

Town of Waterford, Maine

SITE PLAN REVIEW ORDINANCE

Amended March 2, 2002

Amended March 5, 2005

Amended March 4, 2007

Amended March 7, 2020

Amended March 5, 2022

Amended March 4, 2023

WATERFORD, MAINE
SITE PLAN REVIEW ORDINANCE

TABLE OF CONTENTS

Section 1. PURPOSE..... 2

Section 2. AUTHORITY AND ADMINISTRATION 2

 A. Authority 2

 B. Administration 2

Section 3. APPLICABILITY 2

Section 4. APPLICATION PROCEDURE 3

 A. Pre-Application Meeting 3

 B. The Site Plan of Development Application shall include as a minimum: 3

 C. Application 6

 D. Application Fee 6

Section 5. REVIEW STANDARDS 7

 A. General Standards 7

 B. Special Regulations 20

Section 6. GENERAL PROVISIONS 24

 A. Waivers: 24

 B. Performance Guarantee: 24

 C. Expiration of Approvals: 24

 D. Minor Changes to Approved Plans: 24

Section 7. ENFORCEMENT 25

 A. Nuisances 25

 B. Code Enforcement Officer 25

 C. Legal Actions 25

 D. Fines 25

Section 8. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES 25

 A. Validity and Separability 25

 B. Conflict with other Ordinances 25

Section 9. APPEALS 25

 A. Administrative Appeals 25

 B. Dimensional Appeals 25

 C. Dimensional Appeal Restrictions 26

 D. Appeal Procedure 26

 E. Appeal to Superior Court 27

 F. Reconsideration 27

Section 10. AMENDMENTS 27

Section 11. DEFINITIONS 27

WATERFORD, MAINE

SITE PLAN REVIEW ORDINANCE

Section 1. PURPOSE

Large scale development or major land use change have a profound effect upon the cost and efficiency of municipal services and upon the environment of the Town of Waterford. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services, degrading of the air and water quality, as well as the general health, safety and welfare of the residents.

The purpose of this Ordinance is to insure an orderly growth of the Town and to minimize the effects of that growth when caused by development, by way of, but not limited to: commercial, industrial, retail or institutional buildings, structures and/or uses, or campgrounds.

Section 2. AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A., Section 3001.
2. This Ordinance shall be known as the Site Plan Review Ordinance of the Town of Waterford, Maine, adopted and effective by vote of the Town Meeting.

B. Administration

1. The Planning Board of the Town of Waterford, hereafter referred to as the Board, shall administer this Ordinance.

Section 3. APPLICABILITY

A. This Ordinance shall apply to all development proposals for:

1. New or substantial enlargements of commercial, retail, industrial, institutional and recreational building(s), structure(s), and uses.
2. Campgrounds.
3. New uses of existing structures or land or existing uses when such new uses would generate greater traffic, or which would employ new materials and/or processes or the sale of goods not normally associated with the previous use.
4. Resumption of legal uses which have been abandoned for at least five years which would require review if being newly established.
5. Home Occupations.

B. This Ordinance does not apply to:

1. Construction of detached single-family and two family dwellings and customary outbuildings for the use of the residents thereof.
2. Construction of barns, stables and other agricultural related buildings.

3. All non-structural uses of land for agricultural and forestry purposes.
4. Existing buildings or premises legally established prior to the adoption of this Ordinance unless one or more of the factors described in Section 3.A. 1 through 4 are present.
5. Bed and breakfast establishments.
6. Accessory structures and uses.
7. Home occupations which meet the following conditions do not need Site Plan approval, but still require a **consultation meeting** with the planning board.
 - a. The home occupation is incidental and secondary to the primary residential use of the premises;
 - b. Do not employ more than two full time equivalent persons who do not make the residence their permanent home;
 - c. Do not display any exterior sign larger than sixteen (16) square feet outside of the road right-of-way, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure;
 - d. Do not generate any nuisance, waste discharge, noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, data transmission or causes other nuisances which extend beyond the limits of the subject property; and
 - e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.
8. Home Occupations which do not meet the criteria in Section 7 above shall comply with Section 5.B.10.

Section 4. APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the developer or his authorized agent should appear informally at a regular or special meeting of the Board to discuss the proposed development.
2. The developer shall present to the Board at this time, for informal review and comment, a description of the proposed use and a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development, and may be a free hand, penciled sketch of the parcel, showing the proposed layout of buildings, roads, parking areas and other features which may be of assistance to the Board to familiarize themselves with the proposed project.
3. The Board may request that the developer arrange for an inspection of the site with the Board. On-site inspections shall not be conducted when there is more than one (1) foot of snow on the ground.
4. No binding commitments shall be made between the developer and the Board at this stage. The purpose of the preapplication meeting shall be to understand what is proposed and what will be required in making an application.

