

ARTICLE I

**Site Plan Review Requirements and General Provisions**

**§ 484-1. ~~Applicability.~~ General**

- A. Title: This ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Madison, Maine, and will be referred to as “this ordinance”**
- B. Authority: This ordinance 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.**
- C. Purpose: The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that non-residential 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 the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.**

**§ 484-2. Applicability**

- ~~A. Site plan review does not apply to single and two family dwelling units, home occupations, or to agricultural land management and forest management practices, as defined.~~
- ~~B. Site plan review does apply to the following development proposals:
  - ~~1. New commercial, retail, industrial and institutional 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 commercial, retail, industrial, institutional or multifamily structure where the expansion adds 800 square feet or more;~~
  - ~~4. New commercial, retail, industrial and institutional land uses of two acres or more;~~
  - ~~5. Any expansion, by 0.5 acres or more, of a commercial, retail, industrial, institutional or multifamily land use located on two acres or more.~~~~

**A. This ordinance applies to the following development proposals:**

- 1. New commercial, retail, industrial and institutional structures, including accessory buildings and structures, if such buildings or structures have a total area for all floors of three thousand (3,000) square feet or more.**
- 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 commercial, retail, industrial, institutional or multiple family dwelling structure where the expansion adds two thousand (2,000) square feet or more.
  4. The conversion of an existing building in which three-thousand (3,000) or more square feet of total floor area are being converted from residential to non-residential use.
  5. The establishment of a new non-residential use, occupying more than 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 ten thousand square feet.
  7. The construction or installation of a sign, including replacements, which is greater than thirty-two (32) square feet and not included as part of a development already subject to review under this ordinance.
- B. This ordinance does NOT apply to the following:
1. Single and/or two-family dwelling units.
  2. The placement, alteration or enlargement of a single manufactured housing or mobile home dwelling.
  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 ordinance, the Code Enforcement Officer shall make the determination.

**§ 484-3. Administration and authority.**

- A. This chapter shall be administered by the Code Enforcement Officer and the Planning Board. All applications for site plan review shall be made to the Code Enforcement Officer.
- 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 section 484-~~1-B~~ 2.A 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 section 7 of this chapter.
- e. Applicant is exempt from review.

~~C. This chapter is adopted pursuant to Home Rule powers as provided for in Article VII A of the Maine Constitution, and 30 A.M.R.S.A. § 3001.~~

#### **§ 484-4 No building permit without site plan approval.**

The Code Enforcement Officer 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 approval, the Code Enforcement Officer has the authority to issue a stop work order and enforce all applicable penalties (§ 165-26 after-the-fact permits)**

## **ARTICLE II Application Procedure**

#### **§ 484-5 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 section 5 of this chapter,
- B. A formal application and review process for approving a proposed development, as described in section 6 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 section 7 of this chapter.

#### **§ 484-6. Pre-Application**

- A. A prospective applicant shall contact the Code Enforcement Officer 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 section 9 of this chapter to the town office no less than ~~10~~ **five (5) days** 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.

#### § 484-7. Application Process

- A. All applications shall be made on Site Plan Application Forms available from the Town Office, and contain the elements listed in section 10 of this chapter. Applications shall be submitted to the Town Office together with required fees. The Town Office shall issue a dated receipt for application and fees.
- B. When an application has been submitted, the Town Office will immediately notify the code enforcement officer and place consideration of the application on the agenda for the next planning board meeting. In order to be placed on the agenda, an application must be submitted no less than ~~40~~ **five (5) days** prior to a scheduled meeting.
- C. The planning board, at its next scheduled meeting, shall determine whether the application is complete. If the application is complete, the board shall so notify the applicant. If the application is not complete, the board shall provide a written listing of the items that are yet to be submitted for a complete application. **The planning board may utilize the services of a town planner to review the application for completeness and make recommendations to the board.**
- D. 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.
- E. ~~Notice of the application and public hearing shall be published in a local newspaper at least ten (10) days in advance of the required public hearing.~~ 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 (5) days in advance of the public hearing.**
- F. 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.
- G. 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 cases 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.
- H. A project must be commenced within 12 months of final approval and completed within 24 months. After 24 months, the approval shall be deemed to have expired unless a special schedule has been approved by the Planning Board or an extension has been granted by it. Any deviation from the project as approved shall require a revision to the approval.

#### **§ 484-8. Revisions**

- A. A minor revision to an approved plan may be approved by the code enforcement officer. 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 (5) 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 section 484-7E of this chapter.

#### **§ 484-9. 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 any aggrieved party to Somerset County

Superior Court within thirty (30) days of the date of the board's decision.

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## ARTICLE III

### Site Plan Requirements

#### § 484-10. Pre-application requirements.

The following information is required for pre-application review under section 484-6. 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.

