

## **TOWN OF MADISON, MAINE**

### **Chapter 484: Site Review**

Adopted ~~X~~ Revised 3.12.25

### **Article I: Site Plan Review Requirements and General Provisions**

**§484-1 Title.** This chapter shall be known as the “Site Plan Review Ordinance” of the Town of Madison, Maine, and referred to as “this chapter.”

**§484-2 Authority.**

This chapter is adopted pursuant to the enabling provisions of Article VIII, part 2, section 1 of the Maine Constitution; the provisions to Title 30-A, M.R.S. Section 3001 (Home Rule); the State’s Growth Management Law, Titles 30-A, M.R.S., Section 4311 et seq. or successor statutes.

**§484-3 Purpose.**

The site plan review provisions set forth in this chapter are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential construction is designed and developed in a manner which assures that adequate provisions are made for traffic, safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of historical and archaeological resources; minimizing adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

**§484-4 Applicability.**

A. This chapter applies to the following developmental proposals:

1. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of 3,000 square feet or more, or which exceeds thirty-five (35) feet in height, exclusive of flagpoles, antennae intended for non-commercial use, and similar structures.
2. Multiple-family dwellings (as defined) and all accessory structures to same, whether attached or detached, to the principal structure.
3. Any expansion of an existing non-residential and multifamily building or structure, including accessory buildings, if the enlargement increases the total floor area, for all floors, within a five (5) year period by more than twenty (20) percent of the existing total floor area or two hundred fifty square feet (250) or more, whichever is greater.
4. The conversion of an existing building in which five hundred (500 ) or more square feet of total floor are being converted from residential to nonresidential use.

5. The establishment of a new nonresidential use, occupying more than one-half (½) acre even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, salvage yards and other nonstructural nonresidential uses.
6. The construction or expansion of paved areas or other impervious surfaces, including buildings, structures, walkways, access drives and parking lots involving an area of at least 10,000 square feet.
7. The construction or installation of a sign, including replacement which is greater than 32 square feet and not included as part of a development already subject to review under this chapter.
8. The conversion of an existing use, in whole or in part, to non-residential use if the new use changes the basic nature of the existing use such that it increases the intensity of on or off-site impacts of the use subject to the standards and criteria of site plan review described in Section IV.

B. This chapter does not apply to the following:

1. The construction, alteration, or enlargement of a single- and/or two-family dwelling, including accessory buildings and structures.
2. The placement, alteration or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
3. Timber harvesting and forest management activities
4. Agricultural activities (as defined), including agricultural buildings and structures.
5. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

C. In cases where there is a question of whether an activity is subject to review under this chapter, the CEO shall make the determination.

**§484-5 Administration .**

- A. This chapter shall be administered by the CEO and the Planning Board. All applications for site plan review shall be made to the CEO.
- B. The Madison Planning Board is responsible for reviewing and approving applications for site plan review under this chapter.
  1. The Planning Board shall decide if:

- a. A proposed development requires site plan review under **§484-4A** of this chapter.
  - b. A site plan application is, in fact, complete, and if not, what additional items or information must be submitted.
  - c. A site plan application shall be approved or denied.
  - d. Expansions of or changes to an existing approved site plan must be reviewed under **§484-8** of this chapter.
  - e. Applicant is exempt from review.
- C. If any portion of an application for site plan review crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities for each municipality. All meetings and hearings to review an application for a revision or an amendment to a site plan that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. The reviewing authorities in each municipality, upon written agreement, may waive this requirement for any joint meeting or hearing.

#### **§484-6 No building permit without site plan approval.**

The CEO may not issue a permit for site preparation, building demolition, or building construction until a site plan has been approved by the Planning Board and a person may not engage in any of these activities without building or demolition permits. In the case that site work has begun prior to the proper approvals, the CEO has the authority to issue a stop work order and enforce all applicable penalties (**§165-26** after-the-fact permits).

#### **§484-7 Amendments.**

Amendments of this ordinance may be initiated by the Select Board, the Planning Board, or by petition as provided in Title 30-A M.R.S.A. 2522 or successor statute.

No proposed amendments to this ordinance shall be referred to the Town Meeting until the Select Board or the Planning Board have held a public hearing on the proposal, notice of which shall be posted at least fourteen (14) days prior to such hearing and advertised in a newspaper of general circulation in the municipality at least two (2) times with the date of first publication being at least fourteen (14) days prior to the hearing and second at least seven (7) days prior to the hearing.

The proposed amendments shall be adopted by a simple majority vote of the Town Meeting.

## **Article II: Application Procedure**

**§484-8 Multi-stage process.**

Site plan reviews are conducted in two or more stages, in order for the Town and applicant to comply with the requirements of this chapter in an efficient manner:

- A. A pre-application process, as described in **§484-9** of this chapter.
- B. A formal application and review process for approving a proposed development, as described in **§484-10** of this chapter.
- C. If a proposed development is unusually complex or will require additional levels of approval from state or federal agencies, the Planning Board may issue a conditional approval with final review to follow.
- D. A revision to a previously approved plan may be subject to further review, as described in **§484-12** of this chapter.

**§484-9 Pre-application.**

- A. A prospective applicant shall contact the CEO to schedule a pre-application meeting with the Planning Board. The pre-application meeting is intended to provide an opportunity for the applicant to present a concept (sketch) plan to the Board, to discuss specific ordinance requirements, or to identify concerns that should be addressed in the application.
- B. In order to be placed on the agenda for a pre-application meeting, the prospective applicant must provide the information required by **§484-14** of this chapter to the Town office no less than seven days (7) prior to the meeting.
- C. The Board's advice at the time of pre-application shall not constitute review or comment on the merits of the application. The Board may discuss timing of the application and other state or federal permitting procedures, identify specific concerns or issues to be addressed in the application, specify supplemental information to be required, or may grant waivers for submission requirements. The Board may also arrange with the prospective applicant to visit the development site for the purpose of gaining a better perspective on the proposal.
- D. At the time of the pre-application meeting, if not before, the prospective applicant shall receive a copy of this chapter at no cost.

**§484-10 Application process.**

- A. All applications shall be made on site plan application forms available from the Town Office, and contain elements listed in **§484-15** of this chapter. Applications shall be submitted to the Town Office together with required fees. The Town Office shall issue a dated receipt for the application and fees.

- B. When an application has been submitted, the Town Office will immediately notify the CEO and Planner.
- C. Within seven (7) days of the receipt of the application, the Planner will review the material and determine whether the submission is complete. If the application is not complete, the Planner shall provide a written listing of the items that are yet to be submitted for complete application. The notification will advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps shall be repeated until the application is found to be complete.
- D. When the Planner determines the application is complete, they shall notify the applicant in writing of this finding within seven (7) days, forward the application to the CEO and place the item on the agenda of the Planning Board for hearing and review at its next regular scheduled meeting.
- E. Within twenty (20) days after the Planning Board determines that the application is complete, and before taking final action thereon, the Planning Board shall hold a public hearing.
- F. Notice of the application and public hearing shall also be posted in an accessible, public location and mailed to each landowner abutting or adjacent to the proposed development. Landowners shall be considered to be those against whom property taxes are assessed. Failure of any person to receive a notice of application shall not necessitate another notification, or invalidate any action of the Board. The purpose of the notification shall be to inform the general public and abutters that a public hearing is to be held on a pending application. Notice of the application may also be published in a local newspaper at least five days in advance of the public hearing.
- G. The Planning Board may hold an on-site inspection to verify and investigate the information provided by the application. The Planning Board may schedule this visit either before or after the public hearing. If an application is pending during a period when there is snow cover, the Planning Board may request that the applicant agree to extension of the review period to allow an on-site inspection. Written notice of the onsite inspection shall be provided to all parties receiving notice of the pending application.
- H. A public hearing shall be held, at which the applicant and members of the public shall be given the opportunity to present testimony or evidence in support of or opposed to the application. The hearing shall be informal, at the discretion of the Chairman of the Board, allowing the Board and attendees to ask questions of the applicant.
  - 1. The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with this Ordinance and other

municipal ordinance.

2. The Chair of the Planning Board or their designee shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.
  3. The Chair shall provide the applicant or their representative with an opportunity to make a presentation at the beginning of the hearing. The Chair shall then allow the members of the Planning Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At conclusion of the applicant's response, the hearing shall be closed.
- I. Within fourteen(14) days of the public hearing, or within such other time limit as may be mutually agreed to, the Planning Board shall prepare written Findings of Fact and shall approve, approve with conditions, or deny the application. The Board shall limit its review to the criteria set forth in this chapter. The Board may consult with the applicant or any other party in completing its review. In all instances, the burden of proof shall be upon the person making the application. The Board shall inform the applicant of its decision in writing, and in case of denial or approval with conditions, reasons for such action shall be stated, as required by 1 M.R.S.A § 407. A copy of the Board's decision shall be filed with the CEO.
1. When an application is found to require additional information or study or detailed engineering design, or when state or federal permit(s) have not yet been issued, the Planning Board may make its approval conditional on items yet to come. The conditional approval shall give the applicant a specified number of days in which to provide the required information, at which time the Board may grant final approval. No construction or other development work may commence prior to final approval.

