

ARTICLE 10: SITE PLAN REVIEW

A) Purpose

- 1) General Purpose
 - a) The site plan review provisions set forth in this section are intended to protect public health and safety, promote educational, cultural, economic and general welfare of the community, and manage environmental impacts by assuring that non-residential and multi-family 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, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.
- 2) Specific Intent
 - a) Promote orderly and beneficial development, which complements the character of the Town of Bowdoinham.
 - b) Enhance the Town of Bowdoinham's visual character by ensuring that structures, signs and other developments are properly related to their property and to surrounding properties and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearances of structures, signs and other improvements relate harmoniously to their environment.
 - c) Provide for the protection and preservation of buildings, structures and places of historic, architectural, cultural or neighborhood significance.
 - d) Conserve the natural beauty of the Town of Bowdoinham.

B) Administration Procedures and Application Fees

1) Review and Approval Authority

~~The Code Enforcement Officer is authorized to review and act on Tier I Site Plans Review applications. The Code Enforcement Officer is also authorized to review and act on applications to amend existing site plans when the proposed amendment would be classified as Tier I under subsection (B)(2)(b) below. The Code Enforcement Officer may, at his or her discretion, refer any such applications or amendment applications to the Planning Board for review. Only the Planning Board is authorized to review and act on Tier II and Tier III Site Plan Review applications and applications to amend existing site plans when the proposed amendment would be classified as Tier II or III under subsections (B)(2)(e) or (d) below. In considering site plans under this section, the Planning Board or Code Enforcement Officer may act to approve, disapprove, or approve the application with conditions as are authorized by these provisions.~~

- a) The Code Enforcement Officer is authorized to review and act on Tier I Site Plans Review applications. The Code Enforcement Officer is also authorized to review and act on

applications to amend existing site plans when the proposed amendment would be classified as Tier I under subsection (B)(2)(b) below. The Code Enforcement Officer may, at his or her discretion, refer any such applications or amendment applications to the Planning Board for review.

b) Only the Planning Board is authorized to review and act on Tier II and Tier III Site Plan Review applications and applications to amend existing site plans when the proposed amendment would be classified as Tier II or III under subsections (B)(2)(c) or (d) below.

c) In considering site plans under this section, the Planning Board or Code Enforcement Officer may act to approve, disapprove, or approve the application with conditions as are authorized by these provisions.

2) Classification of Projects

a) ~~The Town Planner~~ Code Enforcement Officer shall classify each proposed project as either Tier I, II, or III project, or as a project amendment.

b) Tier I projects shall include the following projects:

(i) Home-Based Business that does not meet the Performance Standard in Article 4.E

(ii) An increase in the floor area of less than one thousand (1,000) sq ft. This provision may only be used once in a five-year period.

(iii) A Home Daycare

(iv) Boarding House

(v) Riding Arena/Boarding Stable

(vi) Home Occupation that does not meet the Performance Standards of Article 4.D.

(vii) Projects involving only the installation of impervious surfaces less than 20,000 sq ft.

(viii) Private Air Strips

(ix) Farm Stands

(x) A change of use that is within the same classification (i.e. commercial, industrial, institutional)

(xi) Waste and Nuisance Yard

c) Tier II projects shall include the following projects:

(i) Smaller scale, less complex projects for which a less complex review process is adequate to protect the Town's interest.

(ii) Projects involving the construction or addition of fewer than five thousand (5,000) sq. ft. of gross non-residential floor area.

(iii) Projects involving only the creation of twenty thousand (20,000) to eighty thousand (80,000) sq. ft. of impervious surfaces.

(iv) Projects involving the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area.

(v) ~~All cannabis uses require a Site Plan Review Permit, unless it meets the requirements of a Tier III application in subsection d below.~~ All projects involving cannabis uses, unless the project meets the requirements of a Tier III application in subsection d below.

- (vi) Any project which involves drilling for or excavating natural resources, including mineral extraction, on land or under water where the area affected is between five thousand (5,000) and thirty thousand (30,000) sq. ft.
 - (vii) Any new or change to a Non-Roadside or Cross-Country Distribution Lines (greater than 34.5kV) including changes to the alignment of the lines, lighting, placement of the towers or height of the towers.
 - (viii) A change of use that is not within the same classification (i.e. commercial, industrial, institutional)
 - (ix) ~~Solar Energy Systems require a Site Plan Review Permit, unless it meets the requirements of a Tier III application in subsection d. below.~~ Project classified as Solar Energy Systems – Large, unless the project meets the requirements of a Tier III application in subsection d below.
- d) Tier III projects shall include the following projects:
- (i) Larger, more complex projects for which a more detailed review process and additional information are necessary.
 - (ii) Projects involving the construction or addition of five thousand (5,000) or more sq. ft. of gross nonresidential floor area.
 - (iii) Any project which involves drilling for or excavating natural resources, including mineral extraction, on land or underwater where the area affected is in excess of thirty thousand (30,000) sq. ft.
 - (iv) Projects involving the creation of more than eighty thousand (80,000) sq. ft. or more of impervious area.
 - (v) Projects requiring review which are not classified as a Tier II development project.
- e) Site Plan Amendment
- (i) An amendment to an approved site plan which meets subsection b above shall follow the procedure for a Tier I application.
 - (ii) An amendment to an approved site plan which meets subsection c above shall follow the procedure for a Tier II application.
 - (iii) An amendment to an approved site plan which meets subsection d above shall follow the procedure for a Tier III application.
 - (iv) An amendment to a Site Plan that is not listed in subsection b, c, or d above shall follow the review procedure for a Tier II application.

3) Fees

a) Application Review Fee

- (i) An application for site plan review must be accompanied by an application fee, plus all mailing and advertising costs for the processing of the application. ~~The fee shall not be refundable. This application fee shall be paid to the municipality.~~ The fee shall not be refundable and shall be paid to the Town. The application fee shall be as follows:
 - (A) Tier I application: \$25.00
 - (B) Tier II application: \$500.00
 - (C) Tier III application:

(1) Site Inventory & Analysis fee: \$100.00

(2) Formal application fee: \$900.00

(D) The application fee for amendment applications shall be determined by the Tier classification under which the amendment falls, except that an amendment that falls under subsection (B)(2)(e)(iv) above shall be one-hundred fifty dollars (\$150.00).

b) Technical Review Fee (for Tier II and III projects only)

In addition to the application fee, the applicant shall be responsible for paying for a technical review fee. The initial deposit towards the technical review fee shall be \$500.00 to cover the Town's legal and technical costs for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with regulations.

- (i) The Planning Board may reduce the amount of the technical review fee or eliminate the fee if it determines that the scale or nature of the project will require little or no outside review.
- (ii) This fee must be paid to the Town and shall be deposited into a special escrow account, which shall be separate and distinct from all other municipal accounts.
- (iii) The application will be considered incomplete until evidence of payment of this fee is submitted to the Town.
- (iv) If the balance in this special account is drawn down by 75%, the applicant shall be notified, and the applicant shall bring the balance back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary, whenever the balance of the escrow account is drawn down by 75% of the original deposit.
- (v) The Town shall provide the applicant with an accounting of his or her account upon written request.
- (vi) The Town shall refund all the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such a refund shall be accompanied by a final accounting of expenditures from the fund. The money in such fund shall not be used by the Town for any enforcement purposes.

