. The degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

2. The Planning Board shall consider facilities:

- a. The ability of traffic to safely move into and out of the site at the proposed location.
- b. The presence of facilities to assure the safety of pedestrians passing by or through the site.
- c. The capacity of the street network to accommodate the proposed use.
- d. The capacity of the storm drainage system to accommodate the proposed use.
- e. the ability of the Town to provide necessary fire protection services to the site and development.

3. The Planning Board shall consider natural characteristics:

- a. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section C: Shoreland Standards

Section to be completed only if any portion of the property is located within 250 feet of the normal high water mark of Ingalls Pond, Sand Pond, Southeast Pond, Adams Pond, or the Saco River or within 75 feet of any stream. For each standard, attach a written statement demonstrating how the proposed use complies with that standard. For each item, please indicate by checking that item that it has been included with your application. Each standard must be addressed in your submission.

- a. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, birds and other wildlife habitat.
- b. Will reasonably conserve shoreland vegetation.
- c. Will reasonably conserve visual points of access to waters as viewed from public facilities.
- d. Will conserve actual points of public access to waters.
- e. Will reasonably conserve natural beauty.
- f. Will reasonably avoid problems associated with floodplain development or use.

Section D: (to be completed by applicant)

I/We JOHN EMMONS, certify that I/We are the legal applicants for the conditional use permit by this application, that I/We are the owners of the property covered by this application or have the property owner's consent to the filing of this application and have legal interest in the property and that the information contained in this application and supporting materials is accurate and true.

I/We further certify that I/We have the standards for granting of Conditional Use Permits contained in Land Use Ordinance.

[Signature]
Signature of Applicant

5/31/19
Date

Signature of Applicant

Date

Permit Fee: \$150

[Signature]
Signature of CEO

5-31-19
Date Received

Official Use: Planning Board.

Date Received by Planning Board: _____

Received By: _____

Date of Public Hearing: _____

Conditional Use Permit about: _____

PERMIT DENIED Date: 8/22/19 Explanation: _____

PERMIT APPROVED Date: 8-22-19 Conditions of Permit (if any) _____

Planning Board Signatures:

- 1. [Signature]
- 2. [Signature]
- 3. [Signature]
- 4. Singha J. Alapen
- 5. [Signature]

Section D: (to be completed by applicant)

I/We JOHN EMMONS, certify that I/We are the legal applicants for the conditional use permit by this application, that I/We are the owners of the property covered by this application or have the **property owner's consent** to the filing of this application and **have legal interest** in the property and that the information contained in this application and supporting materials is accurate and true.

I/We further certify that I/We have the standards for granting of Conditional Use Permits contained in Land Use Ordinance.

[Signature]
Signature of Applicant

5/31/19
Date

Signature of Applicant

Date

Permit Fee: \$150

[Signature]
Signature of CEO

5-31-19
Date Received

Official Use: Planning Board.

Date Received by Planning Board: 6/13/19

Received By: [Signature]

Date of Public Hearing: 7/11/19

Conditional Use Permit about: Automobile Repair Garage & Automobile Sales

PERMIT DENIED Date: _____ Explanation: _____

PERMIT APPROVED Date: 7/11/19 Conditions of Permit (if any) _____

SEE ATTACHED CONDITIONS

Planning Board Signatures:

2. [Signature]

1. [Signature]
3. [Signature]
5. [Signature]

SURCE...
B-1...
4

J. K. Banks Corporation
79 New Portland Road
Gorham, Maine 04038

May 28, 2019

Baldwin Planning Board
Town of Baldwin
534 Pequawket Trail
West Baldwin, Maine 04091