#### **§484-11 Limitations of Approval.**

1. A project must have commenced within twelve (12) months of final approval and completed within twenty-four (24) months. If construction has not been substantially commenced, and substantially completed, within the specified period, the approval shall be null and void.
2. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such a request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extension to the



periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

#### **§484-12 Revisions.**

- A. A minor revision to an approved plan may be approved by the CEO. Minor revisions are those that do not involve the creation of additional impervious surface or building area or the relocation of lot boundaries, buildings, drainage structures, or paved areas.
  - 1. The applicant shall submit a statement identifying the proposed change and rationale for it. If the changes require re-drawing of the plans, the applicant shall provide a copy of the new plans.
  - 2. The Code Enforcement Officer shall approve or deny the proposed changes within five working days. The Code Enforcement Officer may refer the revision to the Planning Board for a decision if he or she determines that the change is substantial.
- B. A major revision to an approved plan shall be reviewed and may be approved by the Planning Board.
  - 1. The applicant shall submit a revised plan to the Board for review, clearly identifying the changes proposed. Supplemental materials shall only be required if they have a direct bearing on the proposed changes.
  - 2. A public hearing is not mandatory for a revision, but the Board may decide to hold a public hearing if it determines that the proposed change may impact public services or abutting properties. Notice and hearing requirements shall be in accordance with **§484-10F** of this chapter.

#### **§484-13 Appeals**

- A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant, any abutting landowner, or any aggrieved party, or when it is claimed that the provisions of this chapter do not apply, or that the true intent and meaning of this chapter have been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days of the Planning Board's decision. The Board of Appeals review will be limited to a determination as to whether reasonable factual basis exists to support the Planning Board's decision or the Planning Board's decision was clearly contrary to the provisions of this chapter. The Board of Appeals may sustain or reverse a Planning Board decision and remand the application to the Planning Board for further review. When a Planning Board decision is reversed, the Board of Appeals will articulate both the factual premises and the reasoning that support the reversal.
- B. The decision of the Board of Appeals may be appealed by an aggrieved party to

Somerset County Superior Court within 30 days of the date of the Board's decision.

### **Article III: Site Plan Requirements**

#### **§484-14 Pre-application requirements.**

The following information is required for pre-application review under **§484-9**. A sketch of the proposed property (may be hand-drawn but should be to scale) with the following:

- A. Project name, applicant and designer;
- B. Date, North arrow, scale;
- C. Perimeter boundaries, area and acreage of proposed development and preliminary building footprints any area reserved for future development;
- D. Tentative locations of rights-of-way and future lot lines or easements;
- E. A copy of the USDA soil survey map for the area with the parcel outlined on the map;
- F. Land cover areas, i.e., woods, fields;
- G. General natural features of the area to be developed: areas of steep slopes, bedrock outcrops, ponds, streams, wetlands, floodplains;
- H. Tentative location of proposed structures; locations of existing structures and neighboring land uses

#### **§484-15 Site plan submission requirements.**

- A. Application fees: As provided for in **§484-17** of this chapter.
- B. Application information. An applicant for site plan review shall submit the following as part of the application package:
  - 1. Town of Madison site plan application form;
  - 2. Project name;
  - 3. Name, address, phone number of applicant;
  - 4. Name, address, phone number of owner;
  - 5. Name, address, phone number of authorized representative;
  - 6. Name, registration number, address, phone number of engineer, surveyor, architect, landscape architect or planner;



7. Ownership interest of applicant in property and abutting property, supported by photocopy of a deed, option to purchase, contract to purchase, or a lease;
  8. Tax Map and lot numbers;
  9. Acreage to be developed;
  10. Covenants, deed restrictions, easements, or rights-of-way existing or planned;
  11. Existing use of the property;
  12. Name, address, map and lot number of abutting landowners;
  13. Variances requested from the appropriate issuing authority.
- C. Site plan requirements. The site plan map must consist of three paper prints with a maximum size of 30 inches by 48 inches and at a scale of between one inch equals 40 feet, and one inch equals 100 feet. The Board or applicant may request a mylar copy be provided. The plan must include the following.
1. Date, title, scale, North arrow, name of project.
  2. A boundary outline with dimensions and lot area, in relation to surrounding streets, walls and adjoining and land uses.
  3. Names and addresses of present landowners and abutting landowners.
  4. Locations of existing buildings and other structures, fire hydrants, streetlights, utility poles, underground water and sewer facilities, existing trees greater than 10 inches in diameter and other natural landscape features.
  5. Preliminary design drawings of site plans, floor plans, elevations in sufficient detail to show access, layout and building construction or modification.
  6. Location and dimension of all proposed buildings, and private and public utilities.
  7. Location map.
  8. All existing and proposed rights-of-way and easements, shown on plan.
  9. Location and accurate dimensions of streets, width of pavement, parking, loading and associated curbing.
  10. Identification and boundaries of any shoreland zoning districts affecting the property.
  11. A signature block for approval by the Planning Board.

D. Supporting documents.

1. A circulation plan noting all pedestrian and vehicle traffic flow, both within the development and in terms of ingress and egress impact on surrounding road systems.
2. The size and proposed location of water supply and sewage disposal systems on the property and provision for future expansion or replacement of those systems.
3. A landscaping plan indicating grade change, vegetation to be preserved, new plantings used to stabilize areas of cut and fill and for screening; the size, location, purpose and type of vegetation.
4. A stormwater management plan, including location, elevation, layout of catch basins, and other surface and subsurface drainage features. If the development will create more than 10,000 square feet of new impervious surface, the stormwater management plan must be designed by a registered professional engineer.
5. A topographical plan, at foot intervals, showing existing and proposed contours and finished grade elevations.
6. An erosion control plan.
7. Plans, profiles, and cross-sections of roads, driveways, and parking areas proposed to be added to the site.
8. Identification of soils with severe or very severe limitations for the type of development proposed in accordance with the USDA medium intensity soil survey for Somerset County. If soils identified by the survey as having severe or very severe limitations are to be developed, a high intensity soil survey may be required.
9. Locations of any critical areas of natural or cultural resources, including but not limited to areas of potential archeological significance, wetlands, vernal pools, critical wildlife habitat, floodplains, and the location of any sand and gravel aquifers. If any of these areas will be affected by the development, a plan to mitigate or manage impacts to the resource shall be supplied.
10. Any other exhibits or data deemed necessary by the Planning Board to evaluate the proposed development for compliance with the review criteria of this chapter.
11. Construction schedule, costs and performance guarantee agreement, along with appropriate statements of proof of financial capability and a statement of relationship between developer, design consultant and project contractor.

12. Design drawing of any signs or other display features of the development.

Signed statements from the following municipal officials:

1. The Madison Water District as to the conditions under which the District will supply water and approval of the size and location of mains, valves, and hydrants proposed.
2. The Fire Chief approving the features related to fire and emergency protection.
3. The Superintendent of the Anson-Madison Sewer District as to the conditions under which the Sewer District will provide sewage disposal service, or a statement relative to the capacity of the sewage disposal system to treat septic tank pumping.
4. The Road Commissioner regarding the adequacy and design of drainage and street systems, both proposed and existing.
5. The Police Chief or county sheriff, relative to security and traffic circulation, if required by the Planning Board.
6. Where the use may involve the production of substantial amount of waste, the applicant shall request review by the Town Manager of a waste management plan developed in accordance with **§484-30**.
7. Any other agency or committee deemed appropriate by the Planning Board.

**§484-16 Waiver or modification of application requirements.**

The Planning Board, on the written petition of the applicant, may waive, in its sole discretion, any of the submission requirements of **§484-15** of this chapter, or otherwise modify the application requirements, including application fees and documentation based on the unique circumstances of the plans or site and provided such waiver does not unduly restrict the review process. The Board shall make a written record of its decision to waive requirements.

**§484-17 Fees.**

1. The Board of Selectmen shall adopt and from time to time amend a fee schedule for applications submitted under this chapter. The fees assessed shall be at least sufficient to pay for the Town's cost of processing the application, including public hearing notice expenses. Any fee schedule so adopted shall become effective thirty (30) days following its adoption.

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of administrative review and processing of an application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the Town of Madison, and evidence of payment of the fee must be included with the application.