C) Application Submission Requirements

The Planning Board/Code Enforcement Officer, as applicable, may waive any of the submission requirements upon a written request of the applicant. A waiver of any submission requirement may be granted only if that information is not required to determine compliance with the approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

1) Submission Requirements for Tier I projects

The applicant shall submit two (2) copies of the following:

- a) Completed application form
- b) Evidence of right, title or interest in the property
- c) Evidence of payment of application fee

- d) Site plan of the parcel at a scale of not more than one hundred (100) ft. to the inch showing as a minimum:
 - (i) the name of the development, north arrow, date and scale;
 - (ii) the boundaries of the parcel, as shown on the Town's Tax Maps;
 - (iii) existing buildings, structures, or other improvements on the site;
 - (iv) existing restrictions or easements on the site;
 - (v) the location and size of existing utilities or improvements servicing the site;
 - (vi) proposed development including locations of buildings, impervious areas, storage areas, signage and lighting; and
 - (vii) if a private sewage disposal system will be used, a suitable location for a system.
 - e) Breakdown of proposed project costs
 - f) A narrative describing how the proposed project meets the Approval Criteria in Article 10, Section E, along with the necessary supporting evidence
- 2) Submission Requirements for Site Inventory & Analysis (Tier III applications only)

~~The site inventory and analysis is intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. The Site Inventory & Analysis is a preliminary process intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment, prior to full Tier III Site Plan Review. It is anticipated that this analysis will result in a development plan that reflects the conditions of the site; those areas that are suitable for the proposed use will be utilized, while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the site and an analysis of that information.~~

The Site Inventory & Analysis submission must contain, at a minimum, the following information:

- a) The names, addresses, and phone numbers of the record owner and the applicant
- b) The names and addresses of all consultants working on the project
- c) Evidence of right, title, or interest in the property
- d) Evidence of payment of the site inventory and analysis fee
- e) ~~Eight (8)~~ Nine (9) copies of an accurate scale inventory plan of the parcel at a scale of not more than one hundred (100) ft. to the inch showing as a minimum:
 - (i) the name of the development, north arrow, date and scale;
 - (ii) the boundaries of the parcel;
 - (iii) the relationship of the site to the surrounding area;
 - (iv) the topography of the site;
 - (v) the major natural features of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats or other important natural features;
 - (vi) existing buildings, structures, or other improvements on the site;

- (vii) existing restrictions or easements on the site;
 - (viii) the location and size of existing utilities or improvements servicing the site;
 - (ix) a class D medium intensity soil survey; and
 - (x) if a private sewage disposal system will be used, a suitable location for a system.
- f) ~~Eight (8)~~ Nine (9) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
- g) ~~Eight (8)~~ Nine (9) copies of any requests for waivers from the submission requirements for the site plan review application.

3) Submission Requirements for Site Plan Review Applications (Tier II and Tier III)

The submission documents requested for Site Plan Review are meant to provide the Planning Board with detailed information about the existing site conditions and the changes that are being proposed in a manner that makes them easy to understand and review under the provisions of this Ordinance. Typically, much of this documentation is found in formal Site Plan documents created by a contractor or project architect ("The Plan"); however, the Planning Board accepts less formal documents as long as the required information is provided. Site Plan Review applications must contain a "Plan" document that can be signed upon approval of the application. The Plan is a map and must contain the information described below in Sections 3.e. and 3.f. Additional information required for submission can be included as separate documents not shown on the Plan or on the Plan as specified in Section 3.g. Additional requirements for Tier III projects are found in Section 3.h. Applications for Site Plan Review must be submitted on application forms provided by the Town. Projects classified as Tier II projects shall go through a simplified review process. The Planning Board shall have the authority to waive any review standards if it finds they are inapplicable to Tier II projects.

- ~~(i) Applications for site plan review must be submitted on application forms provided by the Town.~~
- ~~(ii) Projects classified as Tier II projects shall go through a simplified review process.~~
- ~~(iii) The Planning Board shall have the authority to waive any review standards if it finds they are inapplicable to Tier II projects.~~
- ~~(iv) The submission must contain at least the exhibits and information specified in this section, unless specifically waived in writing.~~
- ~~(v) All applications for site plan review must contain the following information:~~
 - ~~(A) a fully-executed and signed copy of the application for development review;~~
 - ~~(B) evidence of payment of the application and technical review fees; and~~
 - ~~(C) Eight (8) copies of written materials plus eight (8) sets of maps or drawings. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria:~~
 - ~~(1) forty (40) feet to the inch is preferred, but in no case shall the scale exceed one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.~~

- a. the location of all required building setbacks, yards, and buffers.
- b. boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- c. the name, registration number and seal of the person who prepared the plan, if applicable.

(2) General Information:

- a. record owner's name, address, and phone number and applicant's name, address and phone number, if different.
- b. names and addresses of all property owners within two hundred (200) feet of any and all property boundaries.
- c. sketch map showing the general location of the site within the municipality based upon a reduction of the tax maps.
- d. the tax map and lot number of the parcel or parcels on which the project is to be located.
- e. a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- f. cost of the proposed development.
- g. evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and an individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.
- h. evidence of the applicant's technical capability to carry out the project as proposed.

(3) Existing Conditions Plan including the following:

- a. zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- b. the bearings and length of all property lines of the property to be developed and the source of this information.
- c. location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

- d. ~~location, names, and present widths of existing public and/ or private streets and rights of way within or adjacent to the proposed development.~~
- e. ~~The location, dimensions and ground floor elevation of all existing buildings on the site.~~
- f. ~~the location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.~~
- g. ~~location of intersecting roads or driveways within two hundred (200) feet of the site.~~
- h. ~~the location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/ or archaeological resources, together with a description of such features.~~
- i. ~~the direction of existing surface water drainage across the site, and any off-site drainage facilities that will be used.~~
- j. ~~the location, front view, dimensions, and lighting of existing signs.~~
- k. ~~location and dimensions of any existing easements and copies of existing covenants or deed restrictions.~~
- l. ~~the location of the nearest fire hydrant or other water supply for fire protection.~~

~~(4) Proposed Development Activity~~

- a. ~~estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.~~
- b. ~~the direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.~~
- c. ~~provisions for handling all solid waste, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.~~
- d. ~~the location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.~~
- e. ~~a grading plan showing the existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine~~
- f. ~~proposed landscaping and buffering.~~

- g. ~~the location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.~~
- h. ~~location of proposed signs together with the method for securing the sign.~~
- i. ~~location and type of exterior lighting.~~
- j. ~~the location of all utilities, including fire protection systems.~~
- k. ~~a general description of the proposed use or activity.~~
- l. ~~an estimate of the peak hour and daily traffic to be generated by the project.~~
- m. ~~the existing and proposed method of handling stormwater runoff, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.~~
- n. ~~A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.~~
- o. ~~Breakdown of proposed project costs.~~
- p. ~~Approval Block. Space must be provided on the plan drawing for the signatures of the Planning Board and date together.~~

The Plan shall be submitted as full-sized copies of one or more maps or drawings or more if requested by the Planning Board, which may be printed or reproduced on paper, with all dimensions shown. The submission must contain at least the information on the Plan and additional information specified in this section, unless specifically waived in writing:

- a) a fully executed and signed copy of the application for development review;
- b) evidence of payment of the application and technical review fees; and
- c) nine (9) copies of all written materials, including nine (9) sets of maps or drawings as noted in the sections below. Formal maps or drawings must be at a sufficient scale to allow review of the items listed under the approval criteria. Forty (40) ft. to the inch is preferred, but in no case shall the scale exceed one hundred (100) ft. to the inch.
- d) The Plan (maps and drawings) must include:
 - (i) The location of all required building setbacks, yards, and buffers.
 - (ii) Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
 - (iii) The name, registration number and seal of the person who prepared the document(s), if applicable.
- e) The existing conditions found on the Plan must include:
 - (i) The bearings and length of all property lines of the property to be developed and the source of this information.
 - (ii) Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed and on abutting streets or land

that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

- (iii) Location, names, and present widths of existing public and/ or private streets and rights-of-way within or adjacent to the proposed development.
 - (iv) The location, dimensions and ground floor elevation of all existing buildings on the site.
 - (v) The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
 - (vi) The existing topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine
 - (vii) The direction of existing surface water drainage across the site, and any off-site drainage facilities that will be used.
 - (viii) If grading is proposed, the existing topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
- f) The proposed development activities found on the Plan must include:
- (i) The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.
 - (ii) The location and proposed screening of any on-site collection or storage facilities of solid waste, including hazardous and special wastes..
 - (iii) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.
 - (iv) If grading is proposed, a grading plan showing the proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
 - (v) Proposed landscaping and buffering.
 - (vi) The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.
 - (vii) Location and type of exterior lighting.
 - (viii) The location of all utilities, including fire protection systems.
 - (ix) The proposed method of stormwater management, including water quality and/or phosphorous export management provisions.
 - (x) The proposed method of erosion and sedimentation control measures
 - (xi) Approval block. Space must be provided on the plan drawing for the signatures of the Planning Board and date together.
- g) Additional information that must be provided, either on the Plan or in supplemental information, must include:
- (i) Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
 - (ii) Names and addresses of all property owners within two hundred (200) ft. of any and all property boundaries.

- (iii) Sketch map showing the general location of the site within the municipality based upon a reduction of the tax maps.
- (iv) The tax map and lot number of the parcel or parcels on which the project is to be located.
- (v) A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- (vi) Cost of the proposed development.
- (vii) Evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and an individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.
- (viii) Evidence of the applicant's technical capability to carry out the project as proposed.
- (ix) Zoning classification(s), including overlay and/or subdistricts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or subdistricts or abuts a different district.
- (x) A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
- (xi) Breakdown of proposed project costs.
- (xii) Location of intersecting roads or driveways within two hundred (200) ft. of the site.
- (xiii) The location of open drainage courses, wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/ or archaeological resources, together with a description of such features.
- (xiv) The location, front view, dimensions, and lighting of existing signs.
- (xv) Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (xvi) The location of the nearest fire hydrant or other water supply for fire protection.
- (xvii) Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- (xviii) Provisions for handling all solid waste, including hazardous and special wastes.
- (xix) Location and dimensions of proposed signs together with the method for securing the sign.
- (xx) A general description of the proposed use or activity.
- (xxi) An estimate of the peak hour and daily traffic to be generated by the project.

- h) Additional submission requirements for Tier III applications must include:
- (i) a narrative and/ or plan describing how the proposed development plan relates to the site inventory and analysis.
 - (ii) a stormwater drainage and erosion control program showing:
 - (A) the existing and proposed method of handling stormwater runoff;
 - (B) the direction of flow of the runoff, through the use of arrows;
 - (C) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers; and
 - (D) engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces being proposed, and methods of controlling erosion and sedimentation during and after construction.
 - (iii) a groundwater impact analysis prepared by groundwater hydrologists for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day;
 - (iv) the name, license number, and seal of the surveyor, architect, engineer, landscape architect and/ or similar professional who prepared the plan;
 - (v) a utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site;
 - (vi) a planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation; and
 - (vii) a traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the a.m. or p.m. peak hour based upon the latest edition of the trip generator manual of the Institution of Traffic Engineers.

4) Site Plan Amendments

The applicant shall submit ~~ten (10)~~ nine (9) copies of the following:

- a) the approved plan;
- b) the proposed revised plan; and
- c) supporting information to allow the Planning Board to make a determination that the proposed revisions meet the applicable performance standards and approval criteria.

D) Site Plan Application Review Procedures

- 1) The Planning Board or Code Enforcement Officer shall use the following procedures in reviewing applications for site plan review.
- 2) Tier I application

- a) The applicant shall submit a complete application including all submission requirements to the Code Enforcement Officer.
 - (i) ~~Once the Code Enforcement Officer receives the application, notice shall be sent by first class mail to all abutting property owners.~~
 - (ii) ~~The Code Enforcement Officer shall review the application within ten (10) days of the receipt of the application to determine whether or not the submission is complete. If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be reviewed until the additional information is submitted. Failure to submit the additional information within six months shall be deemed an abandonment of the application.~~
 - b) The Code Enforcement Officer shall review the application within ten (10) days of the receipt of the application to determine whether or not the submission is complete and shall send notice of the application by first class mail to all abutting property owners.
 - c) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be reviewed until the additional information is submitted. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.
 - d) The Code Enforcement Officer shall take final action on said application within ten (10) days of finding the application complete. The Code Enforcement Officer shall act to deny, to approve, or to approve the application with conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this ordinance.
 - e) In issuing its decision, the Code Enforcement Officer shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.
 - f) The Code Enforcement Officer shall notify the applicant of the decision, including the findings of fact and any conditions of approval.
- 3) Tier II and III applications
- a) ~~Staff Workshop~~ Pre-application Planning Meeting

Prior to submitting a formal application, the applicant or his/her representative shall schedule a pre-application ~~conference~~ planning meeting with the Town Planner and other relevant Town staff. The pre-application ~~conference~~ meeting shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan or any related application to be a pending application or proceeding under 1 M.R.S.A. § 302. No decisions on the substance of the plan shall be made at the pre-application ~~conference~~ meeting.

 - (i) Purposes of ~~Workshop~~ the Pre-application Planning Meeting are:
 - (A) to allow relevant Town Staff to understand the nature of the proposed use and the issues involved in the proposal;
 - (B) to allow the applicant to understand the development review process and required submissions;
 - (C) to identify issues that need to be addressed in future submissions; and

(D) to make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

(ii) Information required for the Pre-application Planning Meeting includes:

(A) the proposed site, including its location, size, and general characteristics;

(B) the nature of the proposed use and potential development;

(C) any issues or questions about existing municipal regulations and their applicability to project; and

(D) any requests for waivers from the submission requirements.

(iii) Site visit

The Town Planner may schedule a site visit if deemed necessary and offer guidance on any requests for waivers and variations from the submission requirements.

b) Site Inventory & Analysis

(i) Applicants with projects classified as Tier II projects shall not be required to submit a Site Inventory & Analysis and may proceed directly to preparing and submitting a formal site plan review application.

(ii) Applicants with projects classified as Tier III projects shall submit a Site Inventory & Analysis for Planning Board review. This review must be completed prior to the submission of the formal site plan review application.

(A) ~~Except~~ A Site Inventory & Analysis shall not be required for an Amendment to a Site Plan.

(iii) The review of the Site Inventory & Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board.

(iv) The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed.

(v) The outcome of the review process shall be a determination by the Planning Board of the issues and constraints that must be addressed in the formal site plan review application.