- B. The Site Plan of Development Application shall include as a minimum:
1. A map or maps prepared at a scale of not less than one (1) inch to 50 (fifty) feet and shall include:
 - a. name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest;
 - b. soil types and location of soil boundaries certified by a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil surveys;
 - c. municipal tax maps and lot numbers and names of abutting landowners;
 - d. perimeter survey of the parcel made and certified by a Professional Land Surveyor relating to reference points, showing magnetic north point, graphic scale, corners of parcel and date of survey and total acreage;
 - e. existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways or public or private rights-of-way;
 - f. location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;
 - g. location, dimensions, design and exterior materials of proposed structures, on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exists of vehicles to and from the site on to public streets and curb and sidewalk lines;
 - h. landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;
 - i. existing and proposed topography indicating contours at intervals of either 5, 10 or 20 feet in elevation as specified by the Board;
 - j. location of aquifers and aquifer recharge areas, if mapped.
 - k. location of wetlands, significant wildlife or fishery habitats, known archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings or sites on the parcel or adjacent to the parcel.
 - l. The location, size and character of all signs and exterior lighting.
 - m. a storm water drainage plan showing:
 1. the existing and proposed method of handling storm water run-off.
 2. the direction of flow of the run-off through the use of arrows.
 3. the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 4. engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - n. location and elevation of the 100-year flood plain;

- o. if the development site is located in the direct watershed of a great pond, the name of that watershed shall be indicated on the plan.
 - p. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.
2. A written statement by the applicant that shall consist of:
- a. evidence by the applicant of right, title or interest in the land that the application covers;
 - b. a description of the proposed uses to be located on the products to be manufactured, descriptions of and volume of manufacturing by-products and wastes, types of products to be warehoused and types of products to be sold.
 - c. total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure;
 - d. a copy of existing and proposed easements, restrictions and covenants placed on the property;
 - e. method of solid and hazardous waste disposal;
 - f. erosion and sedimentation control plan;
 - g. copies of letters to the abutting landowners and selectmen, notifying them of the proposed development by certified mail return receipt requested copies of the receipts to be returned to the Board;
 - h. list of applicable local, state and federal ordinances, statutes, laws, codes, and regulations;
 - i. a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Waterford or quasi-municipal districts. This list shall include but not be limited to: street reconstruction, maintenance, and snow removal; solid waste disposal; and fire protection. The applicant shall provide an estimate of the net increase in taxable assessed valuation upon build out of the subdivision.
 - j. a statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services;
 - k. a statement from the Selectmen that the road or street that will serve the project has the capacity to serve traffic associated with the project;
 - l. the size, location and direction and intensity of illumination and method of installation of all major outdoor lighting;
 - m. the type, size and location of all incineration devices;
 - n. the type, size and location of all machinery likely to generate noise at the lot lines;
 - o. traffic data shall include the following when required by the Planning Board;
 - 1. the estimated peak hour and average daily traffic to be generated by the proposal;
 - 2. existing traffic counts on surrounding roads;

3. traffic accident data covering the most recent three-year period for which such data is available.
- p. if located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section 5.14 .
- q. the type of any rare or endangered species found on the project parcel as listed by the Natural Areas Program of the Maine Department of Conservation:
- r. an estimate of the date when construction will start and when the development will be completed;
- s. Cost of the proposed development and evidence of 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 and interest in financing the project.
- t. any additional information that the Board deems necessary.

C. Application

1. The applicant shall submit seven (7) copies of the site plan and seven (7) copies of the application to the Board two weeks in advance of a regularly scheduled meeting. Within one calendar month of receipt of an application, the Board shall notify the applicant either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Board has determined that a complete application has been filed, it shall notify the applicant and begin its review of the proposed development.
2. The Board may hold a public hearing within 30 days of the receipt of a complete application. The Board shall publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the applicant of the hearing by certified mail return receipt requested. Public hearings by the Board shall be conducted according to the procedures outlined in Title 30-A, M.R.S.A., Section 2691, Subsection 3(A), (B), (C), (D) and (E).
3. Within 30 days of the public hearing or 60 days of receiving a completed application, the Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Board and the applicant.
4. Within seven (7) days of reaching their decision, the Board shall notify the applicant in writing of any action taken and the reason for taking such action.

D. Application Fee

1. All applications shall be accompanied by a fee of \$85. The Selectmen, upon recommendation of the Board, shall have the authority to revise the fee and the review escrow account amount after holding a public hearing.
2. A review escrow account equal to 2% of the estimated project cost shall be deposited in an escrow account established by the Town, which moneys may be used by the Board to pay for professional reviews and advice related to the developer's application as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those moneys deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

Section 5. REVIEW STANDARDS

O. General Standards

The Board shall approve, deny, or approve with conditions all applications for a site plan review. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. **Preserve and Enhance the Landscape:** The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife and fishery habitats, unique natural features, historic districts, buildings and sites and archaeological sites as identified in the Town of Waterford Comprehensive Plan shall be conserved to the maximum extent.