Baldwin Planning Board,

Re: 251 Pequawket Trail

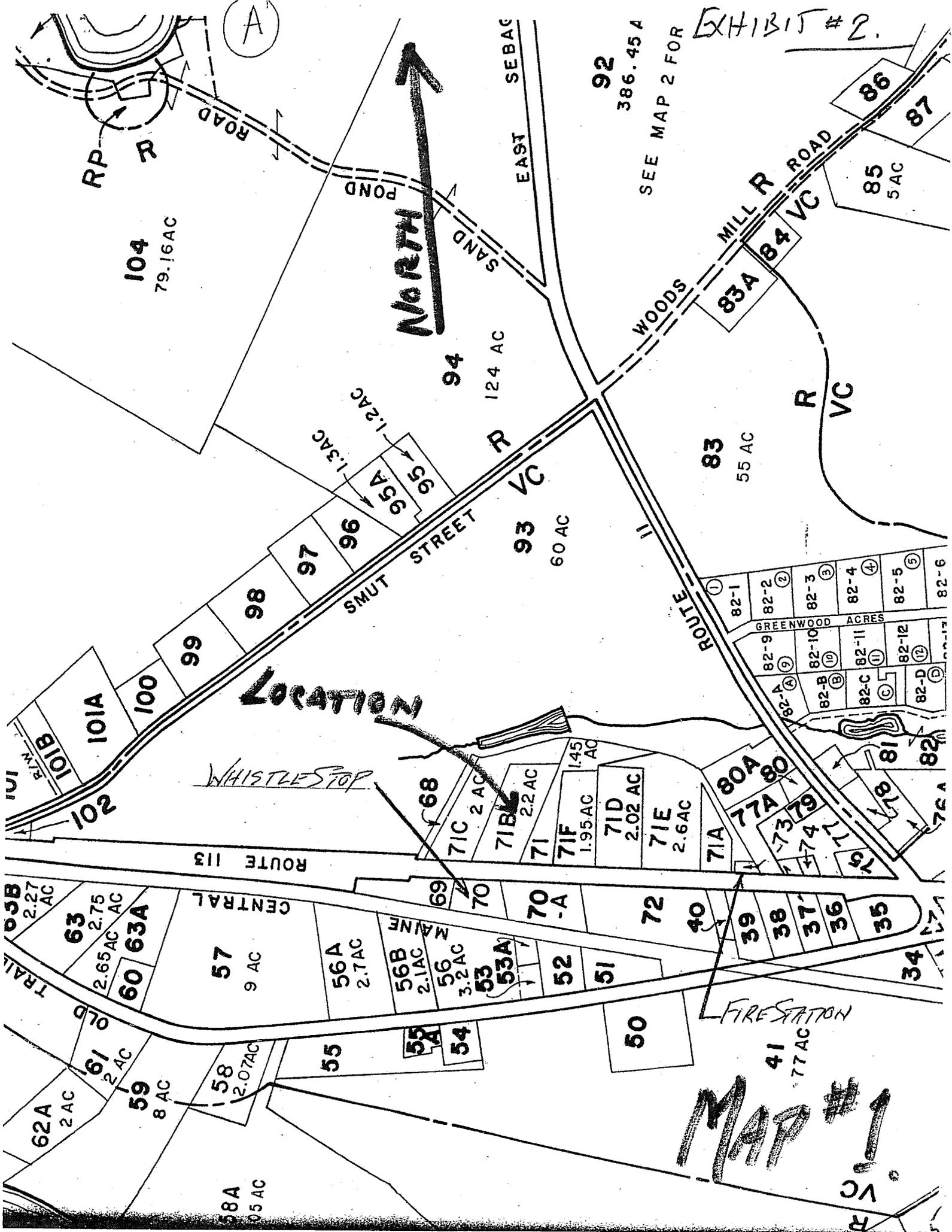
This letter shall serve as my letter of authorization to allow John R. Emmons to meet with the Baldwin Planning Board and to apply for a Conditional Use Permit with the Town of Baldwin to operate a Used Automobile Sales and Service Dealership at 251 Pequawket Trail.

I look forward to having him as a Tenant at 251 Pequawket Trail.

Sincerely,



Jay K. Banks
Managing Partner



(A)

EXHIBIT #2

SEE MAP 2 FOR 92 386.45 A

North

LOCATION

WHISTLE STOP

FIRE STATION

MAP #1

104
79.16 AC

94
124 AC

83
55 AC

93 VC
60 AC

85
5 AC

86

87

102
101A
100
99
98
97
96
95A
95B

GREENWOOD ACRES

80A

80

77A

77B

77C

77D

77E

77F

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77CN

77CO

77CP

77CQ

77CR

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77CU

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77KA

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77KC

77KD

77KE

77KF

Pine State Performance

Hours Of Operation: Monday - Thursday 8am - 7pm, Friday & Saturday
8am - 6pm

7 AM to 8 PM Monday - Sunday

Used Motor Oils will be recycled with the Maine Oil Recycling Program or brought to Riverside Recycling Facility, 910 Riverside St., Portland, ME.

Antifreeze will be recycled at : Riverside Recycling Facility.

Junk Metals/ auto parts will be Recycled at: Schnitzer Northeast & E. Perry Iron & Metal Co.