## Article IV: Review Standards

### §484-18 Criteria to be considered.

The Planning Board shall consider the following criteria before granting approval and shall determine that for all site review applications the proposed development:

- A. Will not result in undue water or air pollution on and off site. In making this determination it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the proposed development including, but not limited to, potable water and fire control water;
- C. Will not cause an unreasonable burden on an existing water supply, including private groundwater or the Madison Water District, whichever is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result both on and off site. If the development proposed to discharge stormwater runoff at an increased rate compared to preapplication rate into a municipal stormwater system, then the developer shall improve or pay for the improvement of such municipal stormwater system so that it will have the capacity to handle such an increase plus 25% extra capacity;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed both on and off site. If the developer is required to submit a traffic impact analysis for off-site traffic, and as a result changes and/or improvements are needed on municipal-owned or -maintained public ways, the developer shall make or pay for such changes and/or improvements;
- F. Will provide for adequate sewerage disposal;
- G. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewerage, if municipal services are to be utilized and has made adequate provision for such disposal. If demolition debris, stumps, rock and brush are to be disposed of at a municipal site the costs of such disposal shall be paid by the developer. If the development will use more that 33 1/3 % of the available excess capacity of any portion of the municipal sewerage collection system, treatment facility and/or its discharge permits, the developer shall pay for the replacement of the available excess capacity needed by the development;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for

physical or visual access to the shoreline;

- I. Is in conformance with all Town of Madison ordinances, Comprehensive Plan, development plans or land use plans;
- J. The developer has adequate financial and technical capacity to meet the above-stated standards;
- K. Whenever situated, in whole or in part, within 250 feet of any pond, lake or river, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water and complies with **Chapter 478**, Shoreland Zoning, of the Code of the Town of Madison;
- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater both on and off site;
- M. The applicant will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the project is in a flood prone area. If the project, or any part of it, is in such an area, the applicant will determine the 100-year flood elevation and flood hazard boundaries within the project. The proposed project plan shall include a condition of plat approval requiring the principal structures on lots in the project shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- N. The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development
  - a. Sidewalks must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned for the vicinity of the project. Sidewalks may be located either in the street right-of-way or outside of the right of way in public areas. Sidewalks should link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or to adjacent to the site.
  - b. Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site.
  - c. If a sidewalk existing on property abutting the development, it shall be extended into the development. In village situations, widening of the sidewalk onto private property to encourage window shopping and an improved streetscape is encouraged.

- O. The proposed development will not result in undue adverse impact on the existing use and quiet enjoyment of properties, both immediately abutting and within the neighborhood of the development
  - a. The development will not produce noise, light, or other deleterious effects that would constitute a nuisance to neighboring properties.
  - b. The development will provide a buffer against its visual impacts.
  - c. The development will blend, insofar as possible, with existing built-up neighborhoods.
- P. Will meet all of the general performance standards.

## **Article V: General Performance Standards**

### **§484-19 Access to lots.**

- A. No building permit shall be issued to erect any structure on a lot without frontage on a public way unless an access road has been constructed within deeded right-of-way a minimum of 50 feet in width. The access road shall be constructed to the standards of **§484-37** of this chapter or to the standards of Chapter **339**, Street Design and Construction Standards.
- B. No structure shall have a driveway of more than 100 feet unless the access road meets construction standards of **§484-37** or of Chapter **339**, Street Design and Construction Standards, of the Code of the Town of Madison.

### **§484-20 Air emissions.**

No emission of dust, ash, smoke or other particulate matter or gasses and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fails to meet or cannot meet the standards set by the Maine Department of Environmental Protection.

### **§484-21 Buffers and screenings.**

- A. Buffering of adjacent uses: A buffer shall be provided between any existing residential use or property and any proposed activity that, by the presence of noise, dust, light, traffic, or industrial activity would have a deleterious effect on residential uses. A buffer shall also be established in cases where the proposed activity would pose potential attraction to children.
  - 1. A visual buffer must be designed to provide a year-round visual screen of all portions of the development in order to minimize impacts. It may consist of



fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.

2. The width of the buffer may vary depending on the density of development. A buffer with dense plantings, fencing, or changes in grade should be 10 feet to 15 feet in width. A naturally vegetated buffer should be a minimum of 25 feet in width.
  3. Areas adjacent to service, loading, or storage areas should be screened by dense plantings, berms, fencing, or a combination thereof sufficient to substantially eliminate the visual appearance of the area.
  4. Sites with outside storage of materials such as stacks of inventory, junkyards, refuse piles, auto parts, or with machinery not within an enclosed structure shall be screened from view by a stockade fence or dense evergreen hedge. Further, when site conditions may present a danger to children, the site shall be secured with fencing or other means sufficient to deter small children from entering.
  5. Where a potential attractive nuisance to children is likely to arise, a physical barrier sufficient to deter small children from entering the premises must be provided and maintained in good condition.
- B. Screening of parking areas: Outside of the downtown area, where the area between the street and the front of the building is used for parking or vehicle movement, separation or buffering must be provided to avoid distraction to motorists from movement or glare in the parking lot and to provide distinct points of access into the site. Unless the parking areas are located more than 40 feet from the road, a buffer providing at least three feet of height along the front of the parking area shall be established. The buffer may consist of a vegetative hedge, berms, walls, fences, or any combination thereof.

#### **§484-22 Construction Standards.**

All construction subject to this chapter shall comply with the Maine Uniform Building and Energy Code adopter pursuant to 10 M.R.S. § 9271 et seq.

#### **§484-23 Storage of flammable or explosive materials.**

- A. All flammable or explosive liquids, solids or gases shall be stored in a manner and location which is in compliance with regulations of federal, state and local authorities with jurisdiction over the particular materials involved.
- B. For above ground storage of fuel, chemicals, industrial wastes, and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete shall be designed by a professional engineer registered in the State of Maine when required by the Board. Storage tanks for “home heating oil” and diesel fuel, not exceeding two hundred seventy-five (275) gallons in

size, are exempted from this requirement.

#### **§484-24 Glare.**

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 footcandle upon abutting residential properties.

#### **§484-25 Landscaping.**

The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes. Landscaping and vegetative buffers shall be added to soften, screen, or enhance the physical design of structure and parking areas to avoid encroachment of the proposed use on abutting land uses.

#### **§484-26 Groundwater impacts.**

- A. The development will demonstrate that it will not increase the contaminant concentration in the groundwater to more than the State's Primary Drinking Water Standard or Secondary Drinking Water Standard, nor will it decrease the quantity of groundwater available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.
  - 1. If groundwater contains pre-existing contaminants in excess of the primary standards, the applicant shall demonstrate how water quality will be improved or treated.
  - 2. If groundwater contains pre-existing contaminants in excess of the secondary standards, the development shall not cause concentration of the parameters in questions to exceed one hundred fifty percent (150%) of the ambient concentration.
- B. An assessment of the impacts of the development on groundwater may be required by the Planning Board if the Development will be located of a mapped sand and gravel aquifer, or if the development involves extraction of groundwater to be used off-site. The assessment shall be prepared by a certified geologist or registered professional engineer and shall include the following:
  - 1. A map showing the basic soil types;
  - 2. The depth to the water table at representative points throughout the development and presumed groundwater flow directions;
  - 3. Drainage conditions throughout the development;

4. Data on the existing groundwater quality and availability, either from test wells in the development or from existing wells on neighboring properties;
5. An analysis and evaluation of the effect of the development on groundwater resources. The evaluation shall, at a minimum, include a projection of post development water quality and quantity, including fluctuations in water table levels and nitrate concentrations;
6. A map showing the location of an subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

#### **§484-27 Sound.**

##### **A. Sound from routine operation.**

1. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by an activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least four feet above ground at the property boundary of the abutting landowner.
2. Sound levels determined on a one-hour equivalent sound basis from routine operations of the developments [measured in dB(A) scale] shall satisfy the following levels.

<b>Neighboring Use</b>	<b>7:00 a.m. to 7:00 p.m.</b>	<b>7:00 p.m. to 7:00 a.m.</b>
Residential	60 dB(A)	50 dB(A)
Commercial	70 dB(A)	60 dB(A)
Industrial	70 dB(A)	60 dB(A)

##### **B. Sound from construction activities. Sound from construction activities shall be regulated as follows:**

1. Sound from construction activities conducted between 7:00 a.m. and 7:00 p.m. or during daylight hours, whichever is longer, is exempt from regulation under this chapter.
2. Sound from construction activities between 7:00 p.m. to 7:00 a.m. or nondaylight hours, whichever is shorter, shall be subject to the following limits:
  - a. The sound level limits for nighttime (7:00 p.m. and 7:00 a.m.) routine

operation set forth in Subsection A above.

- b. If construction activities are conducted concurrently with routine operation, then the combined total of construction and routine operation sounds shall be subject to the nighttime routine operation sound level limits set forth in Subsection A above.
  - c. Higher levels of nighttime construction sound are permitted when a duly issued permit authorizing nighttime construction sound in excess of the above nighttime limits has been granted by the Planning Board. In determining whether to authorize higher levels of nighttime construction sound, the Planning Board shall consider the magnitude of the higher levels, as well as the nature, size, and duration of the construction project.
- C. Measurement. For purposes of determining compliance with the above sound level limits, the measurement procedures and exemptions set forth in the DEP Site Location Law Noise Regulations, DEP Regs. Ch. 375.10, as amended from time to time, shall be used.

#### **§484-28 Off-street parking and loading.**

##### **A. General.**

- 1. A use shall not be extended, and no structure shall be constructed or enlarged, unless off-street vehicle access and parking is provided in accordance with the following requirements.
- 2. Parking spaces shall be provided as required and made available for use prior to the issuances of the certificate of occupancy.

##### **B. Lot design and circulation.**

- 1. Access points from public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.
- 2. All driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of twenty-five feet (25') measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicle.
- 3. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any Town way.
- 4. Projects that require regular access by delivery trucks must provide a clear

route to and from loading areas with appropriate geometric design to allow turning and backing for a minimum vehicle length of seventy-two feet (72'). Maneuvering and parking of delivery trucks at loading bays/docks shall be designed not to impede normal circulation and parking on the site or on a public street.