2. **Relationship of the Proposed Buildings to Environment:** Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings. When a project will involve the exterior alteration of a historic building or is adjacent to a historic building and/or site the proposed alteration or new building shall be compatible with the architectural character. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features as slope, soil type and drainage ways. The Board shall consider the following criteria.
 - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the compatibility of its design that include complementary building style, form, size, color and materials.
 - b. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - c. Building components, such as windows, doors and eaves, shall have good proportions and relationships to one another.
 - d. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
 - e. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
3. **Vehicular and Pedestrian Access:** The proposed site layout shall provide for safe entrances and exits from public and private roads by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the municipal road system and for pedestrian ways within the development appropriate to the type and scale of the development. The Board shall consider the following criteria.
 - a. Vehicular Access: The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets and traffic flow.

- 1) The proposed development shall provide safe vehicular access to and from public and private streets. The applicant for a development to be located on a parcel of land of ten (10) acres or greater or five hundred (500) feet or more of frontage on a public street shall file a conceptual Access Master Plan with the Board. The conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel and the coordination of access into and out of the site.

The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this section will be met.

After the Conceptual Access Master Plan has been filed with the Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

- a) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The Board may approve a development not meeting this requirement if the applicant demonstrates that:

- (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- (2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

- b) Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curblin or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

MINIMUM SIGHT DISTANCE

Posted Speed Limit	Minimum Site Distance
25 mph	155'
30 mph	200'
35 mph	305'
40 mph	360'
45 mph	425'
50 mph	495'
55 mph	570'

- c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
- d) The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.
- e) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

- f) The Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:
 - (1) The proposed development will generate 100 or more peak hour site trips in the peak direction of flow (inbound or outbound).
 - (2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.
 - (3) Current or projected capacity deficiencies near the development.
 - (4) Sensitive neighborhood areas adjacent to the development.
 - (5) The proximity of site drives to other drives or intersections.
- 2) Vehicular access to Routes 35, 37 & 118 shall comply with the following provisions in addition to the above. Where conflicts exist between this subsection and above, this subsection shall apply.
- a) Where a proposed development is to be located at the intersection of 35, 37 or 118 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector road would conflict with residential areas.
 - b) Curb cuts or access points shall be limited to one per lot for all lots with less than 150 feet of road frontage. For lots with 150 feet and greater of road frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
 - c) The maximum number of curbcuts to a particular site shall be governed by the following:
 - (1) No low volume traffic generator shall have more than one two-way access onto a single roadway.
 - (2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 35, 37 or 118.
 - d) Curb cut widths and design shall conform to the following standards:
 - (1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:
 - (a) have two-way operation;
 - (b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
 - (e) comply with the following geometric standards:

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
Radius	15-25*	10	15-25*
Drive Width	20-30*	20	24-30*

*Upper values apply where major street speed and/or volume is high.

- (2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:
- (a) have either two-way or one-way operation and be a minimum of 50 feet in length;
 - (b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - (c) not require a median;
 - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 2 percent, depending on the site; and
 - (e) comply with the following geometric standards;

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
ONE WAY Radius Drive Width-each	30 20-24	25 20	40 24
TWO WAY Radius Drive Width	30 26-36*	25 24	40 30-40*

*Where separate left and right exit lanes are desirable.

- (3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:
- (a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.
 - (b) intersect with the road at an angle as close to 90 degrees as possible but at no less than 60 degrees;
 - (c) be striped for 2 to 4 lanes, with each lane 12 feet wide;
 - (d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;

- (e) have a "STOP" sign control and appropriate Keep Right and Yield sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume drive-ways; and
- (f) comply with the following geometric standards;

NOTE: The Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
W/O CHANNELIZATION			
Radius	50	30	50
Drive Width	24	20	26
Median	6	6	10
W/CHANNELIZATION			
Radius	100	75	100
Drive Width	24	20	26
Median	6	6	10

*For industrial developments with a high percentage of truck traffic maximum values are desired.

- e) Distance from edge of driveway corner (point of tangency) to edge of intersection corner (point of tangency) shall be as follows:

Driveway	Minimum Corner Clearance (feet)	
	Intersection Signalization	Intersection Unsignalization
Low Volume <50-100 trips/day	150	50
Medium Volume >50-100 trips/day <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

- f) The minimum distance between driveways shall be measured from the center of the driveways and shall be a function of highway need according to the following table. Where these standards would prohibit access to a lot, the Board shall have the authority to waive the minimum spacing standards.

