

# **Town of Norridgewock Site Plan Review Ordinance**

Approved  
March 2, 2015

Amended  
March 6, 2023

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## *Norridgewock Site Plan Review Ordinance*

### **1. Purposes.**

The purposes of this Site Plan Review Ordinance are:

- A. To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for commercial purposes. Possible uses include commercial, industrial, office, community and service uses, municipal, institutional, utility, and recreational uses.
- B. To establish a fair and reasonable set of standards for evaluating each development.
- C. To mitigate potential nuisances associated with development.
- D. To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E. To reduce off-site impacts from negatively affecting municipal services and infrastructure.
- F. To protect the water quality of all lakes, ponds, rivers, streams, brooks, wetlands, and aquifers within the community.

### **2. Authority.**

This Ordinance is prepared in accordance with the provisions of Title 30-A Section 3001 of the Maine Revised Statutes Annotated (M.R.S.A.).

### **3. Effective Date.**

This Ordinance is effective upon adoption at a Town Meeting.

### **4. Amendments.**

This Ordinance may only be amended by majority vote of the legislative body, either at a Town Meeting or through a referendum ballot. Amendments may be initiated by a majority vote of the Select Board, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

## **5. Conflicts with Other Ordinances.**

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Town of Norridgewock, or State of Maine, the more restrictive provision shall control.

## **6. Severability.**

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

## **7. Availability.**

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

## **8. Applicability.**

A. Development for which a Site Plan Permit is required:

1. Planning Board Review: The construction or placement of any new building, structure for a non-residential use, including accessory buildings and structures, totaling 2,500 square feet or more; the construction, placement of any new Commercial Solar Energy System or Community Solar Energy System, or the expansion or relocation of the footprint of such a Solar Energy System once installed.
2. Code Enforcement Officer (“CEO”) Review:
  - a. Non-residential use, including accessory buildings and structures, totaling less than 2,500 square feet.
  - b. The construction or placement of any new building or structure for residential use.
  - c. The expansion of an existing non-residential building or structure, including accessory buildings and structures, that will enlarge the building or structure.
  - d. The conversion of an existing building, in whole or in part, from a residential use to a non-residential use, provided the non-residential building or structure.

- e. The conversion of an existing non-residential use, in whole or in part, to another non-residential use.
- f. The establishment of a new, non-residential use, even if no buildings or structures are proposed, including such uses as gravel pits, mining operations, cemeteries, and golf courses.
- g. All development 35 feet or over in height.
- h. Local Solar Energy Systems.
- i. For an existing non-residential use development: construction or modification of any structure or use on site, such as, but not limited to signs, lighting, parking areas, or landscaping, must conform to the requirements of this ordinance.

Note: All NON-RETAIL agricultural structures are exempt from review under this ordinance. This includes temporary, seasonal farm stands.

Note: For all development that does not meet the above criteria, a permit must still be issued either by the CEO that allows work to begin and explaining its exemption from full review.

## **9. Administration and Enforcement.**

THE REVIEW AUTHORITY AS IT RELATES TO THIS ORDINANCE IS DEFINED UNDER SECTION 8, SUB-SECTIONS 1 or 2

### **A. Planning Board.**

The Planning Board shall have the following powers and duties:

- 1. To administer this Ordinance.
- 2. To hear and decide upon applications according to this Ordinance.
- 3. To develop site review application forms.
- 4. To exercise additional powers and duties authorized by statute.
- 5. To review and propose updates to this Ordinance.
- 6. To conduct site visits and to review applications as authorized by this Ordinance.
- 7. To provide the Code Enforcement Officer with a written decision of each application that they have authority to review.

### **B. Code Enforcement Officer.**

The Code Enforcement Officer shall have the following powers and duties for all construction, regardless of square footage:

1. To enforce the provisions of this Ordinance.
2. To issue permits, and perform permit reviews as authorized by this Ordinance.
3. To issue stop work orders and other appropriate notices of violation.
4. To investigate complaints and reported violations.
5. To maintain an appropriate public record of all permits issued, permit applications, enforcement actions and other appropriate documents.
6. To provide the State of Maine with information concerning permits and development activity as required.
7. To revoke permits issued in error or which are based upon erroneous information.
8. To assist the public with inquiries and other requests for information concerning this Ordinance.
9. To enter property at reasonable hours or enter any building with the consent of the property owner, occupant, or agent to inspect the property or building for compliance with this Ordinance.
10. To exercise additional powers and duties authorized by statute.
11. To assist the Planning Board with the review process.
12. To conduct site visits and to review applications as authorized by this Ordinance.
13. To issue permits.

C. Site Review Permits.

The Review Authority shall review and decide upon all applications and shall submit their written decision within two business days of approval on each application to the Code Enforcement Officer File and/or applicant. The Planning Board shall prepare the permit approval, including any conditions, and submit it to the Code Enforcement Officer, who shall issue the permit to the applicant.

No work or other development shall be undertaken on any use or project that requires review until a permit has been issued by the Code Enforcement Officer.

D. Application Fee.

A non-refundable application fee payable to the Town of Norridgewock shall be submitted with the application. The fee shall be established by the Select Board.

In addition to the application fee, all applicants for a Site Review Permit may be required to pay an escrow fee of \$1,000 per application, to be deposited in a special escrow account designated for that development application. This fee shall be used for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with this Ordinance. If the balance in this special account is drawn down by 75%, the Planning Board or its agent shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Failure to comply with this escrow fee requirement, at any time during the review process, renders the application incomplete, and precludes further review of the application. Any

remaining balance in the escrow account 30 days after a final decision on the application shall be returned to the applicant. At any time during the application review, the Town shall provide the applicant, upon written request, an accounting of the expenditures from the fund. All expenditures will be detailed at final close out.