(vi) The Planning Board shall review the Site Inventory & Analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete.

(vii) The Planning Board shall also act on any requests for waivers.

(viii) The Site Inventory & Analysis review procedure shall be as follows:

(A) ~~All submission requirements shall be submitted to the Town Planner at least twenty-one (21) days prior to the meeting at which it is to be considered. The Site Inventory & Analysis shall be submitted to the Town Planning Department Staff at least twenty-one (21) days prior to a scheduled meeting of the Planning Board.~~

(B) Upon receipt of a Site Inventory & Analysis, the ~~Planner~~ Town Planning Department Staff shall give a dated receipt to the applicant. Within seven (7) days of the receipt of a Site Inventory & Analysis submission ~~for a major development~~, the ~~Planner~~ Town Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is complete.

- (1) ~~If the submission is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. If the submission is determined to be incomplete, the Town Planning Department Staff shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. These steps shall be repeated until all materials have been submitted.~~
- (2) ~~When the submission is determined to be complete by the Planner, the applicant shall be notified in writing of this finding and the item placed on the agenda for informal review by the Board and an on-site inspection may be scheduled.~~
- (3) ~~Upon receipt of a complete application, the Planner shall notify the Selectmen, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.~~
- (2) When the submission is determined to be complete by the Town Planning Department Staff, the applicant shall be notified in writing of this finding and the item placed on the agenda for review by the Planning Board. An on-site inspection may be scheduled, and copies of the submission will be distributed to the Select Board, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.
- (C) The Town Planning Department shall, at the applicant's expense, notify all abutting property owners of the pending application and the date, time, and place of the meeting at which the Planning Board will review the Site Inventory & Analysis submission.
- (D) Within forty-five (45) days of the first Planning Board meeting at which the Site Inventory & Analysis is discussed or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall complete its review of the Site Inventory & Analysis.
- (E) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. A written notice for such site inspections shall be published at least once in a local newspaper in the community, and the date of the publication shall be at least seven (7) days prior to the site inspection. Notice shall also be sent by first-class mail to all property owners of record within five hundred (500) ft. of the parcel on which the proposed development is located.
 - (1) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action on the site

inventory and analysis may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.

(F) The Planning Board shall complete its review of the submission and notify the applicant in writing of its findings.

c) Site Plan Application Review Procedure

(i) Applications for major developments will not be received until the review of the Site Inventory & Analysis is completed.

(ii) The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Town Planner Planning Department Staff at least twenty-one (21) days prior to the Planning Board meeting at which it is to be considered.

(iii) Upon receipt of a formal site plan review application, the Town Planning Department Staff shall:

(A) give a dated receipt to the applicant;

(B) notify by first-class mail, abutting property owners that an application for site plan review has been submitted; and

(C) notify the notify the Planning Board, Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District of the pending application.

(iv) Within seven (7) days of the receipt of a formal development review application, the Town Planner Planning Department Staff shall review the material and make a preliminary determination on whether or not the submission is preliminarily complete.

(A) If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. If the application is determined to be incomplete, a member of the Town Planning Department Staff shall notify the applicant in writing of this finding. The notice shall specify the additional materials required to make the application complete, shall advise the applicant that the application will not be reviewed until the additional information is submitted, and state that all additional information must be submitted no later ten (10) days prior to the meeting at which it is to be considered. Failure to submit the additional information within six (6) months shall be deemed an abandonment of the application.

(B) As soon as the application is determined to be preliminarily complete, the applicant shall be notified in writing of this finding. The notification requirements of subsection (d) below shall be met and the item placed on the agenda for substantive review within thirty (30) days of this finding. Town Planning Department Staff will place the item on the agenda for review by the Planning Board and distribute copies of the submission to the members of the Select Board, Town Manager, Road Commissioner, Code Enforcement Officer, Public Works Director,

Solid Waste Manager, Recreation Director, Community & Economic Development Director, and Fire Chief, and where appropriate, Harbormaster and Water District.

- ~~(D) Upon receipt of a formal site plan review application, the Planner shall give a dated receipt to the applicant and shall notify the Selectmen, Town Manager, Fire Chief, Road Commissioner, Public Works Director, Solid Waste Manager, Recreation Director, Community & Economic Development Director and the Code Enforcement Officer and abutting property owners of the pending application.~~
- (v) Within thirty (30) days of the receipt of a preliminarily complete formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete, and shall advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted to the Planning Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
- (vi) After the Planning Board has determined that a complete application has been filed, it shall begin its substantive review of the proposed development within thirty (30) days of this finding. The Planning Board shall also schedule a public hearing within thirty (30) days of determining that it has received a complete application.
- (A) The public hearing shall be held within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and all property owners of record within five hundred (500) ft. of the parcel on which the proposed development is located by first-class mail. The determination of the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing, in a newspaper of area-wide circulation.
- (vii) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered. ~~The Board may decide not to hold an on-site inspection when the site is snow covered. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (d) above. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (iv.B.) above.~~ The Board may decide not to hold an on-site inspection when the site is covered in snow.
- (A) If a review is pending during a period when there is more than one foot of snow cover, the deadline by which the Planning Board shall take final action may be extended. This extension shall not exceed thirty (30) days after the site is clear of snow and the Board is able to conduct an on-site inspection.
- ~~(H) The Planning Board shall hold a public hearing within 30 days of the filing of the completed application. The Planning Board shall give written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and all property owners of record within five hundred (500) feet of the parcel on which the proposed development is located by first-class mail. The determination of~~

~~the names and owners shall be based upon the records of the local Assessor's Office. The Planning Board shall publish the time, date, and place of the hearing at least once, the date of the first publication to be at least seven (7) days prior to the hearing in a newspaper of area-wide circulation.~~

- (viii) Failure of any property owner to receive notice under this section for any reason shall not necessitate a new hearing and shall not invalidate any action by the Planning Board.
- (ix) All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

d) Procedure for Public Hearing of an Application

- (i) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. The testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this ordinance or other Town ordinances.
- (ii) The Planning Board Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall then allow the members of the Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

e) Procedure for Final Action on an Application

- (i) The Planning Board shall take final action on said application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to ensure compliance with the standards of approval and performance standards of this ordinance.
- ii) In issuing its decision, the Planning Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, performance standards, and other requirements of this Ordinance.
- (iii) The Planning Board shall notify the applicant of the action of the Planning Board, including the findings of fact and any conditions of approval.

f) Time Limitations

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

E) Approval Criteria

The following criteria shall be used in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless it is

determined that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant to produce sufficient evidence to warrant a finding that all applicable criteria have been met.

1) Vehicular Access

The proposed site layout will provide for safe access to and egress from public and private roads.

2) Internal Vehicular Circulation

The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.

3) Pedestrian Circulation

The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.

4) Municipal Services

The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

5) Visual Impact

The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.

6) Lighting

All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

7) Signage

The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

8) Buildings

The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

9) Landscaping

The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

10) Buffering

The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas

11) Utilities

The proposed development will not impose an unreasonable burden on existing utilities.

12) Water Supply

The proposed development will be provided with an adequate supply of water.

13) Sewage Disposal

The proposed development will be provided with adequate sewage waste disposal.

14) Fire Protection

The proposed development will have adequate fire protection.

15) Capacity of Applicant

The applicant has the capacity to carry out the proposed project.

