



Town of Bowdoinham

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Memo:

To: Select Board
Date: March 14, 2022
Cc: Planning Board
From: Jenn Curtis, Director of Planning & Development
Reference: Solar Energy Systems

History: Staff developed this draft proposed ordinance language based in part on model ordinance language suggested by the State of Massachusetts, which has a much longer history of solar development; recommendations from the Maine Agricultural Solar Stakeholder Group (as suggested by a representative of BCDI), staff's own development review experience of large-scale wind and solar projects, and with the help of the Town Code Enforcement Officer (Darren Carey), and an in-town farm owner with a solar energy system, who is also on the Comprehensive Planning Committee (Dave Asmussen).

Process timeline:

- The Planning Board reviewed the draft changes on December 16, 2021 and suggested edits to the system classifications and use-specific standards for siting based on language in the Topsham ordinance.
- The Comprehensive Planning Committee was advised of the draft changes on January 11, 2022 and recommended an edit to the proposed visual impact standard in the general performance standards, to remove the specificity to hillside locations.
- The Planning Board held a public hearing on the draft ordinance changes on January 27th, 2022. Based on the single public hearing comment, the board recommended adding some dual use and native species and pollinators language under the Site Plan Use Specific Standards Siting performance standard.
- Staff presented the draft language to the Select Board on February 22, 2022. The Select board recommended some more specific performance standards for addressing visual impacts, as suggested by the Town's legal counsel.
- Staff recognized that the issue with the lack of specificity in the visual impact performance standard was not only related to solar projects, and in March 2022, with planning board guidance, proposed more specific language to carry into the site plan performance standards for visual impacts as well.

Basis statement: The large-scale ground-mounted solar industry has taken off in Maine in recent years. The town is likely to see an increase in solar projects, with developments ranging from single-user residential use to large-commercial solar projects. Where there is a broad range of potential project types and new and different impacts from these projects as compared to other types of non-residential development, staff feel the town should plan ahead for how to classify these projects and manage for the anticipated land-use impacts they may have.

Compatibility with the Comprehensive Plan: The 2014 Comprehensive Plan Land Use Goals are to encourage orderly growth and development in appropriate areas while protecting the town's rural character and making efficient use of public services. This ordinance is compatible with this goal.

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Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planned unit development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features.

Planning Board: The Planning Board of the Town of Bowdoinham.

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Primary Conservation Area: The portion of a site that is unsuitable for development and/or intensive use including the area of the site that is defined as unsuitable area.

Principal Structure: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal Use - a use other than one which is wholly incidental or accessory to another use on the same lot.

Professional Engineer: A professional engineer, licensed in the State of Maine.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Project Area: All area that will have a structure, fence, or impervious surface installed on it, or utilities installed over or under it.

Public and private schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for profit or as a gainful business; or the school teaches courses of study that are sufficient to qualify attendance in compliance with State of Maine compulsory education requirements.

Public Facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Facility Utility: A facility, whether publicly or privately owned, which provides direct or indirect utility service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities, telephone electronic equipment structures, electric power sub-stations and transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications facilities are not considered public utility facilities.

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Sign: The display of a word or words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, pictures, trade names, trademarks by which anything is made known, and/or combination of these shall be deemed signs.

Significant River Segments: See Appendix B or 38 M.R.S.A. section 437.

Site Plan: A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by municipal ordinance. It includes lot lines, building sites, reserved open spaces, buildings, and major landscape features, both natural and man-made.

Site Plan Review: A review of a proposed development conducted by the Planning Board or Code Enforcement Officer using the standards contained in this Ordinance.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Skid Road or Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest.

Solar Energy System – Large: A structural feature and associated development, occupying more than 3,000 square feet of project area, constructed for the purpose of converting sunlight into electrical energy.

Solar Energy System – Small: A structural feature and associated development where solar collectors are roof mounted, or are not occupying more than 3,000 square feet of project area, constructed for the purpose of converting sunlight into electrical energy.