E. Permit Expiration.

Permits are valid for 12 months from the date of the Review Authority's approval for the substantial start of construction. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance by submitting another site review application to the Review Authority. A permit is transferable to subsequent owners of the property.

F. Decisions.

After review of a complete application, the Review Authority shall determine whether the proposal meets the review criteria contained in this Ordinance. The Review Authority shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Review Authority shall submit its decision to the applicant and the Code Enforcement Officer File within two (2) business days. Additional requirements apply to approved Commercial or Community Solar Energy System approvals.

G. Burden of Proof.

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

H. Rights not Vested.

The submittal of the application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon written notification from the Review Authority to the applicant that a complete application has been received.

I. Site Inspection.

The Review Authority may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area.

J. Waivers.

1. The Review Authority may vote to waive any of the development standards or submission requirements in this Ordinance when it finds one of the following:

- a. One or more of the submission requirements, or development standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project, or unique features of the proposed use.
  - b. The applicant may submit alternative designs, which meet or exceed performance standards required under this Ordinance. Such submissions shall not be waived, but may replace standard submissions.
2. The applicant shall submit information and materials to support the waiver request with the application.
3. The Review Authority may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Review Authority shall review the waiver request and, if it meets the appropriate criteria, shall approve the request, and submit its decision, in writing, to the applicant. If the Review Authority finds that the waiver request does not meet the criteria, it shall deny the waiver and require the applicant to revise the application, as necessary. The Review Authority may vote to suspend review of the application until the applicant can supply all the necessary information. The applicant shall submit all required information to the Review Authority within 60 calendar days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Review Authority make a final decision on the application until the applicant supplies additional information to the satisfaction of the Authority.
4. All waivers approved by the Review Authority shall be documented during the review process.

K. Conditions.

Upon consideration of the review criteria, the Review Authority may attach such conditions to the proposed application that it finds necessary to further the purposes of this Ordinance. Conditions are limited further to address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically addressed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Review Authority shall consider the unique features of the following: site and surrounding area; proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.



L. Public Hearing Requirements.

The Planning Board may hold a public hearing on each site review application as follows:

1. The public hearing shall be held within 30 days after the proposed application is deemed complete. This period may be extended for up to 60 days by mutual consent by the applicant and the Planning Board.
2. The notice of the date, time, and place of the public hearing shall be made as follows:
  - a. Published at least twice in a newspaper having general circulation within the town. The date of the first publication shall be at least seven days before the hearing.
  - b. Mailed by First-Class Mail to the applicant, at least seven days prior to the hearing.
  - c. Mailed by Certified Mail, return receipt requested, to all abutting property owners as determined from the current tax assessment data, at least seven days before the public hearing. The Planning Board shall maintain a list of all property abutters mailed a notice in the application file. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.
  - d. All costs are to be paid by the applicant.
3. The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

M. Appeals.

All Appeals shall be heard by the Town of Norridgewock Board of Appeals and follow the same procedure as the Appeals Ordinance.

N. Enforcement and Penalties.

1. The Code Enforcement Officer shall keep a record of all enforcement actions and shall institute or cause to be instituted, in the name of the Town, any actions that might be appropriate for the enforcement of this Ordinance, including the use of administrative consent agreements.
2. Any person, including but not limited to a landowner, landowner's agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A, MRSA, Section 4452.

3. The Code Enforcement Officer may represent the Town in District Court pursuant to Rule 80K. However, should the services of the Town Attorney be required in litigation in a higher court of law, the CEO shall first review the case with the Select Board.

## **10. Review Criteria.**

An applicant for a Site Review Permit shall demonstrate that the proposed use or project meets the review criteria listed below. The Review Authority shall not approve an application unless it makes written findings that all of these criteria have been met.

- i. The application is complete and application and escrow fees have been paid.
- ii. The proposal conforms to all the applicable provisions of this Ordinance.
- iii. The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results as per the State of Maine Department of Environmental Protection's (Maine DEP) *Maine Erosion and Sediment Control Best Management Practices* manual, in force, at the time of the permits approval.
- iv. The proposed activity will not have an adverse impact on wetlands.
- v. The proposed activity will not have an adverse impact upon any waterbody, such as a lake, pond, river or stream.
- vi. The proposed activity will provide for adequate storm water management.
- vii. The proposed activity will provide for adequate sewage disposal.
- viii. The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Norridgewock Floodplain Management Ordinance.
- ix. The proposed activity will not result in air or water pollution.
- x. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
- xi. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- xii. The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.

- xiii. The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, which might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
- xiv. The proposed activity will not cause unreasonable highway or public road congestion, or unsafe conditions with respect to the use of existing or proposed highways or roads.
- xv. The proposed activity, to the maximum extent possible, will not have an adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Norridgewock, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- xvi. The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, and all other local ordinances.
- xvii. The proposed activity will not increase a great pond's phosphorus concentration, if the development is within the watershed of a great pond.
- xviii. The Town has the capacity to provide fire and rescue services to the development.

## **11. Application Procedure.**

- A. The applicant shall submit the site review application to the Code Enforcement Officer along with the appropriate application fees.
- B. The Town of Norridgewock shall issue a dated receipt to the applicant upon receiving the application fee.
- C. Within 35 days of receipt of the application, the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant in writing of his/her determination.
  - 1. If the application is not complete, the Code Enforcement Officer shall notify the applicant in writing of the specific materials needed to complete the application. The applicant shall provide the required materials according to listed procedures.
  - 2. If the application is complete and is subject to the Planning Board review process, the Code Enforcement Officer shall notify the Planning Board Chair in writing that a complete site review application has been received.
  - 3. The Planning Board will place the application on an agenda for review and consideration. The Planning Board will provide the Code Enforcement Officer

and the Applicant with the date, time and location of said meeting at least 16 days prior to the meeting.