16) Shoreland

The proposed development will be in compliance with the Town's Shoreland Zoning Ordinance.

17) Floodplain

The proposed development will be in compliance with the Town's Floodplain Management Ordinance.

18) Wetlands & Waterbodies

The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

19) Historic & Archaeological

The proposed development will not have an adverse effect on historic and/or archaeological sites.

20) Groundwater

The proposed development will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

21) Wildlife Habitat

The proposed development will not have an undue adverse effect on wildlife habitat.

22) Natural Areas

The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

23) Environmental Impact

The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

24) Solid Waste Management

The proposed development will provide for adequate disposal of solid wastes.

25) Hazardous, Special & Radioactive Materials

The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

26) Air Quality

The proposed development will not result in undue air pollution or odors.

27) Water Quality

The proposed development will not result in water pollution.

28) Stormwater

The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

29) Sedimentation & Erosion Control

The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

30) Noise

The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

31) Compliance with Ordinances

The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

32) Town Plans & Vision Statements

The proposed development is consistent with the intent of the Town's Plans, including but not limited to the Comprehensive Plan, Waterfront Plan, and Transportation Vision Statement.

F) General Performance Standards

The performance standards in this article are intended to clarify and expand upon the approval criteria. Compliance with the performance standards of this section shall be considered to be evidence of meeting the appropriate approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

The Planning Board may waive any of the general performance standards based upon a written request of the applicant. Such a request should be made at the time of the Site Inventory & Analysis review or at the initial review of the application if no Site Inventory & Analysis review is required. A waiver of any general performance standard may be granted only if the Board finds that the standard is not required for the proposed project to be in compliance with the approval criteria.

1) Vehicular Access

a) Adequacy of Road System

Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. A Traffic Impact Study may be required by the Planning Board if deemed necessary by the Director of Public Works or the Road Commissioner.

b) Access into the Site

Vehicular access to and from the development must be safe and convenient.

(i) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards.

(ii) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

(iii) The grade of any proposed drive or street must be not more than 3% for a minimum of forty (40) ft., from the intersection. The Planning Board may require a greater distance if deemed necessary by the Public Works Director.

(iv) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

c) Accessway Location and Spacing

(i) Private entrances/exits must be located at least fifty (50) ft. from the closest unsignalized intersection and one hundred fifty (150) ft. from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(ii) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) ft. where possible.

2) Internal Vehicular Circulation

a) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding areas of excessive grading and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

b) Proposed developments that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for the largest expected vehicles.

c) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

d) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the parking lot.

e) Off-street parking must conform to the following standards:

(i) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

(ii) All parking spaces, access drives, and impervious surfaces must be located at least ten (10) ft. from any side or rear lot line, except where standards for buffers require a greater distance. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

(iii) No parking spaces or asphalt type surface may be located within five (5) ft. of the front property line; standards for buffers may require a greater distance.

(iv) Parking lots on adjoining lots may be connected by accessways not to exceed twenty-four (24) ft. in width.

(v) Parking stalls must conform to the following standards:

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"	-	18'-0"	24'-0" – 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" – 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" – 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" – 1-way

- (vi) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
 - (vii) Parking areas for non-residential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
 - (viii) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
 - (ix) Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.
 - (x) Parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street.
 - (xi) Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site.
 - (xii) Any establishment which caters to and/or offers its goods, facilities or services to the general public shall maintain at least one of its required parking spaces as an accessible space for handicapped persons.
 - (xiii) At least one parking space shall be provided for each employee per shift.
- 3) Pedestrian Circulation
- a) The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
 - b) This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.
 - c) Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.
 - d) The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas.
 - e) The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or,

when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

- f) The system shall be safely separated from vehicular traffic through landscape buffers and curbing.

4) Municipal Services

A letter shall be requested from the appropriate Town Officials to address that the development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

5) Visual Impact

- a) When a proposed development will be visible from a public street, road, water body, or facility, the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development. Screening must be a minimum width of 10 ft. If less than 25 ft. wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 ft. high and average of at least 6 ft. high at planting, with at least two rows of planting at off-set spacing to fill in the gaps between plants in a single row. If the vegetated screen is at least 25 ft. wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.
- b) When a proposed development is located within the viewshed of an identified view from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.

6) Lighting

All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and rights-of-ways, and the unnecessary lighting of the night sky.

- a) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.
- b) Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
- c) The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.
- d) 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 must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.
- e) All exterior lighting, except security lighting, must be turned off between 11 p.m. and 6 a.m. unless located on the site of a commercial or industrial use which is open for business during that period.

f) Wiring to light poles must be underground.

7) Signage

The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.

- a) Signs should be placed at right angles to the street so as to be viewed from both directions. Simple, geometrically shaped signs set low to the ground must be used.
- b) Signs may be illuminated only by shielded, non-flashing lights. Any sign illumination must be turned off from 10 p.m. to 6 a.m., except if the business is open then the sign illumination may remain on during the hours of operation. No internal or flashing lights shall be permitted.
- c) Business/Institutional name signs shall be limited to two (2) signs per property, except for a property that contains more than one business.
- d) For properties which contain one business or institutional use:
 - (i) no name sign shall be greater than fifteen (15) sq. ft; and
 - (ii) the total area of name signs on the property shall not exceed twenty-five (25) sq. ft.
- e) Properties containing more than one business or institutional use may have a directory sign, which contains a name sign for the complex, as well as name signs for the individual businesses or institutional uses.
 - (i) The name sign for the complex shall not exceed fifteen (15) sq. ft. and the name signs for the individual businesses or institutional uses shall not exceed six (6) sq. ft. The total square footage for the directory sign shall not exceed sixty (60) ft.
 - (ii) Each individual business or institutional use may have a name sign not to exceed fifteen (15) sq. ft.
- f) No free-standing sign shall extend higher than twenty (20) ft. above the ground.

8) Buildings

The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.

- a) New buildings should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street. The Planning Board may require additional buffering to the road or abutting properties if the proposed building is not compatible with the neighborhood.
- b) The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and the appearance of brick, stone, log, clapboard, or shingle.
 - (i) The proposed development could be exempt from this standard if the development will be screened so that it is not visible from the road and abutting properties.
 - (ii) Depending on the tier of the application, either the Planning Board or the Code Enforcement Officer may require additional landscaping and/or screening to the road and abutting properties.

- c) Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained.
- d) The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach and should be clearly identified as such through building and site design, landscaping, and/or signage.
- e) In rural, uncongested areas, buildings should be set back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between the road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
- f) The site design should avoid creating a building surrounded by a parking lot.
- g) The building height shall not exceed forty (40) ft.

9) Landscaping

The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.

- a) Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character.
- b) The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

10) Buffering

The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.

- a) Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.
- b) Exposed non-residential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
- c) All dumpsters or similar large collection receptacles for trash or other wastes must be screened by fencing or landscaping.
- d) The Planning Board may require buffering from impervious areas located adjacent to residential uses.
- e) The Planning Board may require buffering to reduce the impact on abutters and the public.

11) Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

12) Water Supply

- a) If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
- b) The proposed development shall connect to public water, unless the applicant can show that it is economically unfeasible.

13) Sewage Disposal

- a) The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code and the Subsurface Wastewater Disposal Rules.
- b) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to ensure proper maintenance of the system.

14) Fire Protection

The proposed development will have adequate fire protection as determined by the Fire Chief and State Fire Marshal's Office.