Solid Waste Transfer Station: A facility where solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.

Special Flood Hazard Area: See Area of Special Flood Hazard.

Start of Construction (Floodplain Management) - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Storm-Damaged Tree: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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Stream: Means a channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.
2. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
3. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
5. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Stream does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale. A stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Street: Any vehicular right-of-way that is (1) an existing Town, state or county road; (2) shown upon a subdivision plat approved by the Planning Board; (3) accepted or laid out and taken through action of the Town; (4) a private right-of-way approved by the Town; (5) a street shown on a subdivision plan in which the Town has reserved rights under the provisions of 23 M.R.S.A. § 3032; or (6) a privately owned road, that is not intended to be dedicated as a public street

Street Classification:

- a. **Arterial Street:** A major thoroughfare, which serves as a major traffic way for travel through the municipality and between municipalities.
- b. **Collector Street:** A street with average daily traffic of 1,500 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
- c. **Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.
- d. **Industrial or Commercial Street:** Streets servicing industrial or commercial uses.
- e. **Minor Residential Street:** A street servicing only residential properties and which has an average daily traffic of less than 1,500 vehicles per day.
- f. **Private Right-of-Way:** A privately owned street, that is not intended to be dedicated as a public street.

Structure - Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, solar energy systems, and satellite dishes. For floodplain management purposes, a gas or liquid storage tank that is principally above ground is also a structure. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title

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I) Subsurface Wastewater Disposal

Subsurface wastewater disposal systems shall be in conformance with the State of Maine's Subsurface Wastewater Disposal Rules.

J) Signs

The following provisions shall govern the use of signs in all districts, except for municipal and state signs and signs, or as may be allowed/permitted in other sections of this Ordinance:

- 1) A sign shall not to exceed 6 square feet in size. If the sign is illuminated, the lighting shall be by exterior, shielded and non-flashing lights, which shall be turned off from 10 p.m. to 6 a.m.

K) Solar Energy Systems

- 1) Visual Impacts - 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. Screening must be a minimum width of 10 feet. If less than 25 feet wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 feet high and average of at least 6 feet 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 feet 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.
- 2) Utility Connections – 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 visual 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.

K)L) Temporary Buildings & Non-Permanent Structures

Temporary buildings and non-permanent structures shall meet the minimum setbacks as required in this Ordinance.

L)M) Timber Harvesting

- 1) Timber harvesting activities shall comply with the Erosion & Sedimentation Control performance standard within this ordinance.

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TABLE 5.1 – LAND USES PERMITTED IN ZONING DISTRICTS

KEY

District-

R/A– Residential/Agricultural District

VDI – Village I District

VDII – Village II District

Reviewing Authority-

A – Allowed without a permit

RC– Permitted with permit from Road Commissioner

CEO – Permitted with permit from Code Enforcement Officer

LPI – Local Plumbing Inspector

PB – Permitted with permit from Planning Board

SPR – Site Plan Review permit

SB – License from Select Board Required- **SBA** - Annual License and **SBM** – 5-year license

P – Permit Required

NP – Not permitted

See Footnotes at end of Table. All uses are subject to the general performance standards of Article 4.

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>R/A</u>	<u>VDI</u>	<u>VDII</u>
<u>Agricultural & Resource Uses-</u>			
Access onto Town Road	RC	RC	RC
Agriculture	A	A	A
Agriculture products processing	SPR	SPR	SPR
Boarding and riding stables (private)	CEO ¹	CEO ¹	CEO ¹
Extractive industry	SPR	SPR	SPR
Earthmoving (less than 100 cubic yards)	A	A	A

