

Newcastle Planning Board Meeting
Clayton V. Huntley Jr. Fire Station · 86 River Road · Newcastle

Thursday, November 17, 2022
6:30 PM

AGENDA

- 1. Call to Order & Introductions**
- 2. Review of Minutes:** October 20, 2022
- 3. Applications:** None
- 4. Public Comments**
- 5. New Business:**
 - a.** Discussion of Draft Memo & Findings of Fact Templates
 - b.** Discussion of Draft Planning Board By-Laws
 - c.** Continued Discussion of Development Review Process / Timelines
- 6. Planner's Report**
- 7. Adjourn**

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Thursday, October 20, 2022
6:30 PM

MINUTES

Board Members Present: Ben Frey – Chair, Peter McNaughton – Member, Lee Emmons – Member, Lucas Kostenbader – Member (arrived at 6:45PM)

Board Members Not Present: Kevin Houghton - Member

Staff Present: Isabelle Oechsle – Town Planner

Applicants Present: Fred Woodbury – Dead River Company, Patrick Coughlin – St. Germain

Members of the Public Present: Merle Parise – Newcastle Resident

1. **Call to Order & Introductions:** Chair Ben Frey called the meeting to order at 6:30PM and introduced the Town's new Planner.

2. **Application 1 of 1:** Dead River Company

Location: US Route 1, Newcastle

Map: 4 **Lot:** 90B-1

District: HC (Highway Commercial)

Description: Dead River Company is proposing to increase the size of the previously approved building from an 18' x 24' (footprint), one-story building to a 28' x 28' (footprint), two-story building.

Frey introduced the project, welcomed Mr. Woodbury and Mr. Coughlin and asked them to provide an overview of the proposed change. Mr. Coughlin showed the amended site plan as well as the updated elevations drawings of the proposed building. He noted that once construction began on the building, the applicants decided that they needed additional space for their operations. The building has also been moved slightly away from the driveway and the tank and thus will be slightly closer to Route 1, as shown on the revised site plan.

Frey asked what is the need for the change? Mr. Woodbury responded that they discovered that if they simply added a dormer to the building, they could also include a meeting space and small kitchen area for their drivers. Frey asked if the applicants were adding any bathrooms? Mr. Woodbury responded that they were not. Frey asked if the entire building would remain strictly office use (no dwelling units or sleeping areas)? Mr. Woodbury responded that it would. McNaughton asked if the one bathroom meets the need of the people that would be there at any given time. Mr. Woodbury responded that there would not be more than 3-4 people there at any given time, so the one bathroom should be adequate.

Frey noted that the only thing that could be reviewed at this time are the proposed changes to the previously approved plan, so the building placement and elevations (other site features were discussed previously). Board members walked through the standards of the Code. Frey noted that the proposed changes met all of the review criteria.

Frey noted that, though the applicants intended to comply with the Town's Code once the Code Officer visited the site and told them that the building would need to be reviewed by the Planning Board, the applicants should be aware that any changes to approved plans require Planning Board approval prior to implementation. Mr. Woodbury responded that they believed that the building permit that was approved by the Code Officer included the expanded building.

Frey thanked the applicants for their presentation. Merle Parise asked to provide comment on the application, asking questions regarding the Fire Marshal's report. Patrick Coughlin responded that the State Fire Marshal has already issued their permit and that he would forward a copy to the CEO for inclusion in the file. The Maine Fuel Board will need to approve the propane tanks proposed. The application to them has been submitted, and a license is forthcoming. Merle Parise asked if the proposed fuel tanks were new or used fuel tanks. Patrick Coughlin responded that regardless of the tanks are new or used, they are still subject to the same standards of review by the Maine Fuel Board.

Peter McNaughton motioned for approval; Lee Emmons seconded.

Passed 3-0 (with members present).

3. **Public Comments:** Merle Parise stated that he does not believe that someone should need to go to the Planning Board for timber harvesting, noting that there are a variety of codes that already impact timber harvesting in Maine. Additionally, he does not believe that there is anyone in the Town who can tell if he is harvesting his timber correctly. He also feels that the fee to meet with the Planning Board at a pre-application meeting is prohibitive in general. Frey suggested that Mr. Parise meets with the Town Planner to discuss the location of his property and the specifics of his proposal.
4. **New Business:** Discussion of Development Review Procedure & Timelines: Isabelle Oechsle reviewed her memo, included in the posted meeting packet, with the Planning Board regarding current application processing timelines and her recommendations to make that process more efficient now that the Planning Board has dedicated staff support. Discussion was had regarding how meetings would work now that staff was on board. General consensus was that the Planning Board should adopt by-laws or rules of procedure for its meetings. Oechsle noted that she would draft proposed by-laws for discussion during the next meeting of the Board, and that an additional discussion about proposed Ordinance amendments to clarify the review process and timeframes would also be forthcoming.
5. **Adjourn:** The meeting adjourned without objection at 7:30PM.



By-Laws & Policies of the Newcastle Planning Board

Adopted: XXXX, 2022

1. General

A. Authority

Pursuant to the authority provided by Article 7, Section 27(B) of the Core Zoning Code, the Planning Board hereby establishes these rules of procedure which shall be known as the "By-Laws of the Newcastle Planning Board."