5. At least one (1) off-street loading bay/dock shall be provided for retail, service, wholesale, warehouse, and industrial operations with a gross floor area of more than five thousand (5,000) square feet.
6. Vehicular entrance and exit.
  - a. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.
  - b. Entrance/exit design shall be in conformance with the standards for street access.
  - c. On-site parking will be arranged so that it is not possible for vehicles to back directly onto a street. The driveway shall be designed so that vehicles do not have to wait on the street for drivers to pull into or out of parking spaces. Entrances/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
7. Interior vehicular circulation.
  - a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
  - b. Enclosures, such as guardrails, curbs, fences, walls and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
  - c. A clear route of access must be provided and maintained for emergency vehicles to and around buildings. Snow shall not be stored on-site in locations that may impeded emergency vehicles.
  - d. Any use that provides drive through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive through facility shall be located in the area of the site adjacent to a pre-existing home without adequate screening. Communications systems must not be audible to adjacent homes. Vehicular access to the drive through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within the

designated parking areas.

C. Parking area standards.

1. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
2. Parking areas shall be designed to permit each motor vehicle to utilize the parking space provided for it without requiring the moving of any other motor vehicles.
3. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
4. All parking spaces and access drives shall be at least five feet from any side or rear lot line, except for the additional requirements in buffer yards.
5. Parking stalls and aisle layout shall be laid out as follows:
  - a. Parking spaces shall measure a minimum of ten feet (10') in width by twenty feet (20') in length for spaces angled at 90° from the travel aisle. Spaces designated for handicapped parking shall measure twelve and a half feet (12.5') in width by twenty feet (20') in length.
  - b. Parking spaces installed at an angle other than 90° from the travel aisle shall be designed so that a ten-foot-by-eighteen-foot (10' x 18') rectangle can be placed within each one (12.5' by 18' for handicapped), except that stalls parallel to a travel aisle shall measure 10 feet (10') in width by 22 feet (22') in length.
  - c. Parking aisles shall be 20 feet (20') in width if designated for two-way traffic, and 16 feet (16') in width if restricted to one-way traffic. One-way aisles shall be so marked.
6. In paved parking area painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of four inches (4") in width. Where double lines are used, they should be separated a minimum of twelve inches (12") on center.
7. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
8. Parking space requirement:
  - a. Off-street parking spaces shall be provided to conform with the number required in the following schedule:



<b>Activity</b>	<b>Minimum Required Parking</b>
Residential:	
With 2 or more bedrooms	2 spaces per dwelling unit
With 1 bedroom	1 ½ spaces per dwelling unit
Elderly housing	½ space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn, bed/breakfast	1 space per room/unit rental and for each employee on largest shift
Place of public assembly	1 space per 4 seats (based on rated capacity if no fixed seating)
Schools:	
Primary	2 per 1,000 square feet gross floor area
Secondary	4 per 1,000 square feet gross floor area
Postsecondary	4 per 1,000 square feet gross floor area
Child-care facility	5 per 1,000 square feet gross floor area
Theater, auditorium	1 per 4 seats
Funeral homes	3 spaces for every 1,000 square feet (chapels calculated separately)
Medical care facilities	3 per 1,000 square feet gross floor area
Banks	5 per 1,000 square feet gross floor area
General offices	3 per 1,000 square feet gross floor area
Medical offices	5 per 1,000 square feet gross floor area
Veterinarian clinic	4 per 1,000 square feet gross floor area
Retail and service businesses	3-5 per 1,000 square feet gross floor area
Supermarket, box stores	3 per 1,000 square feet gross floor area
Barber/beauty shop	2 spaces/chair
Restaurant	1 per 3 seats (sit down)
Industrial businesses	1.5 per 1,000 square feet gross floor area
Warehouse, wholesale	1 per 1,000 square feet gross floor area
Flea market	3 spaces/table
Automobile repair garages and gasoline filling stations	3 per service bay
Library, museum, art gallery	4 per 1,000 square feet gross floor area
Marina	1 space for each boat slip and mooring
Commercial recreation facility	1 per 4 seats (spectator sport) 1 per 1,000 square feet gross floor area (fitness club, etc.) 30 per acres (outdoor amusement)
Motor vehicle sales	1 space reserved for customers per 30 vehicles displayed on lot

**NOTES:**

1. Where the circulation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.

2. *Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.*
3. *Where multiple uses of the lot or building are proposed, the requirement shall be the sum of the requirements for the separate uses. Where a building or use consists of multiple functions, such as a church with school, each separate function shall be calculated independently, except that when one of the uses is residential, no additional spaces shall be required.*

b. Modification of parking requirements:

1. Within each development, at least one space, plus one additional space for every twenty-five (25) spaces provided, shall be designated for use of handicapped persons.
2. Within the downtown area, it is recognized that lot sizes and building coverage is such that the provision of on-site parking is sometimes impractical. Developers within this area may offer to meet their parking requirement through an agreement with the Town to assist in implementing recommendations of the Madison Downtown Parking Plan. The Planning Board may designate a fee to be paid in lieu of parking, in proportion to the estimated parking generation.
3. Required off-street parking for all uses shall be located on the same lot as the principal structure, except when the Planning Board authorizes the joint use of a parking facility by two or more principal uses where it is clearly demonstrated that the parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use of the facilities by the employees and patrons of the uses involved.

**§484-29 Odor control.**

- A. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors at the lot line of the source which are measured in excess of the following limits:
  1. For areas used for residential or commercial purposes within five hundred feet (500') of the lot line of the source, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor free air.
  2. In all other land use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor free air.
- B. For the purposes of this regulation, two odor measurements shall be made within a period of one (1) hour, these measurements being separated by at least fifteen (15)

minutes. These measurements shall be made outside the property line of the property from which the emission originates.

- C. When approving an application for development that may result in odorous emissions, the Board may, as a condition of approval, require periodic monitoring and correction of any odors in violation of this standard. The Bamebey-Cheney Scentometer, suitably calibrated, or any other instrument, device, or technique equivalent may be used in the determination of the intensity of an odor and may be used as a guide in the enforcement of this standard.

#### **§484-30 Public services.**

- A. The proposed development will provide for adequate disposal of solid waste. If the solid waste generated by the proposed development will cause undue strain on the Town's solid waste disposal system, the applicant will make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license.
- B. All hazardous and/or special wastes will be disposed of at a licensed waste disposal facility and evidence of a contractual arrangement with the facility shall be presented.
- C. The applicant must present evidence that proposed fire protection measures are adequate, in the form of a written statement from the fire chief that the proposed development will not exceed the capacity of his/her department to provide adequate protection. The fire chief may recommend protective improvements, including but not limited to fire ponds, hydrants, fire lanes, isolation of flammable wastes, or sprinkler systems.
- D. Commercial development must be designed to provide protection from the spread of fire. At a minimum, the requirements of NFPA 1 and NFPA 101 must be met. Whenever possible, a key box security system should be installed, and may be required on some projects.

#### **§484-31 Sanitary provisions.**

- A. When not serviced by the public sewerage system, the approval of permit applications shall be subject to presentation of a completed Maine Department of Human Services Site Evaluation Form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.
- B. When two or more lots or buildings in different ownership share a common sanitary treatment disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.
- C. Industrial or commercial wastewaters may be discharged to municipal sewers only and

in such quantities and/or of such quality as to be compatible with municipal sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial or commercial wastewaters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.

#### **§484-32 Signs.**

##### **A. PURPOSE**

The purpose of this ordinance is to regulate the placement of business and institutional signs within the Town of Madison to protect the health, safety, and general welfare of residents and travelers within the town.

##### **B. AUTHORITY**

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A., § 3001. Provisions within this ordinance are authorized under the Maine Traveler Information Services Act, 23 M.R.S.A. § 1914.

##### **C. DEFINITIONS**

Words and terms used in this ordinance shall have their ordinary dictionary meaning, except as provided below.

**CHANGEABLE MESSAGE SIGN:** An on-premises sign containing a text or graphic display which changes on a regular or periodic basis on each side, whether electronically, digitally, mechanically or by other means.

**COMMUNITY EVENT:** An organized gathering of limited duration sponsored by a governmental or non-profit organization and located within the Town of Madison.

**DOWNTOWN DISTRICT:** From Timber HP to the intersection of Maine Street and the Hannaford driveway and from Old Point School to the Madison Town Office.

**FREE STANDING SIGN:** A sign which is physically separated and not attached to a building.

**PUBLIC WAY:** The locally maintained public roads of the Town of Madison, both asphalt and gravel, that are used by motoring public for operation of registered vehicles.

NIT: A unit of luminance commonly used in sign illumination, which is equal to one candela (one candle) per square meter.

SIGN: Any structure, fixture, graphics, illustration, statue, or other device visible from off the premises designed or intended to advertise, identify, attract attention to, or convey information regarding any goods, product, service, business, location, institution, or activity.