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Earthmoving(100 cubic yards or greater)	CEO ²	CEO ²	CEO ²
Farm Stand	SPR ⁵	SPR ⁵	SPR ⁵
Gravel Pit	SPR	SPR	SPR
Greenhouse (under 10,000sf)	CEO ¹	CEO ¹	CEO ¹
Greenhouse (10,000sf or greater)	SPR	SPR	SPR
Hoop House	A	A	A
Indoor Growing Facility	SPR ⁴	SPR ⁴	SPR ⁴
Non-permanent Structure	A	A	A
Non-roadside or cross-country distribution lines (greater than 34.5kV)	SPR	SPR	SPR
Marijuana Cultivation Facility	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
<u>Solar Energy System - Large</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
<u>Solar Energy System - Small</u>	<u>A</u>	<u>A</u>	<u>A</u>
Subsurface Wastewater Disposal System	LPI	LPI	LPI
Timber Harvesting	A	A	A
Wind Mill	CEO ²	CEO ²	CEO ²
Agricultural or Resource Use not specified above	CEO ²	CEO ²	CEO ²
Accessory structures, uses or services (for items above)	P ³	P ³	P ³
<u>Residential Uses-</u>			
Condominiums	PB	PB	PB
Single-family dwelling	CEO ¹	CEO ¹	CEO ¹
Two-family dwelling	CEO ¹	CEO ¹	CEO ¹
Individual campsites	A	A	A
Multi-family dwelling (3 or more)	PB and CEO ¹	PB and CEO ¹	PB and CEO ¹
Manufactured Housing Park	PB	PB	PB
Subdivision	PB	PB	PB
Home Occupation	A	A	A
Non-permanent Structure	A	A	A
Temporary Building	A	A	A
Residential Use not specified above	CEO	CEO	CEO

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The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	P ³	P ³	P ³
<u>Industrial Uses-</u>			
Automobile Graveyard	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Automobile Recycling Business	SPR & SB ^M	SPR & SB ^M	SPR & SB ^M
Airport (Public Use)	SPR	SPR	SPR
Air Strip (Private Use)	SPR ⁵	SPR ⁵	SPR ⁵
Bulk oil & fuel storage (over 500 gallons, except for on-site usage)	SPR	SPR	SPR
Distribution Center	SPR	SPR	SPR
Junkyard	SPR & SB	SPR & SB	SPR & SB
Landfill	SPR	SPR	SPR
Light manufacturing	SPR	SPR	SPR
Lumber yard	SPR	SPR	SPR
Manufacturing	SPR	SPR	SPR
Pulp mill	SPR	SPR	SPR
Saw mill	SPR	SPR	SPR
Solid waste transfer station	SPR	SPR	SPR
Warehouse	SPR	SPR	SPR
Wood Processing Facility	SPR	SPR	SPR
Industrial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Institutional Uses-</u>			
Cemetery	SPR	SPR	SPR
Church	SPR	SPR	SPR
Civic, convention center	SPR	SPR	SPR

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Community Center	SPR	SPR	SPR
Governmental Facilities	SPR	SPR	SPR
Hospital	SPR	SPR	SPR
Medical clinic	SPR	SPR	SPR
Museum	SPR	SPR	SPR
Outdoor recreation (parks, playgrounds, etc)	SPR	SPR	SPR
Public or private school	SPR	SPR	SPR
Public facility utility	SPR	SPR	SPR
Institutional Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO ¹	CEO ¹	CEO ¹
Accessory structures, uses or services (for items above)	SPR	SPR	SPR
<u>Commercial Uses-</u>			
Adult businesses	SPR	SPR	SPR
Amusement Facility	SPR	SPR	SPR
Art gallery/craft shop/gift shop	SPR	SPR	SPR
Automobile Repair Garage	SPR	SPR	SPR
Automobile Sales Business	SPR	SPR	SPR
Automobile Service Station	SPR	SPR	SPR
Bar	SPR	SPR	SPR
Bed & Breakfast	SPR	SPR	SPR
Boarding & Lodging facility	SPR	SPR	SPR
Boarding and riding stables (public)	SPR	SPR	SPR
Boat building/repair	SPR	SPR	SPR
Campground	SPR	SPR	SPR
Commercial complex	SPR	SPR	SPR
Commercial Kitchen	SPR ⁴	SPR ⁴	SPR ⁴
Communication tower	SPR	SPR	SPR
Construction Business	SPR	SPR	SPR
Convenience store	SPR	SPR	SPR