B. Purpose & Scope

The purpose of these by-laws is to establish reasonable rules of procedure for Planning Board ("Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These rules shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their intended purpose. These rules are intended to supplement those contained within the Town's various land use related ordinances.

C. Effective Date

The effective date of these By-Laws or any amendments thereon shall be immediately upon adoption by the Town of Newcastle Planning Board.

D. Amendments or Changes

These by-laws may be amended at any time in writing by a majority vote of the Board.

E. Planning Board Responsibilities

In accordance with Article 7, Section 27(A) of the Core Zoning Code, the responsibilities of the Planning Board are as follows:

- i. Reviewing and deciding on applications requiring Planning Board review as outlined in the Code Zoning Code.
- ii. Providing advice and recommendations to the Board of Selectmen concerning the following:
 - a. Proposed amendments to zoning text or maps of this Code.
 - b. The laying out, alteration, relocation, or discontinuance of public ways and statutory private ways.
 - c. The proposed conveyance of land to the Town.
- iii. Drafting and periodically updating the Comprehensive Plan for the Town of Newcastle, and its subsequent adoption (or designating another authority to do so on the Planning Board's behalf).

2. Board Structure & Officers

- A. The Planning Board is comprised of a minimum of 5 members, all of whom must be legal residents of the Town of Newcastle. Board members shall be appointed by the Selectboard for a period of 3 years.
- B. On an annual basis, the Planning Board shall appoint a Chair and a Vice Chair from their membership.
- C. The Chair shall act as the presiding officer at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these by-laws or any other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair.

3. Attendance

- A. No Planning Board member shall be excused from attendance at a Board meeting without notification to the Chair prior to the meeting. Attendance is expected except when a Board member notifies the Chair prior to the meeting. **When a member has four or more unexcused absences in a one year period, the Planning Board member shall be subject to removal by the Selectboard.**

Commented [IO1]: Mirrors Selectboard by-laws for attendance

4. Agendas

- A. The Town Planner, in consultation with the Planning Board Chair, shall set the agendas for Planning Board meetings.
- B. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of receipt of a completed application). Any items which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
- C. All materials for the Board's review shall be posted to the Town's website by 5:00PM on the Friday prior to the Planning Board meeting on which they will be heard. Agendas of all meetings shall also be posted at the Town Office.

5. Pre-submittal Meetings

- A. In accordance with Article 7, Section 3 of the Core Zoning Code, Pre-submittal Meetings are required for the following types of Planning Board applications:
 - i. Large Project Plan
 - ii. Subdivision Plan

- iii. Master Plan
- iv. Special Permit

- B. In order to be placed on the Planning Board agenda for a Pre-submittal Meeting, the applicant shall submit to the Town Planner the following items at least two weeks in advance of the Planning Board meeting at which they wish to appear:
- i. Evidence of right, title, or interest in the subject property (in the form of a lease, purchase and sale agreement, deed, or similar)
 - ii. A brief cover letter summarizing the proposed project
 - iii. A conceptual (sketch) plan showing the proposed layout of the development in as much detail as available
- C. Pre-submittal Meetings are advisory only and are not intended to be an exhaustive review of all potential issues. Participation in a Pre-submittal Meeting does not absolve the applicant of any responsibility for legal or technical due diligence investigation.

6. Administrative Procedures for Planning Board Meetings

- A. When the Planning Board is considering a development application requiring a public hearing in accordance with Article 7, Section 6 of the Core Zoning Code, consideration of the item will adhere to the following procedure:
- i. The Town Planner will introduce the agenda item and will provide staff's recommendation and any unique considerations for the Planning Board to discuss further.
 - ii. The Applicant will provide a brief presentation of their item, if desired.
 - iii. The Board will have the opportunity to ask questions of either staff or the applicant.
 - iv. The Board will vote to open the public hearing on the item.
 - v. Any members of the public wishing to speak will have the opportunity to present their evidence or ask questions related specifically to the application being considered. **Members of the public will have three minutes to speak.** At this time, staff will also read any written comments received into the record (if they were not included in the meeting packet posted in advance of the meeting).
 - vi. At their discretion, the Board may answer any questions raised by the public after everyone who wishes to speak has been heard, or to direct staff or the applicant to respond to any questions raised.
 - vii. The Planning Board will vote to close the public hearing.
 - viii. The Planning Board will deliberate and will make a decision.
- B. The Planning Board may alter any of the procedures outlined above by majority vote.

Commented [IO2]: Something for the Planning Board to consider, is 3 minutes a sufficient amount of time? You might consider a time limit to mirror the Select Board Bylaws, which are 5 minutes per subject.

- C. The Planning Board may decide to keep the public hearing open and table further deliberation of the application to a subsequent meeting if additional information is needed in order to make a decision. Prior to tabling the application, the Planning Board will make the applicant aware of the specific items that are needed to assist in further deliberation.
- D. Except by majority vote of members present, the Planning Board will not consider new business after 9:00PM. Any business remaining on the agenda that has not been considered will be added to the agenda of the next regular meeting of the Planning Board.