4. Non-Residential applicants will provide proof to the Planning Board or the Code Enforcement Officer of notice to abutters of application and meeting date. This notification to abutters should be sent by Certified Mail.
- D. The applicant shall, at least 14 days prior to the scheduled Planning Board meeting, submit to the Code Enforcement Officer, seven copies of the site review application. The Code Enforcement Officer shall distribute copies of the application to the Planning Board prior to the meeting. The applicant may provide reduced copies of maps and plans, however; at least one full size (typically 24"x 36" depending on readability) set of plans shall be submitted.
  - E. Substantive review of the application shall not be deemed to have begun until the Code Enforcement Officer makes a finding that the application is complete.
  - F. The Planning Board shall make a final decision upon the application within 90 days of the initial meeting. However, upon mutual consent of the applicant and the Planning Board, the final decision may be extended.
  - G. The Planning Board shall submit their final decision in writing to the applicant and to the Code Enforcement Officer within two working days from the Planning Board meeting. Any conditions imposed upon the application shall be listed in their final decision.
  - H. Submission Requirements.

All site review applications shall be submitted on the forms developed by the Review Authority. The following materials and information shall be included with the Site Review Application. The applicant shall indicate those submission items that are not applicable to the proposal due to the particular location or design of the proposal.

1. Site Review Application.
2. Site Review Application and escrow fee.
3. Waiver Request Form, if applicable.
4. General information including the following:
  - a. Name, address and telephone number of the applicant and applicant's agent, if applicable.
  - b. Property location, including address, map and lot number.
  - c. Verification of the applicant's right, title, or interest in the property. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the Somerset County Registry of Deeds, the

entire document/documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract or otherwise establishing right, title and interest, shall be submitted with the application.

- d. Estimated cost of the proposal.
- e. Schedule of construction, including anticipated beginning and completion dates.
- f. A description of the project.
- g. Estimated square footage of the proposal.

5. General location information including the following:

- a. A copy of the tax map identifying the property and surrounding parcels. Including a list of all persons abutting or within 500 feet of the property.
- b. A copy of the Somerset County soil map identifying the property.
- c. A copy of the USGS Topographic map identifying the property.
- d. A copy of the Town Shoreland Zoning Map identifying the property, if located in a Shoreland District.
- e. A copy of the Flood Insurance Rate Map (FIRM) Map identifying the property, if located in a designated floodplain.
- f. A copy of the U.S. Fish & Wildlife Service National Wetlands Inventory Map identifying the property.
- g. A map drawn to scale showing the location, boundaries, elevations, uses, and size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, water bodies and wetlands, number of acres within the development, size of all impervious areas, all other significant natural and physical features, and true north. Note: The Review Authority may require the drawing be done by a licensed surveyor, a licensed engineer, or similar appropriately licensed professional, depending on the scale and extent of the project.

6. The location of all proposed subsurface wastewater disposal systems.

7. Indication of the water source for the proposal, including evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression (please note: the fire chief or State Fire Marshall's Office should be consulted to determine whether or not appropriate structures are required to supply a water source to handle a fire threat).

8. Evidence that all other local permits have been obtained including but not limited to Shoreland Zoning and Floodplain Management.

9. An erosion control plan, as per the requirements of this Ordinance.

10. A storm water control plan, as per the requirements of this Ordinance.

11. A phosphorus control plan, as per the requirements of this Ordinance.
12. The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the Maine Historic Preservation Commission. If there is such a site, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission prior to submitting the site plan application. The applicant shall request that the Maine Historic Preservation Commission comment on the adequacy of the proposed mitigation techniques. The applicant shall then submit the Commission's comments with its site plan application.
13. The location of any significant wildlife resources or natural areas.
14. The traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
15. Any proposed area(s) or structure(s) to be dedicated for public use.
16. Scaled drawings showing the location and construction specifications for all proposed roads, including drainage features such as ditches and culverts, access points, driveways, parking areas, and other traffic management and control features.
17. Any other material to show that the applicable performance standards or other requirements of this Ordinance are followed.
18. The estimated quantities of flammable or hazardous materials to be stored or handled on site.
19. List of what flammable or hazardous material would be stored or handled on site and corresponding Safety Data Sheets (SDS).
20. The following approvals, where applicable, shall be submitted as part of the development application.
  - a. Town of Norridgewock E-911 Addressing Officer, for the names of any proposed new streets.
  - b. Maine Department of Environmental Protection, under the Site Location of Development Act.
  - c. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
  - d. Maine Department of Health and Human Services, if the applicant proposes to provide a public water system.
  - e. Maine Department of Health and Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.

- f. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- g. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Permit or Town of Norridgewock Road Opening Permit.
- h. Comprehensive Economic Impact Study, if a large-scale retail development is proposed.