15) Capacity of Applicant

The applicant must meet the following criteria:

a) Right, Title and Interest in Property

The applicant must demonstrate that they have the right, title and interest in the property.

b) Financial Capacity

The applicant must demonstrate that they have the capacity to carry out the project in accordance with this ordinance and the approved plan.

c) Technical Ability

The applicant must demonstrate that they have the technical capacity to carry out the project in accordance with this ordinance and the approved plan.

16) Shoreland

The proposed development will be in compliance with the Shoreland Zoning provisions of Article 5 and 7 of this ordinance if located within the Shoreland Zone.

17) Floodplain

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Floodplain Management provisions of Article 8 of this ordinance.

18) Wetlands & Waterbodies

The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

- (i) The development must not adversely affect the water quality or shoreline of any adjacent water body, to the extent practicable. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.
- (ii) When a proposed development is immediately visible from a river, or stream, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.
- (iii) Activities within two hundred and fifty (250) ft. of vernal pools shall meet requirements set by Maine Department of Environmental Protection's Natural Resources Protection Act.

19) Historic & Archaeological

- a) If any portion of the site has been identified as containing historic or archaeological resources by the Maine Historic Preservation Commission, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
- b) Proposed developments which include or are adjacent to buildings or sites on the National Register of Historic Places, Maine Historic Preservation Commission, or when the Comprehensive Plan has identified as being of historical significance, shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures shall be similar to the historic structures. The Planning Board may require the applicant to seek the advice of the Maine Historic Preservation Commission.

20) Groundwater

Projects that involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

21) Wildlife Habitat

- a) If any portion of a property lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife, the applicant shall demonstrate that there shall be minimal impacts on the habitat and species it supports. The plan shall provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted and approved by the Board. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development will have minimal impacts on the habitat and the species it supports. These areas include:
 - (i) habitat for species appearing on the official state or federal lists of endangered or threatened species;

- (ii) high and moderate value waterfowl habitats, including nesting and feeding areas; or
- (iii) a high or moderate value deer wintering area.

22) Natural Areas

- a) If any portion of the property is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. The Planning Board may require the applicant to seek the advice of the Maine Natural Areas Program.
- b) The Planning Board may require a survey from a qualified professional of the area in question if it has not been previously surveyed.

23) Environmental Impact

- a) The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.
- b) Extensive grading and filling must be avoided as far as possible.
- c) The proposed development will not cause a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

24) Solid Waste Management

The proposed development will provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's waste.

25) Hazardous, Special & Radioactive Materials

a) Hazardous, Special, & Radioactive Materials

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special, or radioactive must be done in accordance with the standards of these agencies.

- b) No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) ft. from any lot line, or forty (40) ft. in the case of underground storage. For the purposes of this section, bulk storage shall be considered one thousand (1,000) gallons or greater. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.
- c) A Spill Prevention, Control, and Countermeasure Plan (SPCC) or Hazardous Waste Prevention Plan may be required to:
 - (i) ensure materials are handled according to State & Federal rules and best management practices;
 - (ii) minimize spills and contamination; and
 - (iii) to ensure prompt clean-up.
- d) The Planning Board may require Pollution Insurance to ensure the proposed development has the resources necessary to clean up any possible pollution due to hazardous, special and/or radioactive materials.

26) Air Quality

- a) The proposed development will meet the Maine Department of Environmental Protection and U.S. Environmental Protection Agency standards.
- b) The proposed development will not negatively impact abutters or the public with undue odors.

27) Water Quality

- a) No proposed development shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater 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 storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
 - (i) A Spill Prevention, Control, and Countermeasure Plan (SPCC) may be required to ensure every effort is made to prevent spills and clean them up promptly once they occur.
- c) If the project is located within the direct watershed of a 'body of water most at risk from development' or 'a sensitive or threatened region or watershed' as identified by the Maine Department of Environmental Protection (DEP), and is of such magnitude as to require a stormwater permit from the DEP, the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the DEP, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

28) Stormwater

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- c) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

- f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

29) Sedimentation & Erosion Control

- a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.
- b) Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 2003.

30) Noise

- a) Noise levels on a site abutting any residential use shall be kept to a minimum between the hours of 9 p.m. and 6 a.m.
- b) The Planning Board may specify an activity or business's hours of operation to address the level of noise, if necessary.

G) Use-Specific Performance Standards

The performance standards in this article are intended to clarify and expand upon the approval criteria. Compliance with the performance standards of this section shall be considered to be evidence of meeting the appropriate approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

The Planning Board may waive any of the use-specific performance standards based upon a written request of the applicant. Such a request must be made at the time of the Site Inventory & Analysis review or at the initial review of the application if there is no Site Inventory & Analysis review. A waiver of any use-specific performance standard may be granted only if the Board finds that the standard is not required for the proposed project to be in compliance with the approval criteria.

1) Asphalt/Concrete Plant/Fabrication

- a) The proposed use must be screened so that it is not visible from the road and neighboring properties to the greatest extent practicable.
- b) Must maintain a minimum buffer of 100 ft. to the property lines and to any waterbody.

2) Automobile Graveyard & Junkyard

The proposed use must be screened so that it is not visible from the road and neighboring properties.

3) Automobile Recycling Business

The applicant must demonstrate that the proposed use complies with 30-A M.R.S.A. § 3755-A, as may be amended, and that:

- a) The proposed use must be screened so that it is not visible from the road and neighboring properties.
 - b) A vehicle containing fluids may not be stored within one hundred (100) ft. of any body of water or freshwater wetland.
 - c) A vehicle may not be dismantled or stored within five hundred (500) ft. of a school, church, cemetery or public playground or park that existed on the date the permit was issued.
 - d) A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.
 - e) A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.
 - f) A vehicle may not be dismantled or stored within three hundred (300) ft. of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.
 - g) A vehicle may not be located or dismantled closer than twenty (20) ft. from any lot line, unless the operator has notarized written permission from the abutting property owner.
 - h) Dismantling of a vehicle must be performed in accordance with the following standards:
 - (i) Batteries must be removed.
 - (ii) All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.
 - (iii) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
 - (iv) Storage, recycling or disposal of fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules, and regulations.
 - (v) A log must be maintained of all motor vehicles handled. The log must include the date each vehicle was acquired, a copy of the vehicle's title or bill of sale, and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.
 - (vi) Within 180 days of acquisition, all fluids, refrigerants, batteries, and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power.
 - (vii) All fluids, refrigerants, batteries and mercury switches must be removed from vehicles before crushing or shredding.
- 4) Automobile Repair Garage
- a) A vehicle may not be repaired within one hundred (100) ft. of any body of water or freshwater wetland.

- b) A vehicle may not be repaired in the 100-year floodplain.
- c) The proposed use shall conform with the Wellhead Protection Act under 38 M.R.S.A. §§ 1391-1400, as may be amended.
- d) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
- e) A Spill Prevention, Control, and Countermeasure Plan (SPCC) may be required to ensure every effort is made to prevent spills and clean them up promptly once they occur.
- f) Pollution insurance may be required to ensure the automobile repair facility has the resources necessary to clean up any possible pollution due to hazardous or special materials.

5) Automobile Service Station

- a) Only two gas pumps (4 nozzles) and one diesel pump (2 nozzles) shall be allowed.
- b) All impervious areas must maintain a fifty (50) foot buffer from the side and rear property lines.
- c) Must comply with all applicable State statutes, Rules and Standards.