7. Public Hearings

- A. If a public hearing is required, notifications shall be posted in the Lincoln County News and mailed to abutting property owners (as applicable), in accordance with Article 7, Section 5 (as may be amended).
- B. If a public hearing is required or if the Chair decides to hear public comment during the course of deliberation, the following standards shall apply:
 - i. Speakers during the public hearing must clearly state their name and address or affiliation.
 - ii. The public is well-advised to concentrate their comments on specific characteristics of the proposal or to the specific standards of evaluation for the application.
 - iii. Speakers are asked to present new evidence for consideration by the Board and not to provide repetitious comments.
 - iv. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member.
 - v. Any person determined by the Chair to be disruptive or threatening will be asked to leave the meeting. If they refuse, the Chair reserves the right to suspend the meeting or pause the proceedings until such time as the offending party can be removed from the premises by the Lincoln County Sheriff.

8. Voting

- A. A quorum of the Planning Board shall be at least three voting members.
- B. No formal action may occur in the absence of a quorum; however, when no quorum exists, those members present shall be entitled to request the Chair to call a special meeting for a subsequent date. All matters shall be decided by a show of hands vote, unless otherwise required by law. Decisions on matters before the Board shall require the affirmative vote of a majority of the voting members present.

- C. No member may participate in deliberation or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law.¹ Any questions of whether a member has such a conflict of interest or other disqualification shall be decided by a majority vote of the remaining members. If a member has a conflict of interest as defined by law, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict.

9. Reconsideration

- A. Reconsideration of a decision may only occur in the following cases:
 - i. The record contains significant factual errors due to fraud or mistake in determining facts upon which the decision was based; or
 - ii. The Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.
- B. Reconsideration of a decision must occur within 30 days following the meeting at which the decision was rendered.
- C. In order to reconsider a decision, the Planning Board must notify the applicant and any interested parties of the date of the meeting at which the reconsideration will be considered.
- D. After a vote to reconsider a decision and prior to a vote on a revised or amended action, the Board may conduct additional hearings and receive additional evidence and testimony.
- E. Nothing in this section shall preclude the Planning Board from reconsidering a decision previously rendered when required to do so by a court order or by order of the Board of Appeals.

10. Application Forms

- A. All applications for Planning Board review shall be submitted on one of the Application Forms (as applicable) which have been attached as Appendix A.

Commented [I03]: Still under development

¹ The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (e.g., grandparent, parent, spouse, child, or grandchild) or to the person's employer or the employer of any member of the person's immediate family.

SUBMISSION CHRONOLOGY

- Pre-Application Date:
- Application Received:
- Deemed Complete for Planning Board:

PUBLIC COMMENT

Statement regarding noticing

APPLICABLE STANDARDS OF REVIEW

Standards applicable to the proposed project are checked off here. Analyses pertaining to each of the relevant standards are included in the following pages.

<input type="checkbox"/> Article 2: District Standards	<input type="checkbox"/> Article 4, Section 2: Number of Buildings	<input type="checkbox"/> Article 4, Section 15: Large Scale Buildings
<input type="checkbox"/> Article 3, Section 2: Driveways	<input type="checkbox"/> Article 4, Section 3: Building Assembly	<input type="checkbox"/> Article 4, Section 16: Size Cap [for Retail or Service Establishments]
<input type="checkbox"/> Article 3, Section 3: Vehicular Parking	<input type="checkbox"/> Article 4, Section 4: Building Elevation	<input type="checkbox"/> Article 4, Section 17: Building Groups
<input type="checkbox"/> Article 3, Section 4: Bicycle Parking	<input type="checkbox"/> Article 4, Section 5: Building Articulation	<input type="checkbox"/> Article 5, Section 1: Design Standards – General
<input type="checkbox"/> Article 3, Section 5: Natural Screening	<input type="checkbox"/> Article 4, Section 6: Height	<input type="checkbox"/> Article 5, Section 2: Additions
<input type="checkbox"/> Article 3, Section 6: Landscaping	<input type="checkbox"/> Article 4, Section 7: Building Materials	<input type="checkbox"/> Article 5, Section 3: Components, General
<input type="checkbox"/> Article 3, Section 7: Fields	<input type="checkbox"/> Article 4, Section 8: Additional Structures	<input type="checkbox"/> Article 5, Section 4: Massing Components
<input type="checkbox"/> Article 3, Section 8: Fences & Walls	<input type="checkbox"/> Article 4, Section 9: Temporary Structures	<input type="checkbox"/> Article 5, Section 5: Architectural Components
<input type="checkbox"/> Article 3, Section 9: Mechanical Equipment	<input type="checkbox"/> Article 4, Section 10: Primary Entrances	<input type="checkbox"/> Article 5, Section 6: Roofs
<input type="checkbox"/> Article 3, Section 10: Loading Docks	<input type="checkbox"/> Article 4, Section 11: Shopfronts	<input type="checkbox"/> Article 5, Section 7: Windows & Doors
<input type="checkbox"/> Article 3, Section 11: Drive-Throughs	<input type="checkbox"/> Article 4, Section 12: Slopes & Terraces	<input type="checkbox"/> Article 5, Section 8: Building Orientation
<input type="checkbox"/> Article 3, Section 12: Lighting	<input type="checkbox"/> Article 4, Section 13: Mezzanines	<input type="checkbox"/> Article 4, Section 14: Nonconforming Buildings
<input type="checkbox"/> Article 4, Section 1: Building Types		

Commented [I05]: Newspaper noticing: Legal advertisements regarding this request appeared in the Lincoln County News on __, 2022 and __, 2022. Public hearing notices were mailed on __, 2022 to __ property owners within 250 feet of the subject site and were posted at the Town Office.

