

## **ARTICLE 11 - PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES**

### **11.1 Agriculture.**

Within the Shoreland Zone all agricultural activities shall meet the following standards:

11.1.A. All spreading or disposal of manure shall be accomplished in conformance with the “Manure Utilization Guidelines” published by the Maine Department of Agriculture Food and Rural Resources, in November 1, 2001. amended 6/18/05

11.1.B. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high water line of Bonny Eagle Pond; within seventy five (75) feet, horizontal distance, from other water bodies; nor within twenty five (25) feet, horizontal distance of tributary streams and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

11.1.C. Where soil in excess of 20,000 square feet lying either wholly or partially within the Shoreland District is tilled, such tillage shall be carried out in conformance with the provisions of a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the appropriate Soil and Water Conservation District. The number of the plan shall be filed with the Planning Board. Non-conformance with the provisions of such Conservation Plan shall be considered to be a violation of this Ordinance.

### **11.2 Amusement Centers.**

11.2.A. In addition to the automobile parking spaces required in Section 10.7.D., all amusement centers shall provide facilities for the parking of bicycles. Bicycle racks shall be located off the sidewalk or other pedestrian way and away from automobile traffic lanes. A minimum of one bicycle space for every two amusement devices shall be provided.

11.2.B. Restroom facilities for the patrons shall be provided on the premises.

### **11.3 Animal Husbandry.**

When permitted as a Conditional Use, animal husbandry shall meet the following standards:

11.3.A. All pasture, barns, barnyards and other areas where the livestock, animals or fowl are kept, housed, fed or cared for shall be a minimum of one hundred (100) feet from the nearest dwelling other than the applicant's.

11.3.B. All uncovered manure shall be kept 150 feet from the nearest dwelling other than the applicant's and 300 feet from any body of water or well. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of Bonny Eagle Pond, or within seventy five (75) feet, horizontal distance, of other water bodies, tributary streams or wetlands. Within five (5) years of the effective date of this Ordinance (March 8, 1986), all manure storage

areas within the Shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain but must meet the no discharge provision within the above five (5) year period.

11.3.C. All feed and grain shall be stored in rodent proof containers.

11.3.D. All paddocks, pastures, barnyards or other enclosures must be adequately fenced to contain livestock, animals or fowl.

11.3.E. The Planning Board shall limit the number and species of animals permitted. The Board shall consider the size and layout of the lot, the size of adjacent lots, the presence of vegetative screening and buffer strips and the potential for noise, odor and vermin problems.

11.3.F. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond classified GPA, within seventy five (75) feet, horizontal distance, of other water bodies, nor within twenty five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

#### **11.4 Campgrounds.**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following shall apply (in cases of possible conflict, the stricter rule shall apply):

11.4.A. General.

11.4.A.1. A campground must be constructed on at least ten acres of land and all camping units or structures shall be located at least 200 feet from any residence (except residences belonging to the campground owners).

11.4.A.2. Campsites shall be laid out or screened in such a manner that none are within view from public roads, navigable rivers, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms or solid fencing may be used to achieve this screening standards when campsites would otherwise be visible from the locations described above.

11.4.A.3. The management of campgrounds shall be responsible for operating their premises in accordance with all Town codes and ordinances and all State laws and regulations. The maintenance of all open spaces, areas, roads and utilities in a campground shall be the responsibility of the management.

11.4.A.4. A time limit is placed on the occupancy of any one camping space on a continuing basis as follows: Twelve weeks for the period May 15 to September 15 of each year and two weeks for all other time. Only camping units such as defined herein (plus a towing vehicle) shall be permitted within any camp ground, temporarily or otherwise.

11.4.A.5. No trailers other than such as are recreational vehicles as defined in Article 2 shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park,

11.4.A.6. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density on each developed acre of land does not exceed the standards below (in terms of sites per acre of land excluding circulation roads). Land supporting wetland vegetation and land below the normal high water line of a water body shall not be included in calculating the land area of the campground.

	<u>Non-Shoreland</u>	<u>Shoreland Area</u>
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

11.4.A.7. Any site intended for the placement of a recreational vehicle, tent or shelter, which has frontage on a water body, or wetland shall have a minimum frontage along the shoreline of one hundred (100) feet. The areas intended for placement of a recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high water line of Bonny Eagle Pond and seventy five (75) feet from the normal high water line of other water bodies, tributary streams or the upland edge of a wetland.

#### 11.4.B. Parking and Circulation.

11.4.B.1. A minimum of two hundred (200) square feet of off street parking plus maneuvering spaces shall be provided for each recreational vehicle, tent or shelter site. Recreational vehicles shall be so parked in spaces that:

11.4.B.1.a. There shall be a minimum of 25 feet between vehicles.

11.4.B.1.b. There shall be a minimum of 45 feet between all recreational vehicles and tents and all public rights-of-way located inside the boundaries of the trailer park or campground.

11.4.B.2. Vehicular access shall be provided onto a hard surfaced road adequate for the volume and type of traffic likely to be generated. Grades and sight-distances specified in the town's subdivision regulations shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank-run (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two applications of liquid asphalt (1/2" gallon per square yard each application).

#### 11.4.C. Health and Safety.

11.4.C.1. Each recreational vehicle, tent or shelter site shall be provided with a picnic table and trash receptacle. Within a maximum of one hundred and fifty (150) feet from each campsite there shall be a container capable of storing the amount of refuse that the camping area for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse from said containers in a closed truck or in enclosed containers or bags to an approved disposal area at least once a week.

11.4.C.2. A campground shall provide water and sewage systems, sanitary stations and convenience facilities in accordance with the regulations of the State Plumbing Code and the State of Maine Department of Human Services. In no case shall less than one toilet, lavatory and shower be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups connected to approved distribution or disposal systems.

11.4.C.3. Fire extinguishers capable of dealing with both electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-four (24) hour emergency communication service (e.g., telephones) shall be provided.

11.4.C.4. The campground shall provide a water supply adequate for fire safety purposes. The Planning Board may require the construction of storage ponds and dry hydrants.

#### 11.4.D. Planning and Review.

11.4.D.1. Roads, parking, campsites and required facilities shall be planned in accordance with the basic principles outlined below and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Use:

11.4.D.1.a. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields or shoreline.

11.4.D.1.b. Campsites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support services areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility and preserve open space.

11.4.D.1.c. Footpaths and roads should follow "desire lines" of pedestrian and vehicular movement between campsites and all jointly used facilities. Parking areas may be grassed reinforced with open concrete blocks.

11.4.D.1.d. Access roads shall be laid out as loops to the greatest extent that is practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to 20 campsites.

11.4.D.2. A soil erosion and sedimentation control plan meeting the standard of the York County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:

11.4.D.2.a. The major types of vegetation should be identified and described (as to age, height, openness or density and pattern--either natural or reforested).

11.4.D.2.b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions and to blend compatibly with existing natural vegetation.

11.4.D.2.c. All vegetative clearing should avoid creating straight-line edges between open land and surviving stands.

11.4.D.2.d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals or deer yards and trails).

**11.5 Clearing of Vegetation in the Shoreland Zone.**

11.5.A. In the Resource Protection District, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

11.5.B. In the Shoreland District, except to allow for the development of permitted uses within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high water line of Bonny Eagle Pond and seventy five (75) feet, horizontal distance from any other water body, tributary stream or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

11.5.B.1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to Bonny Eagle Pond, the width of the footpath shall be limited to six feet.

11.5.B.2. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this Section, a "well-distributed stand of trees and other vegetation" adjacent to Bonny Eagle Pond shall be defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square (625 square feet) area as determined by the following rating system.

<u>Tree at 4 1/2 feet Above Ground Level (inches)</u>	<u>Points</u>
2 - 4 in.	1
4 - 12 in.	2
12 in.	4

Adjacent to other water bodies, tributary streams and wetlands, a "well distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25 foot square area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

11.5.B.3. In order to protect water quality and wildlife habitat, adjacent to Bonny Eagle Pond, existing vegetation under three feet in height and other ground cover shall not be removed except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a above.

11.5.B.4. Pruning of tree branches on the bottom 1/3 of the tree is permitted.

11.5.B.5. In order to maintain a buffer strip of vegetation, when the removal of storm damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

11.5.C. Within the Shoreland Zone, at distances greater than one hundred (100) feet horizontal distance, from Bonny Eagle Pond and seventy five (75) feet horizontal distance from the normal high water line of any other water body, tributary streams or the upland edge of a wetland except to allow for the development of permitted uses, there shall be permitted on any lot in any ten year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas exceed in the aggregate 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development of Commercial Fisheries/Maritime Activities District.

11.5.D. Cleared openings legally in existence on the effective date of this Ordinance may be maintained but shall not be enlarged, except as permitted by this Ordinance.

11.5.E. Fields which have reverted to primarily shrubs, trees and other woody vegetation shall be regulated under the provisions of this section.

## **11.6 Cluster Development.**

11.6.A. Purpose.

11.6.A.1. The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed.

11.6.A.2. Notwithstanding other provisions of this Ordinance relating to dimensional standards, the Planning Board in reviewing and approving proposed residential developments located in the Town may modify said provisions related to dimensional standards to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

11.6.B. Basic Requirements for Cluster Developments.

11.6.B.1. Cluster developments shall meet all requirements for a subdivision, the street acceptance ordinance and all other applicable Town ordinances including the Performance Standards of Article 10 of this Ordinance.

11.6.B.2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The developer shall illustrate the placement of the buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.

11.6.B.3. The maximum net residential as defined herein, allowable in cluster developments shall be calculated on the basis described in the table below. For example, all of the "well drained" and "moderately well drained" land may be included in the density calculations plus half of the "poorly drained" land when not on public sewer.

<u>Land Which May be Included as "Suitable Land" when Calculating Net Residential Density</u>				
Excessively drained, Well drained and Moderately well drained*	Poorly drained and somewhat poorly drained*	Very Poorly drained*	Slopes Greater than 20%	Borrow Pits
100%	50%	-0-	-0-	33%

\*Soil classification by U.S.D.A. Natural Resources Conservation Service. All "poorly" and "very poorly" drained soils are unsuitable for on-site sewage disposal under the Maine Subsurface Waste Water Disposal Rules. (amended 6/13/09 and 6/18/11)

11.6.B.3.A. The developer shall provide the Planning Board with a copy of a medium intensity soil survey covering the site. If on-site inspection or test pit logs indicate the likelihood of poorly or very poorly drained soils on the site, the Planning Board may request that high intensity soil survey be completed for the project site.

11.6.B.3.B. The developer shall provide the Planning Board with a Class A Cluster Subdivision Map.

11.6.B.4. In order to determine the maximum number of dwelling units permitted on a tract of land, the total acreage allowed to be included in net density calculations (according to the table) less the land needed for roads (including shoulders and drainage ditches) shall be divided by the minimum lot size required in the district. The extent of soil types in the six categories listed in the table shall be certified by a Registered Soil Scientist licensed in the State of Maine on a high intensity soil survey map. No building shall be constructed on soil classified as being "very poorly" drained.

11.6.B.5. Unless a community sewage collection and treatment system is provide no lot shall be smaller in area than 40,000 square feet.

11.6.B.6. The total area of common land within the development shall equal or exceed the sum of the area by which any building lots are reduced below the minimum lot area normally required in the district.