MINIMUM DISTANCE BETWEEN DRIVEWAYS

Highway Speed	Minimum Spacing
20 mph	85 feet
25 mph	105 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet

- g) Minimum distance between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, shall be as follows:

Driveway Type	Minimum Spacing to Adjacent Driveway by Driveway Type		
	Medium feet	High w/o RT feet	High w/RT feet
Medium Volume	75		
High Volume W/O RT (without right-turn channelization)	75	150	
High Volume W/RT (with right-turn channelization)	75	250	500

- h) The minimum distance between driveway to property line, as measured from point of tangency shall be:

Driveway Type	Minimum Spacing to Property Line (ft.)
Low Volume	10
Medium Volume	20
High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

- i) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.
- j) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or

(b) denial of full access to Routes 35, 37 or 118 where full access presently exists and cannot be provided by Route 35, 37 or 118 and/or adjacent side street.

4. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and uses of parking areas.
 - a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:
 - 1) Parking areas shall be arranged so that it is not necessary for vehicles to back into the street.
 - 2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
 - 3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
 - 3) Off-street parking spaces shall comply with the following standards.
 - (a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.
 - (b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
 - 4) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Waterford or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Selectmen prior to final approval by the Board.
 - 5) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
5. **Surface Water Drainage:** Adequate provision shall be made for disposal of all storm water generated within the development through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

- a. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.
 - b. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials to reduce storm water velocity.
 - c. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.
 - d. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
6. **Utilities:** The development shall not impose an unreasonable burden on public utilities.
7. **Advertising Features:** The size, location, design, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Exterior signs and other advertising features if will be lighted shall be lit by shielded non-flashing lighting.
8. **Special Features of the Development:** Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall be subject to such setbacks, plantings or other screening methods to provide an audio-visual buffer to minimize their adverse impact on other land uses within the development area and be screened from view from surrounding properties.
9. **Exterior Lighting:** Exterior lighting shall provide for security, safety and operational needs. Exterior lighting shall be designed to minimize glare that creates hazards to vehicle traffic, light trespass onto adjacent properties or night sky glow. Fully shielded or hooded exterior light fixtures shall be used.
10. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
11. **Municipal Services:** The development will not have an unreasonable adverse impact on existing community services and facilities. When the Board finds based on a recommendation of the selectmen and the results of any municipal impact analysis that municipal services do not have the capacity to provide services to the proposed development the Board will require one or more of the following.
- a. A voluntary payment to the Town of Waterford to mitigate the direct impact to municipal services that has been identified as the consequence the proposed development. Any such payment shall be subject to the following provisions.
 - 1) The Board, with advice from the Selectmen, shall find that the money offered will mitigate the identified direct impact of the subdivision.
 - 2) The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to be the applicant and Board to mitigate the identified direct impacts.

- 3) The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.
 - 4) Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Waterford for the period the payment was held by the Town.
- b. The applicant will undertake required improvements necessitated by the development.
 - c. Deny the development.
12. **Surface Water Quality:** The proposed development will not result surface water pollution. In making this determination, it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge area; the availability of streams for disposal of surface runoff; and the applicable federal, state and local laws, ordinances, codes and regulations.
13. **Conservation, Erosion and Sediment Control:** Soil erosion and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.
- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 - d. Disturbed soils shall be stabilized as quickly as practical.
 - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
 - i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 - j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

14. Phosphorous Export: Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes in development-residential, commercial, and industrial. Its impact on water quality is permanent. The following phosphorus control measures were created and designed to address this concern.
- a. Development proposed with the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

Table I
Post Development Phosphorous Export by Watershed

Lake Name	Lake Protection Level	Lake Load Allocation (lbs/ppb/yr) ¹	Allowable Phosphorus Export Per Acre(Pounds)
Bear Pond	High	62.22	0.034
Bog Pond (Mud)	Medium	3.13	0.061
Cabbage Yard Pond	Medium	1.54	0.031
Crystal Lake	High	19.11	0.07
Duck Pond	Medium	2.97	0.051
Highland Lake	High	0.63	0.045
Island Pond	High	6.30	0.034
Jewett Pond	Medium	3.41	0.037
Keoka Lake	High	42.88	0.037
Little Moose Pond	High	11.28	0.053
Long Lake	High	17.70	0.039
McWain Pond	High	31.53	0.044
Middle Pond	High	0.39	0.062
Mud Pond	Medium	13.23	0.042
Papoose Pond	High	2.20	0.052
Sebago Lake	High	394.82	0.053
Speck Pond 1	Medium	0.06	0.075
Speck Pond 2	Medium	0.24	0.075
Stearns Pond	High	5.40	0.04
Whitney Pond	Medium	0.28	0.036

¹ The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

² The Board shall keep an accurate record of subdivision approvals granted by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at two year intervals. The Board may seek guidance from the Lakes Environmental Association in making such adjustments.