Note: If the Review Authority is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

21. In addition to all materials required above in this Section 11, the following application materials shall be submitted in connection with any application for Site Review Approval for a Commercial or Community Solar Energy System:

- a. A description of the owner of the Commercial or Community Solar Energy Facility, its qualifications and track record of operating such a facility;
- b. A description of how and to whom the Solar Energy produced by the Commercial or Community Solar Energy System will be sold;
- c. A copy of the interconnection agreement applicable to the Commercial or Community Solar Energy System, clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
- d. The manufacturer specifications for the key components of the Solar Energy System to be installed;
- e. A description of the Solar Array to be installed, including make and model, and associated major system components;
- f. A construction plan and timeline, identifying known contractors, site control and anticipated on-line date;
- g. An operations and maintenance plan, including site control and the projected operating life of the system; such a plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna (e.g., honeybees, butterflies, etc.) as well as a commitment to not using pest-control substances (e.g., pesticides, herbicides, fungicides, and/or insecticides);
- h. An emergency management plan for all anticipated hazards;

- i. A background noise measurement for the proposed premises, performed by a qualified professional;
- j. Proof of financial capacity to construct and operate the proposed facility;
- k. A decommissioning plan, including, the following elements:
  - i. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if 10% or less permitted capacity of electricity is generated for a continuous period of 12 months. The Applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.
  - ii. A description of the work required to physically remove all Solar Energy System and Solar Related Components, including associated foundations, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless the landowner of the affected land requests otherwise in writing and subject to Planning Board approval.
    - i. At the time of decommissioning, the Applicant may provide evidence of plans for continued beneficial use of any or all of the components of the Solar Energy System. Any changes to the approved decommissioning plan shall be subject to review and approval by the Planning Board.
  - iii. An estimate of the total cost of decommissioning value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.



- iv. Demonstration in the form of a performance bond, surety bond, or other form of financial assurance as may be acceptable to the Planning Board that upon the end of the useful life of the Solar Energy System, the Applicant will have the necessary financial capacity in place for 150% of the estimated cost of decommissioning, subject to a review of such cost by the Planning Board, with the advice of the Code Enforcement Officer. The financial assurance shall include a provision granting the Town the ability to access the funds and the property and perform the decommissioning if the facility is abandoned or the Applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board.
- v. If the proposed Commercial or Community Solar Energy System will include a ground-mounted Solar Array occupying three (3) acres, the Applicant shall provide proof that its decommissioning plan has been approved by the Maine Department of Environmental Protection, as required by 35-A M.R.S. § 3492, as may be amended from time to time.

## **12. General Development Standards.**

### **A. Air Quality**

No development is permitted which will cause emissions of dust, ash, smoke, or other particulate matter likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted State of Maine Department of Agriculture, Food & Rural Resource Best Management Practices (BMP), current at time of application.

### **B. Access to Public Streets**

This section shall apply to all development requiring a permit that directly accesses public streets. Compliance with this section shall not relieve the applicant of the need for permitting under State Access Management Regulations. Proof of compliance with the Town of Norridgewock's Road & Entrance Design Standards Ordinance and the Town of Norridgewock's Road Opening Ordinance is required.

#### **1. General Provisions.**

- a. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Review Authority may

require the developer to access the site from the road with less potential for congestion and traffic hazard.

- b. All streets which can be expected to carry traffic to and from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development.
- c. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control Devices* published by the Federal Highway Administration, United States Department of Transportation.
- d. The Review Authority may require the developer to plan or install direct access to adjoining properties where it will serve to reduce demand for vehicular movement on public roads.
- e. Visibility triangle: To provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

## 2. Location and Design of Access Points

- a. Sight Distances: All access points shall be located to provide minimum sight distance of ten feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point that is ten feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.
- b. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:

*Low Volume:* Peak hour volume of six vehicles or fewer.

*Medium Volume:* Any access that is not a low volume or high volume.

*High Volume:* Peak hour volume of 100 or more vehicles.

i. Design Criteria.

All portions of an access point within the right-of-way of the street shall be consistent with the surface of the existing roadway.

All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of 50 feet back from the edge of the existing curb line.

All access points shall intersect the road at an angle as near to 90 degrees as site conditions permit, but in no case less than 75 degrees.

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and ten feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; for driveways with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, "right turn only" channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of two percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

ii. Media Channelization Islands

Medians or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Review Authority. Median islands shall be between six feet and ten feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

iii. Spacing Standards

No low or medium volume access point shall be located within 100 feet of any street intersection. No high volume access point shall be within 250 feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access point curb radius.

All access points onto an existing public road shall be located at least 100 feet from the next access point along that public road.

No access point shall be located within ten feet of a property line.

- iv. Any access point which intersects an existing or planned sidewalk(s) shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

### C. Erosion Control

1. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control. Erosion of soil and sedimentation of watercourses, including intermittent drainage swales, and waterbodies shall be avoided by employing BMP's as established by the most recent version of *Maine Erosion and Sediment Control Best Management Practices (BMPs)*.
2. The least possible amount of disturbance shall occur during construction in regard to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas. Temporary erosion control measures shall be installed prior to the start of any development. The applicant shall be responsible for the proper installation and operation of all erosion control measures. Permanent measures shall be installed, as appropriate, upon completion of the development.
3. Exposed soils on slopes ten percent or greater will be initially stabilized (i.e., mulched, covered, or reseeded) within two working days of disturbance. All exposed soils on slopes less than ten percent shall be stabilized within 15 days of disturbance.
4. All watercourses, waterbodies, and wetlands will be protected from sedimentation by the installation of silt fence barriers or other appropriate means. Such barriers shall be installed before digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind occurs within 500 feet of a watercourse, waterbody, wetland, or on slopes greater than ten percent. The barriers shall be installed at all points immediately down slope of soil-exposing activities.

Hay bale barriers are not to be used as a primary means of erosion control, but may be used as reinforcement or back-up to silt fencing or other effective primary erosion control. Erosion control mix placed as a berm may be used in lieu of silt fencing as a sediment barrier, especially on frozen ground.

5. All erosion controls must be inspected and repaired every week, and before and after any significant rainfall events (one-half inch or greater).