11.6.B.7. Every building lot that is reduced in area below the amount normally required should abut such common land for a distance of 50 feet or be within 1,000 feet walking distance of such land.

11.6.B.8. The distance between buildings shall not be less than 40 feet. Rear setback requirements may be reduced by no more than 50 percent.

11.6.B.9. Any proposed lot in the cluster subdivision at the time of development, shall have at least 100 feet frontage, except lots abutting a circular turnaround may have 75 feet frontage. No individual lot shall have frontage on an existing public road.

11.6.B.10. In no case shall shore frontage be reduced below the minimum normally required in the district.

11.6.B.11. Where a cluster development abuts a body of water, a usable portion of the shoreline as well as reasonable access to it shall be a part of the common land.

11.6.B.12. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas in accordance with an overall plan for site development.

11.6.B.13. When individual wells are to be utilized, a drilled well with casing shall be provided on each lot by the developer. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants.

11.6.B.14. The location of subsurface waste water disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan.

11.6.B.15. Utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

11.6.B.16. The developer shall file with the Town at the time of submission of the final plans a performance guarantee. This may be tendered in the form of a guarantee. This may be tendered in the form of a certified check payable to the Town, a savings account passbook issued in the name of the Town or a faithful performance bond running to the Town and issued by a surety company acceptable to the municipality. The conditions and amounts of such check, passbook or performance bond shall be determined by the Planning Board with the advice of concerned departments or agencies. The amount shall be equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities or other improvements specified in the final plan taking into account

the inflation on construction costs and shall guarantee the satisfactory completion of the required improvements.

11.6.C. Dedication and Maintenance of Common Open Space and Facilities.

11.6.C.1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land which shall be used only for non-commercial recreation or conservation. However, easements for public utilities or structures accessory to non-commercial recreation or conservation may be permitted.

11.6.C.2. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

11.6.C.2.a. The common open space shall not be used for future building lots; and

11.6.C.2.b. A part or all of the common open space may not be dedicated for acceptance by the Town.

11.6.C.3. If any or all of the common open space is to be reserved for use by the residents, the applicant shall prepare by-laws for a homeowner's association which shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.

11.6.C.4. Covenants for mandatory membership in the association setting forth the owner's rights and interest and privileges in the association and the common land shall be reviewed by the Planning Board and included in the deed for each lot.

11.6.C.5. This homeowner's association shall have the responsibility of maintaining the common open space(s) and other common facilities.

11.6.C.6. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and Town assessments.

11.6.C.7. The developer shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the homeowner's association or the developer or subdivider.

**11.7 Extractive Industry.**

11.7.A. The purpose of this section is to allow the extraction and processing of valuable sand, gravel, rock, soil, peat and other mineral deposits with a minimum of adverse impact upon groundwater, surface waters and neighboring properties.

11.7.B. Approval as a Conditional Use.

11.7.B.1. The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits shall be approved by the Planning Board as a Conditional Use prior to commencing any such operation.

11.7.B.2. The following earth-moving activities shall be allowed without approval as a Conditional Use:

11.7.B.2.a. The removal or filling of material incidental to construction, alteration or repair of a building or accessory structure or in the grading and landscaping incidental to such construction, alteration or repair;

11.7.B.2.b. The removal or filling of material incidental to construction, alteration or repair of a public or private way or public utility;

11.7.B.2.c. The excavation, processing or storage of less than twenty five (25) cubic yards of material on a parcel within the period of one year.

11.7.C. Application for a Conditional Use. An application for Conditional Use approval by the Planning Board shall include:

11.7.C.1. A sketch plan which shows:

11.7.C.1.a. The name and address of the owner of the property involved;

11.7.C.1.b. The name and address of the operator who will undertake the earth moving activity if different from the property owner;

11.7.C.1.c. The location and boundaries of the lot or lots for which approval is requested;

11.7.C.1.d. The names of the owners of all parcels of land directly abutting or directly across any street adjoining the property for which approval is requested;

11.7.C.1.e. The location of all proposed access roads and temporary or permanent structures;

11.7.C.1.f. The location of all natural or man-made water bodies and wetlands within the proposed site or within 150 feet of the proposed site;

11.7.C.1.g. The topography of the proposed site shown with contour lines with a contour interval of not more than five (5) feet; and

11.7.C.1.h. The specific location of the proposed excavation with an indication of the degree to which earth movement activity will occur within specified time intervals.

11.7.C.2. Written statements and/or sketch plans which detail:

- 11.7.C.2.a. The location and nature of proposed fencing, buffer strips, signs, lighting and parking and loading areas;
- 11.7.C.2.b. The proposed method of extraction and the type of material to be removed;
- 11.7.C.2.c. The estimated duration, regularity and working hours of the proposed operation;
- 11.7.C.2.d. Plans to control erosion and sedimentation during the operation;
- 11.7.C.2.e. Plans to stabilize unstable slopes;
- 11.7.C.2.f. Plans to store and/or remove stripped vegetation and topsoil;
- 11.7.C.2.g. Plans for the rehabilitation and restoration of the site upon completion of the operation including the timing of such site restoration, the final grade and methods to control erosion and sedimentation both during and after reclamation activities; a
- 11.7.C.2.h. The effect of the proposed activity on existing and foreseeable traffic patterns in the Town.

11.7.D. Performance Standards.

The Planning Board in granting Conditional Use approval, shall specify such requirements as it deems necessary or desirable to ensure compliance with the following performance standards:

11.7.D.1. No part of any extraction operation, including drainage and runoff control features shall be permitted within 100 feet of any property or street-line except that drainage ways to reduce runoff into or from the extraction area may be allowed up to 50 feet of such line. The 100 foot set back requirement may be waived by the Planning Board, for abutting extractive operations, if there is a written formal contractual agreement between the property owners. Said agreement must be recorded at the York County Registry of Deeds. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of Bonny Eagle Pond or within seventy five (75) feet of the normal high-water line of any other water body, tributary stream or the upland edge of a wetland. Natural vegetation shall be undisturbed and maintained in buffer areas.

(amended 6/12/04)

11.7.D.2. No slopes steeper than three feet horizontal to two feet vertical shall be permitted at any extraction site unless a fence at least four feet high is erected to limit access to such locations.

11.7.D.3. Before commencing removal of any earth materials, the owner or operator of the extraction site shall present written evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations and such insurance shall be maintained throughout the period of operation.

11.7.D.4. Any top soil and subsoil suitable for purpose of re-vegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring

the location after extraction operations have ceased. Such stockpiles shall be protected from erosion according to the erosion prevention performance standards of this Ordinance.

11.7.D.5. Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer in order to protect surface water bodies from sedimentation.

11.7.D.6. The sides and bottom of cuts, fills, channels and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.

11.7.D.7. The hours of operation at any extraction site shall be limited to 7 am to 8 pm during weekdays unless otherwise specified by the Planning Board.

11.7.D.8. Loaded vehicles shall be suitably covered or trimmed to prevent dust and contents from spilling or blowing from the load. No mud, soil, sand or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.

11.7.D.9. All access/egress roads leading to/from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.

11.7.D.10. No equipment, debris, junk or other material shall be permitted on an extraction site except those directly related to active extraction operations and any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within thirty days following completion of active extraction operations.

11.7.D.11. Rubbish shall be removed on a timely basis.

11.7.D.12. Within twelve (12) months following the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board sothat:

11.7.D.12.a. All debris shall be removed and disposed of in an approved location or buried and covered with a minimum of two feet of earth. All stumps may be buried in a similar manner but not over an aquifer as mapped by the Maine Geological Survey nor within 100 feet of a stream. (amended 6/12/04)

11.7.D.12.b. Storm drainage and watercourses shall leave the location at the original natural drainage points, where practicable and in a manner such that the amount of drainage at any point is not significantly increased.

11.7.D.12.c. At least 4" of top soil or loam shall be retained or obtained to cover all disturbed land areas which shall be reseeded and properly restored to a stable condition.

11.7.E. Surety and Terms of Approval.

No approval shall be issued without some form of security to ensure compliance with

Such conditions as the Planning Board may impose.

#### 11.7.F. Existing Operations.

11.7.F.1. Any commercial operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Ordinance becomes effective may operate for a period of five years from the effective date of this Ordinance amendment (March 8, 1986) without Planning Board approval. (amended 6/12/04)

Existing operations, however, must submit to the Planning Board within ninety (90) days of the effective date of this Ordinance (March 8, 1986) a map indicating the area within which earth removal activity is anticipated within the five year period and the area which has already been subject to earth removal activity. (amended 6/12/04)

Failure to submit the above map within ninety days shall result in the loss of grandfathered status for that operation.

Within fifteen (15) days of the effective date of this Ordinance amendment (March 8, 1986), the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations informing them of the requirements of this section. (amended 6/12/04)

11.7.F.2. Any existing operation which has met the requirements of Section 11.7.F.1. and is still in lawful operation at the end of the specified five year period may continue to operate provided the following conditions are met:

11.7.F.2.a. Within ninety (90) days from the enactment date of this amendment (June 3, 1991) a map drawn to scale shall be submitted to the Planning Board by the owner or operator of each parcel indicating: (amended 6/12/04)

11.7.F.2.a.1. The boundaries of the property and the tax map and lot number.

11.7.F.2.a.2. The names of the abutters to the parcel.

11.7.F.2.a.3. The area of the property which has already been subject to earth removal activity.

11.7.F.2.a.4. The area of the property within which the extraction activity is anticipated in the future.

11.7.F.2.a.5. Any existing or anticipated storage and/or processing areas.

11.7.F.2.b. Within thirty (30) days from the enactment date of this amendment (June 3, 1991), a plan for the operation and/or storage activities on the site shall be submitted to the Planning Board for approval. The plan shall as a minimum insure that: (amended 6/12/04)

11.7.F.2.b.1. The boundaries of the property are clearly marked on the ground.

11.7.F.2.b.2. All access/egress roads leading to or from the extraction site to public ways are gated or otherwise suitably blocked or monitored to control access to the site.

11.7.F.2.b.3. All access/egress roads are treated with suitable materials to minimize dust and mud for a distance of at least one hundred (100) feet from public ways.

11.7.F.2.b.4. Loaded vehicles are suitably covered or trimmed to prevent dust or contents from blowing or spilling from the vehicle, and no mud, soil, sand or other material will accumulate on public ways as a result of loading or hauling such materials.

11.7.F.2.b.5. Whatever measures are necessary will be used to protect restored areas, surface water bodies and adjacent properties from erosion and sedimentation.

11.7.F.2.b.6. All debris, boulders and similar materials will be disposed of on site and buried or covered with a minimum of two feet of earth. Stumps may be buried in a similar manner providing the stumps originated on the site and are not buried in an area larger than one acre nor within one hundred (100) feet of a stream or other water body.

11.7.F.2.b.7. All pit faces operated following the effective date of this amendment will be sloped at three feet horizontal to two feet vertical or flatter following the removal of available earth material from the immediate area. At least two inches of topsoil, loam or other material acceptable to the Code Enforcement Officer shall be retained or obtained to cover the sloped area which shall be restored to a stable condition and reseeded or replanted to trees.