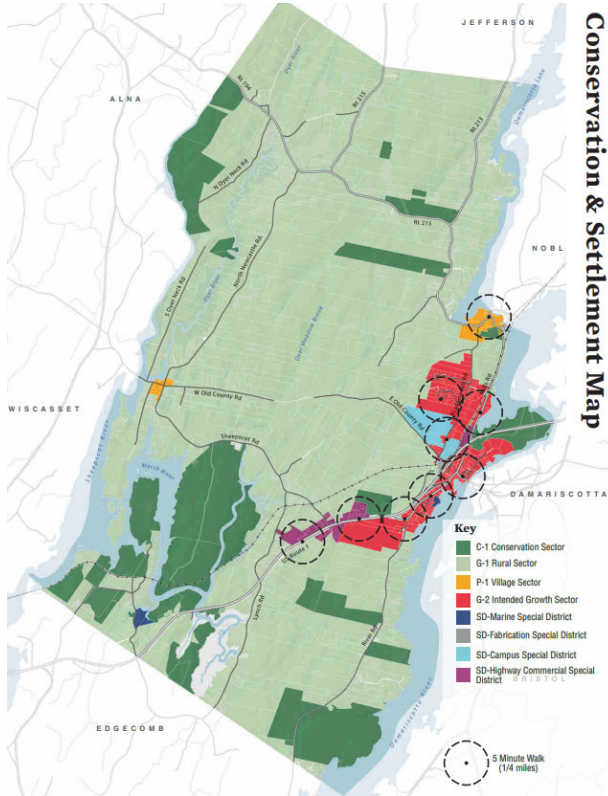
OR

Mailed notice only: A public hearing notice was posted at the Town Office on __, 2022; Public hearing notices were mailed on __, 2022 to __ property owners within 250 feet of the project.

COMPREHENSIVE PLAN CONSISTENCY

In addition to the above referenced standards, the project must be reviewed against the Town's adopted Comprehensive Plan.

The site is in the Town's G-2 Intended Growth Sector per the 2018 Comprehensive Plan Conservation & Settlement Map (page 123).



Due to the presence of existing infrastructure, and the desire for a thriving walkable mixed-use town center, the Town identified the areas in and around the Village and Main Street as prime areas for growth and development. The G-2 Intended Growth Area anticipates "that most residential and non-residential development over the next ten years will occur in this growth sector. Complete neighborhoods that include both existing and new residential housing as well as some mixed-use development are appropriate within this area."

Describe neighborhood in the vicinity.

The proposed use is in compliance with the Comprehensive Plan land use vision for the area because .

Commented [I06]: Example text which will be amended if the proposal is located in a different area.

ANALYSIS OF PROJECT

<p>Article 2: District Standards <i>Core Zoning Code Section/Standard</i></p>	<p>Project Complies as proposed <i>Staff Recommendation</i></p>	
<p><i>Analysis:</i> The proposed use(s) of the property is/are describe proposed use, which requires a Use Permit, Residential Companion Permit, Special Permit, Expanded Use Permit from the Planning Board/CEO. Performance standards associated with this use are further evaluated in the analysis of Article 6, below.</p>		
LOT DIMENSIONS		
	Allowed	Proposed
Width		
Depth		
Lot Area		
PRIMARY BUILDING PLACEMENT		
	Allowed	Proposed
Primary Front Setback		
Secondary Front Setback		
Side Setback		
Rear Setback		
Frontage Zone Setback		
ACCESSORY BUILDING PLACEMENT		
	Allowed	Proposed
Primary Front Setback		
Secondary Front Setback		
Side Setback		
Rear Setback		
PERMITTED BUILDINGS		
	Allowed	Proposed
Building Type		
Building Width		
Building Depth		
Total Stories		
Floor Height		
Number of Units		
DESIGN STANDARDS		
	Allowed	Proposed
Front of buildings		
Side of buildings		
Rear of buildings		
Building Orientation		
Windows & Doors		
Primary & Accessory Roofs		

Article 3, Section 2: Driveways <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. if a new driveway or a driveway relocation is proposed). The proposed driveway is in compliance with the Roads, Driveways and Entrances Ordinance of the Town of Newcastle. How? The driveway is providing access for how many? commercial/residential units.	

Commented [I07]: If not checked off in the applicability section above, the box with a not applicable standard will simply be deleted.

Article 3, Section 3: Vehicular Parking & Article 3, Section 4: Bicycle Parking <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. if a new parking lot or expansion of an existing parking lot by 10 or more spaces is proposed). Describe where parking is located – is it all beyond the frontage zone? If the parking lot is visible from or located within 50 feet of a civic space or a road, how is the parking area screened (is it with an evergreen hedge or a solid wall)? Describe vehicular access to parking areas Describe pedestrian access to parking areas Describe design of parking areas Establish why the bicycle parking standard is applicable How and where is the bicycle parking proposed?	

Article 3, Section 5: Natural Screening <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. is the application for a Special Permit or an Expanded Use Permit?) Describe the screening; how much is proposed, and does it meet the applicable level of screening?	