6) Bank/Financial Institution

Only one drive through teller lane shall be allowed, in addition to one drive up ATM.

7) Bed & Breakfast

- a) A maximum of six guest bedrooms shall be allowed within the dwelling or permitted attached structures.
- b) The bed & breakfast shall function as a private home with house guests.
- c) There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- d) There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- e) No provisions for cooking in individual rooms shall be allowed; only cooking in the main kitchen is allowed.
- f) Each rental room shall have not less than ten by twelve (12) ft. horizontal dimensions.
- g) Each rental room shall be equipped with an approved smoke detector.
- h) Total sleeping accommodation shall be for twelve (12) or fewer guests.
- i) Breakfast shall be the only meal served to guests and shall be limited to overnight guests.
- j) A structure shall not be used or occupied as a bed & breakfast inn until the Bowdoinham Fire Chief certifies the structure to be in compliance with applicable sections of the most recent edition of the NFPA 101 Life Safety Code, all necessary State approvals have been received, and a certificate of use and occupancy has been issued by the Code Enforcement Officer.

8) Boarding/Lodging Facility

- a) No provisions for cooking in individual rooms shall be allowed, only cooking in the main kitchen is allowed.

- b) A maximum of six guest bedrooms shall be allowed within the dwelling or permitted attached structures.
- c) The boarding house shall function as a private home with house guests.
- d) There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- e) Each rental room shall have not less than ten by twelve (12) ft. horizontal dimensions.
- f) Each rental room shall be equipped with an approved smoke detector.
- g) Total sleeping accommodations shall be for twelve (12) or fewer guests.
- h) A structure shall not be used or occupied as a boarding & lodging facility until the Bowdoinham Fire Chief certifies the structure to be in compliance with applicable sections of the most recent edition of the NFPA 101 Life Safety Code, all necessary State approvals have been received, and a certificate of use and occupancy has been issued by the Code Enforcement Officer.

9) Campground

- a) A one hundred (100) foot buffer shall be maintained around the perimeter of the property, with the exception of the access drive.
- b) For each tent site which is provided with a fire pit, the fire pit shall be approved by the Fire Chief.
- c) Campgrounds shall conform to the minimum requirements imposed under State licensing procedures.
- d) Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5,000) sq. ft., not including roads and driveways, wetlands and land below the normal high water line of a water body.
- e) A minimum of two hundred (200) sq. ft. of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
- f) The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings shall meet the required setbacks for the district in which the campground is located.
- g) Screening shall be required when necessary to shield the ground from abutting properties.
- h) Water supply and electrical utilities should be installed underground.
- i) There must be "Quiet Hours" from 11 p.m. to 7 a.m.

10) Cannabis Establishments

- a) The establishment shall have and implement an odor mitigation plan that is sufficient to eliminate the smell of cannabis so that it is not detectable offsite, i.e., must not be detected at premises that are not under the custody or control of the establishment.
- b) Buffering or other measures may be required to address the establishment's impact on abutters and the public.
- c) All cannabis and cannabis products shall be in a secured facility that meets state requirements for the registered or licensed premises under ~~Title 22, Chapter 558-C or Title 28-B, 22 M.R.S.A. §§ 2421-2430 or 28-B M.R.S.A.~~, as applicable. Any outdoor area approved for cannabis cultivation under this ordinance must be enclosed and

equipped with locks or other security devices that permit access only by a person authorized to have access to the area. The ~~municipality~~ Town shall keep confidential any security plans that are submitted as part of the application process.

- d) The establishment may not be located within five hundred (500) ft. of a school.
- e) The signage for the establishment may not contain any graphics of cannabis or cannabis accessories.
- f) No drive up/through service shall be allowed.

11) Commercial Complex

- a) It is the responsibility of the applicant to ensure that all the necessary infrastructure is in place to serve the complex's proposed uses.
- b) The complex should meet the buffering requirements for all its proposed uses.
- c) The application and permit must specify all allowed/permitted uses, maximum number of units/businesses allowed, and maximum number of employees allowed.
- d) A commercial complex is required to submit the following information and documents to the Town prior to a business joining the complex, to ensure compliance with its permit.
 - i) Business name, type of use and description of business.
 - ii) Unit and square footage to be occupied by the business.
 - iii) Any proposed construction for business.
 - iv) Number of employees allowed for business.
 - v) Designated parking and loading area(s) for business.
 - vi) Description of proposed daily traffic for business.
 - vii) Location and size of business signage.
 - viii) Location for storage of special, hazard or radioactive wastes, and types of wastes to be stored there.
 - ix) Copy of State Fire Marshall Permit or Certification for the business.
 - x) Copy of any State and/or Federal permits required for the business.
 - xi) Copy of rental/lease agreement, which addresses use of any common areas, maintenance of assigned business areas and common areas, solid waste disposal, installation & maintenance of utilities, and any proposed construction for said business.

12) Daycare, Center / Pre-School

- a) Day Care Centers / Pre-Schools and Nursery-Schools shall have at least one thousand (1,000) sq. ft. of lot area per child.
- b) There shall be a twenty-foot setback for outdoor play areas from side and rear lot lines, which set-back shall be enforced by fencing and/or plantings. Outdoor play areas shall not be permitted in front yards or yards adjacent to a street.
- c) Must comply with all applicable State Laws, Rules, and Standards.

13) Daycare, Home

- a) The parking area shall be designed to provide a safe location for vehicular ingress and egress and for the loading and unloading of children.
- b) Must comply with all applicable State Laws, Rules, and Standards.
- c) Must meet the standards for a Home Based-Business, except for subsections 3 and 12.

14) Distribution Center

All impervious areas must maintain a fifty (50) foot buffer from the side and rear property lines.

15) Farm Stand

- a) A permanent farm stand must meet the setbacks requirements, whereas a temporary and movable farm stand may be located within the front lot line setback.
- b) A farm stand shall not be larger than two hundred and fifty (250) sq. ft.

16) Food Processing Facility

All impervious areas, except for the access drive, must maintain a 50-foot buffer from the side and rear property lines.

17) Gravel Pit

- a) Must maintain a one hundred (100) foot buffer to property lines and waterbodies.
- b) Must be screened so that it is not visible from the road or abutting properties.
- c) Must comply with all applicable State statutes, Rules, and Standards.

18) Kennels

- a) Outside kennel and exercise areas must maintain a minimum buffer of one hundred (100) ft. to the property line.
- b) Dogs shall not be kept outside between the hours of 10:00 p.m. and 6:00 a.m.

19) Hotel, Motel, & Inn

All impervious areas must maintain a fifty (50) foot buffer from the side and rear property lines.

20) Manufactured Housing Park

A fifty (50) foot wide buffer strip shall be provided along any mobile home park boundary that abuts land used for residential use if the per-acre density of homes within the mobile home park is at least two times greater than:

- a) the density of residential development on immediately adjacent parcels of land; or
- b) if the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by applicable municipal ordinances or State law.

21) Non-Roadside or Cross-Country Distribution Lines (greater than 34.5kV) and Gas Transmission Pipelines

- a) The applicant must demonstrate:
 - (i) the proposed cost and benefits of the proposed project;
 - (ii) potential impacts on abutters, the environment and wildlife habitat; and

(iii) how potential impacts on abutters, the environment and wildlife habitat will be minimized.