11.7.F.2.b.8. Wherever possible, a 25 foot buffer strip shall be marked around the perimeter of a closed site and such markings shall be sufficient to warn of the proximity of slopes not conforming to the requirements of 11.7.F.2.b.7.

11.7.F.2.b.9. Grandfathered operations where the major activity is the storing and processing of earth materials rather than extraction will comply with all applicable requirements of this section.

11.7.F.3. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation. Discontinuation is defined as being the excavation, processing or storage of less than twenty five (25) cubic yards of material.

11.7.F.4. Existing operations permitted under the provisions of section 11.7.F. shall be inspected by the Code Enforcement Officer at least once each calendar year to assure compliance with this section.

11.7.G. Penalty.

The owner or operator of an earth removal operation found guilty of a civil violation of any provision of this section of the Ordinance shall be fined not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Each day of violation shall constitute a separate offense. All fines collected hereunder shall inure to the Town of Buxton.

## **11.8 Timber Harvesting.**

In all districts, when a "Notification of Intent to Harvest Forest Products" is filed with the Maine Forest Service as required by Maine Statutory Law, a copy shall be on file with the Buxton Code Enforcement Officer before harvesting operations begin (6/97).  
(Repealed 6/17/17)

## **11.9 Groundwater and Aquifer Protection Standards.**

11.9.A. Permit Required. Groundwater or springwater may be extracted and/or bulk stored as part of a commercial, industrial or land excavation operation where allowed under this Ordinance, subject to the approval of the Planning Board as a Conditional Use. The Planning Board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform with the requirements of this section and the requirements of Article 8.

11.9.B. Submission Requirements. The application together with site plan shall include the following additional information:

11.9.B.1. Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month and the maximum daily rate;

11.9.B.2. A letter from the Maine Department of Human Services approving the facility as proposed, where the Department has jurisdiction over the proposal;

11.9.B.3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required;

11.9.B.4. Applications shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer except for springwater extraction facilities which meet the following conditions: the spring enhancement will not increase the combined spring's catchment capacity by removing more than four (4) cubic yards of earth and not increase this spring's depth by more than four (4) feet, where the discharge drain is no lower than the existing spring water level, where gravity alone (without the aid of a siphon) is used to withdraw the springwater to other facilities on site and where other movements do not threaten groundwater levels. This report shall include the following information:

11.9.B.4.a. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten years as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

11.9.B.4.b. The results of the investigation shall establish the aquifer characteristics, the rates of drawn-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility and other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

11.9.B.4.c. Nothing in this procedure and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

#### 11.9.C. Performance Standards.

11.9.C.1. The quantity of water to be taken from groundwater sources will not substantially lower the groundwater table, cause saltwater intrusion, cause undesirable changes in groundwater flow patterns or cause unacceptable ground subsidence based on the conditions of a drought with a probability of occurrence of once in ten years.

11.9.C.2. The proposed facility will not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

11.9.C.3. Safe and healthful conditions will be maintained at all times within and about the proposed use.

11.9.C.4. The proposed use will not cause sedimentation or erosion.

11.9.C.5. The proposed facility is not within the defined aquifer recharge area of a public water supply unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.

11.9.C.6. The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.

#### 11.9.D. Existing Operations.

11.9.D.1. Any operation involving the extraction or storage in lawful operation at the time this section becomes effective and which meet the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operations, however, must submit to the Planning Board within ninety (90) days of

the effective date of this section, a statement indicating the location of the existing extraction operation and estimated quantities of groundwater being extracted. Failure to submit the above statement within ninety days shall result in the loss of grandfathered status for that operation. Within fifteen (15) days of the effective date of this section, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.

11.9.D.2. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation.

### 11.10 Home Occupations.

11.10.A. A home occupation is an occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit and which is clearly incidental and subordinate to the use of the lot for residential purposes.

11.10.B. Any home occupation which may be carried out without offending custom or disturbing neighbors; altering residential character of the neighborhood; or changing the character of the lot from its principal use as a residence shall be permitted if it complies with the requirements of this section.

11.10.C. The following requirements shall be satisfactorily demonstrated to the Code Enforcement Officer before a home occupation permit may be issued:

11.10.C.1. The home occupation shall be carried on by members of the family residing in the dwelling unit.

11.10.C.2. The home occupation shall be carried on wholly within the principal or accessory structure.

11.10.C.3. The home occupation shall not occupy more than 500 square feet of floor area or more than 25% of total floor area of the structure, whichever is less.

11.10.C.4. The performance standards in Article 10 of this Ordinance shall apply, with regard to noise, smoke, dust, etc.

11.10.C.5. No traffic shall be generated by such home occupation in a volume greater than would normally be expected during the day-time in the residential neighborhood and the off-street parking requirements stated in Section 10.7 shall be met. If existing off-street parking is required to be expanded, it shall be adequately screened from the road and from adjacent house lots (for example, with a dense screen of evergreens) and shall not be located between the house and the road.

11.10.C.6. No exterior signs or displays other than the one sign permitted in Section 10.11.A., no exterior storage of material or products and no other exterior indication of the home occupation or variation from the residential character of the principal building shall be permitted.

11.10.C.7. The sale of products shall be limited to those which are crafted, assembled or substantially altered on the premises and to catalog items ordered on the premises by customers.

11.10.C.8. The term "home occupation" shall also include both professional and personal services (such as physicians, dentists, lawyers, architects, real estate or insurance agents, barbers, hairdressers, watch/clock repair and similar business compatible in residential areas).

11.10.C.9. Farm produce raised on the premises shall not be classified as a home occupation unless a roadside stand exceeding 35 sq. ft. in area is proposed to be built. Like-wise, yard sales occurring on less than three weekends or less than six consecutive days during the period May 1 through September 30 shall not be considered to be home occupations and shall not require permits.

## 11.11 Kennels.

11.11.A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the nearest residence existing at the time of permit issuance (other than the dwelling on the same lot).

11.11.B. All pens, runs or kennels and other facilities shall be designed, constructed and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties and other similar factors.

11.11.C. The owner or operator of a kennel shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.

11.11.D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning and shall be located in accordance with the setbacks required for outdoor runs.

11.11.E. All enclosed kennels or veterinary buildings shall be constructed of masonry to provide for cleanliness, ease of maintenance and noise control.

11.11.F. If outdoor dog "runs" are created, they shall be completely fenced in and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.

11.11.G. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 250 feet from any residence other than the applicant's and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that he has obtained approval from the Maine Department of Environmental Protection for the proposed incinerator and that it meets state standards for particulate emissions, flue gas temperature and duration of required flue temperatures.

11.11.H. All other relevant performance standards in Article 10 of this Ordinance (such as for noise) shall also be observed.

11.11.I The copies of applicable State & Federal approval and permits shall be provided.  
(added 6/13/09)

## **11.12 Manufacturing and Related Uses.**

11.12.A. Environmental Standards. Accompanying any application for a Conditional Use, the applicant shall submit the following information to the Code Enforcement Officer and to the Planning Board:

11.12.A.1. A written description of the industrial operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste and other objectionable effect.

11.12.A.2. Engineering and architectural plans for the treatment of and disposal of sewage and industrial wastes and any on-site disposal of wastes.

11.12.A.3. Engineering and architectural plans for handling any traffic congestion, noise, odor, heat, glare, air pollution, fire hazard or safety hazard.

11.12.A.4. Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.

11.12.A.5. The proposed number of shifts to be worked and the maximum number of employees of each shift.

11.12.A.6. A site plan indicating the property lines, buildings, driveways and parking areas, sewage disposal, water supply, water bodies and other significant natural features and any other improvements planned to the property.

11.12.A.7. A list of all hazardous materials to be hauled, stored, used, generated or disposed of on the site and any pertinent state or federal permits required.

11.12.B. General Requirements.

11.12.B.1. All business, service, repair, manufacturing, storage, processing or display on property abutting or facing a residential use or property in the Village and Residential Districts shall be conducted wholly within an enclosed building unless screened from the residential area by a sight-obscuring fence permanently maintained at least six (6) feet in height.

11.12.B.2. Doors, windows, loading docks and other openings in structures shall be prohibited on sides of the structure adjacent to or across a street from a residential use or property in the Village and Residential Districts, if such an opening will cause glare, excessive noise or other adverse effects on residential properties.

11.12.B.3. Front yards shall be continuously maintained in lawn or other landscaping. All other yards abutting or across a street from a residential use or property in the Village or Residential Districts shall be continuously maintained in lawn or other landscaping unless screened from the residential use as provided in Section 11.12.B.1. above.

11.12.B.4. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

11.12.B.5. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

11.12.B.6. Prior to the issuance of building permits, the applicant shall demonstrate to the Code Enforcement Officer that all applicable State and Federal Standards have been met.

11.12.B.7. Off-street parking requirements as stated in Section 10.7 must be met.

### **11.13 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length and Uses Projecting into Water Bodies.**

In addition to permits required under Article 14 of this ordinance and to Federal and State permits which may be required for such structures and uses, they shall conform to the following:

11.13.A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

11.13.B. The location shall not interfere with developed beach areas.

11.13.C. The facility shall be located so as to minimize adverse effects on fisheries.

11.13.D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.

11.13.E. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

11.13.F. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

11.13.G. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

## **11.14 Manufactured Housing Units.**

Manufactured housing units not in a mobile home park shall meet all of the requirements of this Ordinance for single family dwellings and the provisions of Article 14 of this Ordinance. In addition:

11.14.A. The manufactured housing unit must be placed on a foundation meeting the requirements of the rules of the Maine Manufactured Housing Board.

11.14.B. Adequate ventilation shall be provided for the "crawl space" as required by the Buxton Building Code.

11.14.C. The manufactured housing unit must contain a minimum of 480 square feet and;

11.14.D The manufactured housing unit either;

11.14.D.1. must be constructed after June 15, 1976, and the manufacturer must certify its construction was in compliance with the U.S. Department of Housing and Urban Development standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, Title 42, Section 5401, et. seq., as amended, or

11.14.D.2. meet the safety standards for older mobile homes which have been adopted by the State Manufactured Housing Board (02-385 Department of Professional and Financial Regulation dated May 31, 1990).

11.14.E A manufactured housing unit which does not comply with the requirements of this section but which was lawfully in use as a dwelling in the Town of Buxton on the date of adoption of this Ordinance (November 2, 1976) may be relocated to any lot where a manufactured housing unit is permitted by the regulations of this Ordinance.

11.14.F Failure to remove the manufactured housing unit from the lot within sixty (60) days of occupying the new dwelling shall be a violation of this ordinance. (amended 6/14/08)

## **11.15 Mobile Home Parks.**

11.15.A. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision and shall conform to all applicable State laws and local ordinances, regulations and conditions as determined by Planning Board review. Where the provisions of this section conflict with specific provisions of the Buxton Zoning Ordinance, Shoreland Zoning Ordinance or Subdivision Ordinance, the provisions of this section shall prevail.

11.15.B. Lot Area and Lot Width Requirements. Notwithstanding the dimensional requirements table located in Section 9.6 of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

1.15.B.1. Lots served by public sewer:

Min. lot area: 6,500 square feet  
Min. lot width: 50 feet

11.15.B.2. Lots served by individual subsurface waste water disposal systems:

Min. lot area: 20,000 square feet  
Min. lot width: 100 feet

11.15.B.3. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Min. lot area: 12,000 square feet  
Min. lot width: 75 feet

11.15.B.4. The overall density of any mobile home park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 square feet of total mobile home park area.