Article 3, Section 6: Landscaping <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. if the proposal is for a commercial property, a parking lot, or a civic space, or if it is located in D3, D4, D5 and D6 (frontage areas only)). Describe the design of the proposed landscaping. Does it meet this section?	

Article 3, Section 7: Fields <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. if the proposal is on a lot that contains a field of 5 acres or more) Where is the development located and how much of the field is preserved?	

Article 3, Section 8: Fences & Walls <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Establish why this standard is applicable (if a new fence or wall is proposed)

Describe the fence or wall design. Has this standard been met?

Article 3, Section 9: Mechanical Equipment <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Establish why this standard is applicable (e.g. is the proposal for a new building where mechanical equipment is proposed?)

Describe the proposed location of the mechanical equipment. Has the standard been met?

Article 3, Section 10: Loading Docks <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Establish why this standard is applicable (e.g. is a loading dock proposed?)

Describe the proposed location of the loading dock. Has this standard been met?

Article 3, Section 11: Drive-Throughs <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Establish why this standard is applicable (e.g. is a drive-thru proposed?)

Describe the location of the drive-thru, has the standard been met?

Article 3, Section 12: Lighting <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Establish why this standard is applicable (e.g. is new lighting, that would not be considered exempt under this section, proposed?)

Is the applicable lighting level for the Zoning District met?

What is the color temperature of the proposed lighting?

Are there any offsite impacts (e.g. any light levels exceeding 1.0 foot candles?)

Describe fixture height. Describe shielding.

Are there any specific lighting requirements needed? Have the special lighting standards been met?

Article 4, Section 1: Building Types; Section 2: Number of Buildings; and Section 6: Height <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 As described in the District Standards analysis above, proposed buildings are permitted in the XX Zoning District. The XX building is the primary building, and there is only one primary building on the lot. The XX building is the accessory building, and there is only one accessory building on the lot, in accordance with this section. Additionally, the height of the proposed building(s) meets the standards for the Zoning District and thus the standards of this section.

Article 4, Section 3: Building Assembly <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Describe building assembly. Have the standards of this section been met?

Article 4, Section 4: Building Elevation <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Describe building elevation. Have the standards of this section been met?

Article 4, Section 5: Building Articulation <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Describe building articulation. Have the standards of this section been met?

Article 4, Section 7: Building Materials <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Describe building materials being proposed. Have the standards of this section been met?

Article 4, Section 8: Additional Structures <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Is the additional structure clearly incidental and subordinate to the primary or accessory buildings on site?

Article 4, Section 9: Temporary Structures <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:

Article 4, Section 10: Primary Entrances <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i>	

Article 4, Section 11: Shopfronts <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i>	

Article 4, Section 12: Slopes & Terraces <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i>	

Article 4, Section 13: Mezzanines <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i>	

Article 4, Section 14: Nonconforming Buildings <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable, e.g., are there any nonconforming buildings on the site?	

Article 4, Section 15: Large Scale Buildings <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable, e.g. are there any buildings proposed with a total area of 10,000 s.f. or more? Describe building façade. Have the standards of this section been met?	

Article 4, Section 16: Size Cap [for Retail or Service Establishments] <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (is the proposed use a retail or service establishment?) As the proposed retail or service establishment is less than 35,000 s.f. of floor area, this standard has been met.	

Article 4, Section 17: Building Groups <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Only applicable if a building group is proposed	

Article 5, Section 1: Design Standards – General <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> As described in the District Standards analysis above, the general Design Standards for this District have been met. Further discussion of each of the various components of Article 5: Design Standards are described in detail in the analyses below.	

Article 5, Section 2: Additions <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Establish why this standard is applicable (e.g. is an addition to a primary or accessory building proposed?) Is the addition attached in accordance with this standard? Is the addition shorter than the building to which it is attached, in accordance with this standard? Is the addition wider than the building to which it is attached? Is the footprint of the addition greater than the footprint of the original building to which it is attached?	

Article 5, Section 3: Components, General <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Only applicable if the project is located within a district that requires Architectural or Massing Components (see district pages)	

Article 5, Section 4: Massing Components <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Only applicable if the project is located within a district that requires massing components (see district pages)	

Article 5, Section 5: Architectural Components <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<i>Analysis:</i> Only applicable if the project is located within a district that requires architectural components (see district pages)	

Article 5, Section 6: Roofs <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Required in all districts which have roof standards in the design standards table on the district page

Analyze general roof standards:

- If pitched, does the roof converge at a single ridge beam at the highest point?
- Only one roof is allowed
- The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary building, unless specifically allowed to be taller
- Gable ends must be located on the narrowest building or component face
- Pitched roofs, if provided, must be clad with wood, asphalt, slate, metal shingles (or have the appearance of being clad in natural materials)
- Where gable or gambrel roofs are permitted, the ridge beam must be continuous front to back or side to side

Article 5, Section 7: Windows & Doors <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Evaluate if required (Required in all districts which have window and door standards in the design standards table on the district page)

Analyze general window & door standards:

- “As noted in the District Standards analysis above, the required window and door percentages have been met for the proposed building(s).”
- Do the doors with glass proposed and the windows (along the frontage) meet the minimum VLT standard of 50% as indicated by the glass manufacturer?
- Are all windows square or vertical in proportion (except for stairwell windows and shopfront windows)?
- If in the D6 Town Center, are lifting, swinging or sliding glass doors proposed?
- Do any windows or doors vertically span more than one story?