6. Ditches or swales with slopes from zero to three percent need to be vegetated, those at three to five percent require a geotextile mat and appropriate seeding, and those at five percent or greater require stone lining with an appropriate geotextile underlayment. All ditches not stabilized by vegetation before October 15 shall be stone lined.
7. Areas within 500 feet of waterbodies must receive final stabilization within five days of final grading. Other disturbed areas must have final stabilizing measures in place within ten days of final grading.
8. After September 15, or if construction activities are to be suspended for more than 30 days, additional stabilization measures must be installed which include seeding, mulching (including securing of mulch), and water diversions necessary to minimize on-site drainage contribution to erosion.
9. Whenever any portion of the designed impervious area falls within 500 feet of a watercourse, waterbody, or wetland larger than one acre and the designed impervious area exceeds 10,000 sq. ft. in area, or whenever the Review Authority initiates a review in conjunction with the DEP or other qualified water quality experts, and it is determined that because of the slope, soil erosion, designed impervious area, and site location, and there is a demonstrated need, temporary or permanent sedimentation control mechanisms shall be utilized by which sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Review Authority, and in accordance with the current *Maine Erosion and Sediment Control Best Management Practices (BMPs)*”.
10. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property.

#### D. Historic and Archaeological Resources

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building, site layout, and design.

#### E. Materials Storage

1. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six feet or more in height at the time of planting shall be the preferred means of attaining this standard. Any existing business shall comply with this section within 18 months of approval of this Ordinance unless waived by the Code Enforcement Officer.

2. Where a potential safety hazard to children is recognized by the Review Authority, a physical barrier sufficient to deter small children from entering the area shall be provided and maintained in good condition.
3. No bulk storage of flammable or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least 75 feet from any property line if above-ground, or 40 feet from any property line if underground. All materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a 25 year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

#### F. Natural Resource Protection

##### 1. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done by designating on the site plan the limits on development-related clearing. Outside of the limits of development, there shall be no tree removal, water channelization, soil disturbance, or grading and filling.

##### 2. Habitat Protection

- a. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, the subject areas shall be located outside of the clearing limits. The Review Authority may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (Maine IF&W) or the Maine Natural Areas Program of the Maine Department of Agriculture, Conservation & Forestry, as appropriate.
- b. If any portion of the area to be developed includes areas mapped by the Maine IF&W as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat and incorporate those recommendations into the development plan, insofar as practicable.
- c. If any portion of the area to be developed includes wetlands, as determined by the Town of Norridgewock, the Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland, both during and after construction.

### 3. Groundwater Protection

- a. Any development generating a demand of 5,000 gallons per day or greater out of groundwater supplies shall not affect groundwater availability beyond the boundaries of the property.
- b. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted, except in accordance with a Spill Prevention Control and Countermeasure Plan developed at the time of application and approved by the Town of Norridgewock.

### G. Noise

1. No person shall, in any area which includes residential land uses (including hotels and motels), make, continue, or cause to be made or continued, any loud or unusual noises which shall interfere with normal activities or annoy, disturb, injure, and/or endanger the comfort, repose, health, peace and/or safety of others. Loud or unusual noises shall include but not be limited to:
  - a. The sounding of any horn or signaling device, except as a danger warning.
  - b. The playing of any machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of neighboring inhabitants or passersby.
  - c. The use of any loudspeaker or amplifier for the purpose of commercial advertising or attraction of the public to a specific building or for the purpose of communication within a business building.
2. Noise may be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the most recent American National Standards Institute "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4four feet above ground at the property boundary.
3. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices are exempt from these provisions.
4. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 p.m. and 6:00 a.m., local time. The Review Authority may require additional measures for noise suppression.
5. No noise generated by a Commercial Solar Energy System or Community Solar Energy System shall be ten or more decibels greater than the preconstruction noise

measurement provided as part of the Application. Commercial Solar Energy Systems and Community Solar Energy Systems may also not generate Pure Tones.

6. The Select Board may grant temporary exceptions upon written request.

## H. Outdoor Lighting

A development may employ outdoor lighting which serves security, safety, and/or operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring properties. All lighting fixtures shall be full-cutoff so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

## I. Parking

### 1. General

No new or expanded development shall be permitted unless off-street parking is provided in accordance with the following provisions.

### 2. Parking Lot Design Criteria

#### a. Location

All parking spaces and aisles shall be at least five feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening. Aisles and parking spaces shall not be located within the right-of-way of any public road.

#### b. Interior Circulation

- i. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to parking spaces.
- ii. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not to impede views of pedestrians and vehicles.
- iii. No parking spaces shall be directly accessible from the public road; motorists are prohibited from using the public road to enter or exit a



space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.

- iv. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian access and visibility.
- v. Any layout that utilizes vehicular access service (“drive-up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. The required queuing space shall be designed so that it does not interfere with parking and circulation on the remainder of the site.

c. Layout of Parking Stalls and Aisles

- i. Parking stalls shall be a minimum of nine feet in width by 18 feet in length. Stalls designated for handicapped use shall be a minimum of 12 feet in width by 18 feet in length and marked appropriately. Stalls may be angled, provided that aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine feet in width by 22 feet in length.
- ii. In paved lots, the Review Authority may require painted stripes to delineate parking stalls. If required, stripes shall be a minimum of four inches in width. Where double lines are used, they shall be separated a minimum of 12 inches on center.
- iii. Two-way aisles shall be a minimum of 22 feet in width. One-way aisles shall be a minimum of 18 feet in width.
- iv. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways or damage landscape materials.
- v. Oversized parking spaces may be designated in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks, and/or tractor-trailer trucks.

d. Standards for Number of Parking Spaces

i. Basic Requirements for Parking Space

Adequate off-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection ii, following. For uses not listed, the current edition of *Parking Generation*, published by the Institute of Transportation Engineers (ITE), shall be consulted. Within each development, at least

one space, plus one additional space for every 25 required, shall be designated as available for handicapped persons:

# of Spaces	Land Use Activity
<b><i>Places of Residence or Accommodation</i></b> -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
2	Multifamily buildings
<b><i>Places of Public Assembly</i></b> -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Church
1/2	Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club
<b><i>Places of Commerce and Industry</i></b> -- spaces per 1,000 sq.ft. of gross floor area.	
1	Warehousing, Inside sales of motor vehicles
1 1/2	Industrial and Manufacturing Facilities, wholesaling
3	Grocery Stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
4	Retail Sales except as noted
5	Banks, Medical and Dental Offices, Fitness Clubs, Child Care
<b><i>Public and Institutional Facilities</i></b> -- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School, Community Center, Municipal Office.
6	College, Hospital
<b><i>Miscellaneous</i></b> -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay plus 1 per 10 vehicles displayed	Motor Vehicle Sales and Service

- ii. Flexibility in Standards: The Review Authority is permitted to modify these standards as minimum requirements, under the following circumstances:
  - a. By up to ten percent, based upon a showing that similar uses under similar circumstances generate greater or lesser demand.
  - b. In Norridgewock, the Select Board, with a recommendation from the Review Authority, may allow any use to meet its parking requirement through contributions to the development and maintenance of a municipal or public parking lot. Alternatively, the Select Board may reduce the required parking by up to 30 percent, upon the condition that provided off-street parking not be restricted to patrons/tenants of the development.
  - c. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sports facilities, etc..
  - d. A development may include, as a portion of its parking requirement, the provision of parking spaces not located on the same lot provided a) that the spaces are located within 250 feet of the property, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for the use already existing on that lot.
  - e. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.
  - f. The Review Authority may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions of the permit. Such conditions may require permanent set-aside of adequate space, and provision of construction plans along with specified conditions under which the installation will be triggered.
- iii. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, nor contain an area more than 25 percent greater than the minimum set by these standards. The Review Authority may require use of pervious or semi-pervious materials as an alternative to

pavement to reduce quantity and/or improve quality of stormwater runoff.

- iv. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the Review Authority may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.
- v. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of 12 feet by 55 feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

#### J. Screening of Structures, Parking Lots, and other Commercial Uses

##### 1. Buffering from the Main Road.

New Commercial uses shall be separated from the street by a vegetative buffer.

- a. Requirements for buffering are not intended to prevent any commercial establishment from having adequate visibility from the main road to promote its name and its products and services.
  - b. The placement, species, and beginning size of vegetation specified for the planned buffer must be included in the applicant's plot plan, and are subject to final approval by the Review Authority.
  - c. The buffer shall include a mixture of native shrubs and trees selected for adaptability to roadside conditions. The owner shall be responsible for maintenance of the buffer planting, and shall replace deceased plant material within one growing season.
2. In cases where a parking lot exceeds 150 spaces, additional landscaping shall be placed within the lot, sufficient to divide the lot into two or more smaller units of no more than 100 spaces each. Landscaped islands shall consist of 15 feet planted width, except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.

##### 3. Screening of Adjacent Properties

Screening shall be required wherever a proposed commercial use abuts a residential development or pre-existing home, and in other instances where the Review Authority determines uses may be incompatible.

- a. Screening shall consist of a natural (preferred) or artificial visual buffer sufficient to ensure continuous year-round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare, and related commercial activity. Areas shall be maintained and vegetation replaced as necessary. The following is intended as a guide
  - i. A fifty (50) foot minimum will be required if the buffer will consist of natural woodland, provided that the Review Authority may require supplemental plantings to achieve an effective visual screen.
  - ii. A twenty-five (25) foot minimum will be required if the buffer will consist primarily of dense planting of native coniferous trees.
- b. Where no vegetation can be maintained, or due to unusual site conditions, the Review Authority may approve a screen consisting of fences, walls, berms, or combinations thereof.

## K. Signs

### 1. Abandoned Signs

Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon which the sign is located.

### 2. Illuminated Signs

Signs may be illuminated internally or externally by full-cutoff lighting.

### 3. Sign Area and Placement

A new sign may not be placed within the road right-of-way and may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision.

### 4. Required Signs for Commercial and Community Solar Energy Systems

All Commercial and Community Solar Energy Systems shall maintain a plainly visible sign on the premises to identify the owner/operator of the Solar Energy System and provide a 24-hour emergency contact number. Commercial and Community Solar Energy Systems may not be used to display any advertising material. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on any fence surrounding the Commercial or Community Solar Energy System, informing individuals of potential voltage hazards.

## L. Stormwater Management

1. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained to control runoff and encourage infiltration of storm water.
2. Stormwater drainage systems shall be designed to minimize the volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate any additional runoff. The stormwater management system shall be designed to accommodate the peak discharge of two year, ten year, and 25 year frequencies, 24-hour duration storms.
3. Stormwater practices shall be as described in the current version of the *Maine Stormwater Best Management Practices Manual*, as published by Maine DEP.
4. A stormwater control plan prepared according to the requirements of Maine DEP Regulation Chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Waterbodies most at Risk From New Development" shall be deemed suitable to meet these standards.
5. Within lake watersheds, stormwater systems shall include runoff from roof drains and camp roads to encourage infiltration and minimize phosphorus loading.
6. Stormwater systems shall be maintained as necessary to ensure proper functioning at the applicants/property owners' expense.

## M. Wastes

### 1. Solid Waste

The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally-safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be disposed of in compliance with state and federal regulation, and in a manner approved by the Review Authority.

### 2. Sanitary and Liquid Wastes

- a. A completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.

- b. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable state and federal regulations.