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Daycare Center	SPR	SPR	SPR
Financial institution	SPR	SPR	SPR
Funeral home	SPR	SPR	SPR
Grocery store	SPR	SPR	SPR
Gym / Fitness club	SPR	SPR	SPR
Health Services	SPR	SPR	SPR
Home-Based Business	A ⁴	A ⁴	A ⁴
Hotel, motel	SPR	SPR	SPR
Kennel- (breeding/boarding facility)	SPR	SPR	SPR
Laundry, dry cleaning establishment	SPR	SPR	SPR
Marijuana Establishment	SPR & SB ^A	SPR & SB ^A	SPR & SB ^A
Marijuana Social Club	NP	NP	NP
Nursing home, care facility	SPR	SPR	SPR
Outdoor recreation (golf course, etc)	SPR	SPR	SPR
Professional offices, office building	SPR	SPR	SPR
Publishing, printing	SPR	SPR	SPR
Redemption center	SPR	SPR	SPR
Restaurant	SPR	SPR	SPR
Repair service (other than auto & boat)	SPR	SPR	SPR
Retail business	SPR	SPR	SPR
Salon / Day Spa	SPR	SPR	SPR
Self storage facility	SPR	SPR	SPR
Service business	SPR	SPR	SPR
Telecommunication Tower	SPR	SPR	SPR
Theater	SPR	SPR	SPR
Veterinary clinic	SPR	SPR	SPR
Wholesale business	SPR	SPR	SPR
Wind Mill Farm	SPR	SPR	SPR
Commercial Use not specified above	SPR	SPR	SPR
The construction, alteration, relocation, demolition or replacement of any building or part thereof.	CEO ¹	CEO ¹	CEO ¹

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Accessory structures, uses or services (for items above)	SPR	SPR	SPR
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¹ A Building Permit from the Code Enforcement Officer is required.

² A Land Use Permit from the Code Enforcement Officer is required.

³ A permit for an accessory structure or use shall be given by the same permitting authority who issued the permit for the original use/structure, if a permit was required.

⁴ A Home-Based Business is allowed if it meets the Performance Standard in Article 4, Section D. If the Performance Standard in Article 4, Section D is not met, then Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer. All Home-Based Businesses must register their business name with the Town Clerk.

⁵ A Tier I Site Plan Review Permit shall be required from the Code Enforcement Officer.

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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)(c) 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.

2) Classification of Projects.

- a) The Town Planner shall classify each proposed project as Tier I, II, III or 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 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)
- 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) square feet of gross nonresidential floor area.
 - (iii) Projects involving only the creation of twenty thousand (20,000) to eighty thousand (80,000) square feet 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 marijuana uses requiring a Site Plan Review Permit, unless meets the requirements of a Tier III application in subsection d below.

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- (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 5,000 and 30,000 square feet.
- (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 requiring a Site Plan Review Permit, unless it 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 square feet of gross nonresidential floor area.
 - (iii) Any project which involves drilling for or excavating natural resources, including mineral extraction, on land or under water where the area affected is in excess of 30,000 square feet.
 - (iv) Projects involving the creation of more than eighty thousand (80,000) square feet or more of impervious area.
 - (v) Projects requiring review which are not classified as a Tier II development.
- 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 Fee

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- 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 ~~is located on a hillside that~~ is visible from a public street, road, water body, or facility, ~~the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable. 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 feet. If less than 25 feet wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 feet high and average of at least 6 feet 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 feet 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.

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

23) 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 retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned solar energy system. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to 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 of Bowdoinham (Town), for the total cost of decommissioning. The

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applicant will have the financial assurance mechanism in place prior to construction. The applicant shall, upon 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.

23)24) 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.
 - (i) 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.
- b) 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 in 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.

24)25) Warehouse -

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

25)26) 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.

F) 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