#### § 484-11. Site plan submission requirements.

The following information is required for site plan submission:

- A. Application Fees: As provided for in section 13 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 ~~plus one mylar (reproducible) copy~~, 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 arrangement, 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.
- E. 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 a substantial amount of waste, the applicant shall request review by the Town Manager of a waste management plan developed in accordance with section 484-25.
  7. Any other agency or committee deemed appropriate by the Planning Board.

**§ 484-12. 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 section 484-11 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.

**§ 484-13. Fee Schedule**

The Board of Selectmen shall adopt and from time to time amend a fee schedule for applications submitted under this chapter. The fees to be 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.

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## ARTICLE IV

### Review Standards

#### § 484-14. 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 proposes 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 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 for by the developer. If the development will use more than 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 one-hundred-year flood elevation and flood hazard boundaries within the project. The proposed project plan shall include a condition of plat approval requiring that principal structures on lots in the project shall be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation; and
- N. Will meet all of the general performance standards.

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ARTICLE V

**General Performance Standards**

**§ 484-15. 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 a deeded right-of-way a minimum of 50 feet in width. The access road shall be constructed to the standards of section 484-32 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 the construction standards of section 484-32 or of Chapter 339, Street Design and Construction Standards, of the Code of the Town of Madison.

**§ 484-16. 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 fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.

**§ 484-17. Buffers and Screening.**

- 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 a 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 ten (10) feet to fifteen (15) feet in width. A (naturally) vegetated buffer should be a minimum of twenty-five (25) feet in width.
  - (3) Areas adjacent to service, loading, or storage areas should be screened by dense planting, 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.
- 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 forty (40) feet from the road, a buffer providing at least three (3) 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.

**§ 484-18. Construction standards.**

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

**§ 484-19. 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 275 gallons in size, are exempted from this requirement.

**§ 484-20. 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 foot-candles upon abutting residential properties.

**§ 484-21. 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 structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

**§ 484-22. 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 ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.
  - 1. If ground water contains pre-existing contaminants in excess of the primary standards, the applicant shall demonstrate how water quality will be improved or treated.
  - 2. If ground water contains pre-existing contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- A. An assessment of the impacts of the development on ground water may be required by the Planning Board if the development will be located over 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:
  - i. a map showing the basic soil types;
  - ii. the depth to the water table at representative points throughout the development and presumed ground water flow directions;
  - iii. drainage conditions throughout the development;
  - iv. data on the existing ground water quality and availability, either from test wells in the development or from existing wells on neighboring properties;
  - v. an analysis and evaluation of the effect of the development on ground water 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.
  - vi. a map showing the location of any subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

**§ 484-23. 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 any 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 development [measured in dB(A) scale] shall satisfy the following levels:

NEIGHBORING USE:	<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. and 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. to 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 Regulation, DEP Regs. Ch. 375.10, as amended from time to time, shall be used.

**§ 484-24. 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 issuance of the certificate of occupancy.

B. Lot Design and Circulation

1. Access points from a 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 25 feet 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 (72) feet. 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 off-street loading bay/dock shall be provided for retail, service, wholesale, warehouse, and industrial operations with a gross floor area of more than 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. Entrance/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 impede 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. Communication 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 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 (10) feet in width by twenty (20) feet in length for spaces angled at 90 degrees from the travel aisle. Spaces designated for handicapped parking shall measure twelve and a half (12.5) feet in width by twenty (20) feet in length.
  - b. Parking spaces installed at an angle other than 90 degrees from the travel aisle shall be designed so that a ten-by-eighteen foot rectangle can be placed within each one (12.5 by 18 for handicapped), except that stalls parallel to a travel aisle shall measure ten (10) feet in width by twenty-two (22) feet in length.
  - c. Parking aisles shall be twenty (20) feet in width if designated for two-way traffic, and sixteen (16) feet 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 in width. Where double lines are used, they should be separated a minimum of 12 inches 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:

<u>Activity</u>	<u>Minimum Required Parking</u>
<b>Residential:</b>	
With 2 or more bedrooms	2 spaces per dwelling unit
With 1 bedroom	1 1/2 spaces per dwelling unit
Elderly housing	1/2 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 the largest shift
Place of public assembly	1 space per four seats (based on rated capacity if no fixed seating)
<b>Schools:</b>	
Primary	2 per 1,000 s.f. gross floor area
Secondary	4 per 1,000 s.f. gross floor area
Postsecondary	4 per 1,000 s.f. gross floor area
Child care facility	5 per 1,000 s.f. gross floor area
Theater, auditorium	1 per 4 seats
Funeral homes	3 spaces for every 1000 square feet (chapels calculated separately)
Medical care facilities	3 per 1,000 s.f. gross floor area
Banks	5 per 1,000 s.f. gross floor area
General Offices	3 per 1,000 s.f. gross floor area
Medical offices	5 per 1,000 s.f. gross floor area
Veterinarian clinic	4 per 1,000 s.f. gross floor area
Retail and service businesses	3.5 per 1,000 s.f. gross floor area
Supermarket, box stores	3 per 1,000 s.f. gross floor area
Barber/beauty shop	2 spaces/chair
Restaurant	1 per 3 seats (sit down) 6 per 1,000 s.f. gross floor area (fast food)
Industrial businesses	1.5 per 1,000 s.f. gross floor area
Warehouse, wholesale	1 per 1,000 s.f. 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 s.f. 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 s.f. gross floor area (fitness club, etc) 30 per acre (outdoor amusements)
Motor vehicle sales	1 space reserved for customers per 30 vehicles displayed on the lot

**NOTES:**

- i) Where the calculation 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.
- ii) Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.
- iii) 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.

**§ 484-25. 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 500 feet 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 hour, these measurements being separated by at least 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.

**§ 484-26. 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.

**§ 484-27. 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.

**§ 484-28. Signs.**

A. For all development subject to this chapter, the following signs shall be permitted:

1. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the service available within the premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors for a cumulative total period of more than 90 days in one calendar year and no such sign shall exceed 10 square feet without a waiver from the Code Enforcement Officer. **[Amended 6-10-2013]**
2. On each premises there is permitted one sign affixed to the exterior of a building for each occupancy under common ownership operation or control therein. Signs shall not be placed on the roof of a building.
3. Freestanding signs are limited in number to one per building, except that, where one occupant occupies more than one building per lot or a combination of lots mutually adjoining and in common ownership, only one freestanding sign shall be permitted. The top edge of any such freestanding sign shall not be higher than 16 feet vertical measure above the average ground level from the base of the sign. For traffic safety, where vision may be obscured entering a public street, the whole of the sign board or display elements of any freestanding sign shall be either below three feet in height or above seven feet in height above the street grade. A freestanding sign may be located within the front yard space, but shall not be closer than 10 feet to the street right-of-way, or five feet to the nearest side of the sidewalk (where applicable), and be no closer than 12 feet to either of the lot side lines. Where an existing principal building is within 15 feet of the street right-of-way, a freestanding sign may be located no closer than two feet of the street right-of-way. **[Amended 6-10-2013]**
4. On each premises where one sign is permitted attached to the building for each occupancy:
  - a. If attached to the structure by way of a frame or bracket, which overhangs a pedestrian walkway or public sidewalk, it shall not extend beyond five feet of the structure face to which attached and have a vertical height clearance between the sign bottom and/or average grade at the base of the sign which shall not be less than 10 feet.
  - b. If the proposed sign is to be attached to the structure surface without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than 12 inches from the structure surface. Cutout letters should not project more than six inches from the building wall.
  - c. No sign shall be permitted on the roof of any building.
  - d. Signs posted within a window shall not cover more than 10% of the window area.
  - e. Attached signs shall not exceed five square feet in area without a waiver from the Code Enforcement Officer. **[Amended 6-10-2013]**

B. Illumination and location of signs. **[Amended 6-10-2013]**

1. Intermittent display of lighted messages may be included in "permitted" signs under § 484-33B (industrial, commercial, educational, institutional and religious).
2. Display of lighted messages may change after four seconds.

3. No sign shall be located off the site of the lot on which the related services are located, except as provided for in this chapter and except for directional signs.
- C. The above regulations shall not apply to the following:
1. Flags and insignia of any government.
  2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  3. Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.
  4. Yard and garage sale signs posted for less than three days.
- D. Temporary signs. Temporary signs for special events may be posted upon written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the owners of the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed 20 days in a calendar year. The applicant shall remove said signs upon termination of the permit. Street banners shall be no larger than 50 square feet in area. No temporary sign, other than a street banner, shall be larger than 10 square feet in area. Permits for hanging street banners across the public way shall be issued only upon assumption of complete liability in writing by the person, firm or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit.
- E. Nonconforming signs.
1. All lots with permanent, complete and functioning nonconforming signs as of March 6, 1989, may continue to use and maintain one freestanding or roof-mounted and one attached nonconforming sign and corner lots may continue to use and maintain two attached nonconforming signs. All other nonconforming signs shall be removed by March 6, 1992.
  2. Nonconforming signs not permanently located and functioning on March 6, 1989, because of road construction activities may be replaced and have the same status as if they were in place on March 6, 1989.
- F. Calculation of the sign area. The area limitations for the size of the sign relate to one of two sides of the signboard, both sides of which may have on it the sign message. For example, a sign limited to 10 square feet may have two sides with the result that the sign message covers an area of 20 square feet but only 10 square feet would be visible at one time.