## N. Water Quality

### 1. General Standard

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

### 2. Impact on Groundwater

- a. The Review Authority shall require an assessment of the impact of a development on groundwater quality or quantity based on the proposed size or nature of the development in cases where the development is projected to generate demand of more than 5,000 gallons per day from groundwater sources. This assessment shall contain at least the following information:
  - i. A map showing the basic soils types, and the location of any subsurface wastewater disposal systems and drinking water wells within the development and within 300 feet of the development boundaries.
  - ii. Depth to the water table at representative points throughout the development.
  - iii. Data on the existing groundwater quantity and quality, either from test wells or from existing wells on neighboring properties.
  - iv. An evaluation of the effect of the development on groundwater. This evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within 1,000 feet from potential contamination sources.
- b. The assessment shall demonstrate that the development will comply with the following standards:
  - i. No development shall increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards, nor to an amount to exceed the Secondary Drinking Water

Standards as established by the Maine Department of Health and Human Services (Maine DHHS) at the time of the permit issuance.

- ii. If existing groundwater contains contaminants in excess of the primary standards, the applicant shall demonstrate no significant further deterioration. If groundwater contains contaminants in excess of the secondary standards, the development shall not cause the concentration of the parameters in question to exceed 150 percent of the pre-existing concentration.
- iii. Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the water table beyond the boundaries of the development. No proposed development shall result in a lowering of the water table at the development boundary by increasing runoff or decreasing infiltration.
- c. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If any measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Plan, and as restrictions in the deeds to the affected lots.

### 3. Impact on Lake Water Quality

Any new or expanded development within the watershed of any Great Pond shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

- a. Unless otherwise noted, methods and standards for review under this section will be governed by the current edition of the *Maine Stormwater Management Design Manual*, *Phosphorus Control Manual*, as published by the Maine DEP.

## O. Avoidance and Mitigation of Damages to the Public Infrastructure

### 1. Roads

- a. Applicants shall identify all county, city, or township roads to be used for the purpose of transporting parts, cement, and/or equipment for construction, operation, or maintenance of the development and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- b. Conduct a pre-construction survey, in coordination with the impacted local road authority(ies), to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.



- c. Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to pre-construction conditions.

## 2. Drainage System

- a. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, and/or maintenance of the development.

## P. Additional Performance Standards Applicable to Commercial and Community Solar Energy Systems

### 1. Lots

All Commercial and Community Solar Energy Systems should be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.

### 2. Setback

All component structures of a Commercial or Community Solar Energy System shall be setback a minimum of 25 feet from all lot lines.

### 3. Prohibited Locations

Components of a ground mounted Commercial or Community Solar Energy System shall not be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

### 4. Utility Notification

No grid-intertied photovoltaic system shall be installed until evidence has been given to the Planning Board that the applicant has an agreement with the utility to accept the power. Off-grid and residential systems are exempt from this requirement.

### 5. Fencing

Ground Mounted Commercial or Community Solar Energy Systems shall be protected by a perimeter fence. Such fences shall allow for small wildlife passage and movement. The fence shall be a minimum height of six feet.

## 6. Buried Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

## 7. Emergency Services

The Commercial or Community Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX,” or agreed equivalent, shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the Solar Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. The Commercial or Community Solar Energy System operator, at the request of the Fire Chief or his/her designee, must provide facility orientation to emergency personnel, at the expense of the operator.

## 8. Maintenance Conditions

The Commercial or Community Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetative screening, fences, landscaping and plantings, and integrity of security measures. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable to the fire chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s), including regular plowing of snow to maintain road access.

## 9. Decommissioning and Removal

- a. Any Ground Mounted Commercial or Community Solar Energy System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Planning Board during the application process. The landowner, or SES owner or operator shall physically remove the installation no more than 365 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer and Town Manager by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.

- b. Decommissioning shall consist of:
  - i. physical removal of all Solar Energy Systems, structures, equipment, security barriers and transmission lines from the site;
  - ii. disposal of all solid and hazardous waste in accordance with Local, state and federal waste disposal regulations; and
  - iii. stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.
- c. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Ground Mounted Commercial or Community Solar Energy System shall be considered abandoned when it fails to generate ten percent or less permitted capacity of electricity for a continuous period of twelve (12) months without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Planning Board.
- d. If the owner or operator of a Ground Mounted Commercial or Community Solar Energy System fails to remove the installation in accordance with the requirements of this section within 365 days of abandonment or the proposed date of decommissioning, the Town of Norridgewock retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

#### 10. Recording of Planning Board Notice of Decision

Upon final approval of any Commercial or Community Solar Energy System site plan hereunder, the Planning Board must prepare written findings of fact and conclusions of law (the "Notice of Decision") signed by the Chair of the Board with an acknowledgment (to allow for recording of the same). One copy of the Notice of Decision and one copy of the approved Site Plan must be recorded by the applicant in the Somerset County Registry of Deeds within 45 days of approval and the Book and Page number provided by the applicant to the Code Enforcement Office. Prior to the expiration of the 45 days, the Planning Board may extend this period for cause.

Failure by the applicant to record the Notice of Decision at the Registry of Deeds and to provide the Code Enforcement Office with the Registry Book and Page number within 45 days, or as extended, shall void the site plan approval. No building permits may be issued until compliance with this recording provision is demonstrated.

### **13. Definitions.**

**Abutter:** Any lot which is physically contiguous with the lot in question, or within 500 feet horizontal distance of the lot line, even if only at a point and any lot which is located directly across the public or private street from the lot in question.

**Accessory Building, Accessory Structure or Use:** A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure, and which is located on the same lot as that of the principal building, structure or use.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance. A person whose land abuts land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture (Agricultural Production):** The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products, livestock; fruits and vegetables; and ornamentals and greenhouse products.