#### D. APPLICABILITY

1. This ordinance shall apply to signs erected or placed within the Town of Madison for commercial or institutional purposes, except as provided in subsection (3) below. This includes replacement of signs where the replacement includes relocation, addition or expansion of sign area. Repair or repainting of existing signs to the extent that the signs remain in the same location and size as they existed, is not subject to the requirements of this ordinance.
2. This ordinance shall apply to all changeable message signs, regardless of whether they were in existence on the effective date of this ordinance.
3. This ordinance shall not apply to the following categories of sign:
  - a. Flags and insignia of any government.
  - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  - c. traffic and parking signs on private property but bearing no advertising matter or commercial identification.
  - d. Displays and signs placed in, on, or behind windows.
  - e. Flags, banners, sidewalk sandwich boards, or other displays commonly removed at the end of a business day.
  - f. Signs which are in place for fewer than sixty (60) days per year.
  - g. Signs in support of a political candidate or election issue.
  - h. Others as per the discretion of the Code Enforcement Officer.

#### E. PERMIT REQUIRED

A permit from the Town of Madison is required for all signs subject to the provisions of this ordinance, and there shall be no fee imposed. The permit shall be issued by the Code Enforcement Officer, subject to the procedures in Section VI of this Article.

A permit shall not be required for signs and displays placed on structures adjacent to private

roads and private driveways provided the standards of Sections XII, XIII and IX of this Ordinance and section 1914(6) of the Maine Traveler Information Services Act are fully satisfied. The Code Enforcement Officer shall have the authority to enforce sections XII, XIII and IX of this Ordinance and section 1914(6) of the Maine Traveler Information Services Act for signs and displays exempt from the permit requirement.

#### F. PERMITTING PROCEDURE

1. An applicant for a permit shall submit an application to the office of the Code Enforcement Officer. The application shall contain an image of the sign or signs to be placed, a rough site layout showing the placement of the sign(s), and a brief narrative description of the proposed sign(s).
2. The Code Enforcement Officer shall approve or reject the application for a sign permit and issue the permit if approved within five (5) working days of its submittal. Any conditions applying to the approval of the permit shall be stated in writing. If an application is rejected, the reasons for rejection shall be stated in writing.
3. The Code Enforcement Officer shall approve an application and issue a permit for any signs which comply with the standards set forth in Section VII, VIII and IX of this Ordinance.
4. Signs shall be erected in substantially the manner described in the application.

#### G. GENERAL STANDARDS

All signs shall conform to the standards of the *Maine Traveler Information Services Act*, 23 M.R.S.A. §1901 et seq. or successor statute, except as provided below. Unless licensed as an Official Business Directional Sign in accordance with 23 M.R.S.A. §1918, or successor statute, signs must be located on the property of the business or institution offering the goods or service being advertised, except that signs are permitted to advertise community events provided that the owner of the sign receives no compensation for the advertising.

#### H. LOCATION AND PLACEMENT OF FREE-STANDING SIGNS

1. In order to maintain vehicle and pedestrian safety, signs shall not be placed at a height or location which obstructs views from a public way of any sidewalks or driveway entrances.
2. Signs shall not be placed within five (5) feet of a property line and shall not be erected more than twenty (20) feet in height as measured from the elevation of the centerline of a public way.
3. Signs shall be sufficiently affixed to the ground to withstand strong winds.



4. Free-standing signs are not permitted in the Downtown District. The Code Enforcement Officer is authorized to waive this prohibition upon a showing that visibility is not affected, sidewalk access is not impeded, and a freestanding sign is the best option.

#### I. CHANGEABLE MESSAGE SIGNS

1. The message displayed on a sign shall not change more often than once every four (4) seconds.
2. Signs which display exclusively time and temperature may change once every four (4) seconds.
3. No lighting element within a changeable message sign may flash, blink, or change color with a duration of less than one-half (1/2) second. This means that messages are not permitted to scroll, travel, or be otherwise animated. Video or graphic animation is prohibited. Messages are permitted to dissolve or blend provided they do so without flashing.
4. Illumination between the hours of sunset and sunrise shall not exceed five hundred (500) nits.
  - a. Sign capable of producing more than 500 nits shall be equipped with a daylight sensor or timer so that illumination will be reduced during regulated hours.

#### J. APPEALS AND VARIANCE

1. The applicant for a sign permit or any party aggrieved by the decision of the Code Enforcement Officer may appeal the decision of the Code Enforcement Officer to the Town of Madison Board of Appeals. Appeals shall be heard as administrative appeals.
2. An applicant for a sign permit may request a variance from dimensional standards in Article III of this ordinance. Variance requests shall be heard by the Town of Madison Board of Appeals under the conditions provided for in 30-A M.R.S.A. §2691.

#### K. PENALTY AND ENFORCEMENT

Any person, firm, or corporation being the owner or having control over a structure found to be in violation of this ordinance shall be subject to a civil penalty in accordance with 30-A M.R.S.A. §4452(3). Each day such a violation is in existence shall constitute a separate offense.

#### L. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by a court of law to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

## **M. CONFLICT WITH OTHER ORDINANCES**

Whenever a provision of this ordinance conflicts with, or is inconsistent with, another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.

### **§484-33 Soils.**

No activity shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the County Soil Survey of the USDA Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, that construction methods will overcome any pertinent soil inadequacies.

### **§484-34 Soil erosion control.**

- A. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. When a development involves alteration of the ground surface or construction of structures, an Erosion Control Plan shall be developed and implemented. The Erosion Control Plan shall meet the standards of Maine Erosion and Sedimentation Control BMP's, published by Maine DEP (March, 2003 or as revised).
- B. Contractors involved in site work shall be certified in erosion control practices by the Maine DEP.

### **§484-35 Storage of materials.**

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

### **§484-36 Stormwater management.**

- A. Where the development includes impervious surfaces in excess of 10,000 square feet, a Stormwater Management Plan shall be prepared by a professional engineer registered in the State of Maine. The Stormwater Management Plan shall meet the standards of Stormwater Management for Maine, published by Maine DEP (2006 or as revised).
- B. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the two-year and the twenty-five-year, twenty-four-hour duration, frequencies, based on rainfall data for Somerset County. When the development discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.

- C. For projects including structural treatments, such as detention ponds, a Stormwater Maintenance Agreement shall be prepared, indicating how stormwater management structures will be maintained through the course of their projected life.
- D. When a proposed development is within the direct watershed of Wesserunsett Lake, the phosphorus export from development shall be evaluated and controlled. The Department of Environmental Protection manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (September 1989, or as revised) shall be used for calculating, designing, and evaluating phosphorus controls.

**§484-37 Street access and driveways.**

- A. Proposed developments shall provide safe access to and from public and private roads. Safe access shall be demonstrated by providing suitable location for access points, with respect to sight distances and intersections.
- B. Any development proposing access onto a state road shall obtain a driveway, entrance, or traffic movement permit from the Maine Department of Transportation. A copy of the permit shall be provided to the Planning Board.
- C. Any road or driveway entering onto a public road shall be so designed in profile and grading and so located as to provide the minimum sight distance in each direction. Sight distance is measured from a point ten feet (10') behind the curb or edge of shoulder, with the height of the eye three and a half feet (3.5') above the surface and height of sighted object four and one quarter feet (4.25')..
  - 1. The minimum sight distance from a proposed entrance (in feet) shall be ten (10) times the posted speed limit (in MPH) on the existing road, or three hundred fifty feet (350') if no speed limit is posted. Where necessary, the land bordering the intersection shall be cleared of perennial growth and sight obstructions to achieve the required sight line.
- D. Access points to existing public roads shall be minimized to reduce conflict points. Development shall be designed so that lots are accessed through lesser roads, where applicable. Entrances shall be no more than thirty two feet (32') in width, with twenty four (24') preferred. A single lot shall be limited to two (2) points of entry.
- E. The center line of any new road or commercial driveway intersecting an existing public road shall be at least one hundred twenty-five feet (125') from the center line of any other street intersecting that road, unless it is located directly across from that intersection.
- F. If a proposed development is projected to generate more than one hundred (100) vehicular trips during a peak hour, a traffic impact analysis completed by a professional engineer with experience in traffic planning shall be provided at the time of review. The Planning Board may use the results of the analysis to require the provision of off-site road improvements to manage traffic impacts.

G. Driveways shall be constructed to the following specifications:

1. Minimum width of fifteen feet (15') of unpaved, twenty feet (20') if paved;
2. Minimum base gravel of fifteen inches (15") in depth; minimum surface gravel of three inches in depth. The construction requirements for gravel shall be as specified in Subsections 304.03 through 304.0 of the most current edition of the MDOT Standard Specifications Highway and Bridges manual.
3. If pavement is applied, the base layer of pavement shall be mixed and placed as per the most current edition of the MDOT Standard Specifications Highway and Bridges manual, Section 401 and Section 703.9. The surface layer of pavement shall be mixed and placed as per Section 401 and Section 701.4.

**§484-38 Water quality impacts.**

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters, or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- B. All aboveground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area.
- C. All below-ground tanks must meet the standards of the Maine Department of Environmental Protection.