15. **Ground Water:** The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.

- a. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
- b. For above ground fuel storage and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain 110 percent of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board.
- c. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
- d. The Board shall utilize the following standards in addition to the criteria contained in Section a-c above for reviewing development applications located on a mapped sand and gravel aquifer.

The boundaries of the sand and gravel aquifers shall be delineated as on the Sand and Gravel Aquifer Maps at a scale 1:24,000 for the quadrangles of North Waterford, Norway and Waterford Flat, Maine prepared by the Maine Geological Survey. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

- 1) No use shall dispose of other than normal domestic waste water on site without approval of the Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.
- 2) Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.
- 3) Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Board.
- 4) In those areas identified as sand and gravel aquifers as defined in subsection d. above, the following newly established land uses are prohibited unless the Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance.

dry cleaners
printers

photo processors
auto washes

laundromats	meat packers/slaughter houses
salt piles/sand-salt piles	wood preservers
leather tanning	electrical equipment manufacturers
plastic/fiberglass fabricating	chemical reclamation facilities
auto graveyard/junkyard	cemetery
chemical manufacturing	pesticide/herbicide stores
metal plating/finishing	concrete/asphalt/coal companies
industrial waste disposal/impoundment areas	

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

In making this determination, the applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and furnish such evidence to the Board.

17. **Electromagnetic Interference:** The development shall not produce electromagnetic interference with radio, television or internet reception.
18. **Odor Control:** The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
19. **Water Supply:** The development has sufficient water available for the intended use. When the location of the water supply source will be a public water supply as defined in Title 22 M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.
20. **Sewage Disposal:** The development shall provide for a suitable sewage disposal.
- a. All individual on-site systems will be designed by a licensed soil evaluate in full compliance with the Maine Subsurface Wastewater Disposal Rules.
 - b. The Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Planning Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of wastewater.
21. **Waste Disposal:** The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
22. **Scenic locations and Views:** The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Waterford Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.
23. **Noise:** The proposed development shall not increase noise levels to the extent that abutting or nearby properties are adversely affected. In order to comply with this, the development must meet the following requirements:

1. The maximum permissible sound level of any continuous, regular, frequent, or intermittent source of sound produced by any activity shall be limited according to the time of day and the standard listed below:

Sound Level Limits dBA

7 a.m. - 7 p.m.	7 p.m. - 7 a.m.
55 dB(A)	45 dB(A)

2. The hourly sound level resulting from the activity shall not cause the ambient hourly sound levels at the property lines of the development to be more than 5 dBA more than the pre-development ambient hourly sound levels (background sound).
3. Sound levels shall be measured at least four (4) feet above the ground at the property line of the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
4. The following uses and activities shall be exempt from the sound pressure level regulations:
- a. Noises created by temporary construction and temporary maintenance activities
 - b. The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activities between the hours of 7am and 7pm
 - c. Traffic noise on public roads
 - d. Established agricultural uses and forestry practices excluding firewood processing and wood manufacturing
 - e. The noises of safety signals and warning devices from activities associated with snow plowing and winter road maintenance.
24. **Protection of Significant Wildlife Habitat:** Applicants proposing a development in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats as identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats.
25. **Archaeological Sites:** Any proposed development activity involving structural development or soil disturbance on, or adjacent to, sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to final approval. The Board shall consider comments received from the Commission prior to rendering a decision on the application.
26. **Endangered and Threatened Plants:** The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.
27. Is in conformance with the Comprehensive Plan for the Town of Waterford, Maine, and Town of Waterford ordinances.
28. **Financial and Technical Capacity:** The Board shall find that the applicant has adequate financial and technical capacity to meet the standards of this Ordinance.

B. Special Regulations

The following regulations shall be complied with in addition to the General Review Standards contained in Section 5.A of this Ordinance.

1. An institutional use requiring federal, state and or local licensing shall obtain such license before Site Plan Review approval is granted by the Board.
2. The applicant for a residential institutional use shall furnish the Board detailed information relating to projected numbers and types of clients; planned and projected numbers of staff and duties, so that the Board can determine the availability of necessary Town services.
3. The Board, as a condition of approval, may require assurances or bond to protect the health, safety and general welfare of the community.
4. Total population any institution shall not exceed 35.
5. All residential child care and/or educational institutions and/or facilities shall comply with the Rules for the Licensure of Residential Child Care Facilities as adopted by the Department of Mental Health, Mental Retardation and Substance Abuse, Department of Educational, Bureau of Mental Health and Bureau of Instruction.
6. Any industrial use which is found by the Board to constitute a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance that is injurious and dangerous to the health, comfort or property of individuals or of the public shall be expressly prohibited. No such finding shall be made by the Board until after a public hearing has been held.
7. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property owner or streets by a solid wall or evergreen hedge.
8. Dimensional Requirements
 - a. Lots or the area leased for newly established residential institutional, and commercial structures and/or uses with a combined area of 5,000 square feet and greater of structures, parking areas and outdoor storage areas and industrial/manufacturing of any size shall meet the following standards. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property or streets by a solid wall or evergreen hedge.
 - 1) Minimum street/road frontage 100 feet
 - 2) Minimum front setback from ROW (right-of-way) 100 feet
 - 3) Minimum side and rear setback 100 feet
 - 4) Minimum shoreland setbacks shall comply with the Town of Waterford Shoreland Zoning Ordinance
 - 5) Not more than 20 percent of the lot area shall be covered by structures and parking areas.
 - b. Lots or the area leased for newly established residential institutional and commercial structures and/or uses with a combined area of less than 5,000 square feet of structures, parking areas and outdoor storage areas shall meet the following standards. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property or streets by a solid wall or evergreen hedge.
 - 1) Minimum street/road frontage 100 feet