Article 5, Section 8: Building Orientation <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
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Analysis:
 Evaluate if required (applies to all new primary buildings, accessory buildings, and their components in Districts D3, D4, D5, D6, SD Historic and SH Civic)

“The primary building is oriented parallel to the primary frontage line of XX Street, as shown on the submitted site plan.”

Does the primary building front on a primary road, civic space, or waterbody in accordance with this standard?

Article 6, Section XX <i>Core Zoning Code Section/Standard</i>	Project Complies as proposed <i>Staff Recommendation</i>
<p><i>Analysis:</i> As noted in the District Standards analysis above, the proposed use(s) of the property is/are describe proposed use, which requires a Use Permit, Residential Companion Permit, Special Permit, Expanded Use Permit from the Planning Board/CEO.</p> <p>Additionally, there are a number of performance standards associated with this use as described in the above referenced section.</p>	

Commented [I08]: Will be revised to reflect the performance standards associated with the uses being proposed

RECOMMENDED CONDITIONS OF APPROVAL

	Condition	Municipal Oversight	Must be Completed By:
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents (except changes as determined by the Code Enforcement Officer to be de minimis in nature in accordance with Article 7, Section 14 of the Core Zoning Code) are subject to the review and approval of the Planning Board or other relevant permitting authority prior to implementation.	Town Planner / Code Enforcement Officer	Ongoing
2.	This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property, unless the approval expires prior to substantial construction being completed in accordance with Article 7, Section 8(F)(6) of the Core Zoning Code.	Town Planner / Code Enforcement Officer	Ongoing

Commented [I09]: Would eventually like to get to the point where the Planning Board has adopted "standard" conditions of approval in their by-laws which are tied to Core Zoning Code standards or other Town policies and procedures. Would welcome any comment on things to be included



Findings of Fact and Conclusions of Law

Permit Application Number:

Application Type:

Reviewed By: Planning Board CEO

Project Name:

Address:

Signature:

Applicant:

The Town of Newcastle Planning Board issues the following Findings of Fact and Conclusions of Law at its duly noticed public hearing of DATE:

1. The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the public hearings for the Project; and
2. A public hearing notice was posted at the Town Office on DATE; Public hearing notices were mailed on _____ to _____ property owners in accordance with the requirements of Article 7, Section 5: Public Notice; and
3. The project description is as follows: COPY FROM MEMO
4. The Project is subject to the following policies and standards of review within the Town's Core Zoning Code:

<input type="checkbox"/> Article 2: District Standards	<input type="checkbox"/> Article 4, Section 2: Number of Buildings	<input type="checkbox"/> Article 4, Section 15: Large Scale Buildings
<input type="checkbox"/> Article 3, Section 2: Driveways	<input type="checkbox"/> Article 4, Section 3: Building Assembly	<input type="checkbox"/> Article 4, Section 16: Size Cap [for Retail or Service Establishments]
<input type="checkbox"/> Article 3, Section 3: Vehicular Parking	<input type="checkbox"/> Article 4, Section 4: Building Elevation	<input type="checkbox"/> Article 4, Section 17: Building Groups
<input type="checkbox"/> Article 3, Section 4: Bicycle Parking	<input type="checkbox"/> Article 4, Section 5: Building Articulation	<input type="checkbox"/> Article 5, Section 1: Design Standards – General
<input type="checkbox"/> Article 3, Section 5: Natural Screening	<input type="checkbox"/> Article 4, Section 6: Height	<input type="checkbox"/> Article 5, Section 2: Additions
<input type="checkbox"/> Article 3, Section 6: Landscaping	<input type="checkbox"/> Article 4, Section 7: Building Materials	<input type="checkbox"/> Article 5, Section 3: Components, General
<input type="checkbox"/> Article 3, Section 7: Fields	<input type="checkbox"/> Article 4, Section 8: Additional Structures	<input type="checkbox"/> Article 5, Section 4: Massing Components
<input type="checkbox"/> Article 3, Section 8: Fences & Walls	<input type="checkbox"/> Article 4, Section 9: Temporary Structures	<input type="checkbox"/> Article 5, Section 5: Architectural Components
<input type="checkbox"/> Article 3, Section 9: Mechanical Equipment	<input type="checkbox"/> Article 4, Section 10: Primary Entrances	<input type="checkbox"/> Article 5, Section 6: Roofs
<input type="checkbox"/> Article 3, Section 10: Loading Docks	<input type="checkbox"/> Article 4, Section 11: Shopfronts	<input type="checkbox"/> Article 5, Section 7: Windows & Doors
<input type="checkbox"/> Article 3, Section 11: Drive-Throughs	<input type="checkbox"/> Article 4, Section 12: Slopes & Terraces	<input type="checkbox"/> Article 5, Section 8: Building Orientation
<input type="checkbox"/> Article 3, Section 12: Lighting	<input type="checkbox"/> Article 4, Section 13: Mezzanines	<input type="checkbox"/> Article 4, Section 14: Nonconforming Buildings
<input type="checkbox"/> Article 4, Section 1: Building Types		

5. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

Article 2: District Standards

Core Zoning Code Section/Standard

Analysis:

The proposed use(s) of the property is/are describe proposed use, which requires a Use Permit, Residential Companion Permit, Special Permit, Expanded Use Permit from the Planning Board/CEO. Performance standards associated with this use are further evaluated in the analysis of Article 6, below.