11.15.B.5. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

11.15.C. Unit Setback Requirements.

11.15.C.1. On lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot and on lots less than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot; provided, however, that on lots that are located within a shoreland zoning district, structures shall meet all setbacks required in the shoreland zoning district.

11.15.C.2. On lots which abut a public way either within the mobile home park or adjacent to the mobile home park, structures shall meet the front setback requirements in the dimensional requirements table in Section 9.6 of this Ordinance.

11.15.D. Buffering. If a mobile park is proposed with a residential density at least twice the density of development in existence on immediately adjacent parcels of land or at least twice the density permitted in the zoning district in which the mobile home park is located if the immediately adjacent parcels of land are undeveloped, the mobile home park shall be designed with a continuous landscaped buffer strip not less than fifty feet in width which shall contain no structures, streets or utilities except that utilities may cross a buffer strip to provide service to the mobile home park.

11.15.E. Road Design, Circulation and Traffic Impacts.

11.15.E.1. Privately owned roads within a mobile home park shall be designed by a Professional Engineer registered in the State of Maine.

11.15.E.2. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in Article 12 of this Ordinance.

11.15.E.3. Streets which the applicant proposes to remain privately owned roads shall meet the following minimum geometric design standards.

11.15.E.3.a. Minimum right of way width: 23 feet

11.15.E.3.b. Minimum width of traveled way: 20 feet

11.15.E.4. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.

11.15.E.5. No individual lot within a park shall have direct vehicular access onto an existing public street.

11.15.E.6. The intersection of any street within a park and an existing public street shall meet the following standards:

11.15.E.6.a. Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

11.15.E.6.b. Maximum Grade within 75 feet of intersection. The maximum permissible grade within 75 feet of the intersection shall be 2%.

11.15.E.6.c. Minimum Sight-Distance. A minimum sight-distance must be provided according to Section 10.7.E. of this Zoning Ordinance.

11.15.E.6.d. Distance from other intersections. The centerline of any privately owned road within a mobile home park intersecting a public way adjacent to the mobile home park shall be no less than 125 feet from the centerline of any other street intersecting that public way.

11.15.E.7. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the TRIP GENERATION MANUAL, 1997 EDITION, or most current edition published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis by a registered professional engineer with experience in transportation engineering.

11.15.F. Groundwater Impacts.

11.15.F.1. Assessment Submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on groundwater quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology and shall contain at least the following information:

11.15.F.1.a. A map showing the basic soil types.

- 11.15.F.1.b. The depth to the water table at representative points throughout the mobile home park.
- 11.15.F.1.c. Drainage conditions throughout the mobile home park.
- 11.15.F.1.d. Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
- 11.15.F.1.e. An analysis and evaluation of the effect of the mobile home park on groundwater resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park and at the mobile home park boundaries or at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
- 11.15.F.1.f. A map showing the location of any subsurface waste water disposal systems, drinking water wells, public water supplies and aquifers within the mobile home park and within 200 feet of the mobile home park boundaries.
- 11.15.F.2. Standards for Acceptable Groundwater Impacts.
  - 11.15.F.2.a. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
  - 11.15.F.2.b. No mobile home park may increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No mobile home park may increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
  - 11.15.F.2.c. If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in questions to exceed 150% of the ambient concentration.
- 11.15.F.3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.
- 11.15.F.4. If the mobile home park is served by a central subsurface waste water disposal system, a second site with suitable soils must be shown as a reserve area for future replacement of the disposal area.
- 11.15.G. No development or subdivision approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board and without meeting the then appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:

11.15.G.1. The land within the mobile home park shall remain in a unified ownership and the fee-simple title to lots or portions of lots shall not be transferred.

11.15.G.2. No dwelling unit other than a manufactured housing unit may be located within the park.

11.15.H. If a mobile home park is to be located further than 1,000 feet from a fire department, approved fire pond or dry hydrant, storage of 10,000 gallons of water for fire fighting must be provided within the mobile home park.

11.15.I. If the paved surface of the roads in the mobile home park is less than 24 feet wide, two (2) off-street parking spaces are to be provided for each mobile home. These off-street parking spaces are to be at least 10 feet wide by 20 feet long.

11.15.J. Outdoor storage of household waste is prohibited except in containers approved by the Planning Board.

11.15.K. A plan for the maintenance and repair of improvements, including but not limited to the sewage disposal system, waste systems, roads, storm water management, utilities, solid waste collection and storage systems must accompany the application for approval of any mobile home park under this section.

11.15.L. All improvements required by this section or by Article 13 - Land Development and Subdivision Standards - must be completed prior to the occupancy of any manufactured housing unit in the mobile home park.

#### **11.16 Motels, Hotels and Inns.** (words used interchangeably)

All proposals to construct a motel, hotel or inn shall be in conformance with the general performance standards of Article 10 and the design requirements below.

11.16.A. Design Requirements. For traffic safety on and immediately adjoining each motel or hotel and to assure health, safety and welfare of motel/hotel occupants and of the neighborhood generally, the following land, space, building, traffic, utility and service design requirements shall be complied with:

11.16.A.1. The lot for any motel shall contain not less than two acres of total area and not less than a two hundred (200) foot lot width at the street and throughout the first two hundred (200) feet of depth of said lot back from the street.

11.16.A.2. No part of any building on a motel lot shall be closer than forty (40)-feet to the front lot line, rear lot line or either sideline of such lot. A green space, not less than twenty (20) feet wide shall be maintained open and green with grass, bushes, flowers or trees all along each side lot except for entrance and exit driveways. The green space shall not be used for automobile parking.

11.16.A.3. Buildings on a motel lot shall not cover more than twenty five percent (25%) of the area of the lot.

11.16.A.4. On each motel site, there shall be provided at least two motor vehicle driveways for customer use, preferably one-way each. These driveways shall intersect the street or highway at an angle not more acute than sixty degrees and this intersection alignment shall prevail along fifty (50)-feet of the driveway centerline from the edge of the street or highway pavement into the motel property.

11.16.A.5. Motel driveways shall be separated from one another by not less than 125 feet distance along the street. In addition to the two or more motel customers entrance and exit ways required, one or more additional separate access way(s) for service vehicles and for emergency vehicle access may be required.

11.16.A.6. Each of the above required motel driveways shall be level with the street for the first fifteen (15) feet inside the property from the street line and thereafter shall slope at a grade not exceeding three percent (3%) throughout the rest of the first one hundred (100) feet along the center-line of the driveway into the motel property from the street or highway line.

11.16.A.7. The means of sewage disposal shall be shown on the plan. Approval of the Department of Human Services of the sewage disposal plans shall be presented to the Planning Board.

11.16.A.8. Cooking or eating facilities shall not be permitted in motel rental units.

11.16.A.9. The applicant shall demonstrate that there is adequate water available on the site to provide for the domestic needs of the motel as well as for fire fighting purposes. The Planning Board may require the construction of storage ponds and dry hydrants.

11.16.A.10. Each motel structure shall contain not less than two hundred (200) square feet habitable floor area enclosed by walls and roof exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions exclusive of bath. Each rental unit shall include private bathroom facilities.

11.16.A.11. Each motel structure shall contain not less than five, nor more than ten individual motel rental units unless each section of ten units is separated from any additional sections by an unbroken fire-wall. Each motel structure may be connected with other similar structures by a covered walkway if the walk-way is constructed of fire-resistive materials. Whether or not so connected, the nearest parts of the walls or corners of such structure shall be separated by a land space, open and unbuilt on, of not less than thirty (30) feet and in which there shall be not automobile parking or loading.

11.16.A.12. On each motel lot, one apartment may be provided for a resident owner, manager or other responsible staff person.

### **11.17 Multi-Family Dwellings.**

Multi-family dwellings shall meet all of the following standards as well as the general performance standards of Article 10.

11.17.A. The minimum lot area shall be as follows: The first unit is figured at the minimum lot standards stated in 9.6, table A, all additional units are figured at the reduced figure referred to in 9.6 table A for each additional dwelling unit, whether the units are in the same or separate buildings.

11.17.B. Deleted June 14, 2003

11.17.C. No buildings shall contain more than six (6) dwelling units.

11.17.D. No parking area shall be located between the buildings and the street. Nor shall any parking area be located within the required yard area setbacks. Parking area design and the number of parking spaces shall be in compliance with Section 10.7 of this Ordinance.

11.17.E. The applicant shall demonstrate the availability of sufficient water for domestic purposes as well as fire safety. All units must meet current National Fire Protection Association (“NFPA”) standards set forth in the 1999 edition of NFPA and if using a sprinkler system there shall be an outside Fire Department Connection supplied (the location of which shall be approved by the Fire Chief). Amended 6/18/05

11.17.F. All dwelling units in a multi-family building shall have a minimum habitable floor space of 600 square feet exclusive of balconies, stairways, hallways or other common space.

### **11.18 Road Construction within the Shoreland Zone.**

Roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters. Additionally, all roads constructed within the shoreland zone shall conform with the following standards:

11.18.A. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of Bonny Eagle Pond and seventy five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50)-feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland. On slopes of greater than twenty (20) percent, the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent. This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity.

11.18.B. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

11.18.C. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

11.18.D. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 10.3.

11.18.E. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

11.18.F. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed and maintained to empty onto an unscarified buffer strip of at least fifty (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream or upland edge of a wetland. Road surface drainage, which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

11.18.G. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply.

11.18.G.1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

<u>Road Grade</u> (Percentage)	<u>Spacing</u> (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

11.18.G.2. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

11.18.G.3. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.

11.18.G.4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

11.18.H. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

### **11.19 Outdoor Recreation Facility.**

Active Outdoor Recreation, Mechanized Outdoor Recreation and Passive Outdoor Recreation facilities may be established in those districts indicated on the Land Use Table in accordance with the provisions below:

11.19.A. There will be adequate off-street parking provided for the anticipated maximum attendance at any event.

11.19.B. Containers and facilities for rubbish collection and removal will be provided.

11.19.C. Adequate screening, buffer areas or landscape provisions will be built, planted or maintained to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

11.19.D. The proposed use will not create a traffic hazard.

### **11.20 Structures in the Shoreland Zone.**

11.20.A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of Bonny Eagle Pond and seventy five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland. However, the water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

11.20.B. The total area of all structures, parking lots and other non-vegetated surfaces within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof located within the Shoreland Zone including land area previously developed.

11.20.C. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils provided that the structure is limited to a maximum of four (4) feet in width and

that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C) and that the applicant demonstrates that no reasonable access alternative exists on the property.

### **11.21 Individual Private Campsites in the Shoreland Zone.**

Individual private campsites not associated with campgrounds are permitted provided the following conditions are met:

11.21.A. One campsite per lot existing on the effective date of this Ordinance or thirty thousand (30,000) square feet of a lot area within the Shoreland Zone, whichever is less, may be permitted.

11.21.B. Campsite placement on any lot including the area intended for a recreational vehicle or tent platform shall be set back one hundred (100) feet from the normal high-water line of Bonny Eagle Pond and seventy five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland.