**§484-39 Financial capacity.**

- A. The applicant must demonstrate the financial and technical capacity to carry out the project in accordance with this chapter and approved plan.
- B. The application must list the names of architects, engineers, and other professionals who were involved in the development of the project.
- C. The application must list either the names of contractors who have been engaged to construct the project, or the process by which those contractors will be hired.
- D. The application must include the estimated cost of the project, including required public improvements, and the source of funding sufficient to meet those costs.

- E. If any public improvements are proposed or required for the development of this project, the terms of performance guarantees must be approved as part of the application process. Performance guarantees will be developed in accordance with Article VI of this chapter.

## **Article VI: Improvement Guaranties and Coverages**

### **§484-40 Improvement guarantees.**

The Planning Board may require the posting of an improvement guarantee as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant. The financial guarantee options are:

- A. A performance bond from the surety bonding company authorized to do business in the State of Maine, which bond shall be payable to the Town of Madison.
- B. An irrevocable letter of credit from a bank or other reputable institution authorized to do business in the State of Maine, satisfactory to the Planning Board and in a form satisfactory to said Board, which letter of credit shall certify the following:
  - 1) That the applicant does guarantee funds in a specified amount and for a specified duration;
  - 2) That, in case of failure on the part of the applicant to satisfactorily complete the project within the required time period, the creditor shall pay to the Town immediately, and without further action, such funds as are necessary to finance the project's proper completion up to the credit limit stated in the letter.
- C. Evidence that cash has been deposited in an escrow account at a bank or other reputable institution having an office in the Town of Madison and acceptable to the Planning Board, and the escrow agreement acceptable to the Planning Board. The agreement shall provide that in case of failure on the part of the applicant to satisfactorily complete the project within the required time period, the escrow agent shall pay to the Town immediately, and without further action, such funds as are necessary to finance the proper completion of said project, up to the original cash deposit into the escrow account.
- D. A letter from a bank, similar financial institution, or a government agency demonstrating that credit is available to finance the proposed project or that the funding institution intends to fund the project, indicating the amount of funds and the specified uses, will be acceptable if compliance with Subsections **A** through **C** of this section would be cost prohibitive as determined by the Planning Board.
- E. The most recent corporate annual report(s) of the applicant, or a parent company of the

applicant, indicating sufficient financial capacity to fund or obtain financing for the development together with explanatory material interpreting the report, will be acceptable if compliance with Subsections **A** through **D** of this section is determined by the Planning Board to be infeasible for the applicant.

#### **§484-41 Contents of guarantee.**

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant will be in default and the Town shall have access to the funds to finish construction.

### **Article VII: Special Criterion**

#### ***The following project categories will require special standards in addition to standards in Article V***

*Fees: Due to the complicated nature of the projects in Article VII, the fee for Site Review and all associated Town of Madison Building Permits will be doubled for projects that fall within §§ 484-38, 484-39, 484-40, 484-41 and 484-42.*

#### **§484-42 Wireless communication facilities.**

##### **A. General standards.**

- 1) Wireless communication facilities may be either freestanding or building-mounted.
- 2) A freestanding communications tower shall be a monopole-type construction and shall not exceed one hundred seventy-five feet (175') in height.
- 3) A building-mounted structure shall not extend more than fifteen feet (15') above the primary roof line of the building upon which it is mounted.
- 4) In order to protect public safety, the minimum horizontal distance from the base of any freestanding tower to any property line, road, or residential structure shall be equal to fifty percent (50%) of the height of the structure. A security fence at least eight feet in height shall be installed to completely enclose the tower and any associated buildings or structures.
- 5) All wireless communications facilities shall be designed to facilitate co-location of services. Accommodation for co-location shall be demonstrated at the time of application.
- 6) No wireless communication facility shall commence construction without a



commitment for occupancy from at least one communication service provider. If at any time a facility has not supported a communication service provider for a period of six consecutive months, the Planning Board may declare the facility abandoned and order its removal. If the facility tower has not been removed within 90 days of such order, the Town shall contract to remove the tower and assess the cost to the property owner, said cost to become a lien against the property.

- 7) Visual impact of facilities shall be minimized, through choice of siting, design of the structure itself, or structural or vegetative buffering. No signage shall be placed on the tower itself, except for warning signs at the base. Signs on supporting buildings and structures shall be limited to those identifying the facility, the owner and operator, and emergency contact information.
- 8) Lighting of towers and antennae shall be prohibited except as required by the Federal Aviation Administration.
- 9) In review of the application for a wireless communication facility, the Planning Board is specifically authorized to retain an expert in the field of RF engineering to review technical details of the application. The cost of this expertise shall be borne by the applicant through the technical review fee and such additional assessment as is necessary.
- 10) Prior to the start of construction and applicant shall provide the town proof of adequate liability insurance.

#### **§484-43 Wind energy conservation systems (windmills).**

##### **A. General standards:**

- 1) The minimum distance between the ground and any part of a rotor blade system shall be fifty feet (50').
- 2) All access doors to towers and electrical equipment shall be lockable.
- 3) Towers shall not be artificially lighted, except as required by the FAA or other applicable authority. All lights shall be designed to minimize visibility from the ground to the extend allowed by the FAA or other applicable authority.
- 4) Turbines shall have an automatic braking, governing, and/or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and turbine components caused by extremely high winds, icing or other weather phenomena.
- 5) Turbines shall be equipped with a fire suppression system that will extinguish any fire located in the nacelle portion of the turbine.
- 6) The tower and all ground-level equipment such as transformers and substations

shall be enclosed within a security fence at least eight feet in height. The fence shall be placed a minimum distance from the tower of three times the radius of the rotor blades.

- 7) Wiring: All wiring between generating facilities and transformers or substations shall be underground unless the developer provides evidence that underground wiring is unfeasible.

B. Setbacks:

- 1) Facilities will be required to meet a minimum setback distance from all property lines equal to one and a half (1.5) times the height of the tower plus the length of one blade.
- 2) Towers shall be set back at least two thousand five hundred feet (2,500') from wetlands of high value for waterfowl and wading bird habitat as identified by Maine Department of Inland Fisheries and Wildlife.

- C. Advertising: Towers and turbines shall not contain advertising except for reasonable identification of the manufacturer and/or operator of the wind energy facility. Appropriate warning signs shall be placed on electrical equipment and facility entrances.

- D. Visual impact: The installation shall minimize visual impact, through choice of siting, design of the structures, or structural or vegetative buffers in conformance with **§ 484-25** of this chapter.

- E. Insurance: The owner/operator of the facility shall maintain a current general liability policy that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the facility. The applicant or its designee shall make certificates of insurance available to the Town and approved by the Planning Board and Select Board.

- F. Raptor habitat: The facility shall avoid, to the extent practicable, the creation of artificial habitat for raptors or raptor prey, such as electrical equipment boxes on or near the ground that could provide shelter/warmth, or horizontal perching opportunities on the towers or related structures.

G. Decommissioning standards.

- 1) The owner/operator of any wind energy facility shall, at their expense, be responsible for complete decommissioning of the project and site restoration within twelve (12) months after it ceases to generate electricity, or after its permit has been revoked. Abandonment will be grounds for immediate revocation of permit.
- 2) Decommissioning shall include the removal of all parts of the project (including

foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, seeded or otherwise revegetated following guidelines provided by the Town of Madison.

- 3) A professional engineer shall be chosen by the applicant and approve by the Planning Board and paid by the applicant to produce a detailed cost estimate of the total decommissioning cost without consideration to the salvage value of the wind energy facility. A detailed estimate will include, but not be limited to, itemized quantities of all units of work and materials to be salvaged or scrapped, copies of all contractor quotes, trucking quotes, copies of quotes from all material salvage or scrap yards, hazardous and special waste disposal cost quotes, and units of all other work required to complete the decommissioning. No permit will be issued until decommissioning funds have been posted by the applicant with a bonding company or a federal or state chartered lending institution (the escrow agent) authorized to conduct such business in the State of Maine and approved by the Town of Madison Planning Board and Select Board.
- 4) Estimates, as described above, shall be redone annually on the anniversary of the granting of a project permit and at the time of any transfer of ownership. The owner/operator of the project shall be required to maintain decommissioning funds that are at least equal to the most recent estimate. Annual estimates and proof of decommissioning funds shall be submitted to the Town for review.
- 5) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Town of Madison Planning Board and Select Board.
- 6) If the owner/operator of the project does not complete decommissioning within the time prescribed in this chapter, the Town of Madison may take such actions as necessary (including court action) to secure the posted decommissioning funds and to ensure completion of the decommissioning.
- 7) The escrow agent shall not release the decommissioning funds except upon written approval of the Town of Madison Planning Board and Select Board.
- 8) Any facility that is unused or out of service for more than a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Madison is hereby authorized to contract removal of the development and assess the cost of said removal as a lien against the property.

#### **§484-44 Photovoltaic systems (solar arrays).**

- A. Definitions. The following words and phrases, as used in this section, have the meaning as specified below. Any words not defined below are assumed to have their normal dictionary meaning.

**SOLAR ACCESS**

The ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage or other impediment).

**SOLAR ENERGY SYSTEM, GROUND MOUNTED**

A solar energy system that is structurally mounted to the ground and is not roof-mounted.

**SOLAR ENERGY SYSTEM, ROOF MOUNTED**

A solar energy system that is mounted on the roof of a building or structure.