LOT DIMENSIONS

	<i>Allowed</i>	<i>Proposed</i>
Width		
Depth		
Lot Area		

PRIMARY BUILDING PLACEMENT

	<i>Allowed</i>	<i>Proposed</i>
Primary Front Setback		
Secondary Front Setback		
Side Setback		
Rear Setback		
Frontage Zone Setback		

ACCESSORY BUILDING PLACEMENT

	<i>Allowed</i>	<i>Proposed</i>
Primary Front Setback		
Secondary Front Setback		
Side Setback		
Rear Setback		

PERMITTED BUILDINGS

	<i>Allowed</i>	<i>Proposed</i>
Building Type		
Building Width		
Building Depth		
Total Stories		
Floor Height		
Number of Units		

DESIGN STANDARDS

	<i>Allowed</i>	<i>Proposed</i>
Front of buildings		
Side of buildings		
Rear of buildings		
Building Orientation		
Windows & Doors		
Primary & Accessory Roofs		

Commented [IO1]: This will all be copied from the staff memo, so long as the Board is in agreement with staff's recommendation. Other or revised findings would need to be addressed during the meeting and adopted by the Planning Board.

Article 3, Section 2: Driveways

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. if a new driveway or a driveway relocation is proposed). The proposed driveway is in compliance with the Roads, Driveways and Entrances Ordinance of the Town of Newcastle. How? The driveway is providing access for how many? commercial/residential units.

Article 3, Section 3: Vehicular Parking & Article 3, Section 4: Bicycle Parking

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. if a new parking lot or expansion of an existing parking lot by 10 or more spaces is proposed). Describe where parking is located – is it all beyond the frontage zone? If the parking lot is visible from or located within 50 feet of a civic space or a road, how is the parking area screened (is it with an evergreen hedge or a solid wall)?

Describe vehicular access to parking areas

Describe pedestrian access to parking areas

Describe design of parking areas

Establish if the bicycle parking standard is applicable How and where is the bicycle parking proposed?

Article 3, Section 5: Natural Screening

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. is the application for a Special Permit or an Expanded Use Permit?)

Describe the screening; how much is proposed, and does it meet the applicable level of screening?

Article 3, Section 6: Landscaping

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. if the proposal is for a commercial property, a parking lot, or a civic space, or if it is located in D3, D4, D5 and D6 (frontage areas only)).

Describe the design of the proposed landscaping. Does it meet this section?

Article 3, Section 7: Fields

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. if the proposal is on a lot that contains a field of 5 acres or more)

Where is the development located and how much of the field is preserved?

Commented [IO2]: If not checked off in the applicability section above, the box with a not applicable standard will simply be deleted.

Article 3, Section 8: Fences & Walls

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (if a new fence or wall is proposed)

Describe the fence or wall design. Has this standard been met?

Article 3, Section 9: Mechanical Equipment

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. is the proposal for a new building where mechanical equipment is proposed?)

Describe the proposed location of the mechanical equipment. Has the standard been met?

Article 3, Section 10: Loading Docks

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. is a loading dock proposed?)

Describe the proposed location of the loading dock. Has this standard been met?

Article 3, Section 11: Drive-Throughs

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. is a drive-thru proposed?)

Describe the location of the drive-thru, has the standard been met?

Article 3, Section 12: Lighting

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (e.g. is new lighting, that would not be considered exempt under this section, proposed?)

Is the applicable lighting level for the Zoning District met?

What is the color temperature of the proposed lighting?

Are there any offsite impacts (e.g. any light levels exceeding 1.0 foot candles?)

Describe fixture height. Describe shielding.

Are there any specific lighting requirements needed? Have the special lighting standards been met?

Article 4, Section 1: Building Types; Section 2: Number of Buildings; and Section 6: Height

Core Zoning Code Section/Standard

Analysis:

As described in the District Standards analysis above, proposed buildings are permitted in the XX Zoning District. The XX building is the primary building, and there is only one primary building on the lot. The XX building is the accessory building, and there is only one accessory building on the lot, in accordance with this section. Additionally, the height of the proposed building(s) meets the standards for the Zoning District and thus the standards of this section.

Article 4, Section 3: Building Assembly

Core Zoning Code Section/Standard

Analysis:

Describe building assembly. Have the standards of this section been met?

Article 4, Section 4: Building Elevation

Core Zoning Code Section/Standard

Analysis:

Describe building elevation. Have the standards of this section been met?

Article 4, Section 5: Building Articulation

Core Zoning Code Section/Standard

Analysis:

Describe building articulation. Have the standards of this section been met?

Article 4, Section 7: Building Materials

Core Zoning Code Section/Standard

Analysis:

Describe building materials being proposed. Have the standards of this section been met?

Article 4, Section 8: Additional Structures

Core Zoning Code Section/Standard

Analysis:

Is the additional structure clearly incidental and subordinate to the primary or accessory buildings on site?