Junk Tires will be Recycled at: Riverside Recycling Facility, ~~or Baldwin Town Dump if a dump pass is acquirable.~~

Any other Non-Recyclable Trash will be sorted and disposed at multiple locations including: Eco Maine 64 Blueberry Ln, Portland, ME, Riverside Recycling Facility, and Baldwin Town Dump if a dump pass is acquirable.

12.B.

We will engage in Used Auto Car Sales and Service, Mainly servicing the vehicles we sell/warranty. Also doing some customer repairs dependent on the job but not limited to: drivetrain diagnostics/repair, and suspension components.

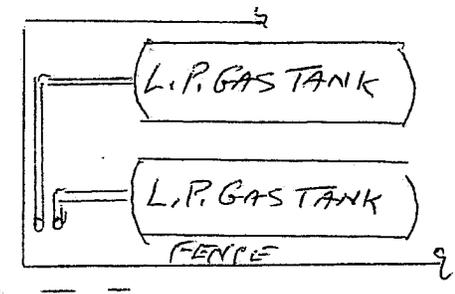
of cars on the lot at ^{any} one time

Plan for recyclables

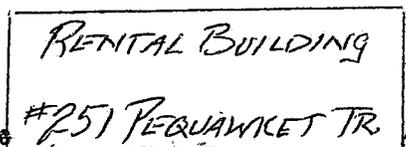
EXHIBIT #4-A

RODGE OIL
JAY BANKS
MAP #1
LOT #71-B

NORTH



50ft



GATE

GATE

73ft
fence line
ACCESS DRIVE

65ft
#1

16.5ft
garage

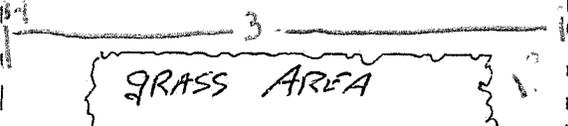
31ft
ACCESS DRIVE

BUILDING-FENCE

DISPLAY SET-BACK AREA
53ft 100ft

45ft

45ft



AREA BETWEEN DRIVES 170ft

73ft
AREA

200ft top in FRONT 230'



PEQUAWKET TRAIL

STATE RT. #113

NO SCALE

Pine State Auto Sales & Performance

This is a Plan in case of elimination business name, replaces exhibit 3

#4 Hours Of Operation: Monday - Saturday 8am - 9pm

#5 Used Motor Oils will be recycled with the Maine Oil Recycling Program or brought to Riverside Recycling Facility, 910 Riverside St., Portland, ME.

#6 Antifreeze will be recycled at : Riverside Recycling Facility.

#7 Junk Metals/auto parts will be Recycled at: Schnitzer Northeast & E. Perry Iron & Metal Co.

#8 Junk Tires will be Recycled at: Riverside Recycling Facility, Portland, ME

9 Any other Non-Recyclable Trash will be sorted and disposed at multiple locations including: Eco Maine 64 Blueberry Ln, Portland, ME, Riverside Recycling Facility.

We will engage in Used Auto Car Sales and Service, Mainly servicing the vehicles we sell/warranty. Also doing some customer repairs dependent on the job but not limited to: drivetrain diagnostics/repair, and suspension components.

10 Daily Maintenance: Sweep floors daily, clean and put away tools neatly/safely, sweep office daily , make sure all junk parts and trash are cleaned and put in proper disposal places, shut off lights/computers, turn on exterior lighting, make sure camera system is properly working, properly organize all paperwork, lock titles/keys up(or get a locking safe and bring them home at night, lock up building before departure.

~~4 Employee Parking Spaces, 5 Customer Repair Vehicles, 5 resale vehicles(unrepaired), 14 vehicles ready for resale at any given time
TOTAL - 28 Cars~~ *The above is an example of what the 28 cars might consist of*

3 - 55 gallon drums, 1 for used oils, 1 for antifreeze, 1 for junk metals
1 trash bin, 1 recycle bin in the shop

All fluids, trash, and recycle will be disposed of properly when maximum storage space is reached

CONDITIONS FOR CUP OF JOHN EMMONS

For the use described in the conditional use permit application dated 5/31/19 with the following conditions:

1. No more than 28 vehicles on the lot at one time.
2. A minimum of a 25-foot wide access to the Dodge Oil facility will be kept open at all times on both sides of the lot (in front of gate access). Baldwin's Fire Chief may require wider access to ensure emergency vehicle access to the Dodge Oil facility.
3. Maintain access to the monitor gun for Fire Department and other emergency responder at all times.
4. Comply with the standards set forth in Article 10.3 of the Ordinance (attached).
5. Maintain current garage keepers insurance.
6. Secondary containment of all waste fluid containers and have two bags of speedy dry (or equivalent) on hand at all times.
7. Open to inspections by Code Enforcement Officer and Fire Department at any reasonable hour.
8. Obey all local, state, and federal laws.
9. Any freestanding sign can be no larger than 4x6 feet and be no more than 10 feet off ground.
10. Inform the Fire Department of any storage of more than 5 gallons of inflammable liquids and more than 4 tanks of inflammable gasses or oxidizers.
11. All exterior lighting must be pointed inward and downward.
12. Comply with Standard Conditions, which are attached hereto.

watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.