**B. General standards.**

- 1) Solar energy system layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electrical and Electronics Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC), the National Fire Protection Association (NFPA 70E), the National Electric Code, or other similar certifying organizations, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- 2) All on-site utility transmission lines and plumbing shall be placed underground. If, however, the applicant can demonstrate that this would not be feasible, then this requirement may be waived by the Planning Board.
- 3) Solar energy systems shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- 4) Solar energy systems shall be screened from view of any adjacent property that is used for residential purposes. The screen shall consist of a vegetative barrier which provides a visual screen and is in conformance with § 484-25 of this chapter. In lieu of a vegetative screen, a fence that provides visual screening and meets requirements of this chapter may be used with Planning Board approval.
- 5) Solar energy systems shall be completely enclosed by a secure fence that consists of a minimum eight feet (8') high fence with a locking gate. The fence should be constructed in such a way to allow for passage of small animals at its lowest point. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the solar energy system informing individuals of potential voltage hazards.
- 6) Solar energy systems shall be designed and sited to prevent the disruption of loss of emergency or private radio, telephone, television or similar signals. Interference with such communications shall be grounds for ordering the

immediate shut down of the solar energy system until the interference has been remedied.

- 7) All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
- 8) The color of solar energy systems shall be off-white or grey or some other unobtrusive color approved by the Town of Madison Planning Board (exempt collectors/panels).
- 9) Solar energy systems shall not be used to display signs or advertising except for signs at ground level identifying the equipment manufacturer, the system owner/operator, emergency contact information, and appropriate warnings as required by national, state and local laws.
- 10) All construction activities must conform to the approved application, including any conditions of approval and changes approved by the Planning Board.
- 11) If at any time it appears necessary or desirable to modify the approved plans before or during construction of the solar energy system, the applicant shall submit to the Planning Board an amended plan for review and approval.
- 12) The solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Town of Madison. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. A key box shall be used to allow emergency service access. All means of shutting down the solar facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- 13) No ground mounted solar energy system shall exceed twenty-two feet (22') of overall height. Roof-mounted medium and large solar energy systems may exceed maximum building height by five feet.
- 14) All applications must include a detailed plan for vegetation removal and control.

#### C. Environmental standards.

- 1) If required by the laws of the State of Maine, a Department of Environmental Protection Site Location of Development permit shall be obtained and submitted with the application.
- 2) The design, construction and maintenance of solar energy systems shall protect all environmentally sensitive areas that may be affected by its siting. Such areas shall include, but not limited to, wetlands, significant vernal pools, seeps or springs, steep slopes (equal or greater than 15%), 100-year floodplains, significant habitat for wildlife, fish and plants as defined by the Maine

Department of Inland Fisheries and Wildlife, the Maine Beginning with Habitat Program (non-regulatory/advisory), or the Town of Madison. An application for a permit shall demonstrate appropriate measures for protecting all such areas during both construction and operation of the project.

- 3) Solar energy systems shall be designed, constructed, and maintained so as to avoid undue adverse impacts to groundwater, including, but not limited to, sand and gravel aquifers. The Planning Board may require as condition of issuing a permit for solar energy systems that a pre-condition baseline study of the site's groundwater and/or all the wells, springs, and public water sources within the watershed of the project site be conducted. The study shall be designed and carried out by a water quality professional chose by the applicant and approved and contracted by the Planning Board and paid by the applicant.
  - 4) Within one year after the completion of construction of a solar energy system, for which the Planning Board has required a preconstruction baseline water quality study as described in § 484-44C(3) of the chapter, and each subsequent year thereafter, a post-construction water quality study of all previously tested sites shall be designed and carried out by a water quality professional chosen by the owner/operator and approved by the Planning Board and paid and contracted by the owner/operator. If degradation or contamination is found to have occurred, fines and/or permanent remedies as required by the Town of Madison or the State of Maine shall be the responsibility of the owner/operator.
  - 5) The applicant shall provide Safety Data Sheets, in accordance with the Hazard Communication Standard (29 CFR 1920. 1200(g)), for all hazardous materials or products containing hazardous materials.
- D. Road damage: The applicant shall identify all state and local public roads to be used within the Town to transport equipment and parts for construction, operation or maintenance. Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense. The Town shall engage a qualified third-party engineer reasonably acceptable to the applicant and paid for by the applicant, who shall document road conditions prior to construction.
- E. Insurance: The owner/operator of the facility shall maintain a current general liability policy for the solar energy systems that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the facility. The applicant or its designee shall make certificates of insurance available to the Town and approved by the Planning Board and Select Board.
- F. Decommissioning standards: In the event that the application requires a detailed decommissioning plan from the Maine Department of Environmental Protection, a copy of that plan will be provided by the applicant. In the event that there is no plan required by Maine DEP, the applicant will adhere to the following standards:
- 1) The owner/operator of any solar energy system shall, at their expense, be



responsible for complete decommissioning of the project and site restoration within twelve (12) months after it ceases to generate electricity, or after its permit has been revoked. Abandonment will be grounds for immediate revocation of permit.

- 2) Decommissioning shall include the removal of all parts of the project (including foundations) in accordance with local, state and federal laws and regulations. Areas of disturbed earth shall be graded, seeded or otherwise revegetated following guidelines provided by the Town of Madison.
- 3) A professional engineer shall be chosen by the applicant and approved by the Planning Board and paid by the applicant to produce a detailed cost estimate of the total decommissioning cost without consideration to the salvage value of the photovoltaic panels (solar panels). A detailed estimate will include, but not be limited to, itemized quantities of all units of work and materials to be salvaged or scrapped, copies of all contractor quotes, trucking quotes, copies of quotes from all material salvage or scrap yards, hazardous and special waste disposal cost quotes, and units of all other work required to complete the decommissioning. No permit will be issued until decommissioning funds have been posted by the applicant with a bonding company or a federal or state-chartered lending institution (the escrow agent) authorized to conduct such business in the State of Maine and approved by the Town of Madison Planning Board and Select Board.
- 4) Estimates, as described above, shall be redone annually on the anniversary of the granting of a project permit and at the time of any transfer of ownership. The owner/operator of the project shall be required to maintain decommissioning funds that are at least equal to the most recent estimate. Annual estimates and proof of decommissioning funds shall be submitted to the Town for review.
- 5) Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Town of Madison Planning Board and Select Board.
- 6) If the owner/operator of the project does not complete decommissioning within the time prescribed in this chapter, the Town of Madison may take such actions as necessary (including court action) to secure the posted decommissioning funds and to ensure completion of the decommissioning.
- 7) The escrow agent shall not release the decommissioning funds except upon written approval of the Town of Madison Planning Board and Select Board.
- 8) Any facility that is unused or out of service for more than a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as practicable. The Town of Madison is hereby authorized to contract removal of the development and assess the cost of said removal as a lien against the property.

**§484-45 Battery storage facilities.****A. General standards.**

- 1) Battery storage facility layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and the Institute of Electrical and Electronics Engineers (IEEE), the Electrical Testing Laboratory (ETL), the National Fire Protection Association (NFPA 70E), the National Electric Code, or other similar certifying organizations, and with all other applicable fire and life safety requirements.
- 2) The manufacturer specifications for the key components of the system shall be submitted as part of the application, to include stamped engineering plans to include, but not be limited to footing standards and fire protection.
- 3) Battery storage facilities shall be completely enclosed by a secure fence that consists of a minimum eight-foot-high fence with a locking gate. A clearly visible warning sign shall be placed on the fence informing individuals of potential voltage hazards.
- 4) Battery storage facilities shall not be used to display signs or advertising except for signs at ground level identifying the equipment manufacturer, the facility owner/operator, emergency contact information, and appropriate warnings as required by national, state and local laws.
- 5) The applicant shall provide safety data sheets, in accordance with the Hazard Communication Standard [29 CFR 1920.1200(g)], for all hazardous materials or products containing hazardous materials.

**B. Insurance:** The owner/operator of the facility shall maintain a current general liability policy for the battery storage facility that covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the facility. The applicant or its designee shall make certificates of insurance available to the Town and approved by the Planning Board and Select Board.

**C. Decommissioning standards:** In the event that the application requires a detailed decommissioning plan from the Maine Department of Environmental Protection, a copy of that plan will be provided by the applicant. In the event that there is no plan required by Maine DEP, the applicant will adhere to the standards outlined in **§ 484-44F(1)** through **(8)**.

**§484-46 Salvage yards/automobile graveyard.**

It shall be the responsibility of the Planning Board to review applications for salvage yards, junkyards, automobile graveyards and automobile recycling facilities following the criteria and performance standards outlined in the Town of Madison Ordinance Chapters **484** and **154** and

Title 30A Chapter 183 §§ 3751 through 3760. Per Chapter **154** of the Town of Madison Code of Ordinance, the Madison Select Board shall issue permits for salvage yard, junkyards, automobile graveyards and automobile recycling facilities, once the proper findings of fact has been completed by the Planning Board.