**§ 484-29. 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.

**§ 484-30. 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.

**§ 484-31. 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.

**§ 484-32. 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 (2) year and the twenty-five (25) year, twenty-four (24) 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.

**§ 484-33. 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 (10) feet behind the curb or edge of shoulder, with the height of the eye 3.5 feet above the surface and height of sighted object 4.25 feet.

The minimum sight distance from a proposed entrance (in feet) shall be 10 times the posted speed limit (in MPH) on the existing road, or 350 feet 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 32 feet in width, with 24 feet preferred. A single lot shall be limited to two points of entry.
- E. The center line of any new road or commercial driveway intersecting an existing public road shall be at least 125 feet 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 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:
  - a. Minimum width of fifteen (15) feet if unpaved, twenty (20) feet if paved;
  - b. Minimum base gravel of fifteen (15) inches depth; minimum surface gravel of three (3) inches 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.
  - c. 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.

**§ 484-34. 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.



**§ 484-35. Financial Capacity**

- A. The applicant must demonstrate the financial and technical capacity to carry out the project in accordance with this ordinance 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 ordinance.**

ARTICLE VI

**Financial Guarantee and Insurance Coverage**  
**Improvement Guaranties and Coverages**

**§ 484-36. Financial guarantee required. ~~Improvement Guarantees~~**

Prior to the Planning Board issuing a permit, the applicant shall file a financial guarantee in an amount sufficient to cover project costs, conditioned upon the completion of said project and full compliance with any laws, ordinances and regulations of the Town of Madison applicable to said project. When the applicant has completed the project as set forth in its application, and in compliance with the Planning Board permit, the Planning Board shall permit the applicant to cancel said guarantee.

**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.

**§ 484-37. 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**

**NOTE: ALL OF ARTICLE VII IS NEW LANGUAGE**

**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 sections 484-38, 39,40, 41 and 42.**

**§ 484-38 Wireless Communication Facilities**

**A. General Standards**

1. Wireless Communication Facilities may be either free-standing or building-mounted.
2. A free-standing communications tower shall be a monopole-type construction and shall not exceed one hundred seventy-five (175) feet in height.

3. A building-mounted structure shall not extend more than fifteen (15) feet 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 free-standing tower to any property line, road, or residential structure shall be equal to fifty (50) percent of the height of the structure. A security fence at least eight (8) 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 (6) consecutive months, the planning board may declare the facility abandoned and order its removal. If the facility tower has not been removed within ninety (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

#### **§ 484-39 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 (50) feet.
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 extent 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 (8) feet in height. The fence shall be placed a minimum distance from the tower of three times (3x) 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 1.5 times the height of the tower plus the length of one blade.
2. Towers shall be set back at least 2,500 feet 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 § 484-21 of this ordinance.

**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 a) electrical equipment boxes on or near the ground that could provide shelter/warmth, or b) 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 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 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 Ordinance, 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.

## § 484-40 Photovoltaic Systems (Solar Arrays)

### A. Definitions

The following words and phrases, as used in this ordinance, 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 of 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 § 484-21 of this ordinance. In lieu of a vegetative screen, a fence that provides visual screening and meets requirements of this ordinance 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 (8) foot 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 (22) feet of overall height. Roof mounted Medium and Large Solar Energy Systems may exceed maximum building height by five (5) 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%), one hundred (100) year flood plains, 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 § 484-40 C-3 of the Ordinance, 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 Ordinance, 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.

## **§ 484-41 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 (8) 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 § 484-40 F-1-8.

#### **§ 484-42 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 Town of Madison Ordinance Chapters 484 and 154, and Title 30A Chapter 183 Sections 3751 through 3760.

Per Chapter 154 of the Town of Madison Code of Ordinances, the Madison Select Board shall issue permits for Salvage Yards, Junkyards, Automobile Graveyards and Automobile Recycling Facilities, once the proper finding 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 blueline prints to be retained by the Town, 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 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 one-hundred-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 300 feet of any water body or inland wetland.
3. No vehicles or junk shall be stored within 500 feet 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 one-hundred-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 100 feet 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

#### § 484-43. 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.

#### § 484-44. 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 section 7 of this chapter.

#### § 484-45. Penalties.

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

#### § 484-46. 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.

**§ 484-47. 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.

**§ 484-48. 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

**Terminology**

**§ 484-49. 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.

**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.

**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.

**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, race track, 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 one hundred (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** — Means 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.

**TOPSOIL REMOVAL** — Shall mean 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 X

### **Abrogation**

#### **§ 484-50. Repealer.**

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