- 2) Minimum front setback from ROW (right-of-way) 50 feet
- 3) Minimum side and rear setback 25 feet
- 4) Minimum shoreland setbacks shall comply with the Town of Waterford Shoreland Zoning Ordinance
- 5) Not more than 20% of the lot area shall be covered by structures and parking areas.

9. **Home Occupations**

Home Occupations which do not meet the criteria contained in Section III.B4.a-e shall obtain a permit from the Board and comply with the following conditions:

- a. The business must be incidental and secondary to the primary residential use of the premises;
- b. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full time equivalent employees working on the premises, other than immediate family members residing on the premises;
- c. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;
- d. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
- e. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.
- f. There is adequate off-street parking on the premises for customer or client use.
- g. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
- h. The home occupation shall not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.
- i. The home occupation shall not generate any nuisance, waste discharge, noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

10. **Campgrounds**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedure and the following:

- a. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation shall not be included in calculating land area per site.

11. Commercial Solar Facilities

The following provisions apply to commercial solar facilities occupying more than 20,000 square feet that generate electricity to be used offsite.

- a) Commercial Solar Facilities are limited to 5 MW or smaller within the town of Waterford.
- b) Disturbed, developed, or degraded lands are preferred for Commercial Solar Facilities. This includes landfills, brownfields, roadway medians and edges, parking lots, rooftops, idle or underutilized industrial or commercial sites, and sand and gravel pits. Utilizing disturbed lands avoids new forest clearing, minimizes soil disturbance, and takes advantage of unutilized or underutilized space. New commercial solar projects in Waterford must be sited on land that is at least 20% disturbed, developed, or degraded.
- c) Impacts to sensitive wildlife habitats and high-value natural resources will be avoided. This includes all habitats identified as “Significant Wildlife Habitats” under Maine’s Natural Resources Protection Act, as well as additional areas and natural communities deemed to be rare or particularly sensitive to encroachment. Other sensitive habitats include threatened and endangered species habitat, rare plant populations, cold-water fish habitat, wetlands, rare natural communities and Focus Areas of Statewide Ecological Significance. A desktop evaluation of these resources should not take the place of detailed, site-specific investigations of any proposed site to identify any unmapped habitats, species, or resources present at the site.
- d) Impacts to intact forest landscapes will be minimized. Intact forest landscapes are areas with no significant human development or long-term habitat fragmentation and that provide relatively undisturbed habitat conditions.
- e) Habitat connectivity will be maintained by avoiding or minimizing impacts to wildlife corridors; locating projects near existing transmission and distribution infrastructure, co-locating new transmission infrastructure; and using wildlife-friendly fencing. Wildlife corridors include migration corridors for terrestrial wildlife, aquatic corridors, and climate corridors utilized by wildlife as habitats and home ranges shift in the face of climate change. Likely upland and wetland habitat connectors are depicted on Beginning with Habitat maps, but terrestrial migration corridors aren’t as thoroughly mapped. Site specific information, as well as conversations with natural resource agencies and local nonprofit organizations, must be documented as part of the application to properly avoid impacts. Co-locate new transmission lines with existing man-made linear features, wherever possible. If co-location is not possible, utilize routes that have the least overlap with high value natural resources and habitats. Where fencing is required, use designs that allow for wildlife passage.
- f) Protect water quality and avoid erosion. All crossings will meet Stream Smart road/stream crossings standards as well as proper erosion control techniques. Erosion control will be installed prior to construction and regularly monitored until the site is stable. Sediment leaving the property as a result of erosion is strictly prohibited. The number of stream and wetland crossings will be minimized to the greatest degree possible. Wetlands, vernal pools, and streams will require a minimum of a 100-foot undisturbed natural buffer. New commercial solar facilities are not permitted in the Shoreland Zone.
- g) Native vegetation and “pollinator friendly” species will be used to revegetate disturbed areas. Manual control of vegetation is preferred and the use of pesticides and/or herbicides will only be allowed to control invasive species.
- h) Land identified by the Natural Resources Conservation Service as “Prime Farmland” or “Farmland of Statewide Importance” cannot be used for a commercial solar facility unless the property as a whole remains dual use, where agricultural production and electricity production from solar installations occur together on the same piece of land.

i) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards listed below is required. Such plan must be filed in the Oxford County Registry of Deeds prior to the first operation of the array.

1. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review by the planning board.

2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.

3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:

i. The land lease ends; or

ii. The system does not function for 12 months; or

iii. The system is damaged and will not be repaired or replaced.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.

5. Upon abandonment or discontinuance, a minimum of 65% of materials from the site will be recycled or reused. Proof of recycling or reuse will be supplied to the town.

6. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days of notice by the Code Enforcement Officer.

7. In the event the landowner fails to remove the facility as stated above, the Town of Waterford shall have the facility removed and materials recycled at the expense of the landowner.

8. Any unpaid costs associated with the removal and recycling of materials after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

12. Self-Storage Facilities

“Self-storage facility” means any real property designed and used for the purpose of renting or leasing individual space to occupants who are to have access to such facility for the purpose of storing personal property.

The following additional standards apply to self-storage facilities within the town of Waterford:

a. The minimum front (street), side, rear, and ROW setbacks shall be 200 feet.

b. Any storage unit building visible from the street shall be located to be perpendicular to the street, with no storage unit doors facing the street.

c. If adjacent to a lot containing a residential use, the facility shall:

i. Be limited to a one-story structure with a height no more than twenty (20) feet.

ii. Restrict the hours of operation to 8 am to 6 pm, Monday through Friday, and 9 am to 5 pm on Saturday and Sunday.

iii. Not hold auctions or sales of contents of storage containers.

iv. Have screening sufficient to block the view of the buildings from abutting parcels.

d. Self-storage facilities are not permitted in the area known as Waterford Flat and described below:

- From the center of the Kedar Brook Bridge on Route 37 (northeastward) to the 25 mile per hour speed zone sign on Route 37 Norway Road **1130 feet**.

- From the center of the Kedar Brook Bridge on Route 37 southwestward on the Waterford Road Route 35/37 to the 25 mile per hour speed zone sign **1600 feet**.

- From the center of the Kedar Brook Bridge up the Valley Road Route 35 northwestward **1100 feet**.

- From the center of the Kedar Brook Bridge on Route 37 northeastward to the end of pavement on the Rice Road **1840 feet.**
 - From the center line of Route 37 South Waterford Road up Plummer Hill Road northeasterly **2030 feet.**
- e. In addition to the standards found in Section 5.O.2, architectural design and siding materials of storage facilities shall be similar to nearby properties.

13. Large Scale Water Extraction

“Large scale water extraction” means extraction of water from ground or surface water sources, aquifers, springs, wells or similar in a total daily amount on any given day of 5000 gallons or more as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

- a. When reviewing any large scale water extraction application, the characteristic of the aquifer or other ground source, including rates of drawdown and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, impacts on the water table, and impacts on any and all existing water bodies including but not limited to lakes, ponds, rivers, streams and wetland areas and private wells or other existing extraction locations within the zone of contribution, shall be provided and documented by the applicant and considered by the planning board.
- b. Commercial water extraction in excess of 50,000 gallons per day is prohibited in the town of Waterford.
- c. A mitigation fee of \$0.05 per gallon of water extracted in Waterford will be collected by the town for the express purpose of mitigating loss in property value from increased traffic.

Section 6. GENERAL PROVISIONS

- A. **Waivers:** Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, it may waive any submission requirement or standard of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Waterford Comprehensive Plan, or any other ordinance or law. In granting any waiver, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.
- B. **Performance Guarantee:** The Board may require the filing of a Performance Bond or the execution of a conditional agreement with the municipality by the applicant.
- C. **Expiration of Approvals:** All Site Plan Review approvals shall expire two (2) years after the date of issuance unless a substantial start of work thereunder is commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved subject to all Ordinances and standards then in effect. There will be no additional charge for application review provided the application is unchanged.
- D. **Minor Changes to Approved Plans:** Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Ordinance or alter the intent of the approval. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer.

In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted above, is subject to review and approval by the Planning Board.

Section 7. ENFORCEMENT

- A. **Nuisances:** Any violation of this Ordinance shall be deemed to be a nuisance.
- B. **Code Enforcement Officer:** It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify by registered mail the person or persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.
- C. **Legal Actions:** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The Selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. In considering the terms of any administrative consent agreement the Selectmen shall consult with the Board. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- D. **Fines:** Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2500, and each day on which such violations shall continue shall constitute a separate offense.