- A. Permitting: Any person wishing to locate a new automobile graveyard or junkyard within the Town shall apply for a permit required by state law pursuant to 30-A M.R.S.A. § 3751 et seq. The application shall present either a permit from the Maine Department of Environmental Protection or a letter from the DEP stating that a permit is not required.
- B. Map requirements. The site plan map must consist of three prints to be retained by the Town, with a maximum size of thirty inches (30") by forty-eight inches (48") and at a scale of between one inch equals forty feet (40') and one inch (1") equals one hundred feet (100'). The applicant must also submit the map electronically. The map must include the following:
  - 1) Date, title, scale, North arrow, name of project.
  - 2) A boundary outline with dimensions and lot area, in relation to surrounding streets, walls and adjoining land and land uses.
  - 3) Names and addresses of present landowners and abutting landowners.
  - 4) Locations of existing buildings and other structures, fire hydrants, streetlights, utility poles, underground water and sewer facilities, existing trees greater than 10 inches in diameter and other natural landscape features.
  - 5) Preliminary design drawings of site plans, floor plans, elevations in sufficient detail to show access, layout and building construction or modification.
  - 6) Location and dimension of all proposed buildings and private and public utilities.
  - 7) Location map.
  - 8) All necessary easements, shown on plan.
  - 9) The location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
  - 10) The location of any residences or schools within 500 feet of the area where cars or junk will be placed.
  - 11) The location of any water bodies (as defined by Maine DEP) on the property or within 200 feet of the property lines.
  - 12) The boundaries of the 100-year floodplain.

C. Performance standards.

- 1) An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk or automobiles are deposited or along all property lines.
- 2) No vehicles or junk shall be stored within three hundred feet (300') of any water body or inland wetland.
- 3) No vehicles or junk shall be stored within five hundred feet (500') of any residence, private well or school.
- 4) No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- 5) No vehicles or junk shall be stored within the 100-year floodplain.
- 6) Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable federal and state laws, rules and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
- 7) All vehicles or junk shall be located no closer than one hundred feet (100') to all lot lines.
- 8) To reduce noise, all dismantling of motor vehicles with power tools shall be done after 7:00 a.m. and before 9:00 p.m.
- 9) All federal and state hazardous waste laws and regulations shall be complied with.

D. State standards: See <http://legislature.maine.gov/statutes/30-A/title30-Asec3751.html>.

## **Article VIII: Enforcement and Penalties**

### **§484-47 Enforcement official.**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter pursuant to 30-A M.R.S.A. § 4452.

### **§484-48 Violations.**

- A. It shall be a violation of this chapter to engage in any development activity, including, but not limited to, earth-moving, road-building, construction or occupancy of buildings

or structures subject to this chapter, without first obtaining approval under this chapter.

- B. It shall be a violation of this chapter to engage in activities subject to review except in accordance with the plan submitted and terms and conditions of approval. Any changes to the site plan or development must be approved in accordance with the procedures in § 484-12 of this chapter.

#### **§484-49 Penalties.**

The penalties contained in 30-A M.R.S.A. § 4452, shall apply to any violation of this chapter.

#### **§484-50 Declaration to be submitted to owner.**

In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the owner. The valid declaration shall consist of:

- A. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
- B. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation or ordinance;
- C. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- D. Evidence that the property owner has been provided notice of the violation; and
- E. A clear statement that the declaration is being submitted pursuant to this chapter.

#### **§484-51 Severability.**

If any section or provision of this chapter is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this chapter.

#### **§484-52 Conflict with other provisions.**

This chapter shall not in any way impair or remove the necessity of compliance with any other applicable rule, regulation, bylaw, ordinance, permit or provision of law. Where this chapter imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this chapter shall control.

## **Article IX: Post Approval Activities**

#### **§484-53 Limitation of Approval.**

Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted and must be substantially completed within twenty-four (24) months. If construction has not been substantially commenced, and substantially completed, within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

#### **§484-54 Incorporation of Approved Plan.**

- A. One copy of the approved site plan must be submitted to the Code Enforcement Officer prior to commencing construction of the project. All construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.
- B. Any project involving the construction of more than twenty thousand (20,000') square feet of gross floor area or fifty thousand (50,000') square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

### **Article X: Terminology**

#### **§484-55 Definitions and word usage.**

Unless specifically defined, words and phrases used in this connection shall have the same meaning as they have at common law and to give this chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory, and not discretionary.

##### **ACCESS POINT**

The location at which a driveway or road serving a development intersects with an existing public or private road.

##### **ACCESSORY USE OR STRUCTURE**

A use(s) or structure(s) which is customarily both incidental and subordinate to the principal use or structure, and which is located on the same lot with the principal building, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

##### **AGRICULTURAL LAND MANAGEMENT PRACTICES**

Those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.



**ALTERATION**

Structural changes, rearrangement, change of location, or addition to a building or structure (other than repairs and modification in building equipment) involving more than 25% increase in the overall floor space or bulk of the building or structure at any time or in total since the effective date of this chapter.

**BUFFER**

A linear area designed and intended to provide visual and aural protection for residential landowners from commercial land uses through the use of structural or vegetative measures.

**BUILDING**

Any structure having a roof or partial roof used for the shelter or enclosure of persons, animals, goods or property of any kind. The term "building" shall include multiple-family dwellings.

**COMMERCIAL**

Connected with the buying or selling of goods or services or the provision of facilities for a fee.

**COMMERCIAL RECREATION FACILITY**

Any facility where recreational activities are provided to participate or observe for a fee. The term includes but is not limited to fitness clubs, gyms, racket clubs, golf course, go-kart track, stadium, racetrack, amusement park.

**DRIVE-THROUGH SERVICE**

The provision of customer service facilities where the customer does not have to leave his or her vehicle to get served, and drives away immediately, customarily (but not exclusively) used in food service and banking.

**DRIVEWAY**

A paved or hard-surfaced vehicular travel way intended to service a single commercial building and not exceeding 100 feet in length.

**EROSION AND SEDIMENT CONTROL PLAN**

A plan depicting effective soil conservation measures for the activity proposed, based on practices described by the publication Maine Erosion and Sedimentation Control BMP's published by Maine DEP (March 2003, or as revised).

**GROSS FLOOR AREA (GFA)**

The total number of square feet enclosed within a building, including enclosed porches and display areas, but excluding loading docks, porticos, and other attachments not enclosed within walls.

**HOME OCCUPATION**

A home occupation is a commercial or industrial enterprise, the providing of a service, or the practice of an occupation or profession which occurs wholly within the principal residential structure; is clearly incidental and subordinate to the use of the dwelling place as a place of residence; is conducted by a member or members of the immediate family and does not involve the outdoor storage of materials or goods used in connection with the operation of the home occupation; does not generate more than 10 auto trips by clients/customers in any one day; and does not involve the alteration of the structure or premises in such a way as to violate the residential appearance or character of the home occupation site by use of colors, lighting, signs, the emission of sounds, odors, vibrations, the placement of use of materials or premises layout.

#### **IMPERVIOUS SURFACE**

Any hard-surfaced, constructed area that does not readily absorb water, including, but not limited to, building roofs, paved or graveled parking and driveway areas, sidewalks, and paved or compacted recreation areas.

#### **INDUSTRIAL**

Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

#### **INSTITUTIONAL**

A building devoted to some public, governmental, educational, charitable, medical or similar purpose.

#### **MINOR REVISION**

"Minor revision" or "minor" means any proposal to modify an approval or application, where the modification does not significantly expand the project, change the nature of the project or significantly modify any Planning Board finding with respect to an approved project or significant terms of an application, if not yet approved.

#### **MULTIPLE-FAMILY DWELLING**

A building consisting of three or more attached dwelling units.

#### **PERSONS**

Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.

#### **PLACE OF PUBLIC ASSEMBLY**

Any structure built and intended for use as a gathering place for large groups of people for an organized purpose. Places of public assembly may include, but not be limited to, grange halls, churches, fraternal organizations, union halls.

#### **PRINCIPAL STRUCTURE**

A building containing dwelling units or a building utilized by personnel or staff in regularly scheduled operations.

**SCHOOL**

A use which is primarily intended for the purpose of educating individuals. The term does not include private pre-schools but does include private schools at other levels, such as private primary or secondary schools, colleges or technical schools.

**STRUCTURE**

Anything constructed, erected or placed on the ground or attached to something on the ground which is permanent, temporary or mobile. Structures include, but are not limited to, buildings, recreational vehicles, piers and floats, and storage and processing facilities. Boundary walls, fences and flag poles are not considered structures.

**SUBSTANTIAL COMMENCEMENT**

Completion of thirty (30) percent of a permitted structure or use as a percentage of the estimated total cost.

**SUBSTANTIAL COMPLETION**

Completion of ninety (90) percent of a permitted structure or use as a percentage of the estimated total cost.

**TOPSOIL REMOVAL**

The excavation of loam or loamy materials from an area for placement elsewhere.

**USES**

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**WASTE MANAGEMENT PLAN**

A plan prepared by a business to provide suitable waste disposal procedures for all anticipated classes of waste, including common waste, special waste, hazardous waste, and items to be composted or recycled.

## **Article XI: Abrogation**

**§484-56 Repealer.**

This chapter repeals and replaces the previously enacted Site Review Ordinance.