11.21.C. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad and no structure(s) except canopies shall be attached to the recreational vehicle.

11.21.D. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

11.21.E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

11.21.F. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met including the installation of a subsurface sewage disposal system in compliance with the State Of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

### **11.22 Elderly Housing and Affordable Housing Development.**

Elderly and affordable housing development projects shall meet all of the following standards as well as the general performance standards of Article 10:

11.22.A. All parking areas, driveways and other areas subject to vehicular traffic shall be paved with bituminous asphalt, concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness and shall have appropriate bumper or wheel guards where needed.

11.22.B. Only developments having a total site plan for structures will be considered. Each building shall be an element of an overall plan for site development. The developer shall illustrate the placement of the buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.

11.22.C. The Planning Board may require the construction of storage ponds and dry hydrants for fire protection purposes, and may require fencing.

11.22.D. Utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

11.22.E. For Elderly Housing, each dwelling unit shall have not more than two (2) bedrooms.

11.22.F. An affordable or elderly housing development that complies with the requirements of this Section 11.22.F is eligible for a dwelling unit density bonus of 2 ½ times the base density that is otherwise allowed on the lot proposed for affordable housing development. If fractional results occur when calculating the density bonus, the maximum number of allowed units shall be rounded down to the nearest whole number.

11.22.F.1.Location. The affordable or elderly housing development must be either (1) located in a designated growth area or (2) served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.

11.22.F.2.Long-term affordability.

11.22.F.2.1. More than half of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units.

11.22.F.2.2. Prior to the issuance of a certificate of occupancy for a structure to be used for an affordable housing development, the owner of the affordable housing development must execute a restrictive covenant recorded in the York County Registry of Deeds and enforceable by a third party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction occupancy of all units designated affordable in the development will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town of Buxton and a third party acceptable to the Planning Board.

11.22.F.3. Water and wastewater.

11.22.F.3.1. The sanitation and potable water standards in Section 10.18 shall apply to each unit within the affordable housing development.

11.22.F.3.2. The developer of the affordable or elderly housing development must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a

process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

11.22.F.4. Parking. Notwithstanding any provision of this zoning ordinance to the contrary, no more than two (2) off-street parking motor vehicle spaces shall be required for every three (3) units within the affordable housing development. If fractional results occur, the number of motor vehicle parking spaces shall be rounded down to the nearest whole number.

11.22.F.5. There shall be a 2 story limit on height, and a limit of 5 buildings per affordable housing development.

11.22.F.6. Nothing in this Section 11.22.F. exempts an affordable or elderly housing development from any other requirements of this zoning ordinance, including without limitation, any subdivision or shoreland zoning requirements.

11.22.F.7 Pursuant to the definition of Base Density in Article 2 of this ordinance, the buildable area requirement found in section 9.6 does not apply to affordable or elderly housing developments.

### **11.23 Accessory Dwelling Unit.**

An Accessory Dwelling Unit (ADU) that meets the following standards is not considered a dwelling unit for purposes of (i) applying the minimum lot size and buildable area requirements contained in Table A, Section 9.6; (ii) counting the number of dwelling units when applying the access to lots standards in Section 10.1; (iii) counting the number of dwelling units when applying the subdivision definition in Article 2; or (iv) calculating the maximum net residential density allowable in cluster developments pursuant to Section 11.6. An ADU that does not meet the following standards is considered a dwelling unit and must meet all applicable standards for a single family dwelling.

11.23.A. The ADU must be located in a zoning district where residential uses are permitted. No more than one ADU shall be permitted on a lot containing one or more single family dwelling units.

11.23.B. The ADU may be constructed within or attached to a single family dwelling or accessory structure, or as a new structure on the lot for the primary purpose of creating an ADU. If the ADU is within or attached to a single family dwelling, the construction must be in compliance with all street frontage, shore frontage, lot width, and yard setback requirements contained in Table A, Section 9.6 of the Buxton Zoning Ordinance applicable to single family dwellings. If the ADU is a separate structure or attached to an accessory structure, the ADU must comply with all street frontage, shore frontage, lot width, and yard setback requirements contained in Table A, Section 9.6 applicable to accessory structures.

11.23.C. The ADU must have at least 190 square feet and not more than 800 square feet of living space.

11.23.D. The lot on which the ADU is proposed must comply with the parking space requirements of Section 10.7.D. for residential housing. Driveways serving the ADU that are longer than 200 feet from the street must provide an adequate emergency vehicle turnaround.

11.23.E. The ADU must comply with the sanitation and potable water standards in Section 10.18.

11.23.F. The ADU must comply with all state and local fire code safety standards.

11.23.G. Except as expressly provided herein, nothing in this Section 11.23 exempts an ADU from any other requirements of this ordinance, including without limitation any shoreland zoning requirements.

#### **11.24 Spreading/Storage of Sludge and Septage.(6/97)**

The spreading and/or storage of sludge and septage within the Town of Buxton must meet the following standards:

11.24.A. All activities shall be performed in accordance with the regulations and provisions in this Ordinance and the applicable DEP permit. The applicant shall provide to the Code Enforcement Officer all reporting data required by the DEP at the time the permit is issued and all subsequent reports required by that state agency. Any activity not performed in accordance with this Ordinance, and any applicable state standards shall constitute a violation of this Ordinance.

11.24.B. The Code Enforcement Officer shall be notified 48 hours in advance of any septage or sludge spreading activity.

11.24.C. Upon notification that land spreading of sludge will occur, the Code Enforcement Officer shall inspect the site before, during spreading and within 48 hours after spreading has occurred. The Code Enforcement Officer shall maintain a record of each inspection.

11.24.E. The Code Enforcement Officer shall inspect the site for compliance and shall notify in writing the permittee, the DEP and the landowner of any violation along with steps necessary to remedy the situation.

11.24.E. The Code Enforcement Officer shall be permitted to inspect the activity during reasonable hours.

11.24.F. Any land spreading of sludge or septage that is legally existing and operating with a permit from the DEP prior to the adoption of this section may continue, but shall become subject to the requirements of this section one year after the date of its adoption.

#### **11.25 Wireless Telecommunications Facilities.**

Wireless Telecommunications facilities (herein after referred to as facilities) shall meet the following standards.

11.25.A. The applicant shall evaluate the use of co-location and shall demonstrate that they cannot provide adequate communication service utilizing any existing facilities.

11.25.B. The maximum height of any facility shall not exceed 199 feet. The height of an antenna shall be included in the total height limitation as allowed for a facility.

11.25.C. The facility shall be set back from all property lines a minimum of 125% of the height of the facility.

11.25.D. The lot the facility will be constructed on must be a conforming lot in the district it is located in.

11.25.E. A visual impact analysis shall be prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact to properties located within 500 feet and within 2,500 feet of the proposed facility. This analysis will include recommendations to mitigate adverse visual impacts on such properties. The Planning Board reserves the right to determine the color of the facility based on the visual impact survey recommendations.

11.25.F. The facility shall not be lighted unless mandated by the Federal Aviation Administration or other applicable State and Federal requirements.

11.25.G. The tower shall be constructed to the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

11.25.H. A security fence of not less than eight feet in height from the finished grade shall be provided around the facility, and any accessory structures.

11.25.I. The construction of a Wireless Telecommunications facility shall be considered complete upon the issuance of a Certificate of Occupancy. The facility must be activated no later than twelve months after receipt of the Certificate of Occupancy. The owner shall notify the Code Enforcement Officer on an annual basis regarding the status of the use of the facility no later than thirty (30) days following the anniversary of the Conditional Use approval.

Wireless Telecommunications facilities that have remained unused for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

The facility tower, any associated buildings used only for sheltering communications equipment and any fencing or other appurtenances desired by the landowner shall be removed following inactivity over a period longer than twelve months. Upon written notification the Code Enforcement Officer may grant approval to the owner to leave such structures in place with the expectation that use and operation will resume in the subsequent twelve-month period, with one twelve month extension allowed. (amended 6/13/09)

11.25.J. Prior to approval the applicant shall submit a "performance guarantee"(see Town of

Buxton Zoning Ordinance, Section 8. 4) acceptable to the Town of Buxton in an amount and form acceptable to the Board of Selectmen sufficient to pay for the cost of the complete removal of the facility and site re-vegetation. The guarantee shall be made available to the Town upon finding, including adequate written notice to the applicant, that the facilities have not been used for a twelve month period. If the owner fails to show that the facility is in active operation, the owner shall have 60 days to remove the facility.

If the facility is not removed within this time period, the Town of Buxton may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable and to return the site to its pre-construction condition, including removal of roads and re-establishment of vegetation if so desired by the landowner. The owner of the facility may apply to the Town for release of the surety when the facility and related equipment are removed to the satisfaction of the Code Enforcement Officer. (amended 6/13/09)

11.25.K. Notwithstanding the foregoing, Wireless Telecommunications Facilities are a permitted use under the following conditions:

11.25.K.1 The placement of antennas and associated equipment onto an existing structure may be allowed when they are designed to be incorporated into the architecture of new or existing buildings or into the fabric of other man-made or natural structures or features so as to be inconspicuous when viewed from any point not on the host property.

## **11.26 Small Wind Energy Systems**

### 11.26A Purpose

The intent of this section is to regulate the placement and construction of Small Wind Energy Systems (SWES) in order to promote safe and efficient use, to reduce the on-site consumption of utility-supplied electricity, and to minimize the visual, environmental, and operational impacts of SWES on the Town and its residents.

11.26B The following standards will be met prior to issuance of a building permit for an SWES:

11.26.B.1 Submission Requirements. The following information shall be submitted as part of the building permit application to the Code Enforcement Office for a SWES:

1. A detailed description of the proposed SWES, to include:
  - Specifications and drawings, including power generation capacity, of the generator, hub and blade prepared by the manufacturer or a professional engineer.
  - A site plan of the property showing the location of the proposed system, existing and proposed structures, and any other significant features on the property.
  - Proposed height,
  - A line drawing, photograph or equivalent graphic representation of the Wind Turbine,

- Structural drawings of the wind tower, base or foundation, " prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Code Enforcement Office shall be submitted, documentation from the manufacturer that the SWES will produce noise levels in compliance with Section 10.6 of the Town of Buxton Zoning Ordinance,
- documentation from the manufacturer that the SWES will produce noise levels in compliance with Section 10.6 of the Town of Buxton Zoning Ordinance,
- Photographs of the proposed site.

2. If connection to the publicly regulated utility grid is proposed, the applicant must submit a copy of the contract between the applicant and the utility and/or other evidence that the utility is aware of the proposed connection and finds it acceptable.

3. The SWES must be constructed on a conforming lot in the district in which it is located.

4. Any additional information deemed necessary by the Code Enforcement Office. The applicant must submit any additional information deemed necessary by the Code Enforcement Office.

11.26.C Height. SWES height shall be the distance measured from the ground level to center of turbine. Height shall be limited to one hundred (100) feet, excepting municipal parcels or installation, which shall be exempt from height restrictions.

