

Questions and Answers

Question 1: Are there restrictions on parking recreational vehicles on residential lots in town?

Answer 1: Not in the Core Zoning Code.

Question 2: Are yurts allowed?

Answer 2: Article 4 Building Standards, 9 Additional Structures (page 49) regulates the size and screening requirements of additional structures, and states that additional structures shall not contain a dwelling unit.

Question 3: Do generators need to be screened?

Answer 3: Article 3 Site Standards, 9 Mechanical Equipment, D Building or Ground Mounted (Page 42) requires screening.

Question 4: Does the zoning code address dog barking?

Answer 4: Not Directly.

Question 5: How is sound from live music from an adjacent commercial use regulated?

Answer 6: Article 6 Use Standards, 39 Live Entertainment (page 70) refers to the Nuisance Standards: "The proposed use may not adversely affect the use and quiet enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause."

Question 6: Why is the Town of Newcastle exempt from the standards of the code?

Answer 6: The Town may desire facilities to enhance public services such as (but not limited to) Fire and Ambulance Stations, public utilities such as water and sewer, or recreational activities, that may require development patterns that exceed or stand outside the standards for the district in which the Town desires the facility. In some cases, adherence to standards such as nuisance standards for Fire Stations is impractical. Exempting the Municipality from the standards of the Code is a common legal practice used to ensure water towers, ball fields, and life safety facilities can be built. Additionally, all public funds for such projects must be voted on and approved by the legislative body of the town at Town Meeting, thereby providing checks and balances against those types of development that the town does not desire. Creation of a separate Civic Lands, Buildings, and Spaces Ordinance would be an excellent means to apply development standards to Municipal facilities.

Question 7: A question about how the code would allow an additional dwelling unit on a large property in D1 that has an existing house.

Answer 7: District Standards D1 Rural, District Standards #1 (page 21) says “A single lot of record in this district shall be limited to two dwelling units with the exception of Expanded Use Building Groups.”

An accessory building with an additional dwelling unit can be built on the lot, bringing the number of dwelling units to two.

If the existing house already has a second dwelling unit then additional dwelling units can be created using either: Article 4 Building Standards, 17 Building Groups (page 52) or Article 2 District Standards, 2 Lots, E Virtual Lots (Page 10).

Question 8: If one owner holds multiple historic deeds for adjacent lots, and receives one tax bill, is this one lot for code purposes?

Yes

Question 9: Does the new code allows an apartment in an existing barn.

Answer 9: For D1: On page 21 “District Standards D1 Rural”, “District Standards” 1 says “A single lot of record in this district shall be limited to two dwelling units with the exception of Expanded Use Building Groups.”

For other districts: The Buildings table on the District Standards page for each district lists allowable building types. A Residential Accessory building type allows a dwelling unit.

So, an apartment in a barn is allowed in all districts except D6-Town Center, SD-Conservation, SD-Campus, and SD-Marine

The current Land Use Ordinance does not allow an additional dwelling unit in an accessory building.

Comment 10: It was pointed out that in Article 3 Site Standards, 7 Fields, B Applicability, isn't clear.

Response 10: Make clear that NEW Commercial Agricultural uses are exempt, not current agricultural land being converted to a new use.

Comment 11: Article 6 Use Standards 11, Bar Or Tavern does not include standards.

Response 11: Use same standards as 56 Restaurant & Cafe.

Question 12: How does the setback and screening work in the Rural Highway District?

Answer 12: Article 2, District Standards - SD Rural Highway shows a primary front setback of 200', and Lot And Buildings Standards 1. says “A 200 ft deep Level 4 Natural Screen is required along the Primary Frontage.”

This has been clarified to make clear that the front setback in this district is measured from the centerline of Route 1, and that the required Level 4 Natural Screen is to be maintained within that 200 ft setback.

To understand the reasoning for the large setback and screen, we can refer to the recently adopted Comprehensive Plan (or the previous Comprehensive Plan):

2018 Comprehensive Plan

“Towns like Newcastle need to work in collaboration with neighboring towns and the DOT to ensure access is permitted, but in a limited capacity, and avoids sprawling development from one edge of town to the next, threatening community identity, property values and local character. “

“It is important to note that the character people desire for the corridor, the antithesis to the Wiscasset Rt 1 corridor, cannot be achieved if the corridor is fully zoned for commercial use.”

2006 Comprehensive Plan

“LOCAL ECONOMY

Goal: Newcastle wants to promote commercial and light industrial development that complements our town’s role in the region, improves our general quality of life, and expands the general tax base.

Objective 1: Ensure that new commercial and light industrial development complements our small-town character.

a. Support provisions in our existing land use ordinance that discourage sprawl along the Route 1 corridor. “

Question 13: In D1, how do I split a lot that has less than 2x the Road Frontage requirement?

Answer 13: Article 2 District Standards, D1 Rural (page 12) shows a 250ft minimum road frontage.

Article 2 District Standards, 2 Lots, C General, 1 “1. All newly created lots must have a lot line abutting a Public Road or Private Road per the Newcastle Driveway, Road, and Entrance Ordinance.

- a. Newly created lots shall retain the District designation of the original lot.
- b. New insular lots are prohibited, unless created with a deeded 50 ft wide right-of-way to a Public or Private Road.”

Article 2 District Standards, 2 Lots, F Frontage, 2: “Every lot and building lot has a primary frontage along a road, easement, right of way, civic space, or water body.”

So, with these rules, a new insular lot may be created behind the lot with the public road frontage. This only requires a deeded right of way across the front lot, and the new lot achieves frontage on a new designated easement on the new lot.

Clarifications and Fixes

1. SD-Rural Highway (page 30)

Lot and Buildings Standards should say: 1. Primary front setback is measured from centerline of roadway. 2. A Level 4 Natural Screen must be maintained between the Route 1 right-of-way and the setback line.

2. Shed Roof Pitch

All districts District Pages - Design Standards - Primary & Accessory Roofs - Change Shed roof pitch from 5/12 to 2 ½ / 12 (Per Rem & Tor)

3. Restaurant & Cafe (page 72)

Add language to Standard 2 re live entertainment to include nuisance language from Live Entertainment.

4. Bar or Tavern

Add Standards - copy from Restaurant & Cafe

5. Article 3 Site Standards, 7 Fields, B Applicability, 2

Does not apply to new Commercial Agricultural uses.

6. Life Safety

Article 7 Administration, 10 Small Project Plan and 11 Large Project Plan Section D Procedure #2:

“The Code Enforcement Officer must forward applications for a Small Project Plan to the **Newcastle Fire Chief, and** other appropriate Permitting Authorities for additional types of development review, subject to the applicable procedural requirements of this Article.”

7. Thoroughfare

Remove Thoroughfare definition and term throughout code and reference driveways, private roads, and public roads directly as necessary. This will remove an unnecessary term and simplify the language.

8. Definitions - Setback, Frontage

Clean up and remove unnecessary definitions