Section 8. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

- A. **Validity and Separability:** Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. **Conflict with other Ordinances:** Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

Section 9. APPEALS

- A. Administrative Appeals

If the Board approves or disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Board in writing to the Board of Appeals within 30 days of the Board's decision. The Board of Appeals may reverse the Board's decision after holding a public hearing and may reverse the decision of the Board.

- B. Dimensional Appeals

The Board of Appeals may grant a variance from the dimensional requirement contained in Section 5.B.8 after holding a public hearing. The Board of Appeals shall not grant a dimensional variance unless it finds that the strict application of those requirements would result in undue hardship. The term "undue hardship" shall mean:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

C. Dimensional Appeal Restrictions

The Board of Appeals shall limit any dimensional variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a dimensional variance as it deems necessary. The party receiving the dimensional variance shall comply with any conditions imposed.

D. Appeal Procedure

1. Making an Appeal

- a. An administrative or dimensional appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - 1) A concise written statement indicating what relief is requested and why it should be granted.
 - 2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- c. Upon being notified of an appeal, the Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision by Board of Appeals

- a. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act, of Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- c. The person filing the appeal shall have the burden of proof.
- d. The Board of Appeals shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

E. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

F. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board of Appeals may conduct additional hearings and receive additional evidence and testimony.

Section 10. AMENDMENTS

- A. This Ordinance may be amended by a majority vote at the Annual Town Meeting. Amendments may be initiated by majority vote of the Board or by request of the Board of Selectmen to the Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Board shall conduct a public hearing on any proposed amendment.

Section 11. DEFINITIONS

Abandoned Activity, Use, or Business: An activity, use, or business (1) that has stopped, and (2) from which the major portion of the materials, goods, equipment, or facilities necessary for its operation has been removed.

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Agriculture Products Processing and Storage: Establishments engaged in the manufacturing processing and/or packaging foods, dairy products, commercial composting and storage of such products.

Agricultural Related Building: Buildings such as, but not limited to, barns, sheds, greenhouses, sap houses equipment shelters. Agricultural related buildings do not include agricultural products processing and storage or confined feeding operations.

Ambient Sound: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific development of interest.

Background Sound: The all-encompassing sound associated with a given environment, being a composite of sounds from many sources at many directions, near and far, prior to the construction of the proposed development. Also referred to as the **pre-development ambient sound**.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multiple family dwelling.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

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

Construction: Structural changes or additions to a building or structure other than repairs and modification in building equipment.

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of land management roads.

Historic/District/Building/Site: Districts, buildings and sites on the National Register of Historic Places, identified as of historic importance in the Waterford Comprehensive Plan or in the publication Oxford County, Maine A Guide to Its Historic Architecture, Randall H. Bennett. Oxford County Historic Survey, 1984.

Home Occupation: An occupation or profession which is carried on in no more than 1,000 square feet of a dwelling unit or accessory structure or thirty-three percent (33%) of the floor area of a detached, single-family dwelling unit and which does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include such items as breads, cookies, or preserves, rugs, birdhouses, fishing flies, and quilts). The term home occupation shall include both professional and personal services. A retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner's labor (e.g., manufactured, produced, created, or grown). Other occupations or professions determined to be home occupations by the Planning Board may be exempt from the Site Plan Review Ordinance. (Amended March 1998.)

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals, including gravel pits, quarries and mines.

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

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

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

Principal Use: A use other than one which is incidental or accessory to another use on the same premises.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, must be moved at least once in each calendar year, must be registered with the State Division of Motor Vehicles and be consistent with the applicable definitions promulgated by the Maine Department of Environmental Protection and the Maine Department of Human Services.

Residential Institutional: A use providing recreation, counseling, education and/or other rehabilitative services where the individuals commonly reside at the facility.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for

trade.

Significant Wildlife/Fisheries Habitat: Wildlife and fisheries habitats identified by the Maine Department of Fisheries and Wildlife and/or Town of Waterford Comprehensive Plan.

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary or mobile. Structure(s) include but are not limited to building(s), mobile homes, recreational vehicles, piers and flats, storage and processing facilities and telecommunication towers. Boundary walls, fences and flagpoles are not considered structures.

Substantial Enlargement: An expansion of the land area of the development site or the expansion of the floor area of the principal structure or use by more than by either 500 square feet or 25% in area, whichever is less provided such expansion involves at least 250 square feet in any five-year period.

Substantial Start: Completion of at least 30% of a permitted structure or use measured as a percentage of the total estimated cost.

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

Wetland: Fresh water swamps, marshes, bogs and similar areas which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of great pond, coastal wetland, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Amended March 2, 2002

Amended March 5, 2005

Amended March 4, 2007

Amended March 7, 2020

Amended March 5, 2022

Amended March 4, 2023