11.26.D Site Requirements for SWES. The Code Enforcement Officer shall determine that the following standards will be met prior to issuance of a building permit for an SWES:

1. Illumination, signals and signs and antennas are prohibited on SWES except as required by the Federal Communications Commission or the Federal Aviation Administration.
2. All elements of a SWES shall be set back a distance equal to 100% of the total height, or shall adhere to the side yard or rear yard setback, whichever is greater. If less than a 100% setback from all boundaries is proposed, the Code Enforcement Officer shall require that the SWES and foundation design, taking into consideration soil conditions at the installation site, be certified by a State of Maine Licensed Professional Engineer.
3. If site layout is such that the collapse or structural failure of a SWES could reasonably be anticipated to pose a threat of harm to persons, buildings, vehicles, vegetation or other features of abutting property (ies) the applicant shall submit proof of insurance against failure to the Town. Said insurance shall be maintained for as long as the SWES remains in place.
4. No more than one (1) SWES shall be permitted per lot and that SWES shall only generate energy for consumption by or in support of a main building and/or accessory buildings located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the grid as provided in section 11.26.B.2.

5. If site layout is such that the collapse or structural failure of a SWES could reasonably be anticipated to pose a threat of harm to persons, buildings, vehicles, vegetation or other features of abutting property(ies) the applicant shall submit proof of insurance against failure to the Town. Said insurance shall be maintained for as long as the SWES remains in place.
6. No more than one (1) SWES shall be permitted per lot and that SWES shall only generate energy consumption by or in support of a main building and/or accessory buildings located on the same lot. This standard is not intended to prohibit the transfer of excess energy to the grid as provided in section 11.26.B.2.
7. The SWES shall be designed with a monopole with or without guy wires support structure. Lattice towers are prohibited.
8. The minimum distance between the ground and the protruding blades shall be 20-feet as measured from the lowest part of the arc of the blades.
  - a. Both a manual and automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation
  - b. After approval and installation of the SWES, the Code Enforcement Officer may require the applicant to perform sound measurements at the closest property line to determine and report ambient and operating decibel levels.

11.26.E Noise Requirements:

Sound from any source controlled by this Ordinance shall not exceed the following limits at the lot line of the "receiving" property:

SOUND PRESSURE LEVEL LIMITS MEASURED IN dB (A)'s

	7am- 8pm	8pm-7am
Business/Commercial Districts	60	50
Other Districts	55	45

11.26.F Aesthetics: The purpose of this section is to ensure that the SWES has as minimal as possible adverse visual impact on the surrounding area and abutters, in particular. The tower's paint color must be non-reflective and neutral. All signs are prohibited on the SWES except for manufacturer's standard logo on the turbine and/or appropriate warning signs on the base of the tower not to be placed more than 10 feet above the ground. The SWES shall not be artificially lit unless required by the Federal Aviation Administration.

Adverse visual impact may occur when an SWES appears out of context in its setting. When assessing the visual impacts of an SWES, both the visual characteristics of the area in which the SWES will be sited, as well as the visual characteristics of the areas from which the SWES will be seen, shall be considered. Where an SWES presents a potential for an undue adverse visual impact, a view shed

analysis, using a Geographic Information System (GIS) or similar technology, may be required to be performed at the applicant's expense.

11.26.G Decommissioning: If the SWES remains unused for a continuous period of 12 months, it must be disassembled by the property owner unless a specific and time-bound extension is provided by the Code Enforcement Officer. The SWES shall be maintained in working condition at all times. Any structure that is or becomes in disrepair such that it does not meet its intended usage in the opinion of the Code Enforcement Officer, must be repaired within 45 days of receipt of a written notice from the Code Enforcement Officer. If the owner fails to comply, the Code Enforcement Officer shall have the tower removed at the owners' expense and any associated legal fees shall be charged to the owner.

11.26.H Automatic Over-speed Control: All small wind energy systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.

11.26.I State & Federal Requirements: Evidence shall be provided that the system meets all federal and state regulations.

11.26.J Monitoring Equipment: To determine the efficiency of installing a small wind energy system, a limit of three meteorological towers, including guy wires and monitoring equipment, may be erected per lot at any given time. These structures will conform to all setback and height regulations for a small wind energy system and may remain in place for a period not to exceed 18 months with minimal permitting processes and fees. Fees and permitting shall be determined by the Code Enforcement Officer and will require a building permit.

11.26.K Modification: Existing small wind energy systems will require a building permit for any changes which result in an increase in size, height, width or sound output. Any change in location of the small wind energy system will be deemed to be a new installation.

11.26.L Site Preparation: To prevent erosion and to maintain the aesthetics surrounding a proposed tower location, minimal clearing of trees and other natural vegetation is encouraged.

11.26.M Steep Slope Locations: For SWES located on any geologic prominence whose side(s) are incorporated in the Steep Slopes Protection Area, the highest point of a rotating blade may not extend above the highest point of ground on the geologic prominence on which the system is sited unless the applicant can demonstrate that minimal adverse impact will be created.

11.26.N Exemptions: The following is exempt from the provisions of this section:

1. An SWES with a rated capacity of less than 500 watts. (added 6/13/09)

## **11.27 Medical Marijuana Registered Dispensaries and Cultivation Facilities**

11.27.1 Local Limit on Number of Registered Dispensaries. The number of medical marijuana registered dispensaries, as that term is defined in 22 M.R.S.A. § 2422(6), within the geographic

boundaries of the Town is limited to three. For purposes of this limitation, each parcel of land, including any structures thereon, that is being used for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, or dispensing of medical marijuana or related supplies and educational materials is counted as one medical marijuana registered dispensary. Planning Board approval of an application for a registered dispensary is prima facie evidence of the existence of a registered dispensary. Notwithstanding 1 M.R.S.A. § 302, and regardless of the effective date of this provision, this provision to limit the number of registered dispensaries shall govern and apply to all proceedings and applications for registered dispensaries pending before any reviewing authority of the Town on or after February 12, 2024.

11.27.2 Performance Standards for Registered Dispensaries and Cultivation Facilities. The following standards apply to registered dispensaries and cultivation facilities associated with such registered dispensaries.

a. Security and oversight requirements:

1. There shall be no outdoor cultivation of marijuana.
2. Alarm Systems - Registered dispensaries and registered cultivation facilities shall have door and window intrusion alarms with audible and police notification components.
3. Exterior security lighting – registered dispensaries and registered cultivation facilities shall have spot lights with motion sensors covering the full perimeter of the facility.
4. Video surveillance – registered dispensaries and registered cultivation facilities shall have recorded video surveillance covering all plants and the entire exterior. For registered cultivation facilities, the recorded video surveillance shall operate 24 hours a day, seven days a week and for registered dispensaries shall, at a minimum, operate at all times that the facility is not open to patients. Records of surveillance shall be kept for a minimum of 30 days.
5. Sufficient measures must be in place at all times to prevent smoke or odor from exiting a registered dispensary or registered cultivation facility.

b. Registered dispensaries must be located in area defined as Business/Commercial and Light Commercial Districts as of July 1, 2015 with a minimum of 500 feet from any public or private school, public library, playground, public park, church, chapel, parish house, other place of worship, or daycare measured by straight line from the dispensary property line to the property line of the protected location.

c. The facility may exist in the Town of Buxton and is limited to 2,500 square feet.

d. Hours of operation shall be between 8:00 am to 9:00 pm, Monday through Sunday.

## 11.28 Design Standards for Commercial Buildings, Structures, and Uses

In addition to all other applicable performance standards, all commercial buildings and structures erected, reconstructed, renovated, altered, enlarged, or moved, and uses of the premises in the Business and Commercial (BC), Light Commercial (LC), Village (V), and Business Commercial Design Standards Overlay (BCDS-O) Districts shall be in conformity with the provisions of the Buxton Business and Commercial Zone Design Standards. (Enacted: 6/18/2016, amended 6/17/17)

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## **SECTION 1. GENERAL**

### **A. Short Title**

This Ordinance shall be known and may be cited as the “Buxton Business and Commercial Zone Design Standards” and may be referred to herein as “this Ordinance.”

## **B. Purpose**

A well-designed commercial district being an integral part of the Town of Buxton's future development and necessary to provide jobs, services, and a diverse tax base, the Business and Commercial Zone Design Standards are intended to establish a benchmark for high-quality New England-style architectural design that provide a greater sense of continuity throughout the business district; offer predictability to existing businesses and residents; encourage future commercial investment and diversification of the tax base; and provide confidence to businesses considering making a significant investment in the Town through building, relocating or renovating.

## **C. Retroactivity; Effective Date**

Notwithstanding the provisions of 1 M.R.S. § 302, and regardless of the date on which it is approved by the voters, this Ordinance shall be retroactively effective as of April 25, 2016 and shall govern any and all pending proceedings on or at any time after April 25, 2016.

## **D. General Provisions**

- 1. Authority.** This Ordinance is adopted by the Town, under the authority granted by the enabling provisions of the Maine Constitutions, 30-A M.R.S. § 3001, and all other applicable authority. The Board of Selectmen is hereby granted the authority to administer and enforce this Ordinance or any clause or provision thereof, and to promulgate rules and regulations consistent with this Ordinance after holding a public hearing and upon a majority vote of the Board of Selectmen, as may be necessary or desirable in the judgment of the Board of Selectmen to promote the public health, safety and welfare of the citizens of the Town.
- 2. Applicability.** All commercial buildings and structures hereinafter erected, reconstructed, renovated, altered, enlarged, or moved, and uses of the premises in the Town of Buxton Business and Commercial (BC), Light Commercial (LC) and Village (V) Zones shall be in conformity with the provisions of this Ordinance. The provisions herein shall be minimum requirements.
- 3. Conflict with Other Ordinances.** This Ordinance is intended to be complementary to other Town ordinances affecting land uses and structures. Whenever a provision of this Ordinance conflicts, or is inconsistent, with another provision of this Ordinance, or other Town ordinances, or where there is a conflict between this Ordinance and any other federal, state or local rule, regulation, ordinance, statute or other restriction, the more restrictive provision shall control.
- 4. Validity and Severability.** In the event that any section, subsection or portion of this Ordinance is declared invalid by any court of competent jurisdiction for any reason, such a declaration shall not affect the validity of any other section, subsection or portion of this Ordinance.

## **E. Administration**

- 1. Permits.** The Town of Buxton Planning Board shall administer the standards of this Ordinance, except that if a use is permitted without Planning Board review pursuant to Table B of Article 9 of the Zoning Ordinance of the Town of Buxton, Maine (the "Zoning Ordinance"), the use

shall be subject to review and approval by the Code Enforcement Officer. All submissions to the Planning Board or the Code Enforcement Officer shall be made through the Code Enforcement Office.

2. **Enforcement.** It shall be the duty of the Code Enforcement Officer or other person duly qualified and authorized by the Town of Buxton to enforce the provisions of this Ordinance in accordance with the terms set forth in Article 5 of the Zoning Ordinance.
3. **Board of Appeals.** The Board of Appeals shall hear appeals from actions or failure to act of the Code Enforcement Officer pursuant to Article 6 of the Zoning Ordinance.
4. **Application Fees; Technical Review Fees.** An application subject to this Ordinance must be accompanied by a nonrefundable application fee. The fee is intended to cover the cost of the Town's administrative processing of the application, including but not limited to notification, advertising, and mailings. The fee must be paid to the Town and evidence of payment of the fee must be included in the application.