3. Fluids from a vehicle shall not be permitted to flow or be discharged into or onto the ground. A clay lined or concrete barrier must be utilized and maintained.
4. A recycling operation must comply with all applicable federal or state laws related to hazardous materials.

10.3 Automobile Repair Garage and Automobile Service Station

All automobile repair garages and automobile service stations shall meet the following provisions.

- A. For safety reasons, in repair garages, floors shall be nonflammable and nonabsorbent. The applicant shall inform the fire department of storage of more than five gallons of inflammable liquids and more than four tanks of inflammable gases or oxidizers.
- B. The applicant shall maintain a waste disposal plan for tires, antifreeze, batteries and oil and maintain secondary containment for waste fluids. Provision shall be made for proper drainage so that contaminated material, rust or other noticeable effluent does not go beyond actual building site.
- C. The applicant shall maintain a neat and businesslike appearance with inside storage of parts and materials. The Planning Board may limit the number of vehicles for sale. The Planning Board may limit the number of vehicles parked on the lot and the number of parking spaces.
- D. Signs shall not exceed 25 square feet or be more than ten feet above ground.

10.4 Campgrounds

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

- A. Areas containing water-carried sewage facilities
Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:
 1. Each recreational vehicle, tent, or shelter site shall contain a minimum of 5,000 square feet, not including roads and driveways.
 2. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
 3. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.
- B. Areas without water-carried sewage facilities
Recreational areas without water-carried sewage facilities shall contain a minimum of 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent or shelter site.
- C. Setbacks
The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet from the normal high water elevation of any water body.
- D. Screening
All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six feet in height.

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Conditional Use Conditions 8-8-03.vwpd

STANDARD CONDITIONS FOR CONDITIONAL USE

To the Applicant: These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional* to and supplement any specific provisions which the Planning Board may have imposed upon your approval.

1. The Applicant shall carry on the permitted activity in accordance with the description thereof in the application, and in accordance with the documentary and/or testimonial representations presented by the Applicant in connection with the proceeding. Substantial compliance with the description of the activity and representations is a condition of Approval. Any undisclosed and unapproved use of the premises (even if otherwise accessory to the approved use), or any substantial deviation from the activity or representations described in connection with this Approval shall be deemed a violation of the Land Use Ordinance, and may result in revocation of the Approval.
2. By acceptance of this Conditional Use Approval, the Applicant consents to the inspection by the Code Enforcement Officer of all non-residential areas of the premises at reasonable times (with or without prior notice) for the purpose of determining compliance with the conditions of the Approval or any provision of local, state, or federal law. This consent shall not be withdrawn unless the Applicant abandons the approved use, and notifies the Town in writing delivered to the CEO that the activity will not be resumed without a further approval by the Planning Board. Failure to allow any such inspection by the CEO may result in revocation of the Approval.
3. If the Approval is specifically conditioned upon physical improvement of the premises, obtaining of insurance, or other requirement, the activity authorized hereunder shall not be commenced until the Applicant demonstrates compliance with each of the conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing that all conditions have been met. Commencement of the approved activity prior to obtaining such certification may result in revocation of the Approval. Failure to utilize or maintain such physical improvement, insurance, or other requirement thereafter may result in revocation of the Approval.
4. The Approval shall lapse and become null and void if the use authorized by the Approval is not commenced within one (1) year of the date of approval, or if the use is abandoned for a period of one (1) year thereafter. Where there is good cause for the delay, or the discontinuance, and there is no evidence of intent to abandon the use, these requirements may be extended for additional periods not to exceed one (1) year.
5. The Planning Board may schedule a hearing (upon reasonable notice to the Applicant and the public) to determine whether there is a violation of the Approval or any the condition thereof (including those contained herein); or any other violation of any provision of local, state, or federal law. If the Board determines that a violation has occurred and is either continuing or is likely to recur, the Board may rescind this approval or take such other action to amend or modify the Approval as the Board deems appropriate to protect the public health, safety, or welfare.