- b) The proposed poles/towers shall be located so that it will have the least effect on abutters, the environment, and wildlife habitat.
- c) The construction of non-roadside or cross-country distribution lines or gas pipelines must be scheduled so that the construction will have the least impact on abutting property owners, other persons that may be directly affected by the construction, the environment, and wildlife habitat.
- d) Lighting must be minimized to the greatest extent possible. Blinking lighting shall only be used when no other alternatives are possible.

22) Restaurant

No drive through shall be allowed.

23) Retail

No retail building may be larger than 20,000 sq. ft.

24) Self-Storage Facility

~~a) A Self Storage Facility is a fully enclosed structure with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.~~

- a) The footprint of the structure shall be no larger than twenty-five thousand (25,000) sq. ft. in size. The building shall not exceed a height of thirty-five (35) ft.
- b) All impervious areas, except for the access drive, must maintain a 50-foot buffer from the side and rear property lines.

25) Solar Energy System

~~a) Agricultural Soils: Preference shall be given to locating the system on previously developed, degraded, or marginally productive portions of the property. If the project is to be located over land identified in the Comprehensive Plan as Prime Agricultural Soil, Farmland of Statewide Importance, or Farmland Soils of Local Importance, the plan shall minimize soil disturbance in the installation of the solar energy system with the goal of preserving future agricultural uses and shall include habitat for native plants and pollinators or incorporate a dual-use agricultural operation.~~

~~b) Abandonment or Decommissioning:~~

~~(i) Removal Requirements: At such time that the solar energy system has reached the end of its useful life or has been abandoned consistent with the Abandonment description within this standard, it shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:~~

~~(A) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.~~

~~(B) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.~~

~~(C) Stabilization or re-vegetation of the site as necessary to minimize erosion.~~

- ~~(ii) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town of Bowdoinham (town) retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned or decommissioned installation.~~
- ~~(iii) Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, "evergreen" letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction. The applicant shall, upon the request of the Town, update the estimated costs of decommissioning. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.~~

25) Solar Energy System – Large

a) Agricultural Soils

- (i) Preference shall be given to locating the system on previously developed, degraded, or marginally productive portions of the property.
- (ii) If the project is to be located over land identified in the Comprehensive Plan as Prime Agricultural Soil, Farmland of Statewide Importance, or Farmland Soils of Local Importance, the plan shall minimize soil disturbance in the installation of the solar energy system with the goal of preserving future agricultural uses and shall include habitat for native plants and pollinators or incorporate a dual-use agricultural operation.

b) Visual Impacts

- (i) When a proposed development is visible from a public street, road, water body, or facility, the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development.
- (ii) Screening must be a minimum width of 10 ft.
 - (A) If less than 25 ft wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 ft. high and average of at least 6 ft. high at planting, with at least two rows of planting at offset spacing to fill in the gaps between plants in a single row.
 - (B) If the vegetated screen is at least 25 ft. wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.

c) Utility Connections

- (i) Utilities shall be installed underground in order to minimize the visual impact of the solar energy system. Electrical transformers and other components directly related to utility interconnection may be aboveground if required by the utility provider. Aboveground utility connections may be approved by the Planning Board if they will

not have an undue adverse impact due to the setting of the solar energy system, or if there are natural or physical constraints to the site that require aboveground utilities.

d) Abandonment & Decommissioning:

- (i) Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board.
- (ii) Decommissioning: At such time that the solar energy system has reached the end of its useful life or has been abandoned consistent with the Abandonment description in subsection (i), it shall be decommissioned. Decommissioning shall consist of:
 - (A) physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
 - (B) disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - (C) stabilization or re-vegetation of the site as necessary to minimize erosion.
- (iii) Decommissioning shall occur no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town of Bowdoinham retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned or decommissioned installation.
- (iv) Surety: The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond, surety bond, "evergreen" letter of credit, or other means acceptable to the Town, for the total cost of decommissioning. The applicant shall have the financial assurance mechanism in place prior to construction. The applicant shall update the estimated costs of decommissioning upon request of the Town. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to the Town for review.

26) Telecommunication Tower

- a) The tower should be located so that the distance it is setback from the property line is equal to or greater than its height.
- b) In order for this setback to be reduced, the applicant must obtain an easement from any property owner(s) whose property(s) would be located within this setback distance, which is a radius equal to the height of the tower measured from the outer base of the tower.
- c) Wireless communications facilities which have been abandoned or which have remained unused for a period of eighteen months shall be removed, unless an extension is obtained from the Planning Board prior to the 18-month lapse. Prior to approval, the applicant shall submit a bond acceptable to the Town at an amount sufficient to pay for the cost of removal of the facility. The bond shall be made available to the town upon a finding, including adequate written notice to the applicant, that the facilities have not been used for an eighteen-month period.

27) Warehouse

All impervious areas, except for the access drive, must maintain a 50-foot buffer from the side and rear property lines.

28) Wood Processing Facility

- a) The proposed use shall be screened so that it is not visible from the road or abutting properties.
- b) Must maintain a minimum of a fifty-foot vegetative buffer around the perimeter of the property.

H) General Provisions

- 1) All construction performed under the authorization of a building permit or certificate of occupancy issued for development within the scope of this ordinance shall be in conformance with the approved site plan.
- 2) Unless otherwise specified by the Planning Board/Code Enforcement Officer in their approval, substantial start of the improvements covered by any site plan approval must be completed within twelve (12) months of the date upon which the approval was granted. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project.
 - a) If construction has not been substantially started and completed within the specified period, the approval shall be null and void.
 - b) The applicant may request an extension of the completion deadline prior to the expiration of the period. Such a request must be in writing to the permitting authority that granted the permit. The Planning Board/Code Enforcement Officer may grant up to two (2), six (6) month extensions, if all federal and state approvals and permits are current.
- 3) Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.
- 4) Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.
- 5) Any project involving the construction of more than twenty thousand (20,000) sq. ft. of gross floor area or fifty thousand (50,000) sq. ft. of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.
- 6) The Planning Board may require the filing of an improvement guarantee or the execution of a conditional agreement with the Town by the applicant.
 - a) Application
 - (i) Improvement Guarantee

The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection b below 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.

- (ii) Upon completion of all the required improvements, the developer must notify the Code Enforcement Officer of the completion of improvements and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
- (iii) The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
- (iv) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

b) Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Manager.

- (i) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
- (ii) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (iii) Escrow Account. The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

~~7) A commercial complex is required to submit the following information and documents to the Town prior to a business joining the complex, to ensure compliance with its permit.~~

- ~~a) Business name, type of use and description of business.~~
- ~~b) Unit and square footage to be occupied by the business.~~
- ~~c) Any proposed construction for business.~~
- ~~d) Number of employees allowed for business.~~
- ~~e) Designated parking and loading area(s) for business.~~
- ~~f) Description of proposed daily traffic for business.~~
- ~~g) Location and size of business signage.~~
- ~~h) Location for storage of special, hazard or radioactive wastes, and types of wastes to be stored there.~~
- ~~i) Copy of State Fire Marshall Permit or Certification for the business.~~
- ~~j) Copy of any State and/or Federal permits required for the business.~~

~~k) Copy of rental/lease agreement, which addresses use of any common areas, maintenance of assigned business areas and common areas, solid waste disposal, installation & maintenance of utilities, and any proposed construction for said business.~~