**Agricultural Structure:** a building, enclosure, or fence for (1) housing livestock; (2) raising horticultural or agronomic plants; or (3) carrying out other practices associated with accepted agricultural or farming practices.

**Applicant:** A person, group of people, business or corporation applying for a permit under this Ordinance.

**Aquifer:** A saturated permeable geologic unit that can transmit significant quantities of water under ordinary hydraulic gradients.

**Business Day:** Any day that the Municipal Town Office is open for at least 4 hours in a day.

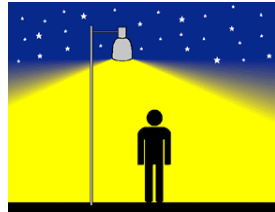
**Building:** Any structure having a roof supported by columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods, or materials of any kind or nature.

**Critical Natural Area:** Any area identified and listed by the Natural Areas Program of the Maine Department of Agriculture, Conservation & Forestry as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

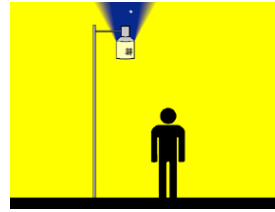
**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Development:** A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Full-cutoff Light:** A lamp where all light is directed down towards the ground, and no light is directed up into the sky (graphics below courtesy The University of Texas McDonald Observatory).



Full-cutoff light



NOT Full-cutoff light

**Great Pond:** Any inland body of water, which in a natural state, has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres, except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Habitable:** Space in a structure that can be lived in, worked in, or used for any significant human purpose such as residences, places of worship, business establishments, schools, hospitals, or municipal buildings.

**Historic or Archeological Resource:** Areas identified by a governmental agency, such as the Maine Historic Preservation Commission, as having significant value as an historic or archeological resource.

**Impervious Surface:** The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

**Kilowatt (kw):** A unit for measuring power that is equivalent to 1,000 watts.

**Large-scale Retail Development –** A development as defined in 30-A M.R.S.A. section 4366.

**Level of Service:** A term used by traffic engineers, indicating a scale of “A” to “F”, measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service “E” to “F” describe road situations with severe problems attributable to traffic congestion.

**Material (Mineral) Extraction Operation:** The breaking of the surface soil to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing, cleaning or

other treatment of that product so as to make it suitable for commercial, industrial or construction use, but it shall not include the excavation or grading preliminary to a construction project.

**Megawatt (MW):** A unit of measuring power that is equivalent to one million watts, or 1,000 kilowatts.

**Megawatt Hour (MWh):** A megawatt hour is equal to 1,000 Kilowatt hours (KWh), and refers to 1,000 kilowatts of electricity used continuously for one hour.

**Peak Hour Volume:** The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically, there is a peak hour condition in the A.M. and a peak hour condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

**Pure Tone:** The simplest periodic sound; a constant sound created as a pressure disturbance that fluctuates sinusoidally as a fixed frequency.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the photovoltaic system in watts in Direct Current (DC).

**Residential Use:** One or two family homes only and shall include modular, prefabricated, and manufactured homes known as mobile homes, exclusively for residential occupancy and may contain one or two families as a principal dwelling. The homes shall be detached or semi-detached used for residential occupancy only.

**Sight Distance:** The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3.5 feet above the driveway at a point ten feet behind the street line, to an object 4.5 feet above the street.

**Sign:** An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises and/or owner of the sign.

**Sign Area:** The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

**Sign, Canopy or Projecting:** A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window, or outdoor service area. It also means a sign that is attached to the building wall and extends more than six inches from the face of such wall.

**Sign, Freestanding:** A sign that is directly and permanently supported, and physically separated from any other structure.

**Solar Array:** A grouping of multiple solar modules with the purpose of harvesting solar energy.

**Solar Energy:** Radiant energy (direct, diffuse, or reflective) received from the sun.

**Solar Energy System (SES):** A solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

**Solar Energy System, Commercial:** A Solar Energy System used to supply energy to a third-party commercial unit or sold as part of a commercial enterprise.

**Solar Energy System, Community:** A Solar Energy System where the benefits of a solar project flow to multiple customers such as individuals, businesses, non-profits, and other groups.

**Solar Energy System, Ground-Mounted:** A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or largescale).

**Solar Energy System, Local:** A Solar Energy System where the majority of the energy captured and/or stored by that system is either used on the premises where the system is installed, or is otherwise put onto the grid in exchange for a credit on the property owner's utility bill.

**Solar Energy System, Roof-Mounted:** A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small, medium, or large-scale).

**Solar Farm.** *See* Solar Energy System.

**Solar Related Equipment.** Items including, but not limited to a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations, or other structures used or intended to be used for collection and management of solar energy.

**Street, Public:** An existing state, county, or town way; dedicated for public use and shown upon a plan approved by the Review Authority and recorded in the County Registry of Deeds.

**Structure:** Anything constructed or erected on the ground, or which is attached to something located on the ground.

**Substantial Start:** This should be based on measuring actual construction. Such measurement would be determined by the Code Enforcement Officer and applicant prior to Permit issuance.

Waterbody or Watercourse or Surface Water(s): Any river, stream, brook, pond, lake, or wetland.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland includes swamps, marshes, bogs, certain forest areas and similar areas. Wetlands are identified in the National Wetlands Inventory (NWI) conducted by the U.S. Fish and Wildlife Service.

Zone of Contribution: An area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield with no recharge from precipitation). It is bounded by the groundwater divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, the zone of contribution shall extend up gradient to its point of intersection with prevailing hydrogeological boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

#### **14. Availability.**

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted in the Town Office.

A True Attest Copy

Richard A. LaBelle  
Town Clerk