Article 4, Section 9: Temporary Structures

Core Zoning Code Section/Standard

Analysis:

Article 4, Section 10: Primary Entrances

Core Zoning Code Section/Standard

Analysis:

Article 4, Section 11: Shopfronts

Core Zoning Code Section/Standard

Analysis:

Article 4, Section 12: Slopes & Terraces

Core Zoning Code Section/Standard

Analysis:

Article 4, Section 13: Mezzanines

Core Zoning Code Section/Standard

Analysis:

Article 4, Section 14: Nonconforming Buildings

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable, e.g., are there any nonconforming buildings on the site?

Article 4, Section 15: Large Scale Buildings

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable, e.g. are there any buildings proposed with a total area of 10,000 s.f. or more? Describe building façade. Have the standards of this section been met?

Article 4, Section 16: Size Cap [for Retail or Service Establishments]

Core Zoning Code Section/Standard

Analysis:

Establish if this standard is applicable (is the proposed use a retail or service establishment?) As the proposed retail or service establishment is less than 35,000 s.f. of floor area, this standard has been met.

Article 4, Section 17: Building Groups

Core Zoning Code Section/Standard

Analysis:

Only applicable if proposed

Article 5, Section 1: Design Standards – General

Core Zoning Code Section/Standard

Analysis:

As described in the District Standards analysis above, the general Design Standards for this District have been met. Further discussion of each of the various components of Article 5: Design Standards are described in detail in the analyses below.

Article 5, Section 2: Additions

Core Zoning Code Section/Standard

Analysis:

Establish if applicable (e.g. is an addition to a primary or accessory building proposed?)

Is the addition attached in accordance with this standard?

Is the addition shorter than the building to which it is attached, in accordance with this standard?

Is the addition wider than the building to which it is attached?

Is the footprint of the addition greater than the footprint of the original building to which it is attached?

Article 5, Section 3: Components, General

Core Zoning Code Section/Standard

Analysis:

Only applicable if the project is located within a district that requires Architectural or Massing Components (see district pages)

Article 5, Section 4: Massing Components

Core Zoning Code Section/Standard

Analysis:

Only applicable if the project is located within a district that requires massing components (see district pages)

Article 5, Section 5: Architectural Components

Core Zoning Code Section/Standard

Analysis:

Only applicable if the project is located within a district that requires architectural components (see district pages)

Article 5, Section 6: Roofs

Core Zoning Code Section/Standard

Analysis:

Required in all districts which have roof standards in the design standards table on the district page

Analyze general roof standards:

- If pitched, does the roof converge at a single ridge beam at the highest point?
- Only one roof is allowed
- The highest point of the roof of any component must be lower than or equal to the highest point of the roof of the primary building, unless specifically allowed to be taller
- Gable ends must be located on the narrowest building or component face
- Pitched roofs, if provided, must be clad with wood, asphalt, slate, metal shingles (or have the appearance of being clad in natural materials)
- Where gable or gambrel roofs are permitted, the ridge beam must be continuous front to back or side to side

Article 5, Section 7: Windows & Doors

Core Zoning Code Section/Standard

Analysis:

Evaluate if required (Required in all districts which have window and door standards in the design standards table on the district page)

Analyze general window & door standards:

- “As noted in the District Standards analysis above, the required window and door percentages have been met for the proposed building(s).”
- Do the doors with glass proposed and the windows (along the frontage) meet the minimum VLT standard of 50% as indicated by the glass manufacturer?
- Are all windows square or vertical in proportion (except for stairwell windows and shopfront windows)?
- If in the D6 Town Center, are lifting, swinging or sliding glass doors proposed?
- Do any windows or doors vertically span more than one story?

Article 5, Section 8: Building Orientation

Core Zoning Code Section/Standard

Analysis:

Evaluate if required (applies to all new primary buildings, accessory buildings, and their components in Districts D3, D4, D5, D6, SD Historic and SH Civic)

“The primary building is oriented parallel to the primary frontage line of XX Street, as shown on the submitted site plan.”

Does the primary building front on a primary road, civic space, or waterbody in accordance with this standard?

Article 6, Section XX
Core Zoning Code Section/Standard

Analysis:

As noted in the District Standards analysis above, the proposed use(s) of the property is/are describe proposed use, which requires a Use Permit, Residential Companion Permit, Special Permit, Expanded Use Permit from the Planning Board/CEO.

Additionally, there are a number of performance standards associated with this use as described in the above referenced section.

Commented [I03]: Will be revised to reflect the performance standards associated with the uses being proposed

6. The applicant has requested the following waivers for the Project, and with respect to the waivers the Planning Board finds as follows:

a. Waiver pursuant to Core Zoning Code Article XX, Section XX to describe the waiver.

Analysis

b. Waiver pursuant to Core Zoning Code Article XX, Section XX to describe the waiver.

Analysis

DECISION:

7. Based on its review of the entire record herein, including the DATE Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the APPLICATION TYPE application of APPLICANT, dated through LATEST DATE ON SUBMITTED MATERIALS, and associated plans and drawings stamped and dated LATEST REVISION DATE ON PLAN SET, for the PROJECT NAME at PROJECT ADDRESS; including the waivers provided in Section 6 above, is hereby

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

CONDITIONS OF APPROVAL

Copy from memo