In addition to the application fee, an applicant subject to this Ordinance must also pay a technical review fee to defray the Town's legal and technical costs of application review, the amount to be determined by the Planning Board. The amount of the technical review fee shall be reasonably related to the necessary or probable costs incurred by the Town which relate directly to the review of the application pursuant to this Ordinance. Such costs may include, but are not limited to, consulting engineering, architectural, design professional and attorney fees. The Town shall provide the applicant, upon written request, with an accounting of the technical review fee and shall refund any amount remaining after the payment by the Town of all costs and services related to its review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting or expenditures from the fund. The monies in such fund shall not be used by the Town for any enforcement purposes.

The Municipal Officers, from time to time and after consultation with the Planning Board, establish a schedule of application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

## SECTION 2. DEFINITION OF TERMS

1. **Americans with Disabilities Act (ADA)-** A 1990 federal law, as amended, designed to bring disabled Americans into the economic mainstream in order to provide them equal access to jobs, transportation, public facilities, and services. (Codified in Title 4, chapter 126, and Title 47, chapter 5, of the United States Code.)
2. **Architectural Feature-** A visually prominent or significant part or element of a building, structure or site.
3. **Bollards-** Posts used in landscape for functional (e.g., separation of pedestrian and vehicular traffic) or decorative purposes.
4. **Buffering-** Landscaped areas, berms, fencing, walls or other physical features that are planted or installed to physically or visually separate land uses.
5. **Cross Easement-** The reciprocal legal right of vehicular passage from one property to another.
6. **Curb Cut-** The opening along the curb line at which point vehicles may enter or leave the roadway.
7. **Cutoff Fixture-** A type of light fixture that prevents most light from projecting above the horizontal plane of the fixture.
8. **Fenestration-** Window treatment in a building or on a building façade.
9. **Footcandles-** The basic unit of illumination.
10. **Gateways-** Entrances into recognizable places or areas of significant changes in land use.
11. **Human Scale-** The structural features of a development, including their size, height, and massing, which serve to integrate the development with the street environment so as to prevent the development from dominating the pedestrian experience.
12. **IES-** Illuminating Engineering Society - the professional society that makes recommendations for lighting standards.
13. **Massing-** The grouping of three-dimensional forms to achieve variation (as in a building or landscape planting).
14. **May-** A term that indicates authorization or permission to act.
15. **Must-** A term that indicates a mandatory duty, action or requirement. “Shall” and “must” are terms of equal weight.

16. **Neck downs-** Located at the opening of curb lines, an extension of the curb width, usually by 7-8 feet, in order to decrease the distance between opposing curb lines and to prohibit parking. Sometimes referred to as “bump outs.”
17. **Parapet-** The extension of the main walls of a building above the roof line.
18. **Peer Review-** The use of qualified professionals to review specific aspects of a Site Plan application for conformance with the Town’s Ordinances or Design Standards.
19. **Performance Guarantee-** Any security that is accepted by the Town to guarantee that improvements required as part of an application for development will be satisfactorily completed.
20. **Practicable-** Available and feasible considering cost, existing technology and logistics based on the overall purpose of the development.
21. **Readerboard-** A sign affiliated with a business or institution that contains temporary announcements about events or activities occurring on the premises.
22. **Residential Area-** Any residential property in the Commercial Business (BC) zone or any residentially zoned property.
23. **Redevelopment-** The reconstruction, reuse, or change in use of any developed property, including an increase in intensity of use or structural enlargement.
24. **Renovation-** The construction of an addition, alteration, rehabilitation, restoration or upgrade to the design and layout of a building.
25. **Scale-** The relationship of the structural features of a development, including their size, height, and massing, to one another and the surroundings.
26. **Service Area-** A designated area, either attached to or separated from the main commercial building, where a business accommodates services such as product shipping and delivery, trash pickup, machinery and equipment repair, and utility storage.
27. **Shall-** A term that indicates a mandatory duty, action or requirement. “Shall” and “must” are terms of equal weight.
28. **Should-** A term that indicates best practices or a recommended (but not mandatory) duty, action or requirement.
29. **Sight Triangle-** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, or planted that would limit or obstruct the motorist’s vision as the motorist enters or departs the intersection.

30. **Site Furnishings-** Constructed above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, and fountains that provide structural and visual variety to streets, sidewalks, plazas, and other outdoor spaces used by the public.
31. **Strip Shopping Centers-** Open-air shopping areas where retail establishments and other commercial structures are arranged in a row along a road, and usually accompanied by multiple roadway access points, highly visible off-street parking, and an assortment of commercial uses with direct access to abutting roads.
32. **Standard Note-** A citation that must accompany all site plans brought before the Planning Board. See *Section 3.C.f* (“Standard Note”) for example.
33. **Temporary Sign-** A commercial sign which is installed for a limited time and is not constructed or intended for long-term use.

## SECTION 3. SITE PLANNING

### A. Background

Each property within Buxton’s commercial district is unique. Development site plans should be based upon a careful understanding of the site in order to meet the needs of the business while improving the functionality, safety, and visual character of Buxton’s commercial community.

### B. Site Planning Goals

Development site plans should contribute to:

- Creating distinctive, attractive commercial districts that welcome people to Buxton.
- Creating and maintaining public open space throughout the commercial area to enhance its appearance and encourage pedestrian use.
- Creating an attractive, functional, and safe environment that is conducive to commerce and other permitted activities.
- Creating quality redevelopment of transitional or substandard properties.
- Protecting abutting residential property values through sensitive site planning, buffering, and architectural design.
- Upgrading the visual character and human scale of commercial districts through particular attention to architecture, site planning, signage, and lighting.
- Increased walking and cycling activity within commercial districts by providing safe, attractive, interconnected facilities.

- Universal accessibility for all, in compliance with the Americans with Disabilities Act (ADA).
- Access management throughout the commercial district so as to maintain efficient traffic flow and high levels of traffic and pedestrian safety.

## C. General Site Planning Standards

### 1. Objectives

Development site planning should result in an attractive, safe, and economically viable relationship between buildings, parking, signage, lighting, landscaping, and the surrounding environment. Site plans should minimize the visual effects of parking, feature high quality landscaping, accommodate pedestrian movement where possible, and encourage connections to nearby properties.

### 2. Design Standards

- a. **Proximity of Buildings to Roadways:** Buildings shall be located as close to the front property line as practicable. The majority of parking shall be located at the rear or side of buildings where practicable.
- b. **Relationships to Residential Properties:** The façades of buildings which abut or are visible from residential neighborhoods shall use forms, materials, and details which are residential in nature and appearance. Service areas, parking lots, outdoor storage yards, and other similar features shall not be visible from residential neighborhoods.
- c. **Licensed Professionals:** All plans for development/redevelopment shall be designed by licensed professionals (e.g., architects, landscape architects, civil engineers, traffic engineers). *The Planning Board, at its discretion, may require a peer review, at the applicant's expense, of any plans submitted.*
- d. **Access Management:** Site plans involving curb cuts onto major roadways shall promote efficient traffic flow and provide for the safety of pedestrians and motorists.
- e. **Landscaping:** Any space between a roadway and the front of a building which is not used for parking shall be landscaped with trees, flowering shrubs, fencing, stone walls, and similar aesthetic elements. Existing healthy trees and shrubs shall be preserved or transplanted to another area of the site whenever practicable.
- f. **Standard Note:** All plans submitted for Planning Board approval shall contain the following standard note:

*The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear*

*in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.*

## **D. Circulation Planning**

### **1. Objectives**

All development activities should be characterized by safe, user-friendly, and efficient traffic flow. Access management principles should be followed to reduce the number of curb cuts, provide a safe vehicular and pedestrian environment, encourage intra-parcel travel, and minimize the number of trips on roadways.

### **2. Design Standards**

- a. Curb Cuts on Major Roads:** Site plans shall be designed to minimize the number of curb cuts on major roadways so as to increase vehicular and pedestrian safety.
- b. Shared Access:** Entrances to abutting commercial properties shall be shared to the extent practicable.
- c. Internal Traffic Flow:** To ensure the safety of motorists, delivery trucks, and pedestrians, the site plan shall clearly delineate internal traffic patterns. Parking space, directional arrows, crosswalks, and other markings on the ground shall be delineated with pavement paint or other similar materials.
- d. Internal Connections:** Where practicable, connections between parking lots and driveways on adjacent parcels shall be provided to facilitate deliveries and minimize turning movements onto major roadways. Any such internal connections shall provide safe, direct access between adjacent lots in a manner that prevents such connections from becoming vehicular shortcuts. Cross easements shall be provided for any internal connections. The site plan shall be designed to accommodate future vehicular internal connections to abutting undeveloped property.
- e. Internal Pedestrian Connections:** Safe pedestrian connections between abutting land uses shall be provided where practicable to encourage foot traffic and minimize vehicular movement.
- f. Traffic Calming:** Traffic calming measures shall be utilized as necessary to discourage motorist speeding within the site and between abutting properties. Measures may include speed tables, on-street parking, raised crosswalks, vertical curbing, curvilinear road alignment, roadside plantings, neck downs, curbed islands, and signage.
- g. Drive-Throughs:** Access routes leading to or from takeout windows or other drive-throughs shall be designed to avoid conflicts with pedestrian circulation routes. Signage,

lighting, raised crosswalks, changes in paving, or other devices shall be used as necessary to make motorists aware of pedestrians. The site plan shall be designed to prevent motorist queuing in parking lots or other areas which would cause congestion or unsafe conditions.

- h. Pedestrian and Bicycle Movement:** The site plan shall be designed to provide safe pedestrian and bicycle movement within the site and, where practicable, shall provide pedestrian and bicycle linkages to adjacent properties, both developed and undeveloped. Pedestrian and bicycle connections between abutting properties shall be coordinated with vehicular routes to encourage foot traffic and minimize vehicular movement.
- i. Refuge Zones:** Pedestrian islands (**five feet minimum width**) shall be installed in driveways and streets where the crossing distance is **greater than 32 feet**.
- j. Outparcel Development:** Plans for multi-building or multi-parcel developments shall be designed to accommodate future buildings, access roads, sidewalks, esplanades, and signage in a coordinated fashion.
- k. Service Drives:** Service drives shall be separated from internal walkways, parking areas, or pedestrian use areas by landscaped islands, grade changes, or other devices to minimize pedestrian contact.

## **E. Parking Areas**

### **1. Objectives**

Parking lots should be designed to complement adjacent buildings, the site, and the commercial district without becoming a dominant visual element. The scale of parking lots should be reduced by minimizing the total amount of paved surface visible from the road.

Parking lots should be designed as inviting, pedestrian-friendly places by utilizing landscaping, lighting, and internal walkways. With proper planning, parking lots can balance the needs of both the vehicle and the pedestrian.

### **2. Design Standards**

- a. Siting:** Whenever practicable, the majority of parking areas shall be located at the rear or sides of commercial buildings, except where parking would be located adjacent to a residential neighborhood or when parking is included as part of a multi-building site plan. Where parking areas are located adjacent to a residential neighborhood, the parking area shall be screened from view from the residential neighborhood using evergreen trees, earth berms, fences, or shrubs.
- b. Orientation:** Parking lots shall be included on the site plan for the site, and shall take into account the locations and design of building entrances, lighting, and landscaping.

- c. **Scale:** Parking areas shall be broken up with trees, landscaped islands, grade changes, low walls, or other similar features to reduce their scale in relation to their surroundings. See Section 5 (“*Landscaping*”) for specific standards regarding parking lots.
- d. **Relationship to Buildings:** Paved surfaces of parking lots shall be separated from buildings by a **minimum of five feet** of landscaping and/or a raised sidewalk.
- e. **Screening:** Where parking is permitted between the building and the road, the parking area shall be screened along the road by berms, fencing, low walls, trees, shrubs, perennial masses, or a combination of such elements. The maximum height of the screen shall be **3+/- feet**.
- f. **Landscaping in Parking Lots:** A **minimum of 10%** of the parking lot surface area shall be landscaped. Planting islands shall be a **minimum of 9 feet** in width. Planting of natural groupings or clusters of trees within or surrounding parking areas is encouraged. See Section 5 (“*Landscaping*”) for further standards.
- g. **Dead End Parking Lots:** Parking lots with a single point of access shall not be used to the extent practicable. . Where dead-end parking lots are used, space shall be provided to safely turn a vehicle around without having to back out of the parking lot.
- h. **Shared Parking:** Shared parking should be utilized, particularly where abutting land uses have differing hours of peak parking demand. Where utilized, cross easements shall be required.
- i. **Safety:** Crosswalks shall be marked by a change in pavement texture, pattern, or color to maximize pedestrian safety in parking areas and other potentially hazardous areas. Shrubs, ornamental grasses, walls, or other landscape elements used in or around parking areas shall be selected so as to maintain visibility necessary for safe pedestrian and vehicular movement.
- j. **Side Lot Parking:** Parking on the side of a building shall not extend closer to the street than the front façade of the building. The space between the parking lot and any adjacent roadway shall be landscaped according to an overall plan for the property.
- k. **Snow Storage:** Provision shall be made for snow storage in the design of all parking areas. Snow storage areas shall be shown on the site plan and shall be designed to avoid conflicts with landscaping, visibility, drainage, or icing during winter months. Site plans shall indicate locations for snow storage in areas where they will not interfere with pedestrian movement, block visibility, cause dangerous conditions from freezing meltwater, or cause conflicts with landscaping, visibility, drainage, or icing during winter months. Snow storage areas shall not be used in calculating the minimum parking spaces required for the site.
- l. **Buildings in Existing Parking Lots:** Smaller commercial buildings may be constructed on existing parking lots on out-parcels to break up the scale of large parking areas.

## F. Pedestrian Spaces

### 1. Objectives

Entrances to buildings should be designed to provide outdoor spaces for a variety of uses, including seating/resting, dining, displays, and aesthetic enhancement, in order to create a pedestrian-friendly environment.

### 2. Design Standards

- a. **Planning:** Outdoor use areas should be located in sunny, highly visible locations and sized to fit the anticipated uses. The design should be a collaborative effort between architect, landscape architect, engineers, artists, and other design professionals.
- b. **Materials:** Outdoor use areas shall be constructed of durable, easily maintained materials. All elements within the space shall be designed to achieve a unified look with the other architectural and site elements. Decorative paving may be used for sitting areas, pedestrian plazas, building entrances, or other designed open spaces. See Section 5 (“*Landscaping*”) for planting standards.
- c. **Entrances:** Major entrances to new or renovated buildings shall be visually prominent through the use of canopies, recessed entries, seating areas, decorative plantings and lighting, and other similar elements.

## G. Public Sidewalks

### 1. Objectives

Public sidewalks should be provided wherever possible throughout Buxton’s commercial area. Existing and proposed road corridors, *excluding Route 202*, should include sidewalks, planted esplanades, crosswalks, and pedestrian amenities to encourage a safe flow of non-motorized traffic.

### 2. Design Standards

- a. **Public Sidewalks:** Wherever possible, sidewalks and planted esplanades shall be provided within or near the right-of-way on both sides of all streets to encourage safe pedestrian movement. Facilities shall be coordinated with abutting land uses to create interconnections throughout the commercial area and linkages to surrounding residential neighborhoods. Lighting and other amenities should be at a human scale.
- b. **Coordination with Site Plan:** All new sidewalks shall be coordinated with the Site Plan to avoid conflicts with landscaping, utilities, grading, drainage structures, signs, and other elements. All walks shall be designed to facilitate snow removal and allow year-round use. Sheet flow of storm water across sidewalks shall be avoided. Underground storm drainage systems are strongly encouraged.

- c. **Material Selection:** Concrete sidewalks with granite curbing shall be used on sidewalks within the public ROW.
- d. **Crosswalks:** Where sidewalks intersect with commercial drives or roads, crosswalks shall be installed to alert the motorist and improve visibility. Crosswalks shall offer a noticeable change in texture and color. Materials for crosswalks shall be highly durable and slip resistant.
- e. **Lighting:** Sidewalks shall be lit to minimum standards recommended by the IES Lighting Handbook, 10<sup>th</sup> Edition, to promote safe use during evening hours.
- f. **Accessibility:** All new and renovated facilities shall be located, designed, and detailed in full compliance with the Americans with Disabilities Act (ADA).

## H. Internal Sidewalks and Walkways

### 1. Objectives

Commercial properties should provide attractive, safe, and functional walkways between the public right-of-way and the main entrance. Internal walkways should invite pedestrians onto the property and make them feel welcome.

### 2. Design Standards

- a. **Internal Walkways:** Continuous internal walkways shall be provided from any public sidewalks to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, outdoor seating, street crossings, and building entrances.
- b. **Location:** Walkways shall be located where motorists can anticipate pedestrians and react accordingly. Walkways shall be designed to give the pedestrian a full view of oncoming vehicles, with minimal interference from trees, shrubs, and parked cars. Walkways shall avoid drive-through lanes, access and service drives, and other high-traffic routes. Traffic control signs, light fixtures, trees, or other potential obstacles shall be located far enough from walkways to prevent interference with pedestrian movement.
- c. **Orientation:** Walkways in parking lots shall be aligned with the main entry or a focal point on the building to assist in wayfinding.
- d. **Curbing:** Internal walkways shall be separated from parking bays and/or travel lanes by raised curbing. Granite is preferred for its longevity, low maintenance, and appearance.
- e. **Width:** Internal walkways shall be a **minimum of five feet wide** to allow two people to pass comfortably. Where shopping carts or wheelchairs are anticipated to be used, where

heavy pedestrian traffic is anticipated, or where cars are likely to overhang the walkway, additional width may be necessary.

- f. Coordination with Landscaping:** Areas adjacent to walkways shall be landscaped with trees, shrubs, benches, flower beds, ground cover, or other such materials. Walkways in parking lots shall include landscaped islands to provide visual relief and shade, and to break up the scale of parking lots. Shrubs and other landscaping must not cause blind spots. Special features, such as benches, flower beds, and planters, may be used to enhance the walkway. Trees along all walkways shall be trimmed to provide adequate sight distance and to remove potential visual obstacles for motorists. Vertical clearances of **at least eight feet** shall be maintained for all trees along walkways.
- g. Lighting:** A minimum level of lighting shall be provided, following the standards of the IES Lightning Handbook, 10<sup>th</sup> Edition, to safely guide the pedestrian from the front entrance to the parking lot and/or public sidewalk.
- h. Drainage:** All internal walkways shall be designed to avoid sheet flow of stormwater across walkways. Culverts shall be sized to prevent ponding and provide uninterrupted use of the walkway.
- i. Maintenance:** All internal walkways shall be designed to facilitate maintenance by the property owner. The site plan shall coordinate the locations of walkways with utilities, plantings, drainage, and other site elements that could affect long-term maintenance.
- j. Snow Removal:** All walkways shall be designed for ease of snow removal to encourage year-round use.
- k. Accessibility:** Walkways shall be located, designed, and detailed in full compliance with the Americans with Disabilities Act (ADA).

## **I. Multiple Building Developments**

### **1. Objectives**

Multiple building developments (MBDs) should exhibit a high degree of coordination in site planning, architectural design, site design, and site detailing. All physical components should be designed to complement an overall plan.

### **2. Design Standards**

- a. Master Plan:** For MBDs, a conceptual master plan shall be prepared to illustrate the general location of all anticipated buildings, parking lots, roads and driveways, walkways, common open spaces, utilities, service areas, stormwater management features, and other components of site development. The master plan shall show how traffic, stormwater, and utilities will be coordinated with adjacent properties. The plan shall illustrate the measures

that will be taken to minimize adverse impacts to significant natural or cultural features, including wetlands, specimen trees, or stone walls.

- b. Phasing Plan:** As part of the site plan application, the applicant shall provide a phasing plan that illustrates the sequence of development.
- c. Building Orientation:** All buildings in MBDs shall be oriented to create usable, safe, and attractive pedestrian spaces, preserve significant natural or cultural features, and minimize the scale of parking areas.
- d. Outdoor Spaces:** MBDs shall include outdoor use common areas, including but not limited to greens, plazas, and courtyards. Buildings may be oriented toward open spaces rather than roadways. Open space oriented buildings shall have a major access point facing the open space and a secondary access point(s) oriented to parking areas. Outdoor spaces shall be coordinated with the pedestrian circulation plan to encourage pedestrian use, with provisions for seating and outdoor activities. Outdoor spaces shall be designed to separate pedestrian and vehicular traffic with landscaping, grade changes, and other site features.
- e. Drive-Through Facilities:** Where drive-through facilities are a component of MBDs, the building and site plan shall accommodate and prioritize pedestrian access.
- f. Signage Plan:** Applicants for MBDs shall submit a master signage plan that shows how graphics will complement and unify the proposed development. See Section 6 (“*Signage*”).
- g. Lighting Plan:** Site lighting for MBDs shall be coordinated with all other elements of the site. A lighting plan shall be prepared and submitted to the Planning Board as part of the Site Plan review process. See Section 7 (“*Lighting*”).
- h. Landscape Plan:** Landscaping for MBDs shall be coordinated with all other elements of the site. As part of the application for Site Plan approval, applicants shall submit a master landscape plan that shows how landscaping will be used to complement proposed buildings, reinforce circulation paths, help define pedestrian use areas, highlight entrances, provide shade and add seasonal interest to the landscape. See Section 5 (“*Landscaping*”) for additional standards on landscape materials.
- i. Shared Stormwater Management:** Where practicable, treatment basins shall be designed to be shared by multiple building sites to minimize the land area devoted to stormwater management. See Section 3.L (“*Stormwater Management*”) for further details.

## J. Non-Public Service Areas

### 1. Objectives

Non-public service areas should be integrated into the overall site plan. Such areas should be designed to meet the functional needs of the facility while minimizing traffic or visual conflicts, audible noise, or smells.

### 2. Design Standards

- a. **Locations:** All structures and facilities associated with service areas, including waste collection and storage facilities, off-street loading and unloading areas, loading docks, storage facilities, dumpsters, fueling areas, and vehicle service and maintenance areas, shall be located at the side or rear of the principal building. To the extent practicable, service areas shall avoid facing public roadways or abutting residential properties. Overhead doors or other vehicle entrances or exits shall not be located on any façade that faces a public street or residential neighborhood.
- b. **Design:** Service areas shall be sized to fit the specific needs of the building and its intended operations. The smallest size needed to meet the building's requirements should be used.
- c. **Screening:** Service areas shall be screened to minimize their visibility from public and private roadways, main entrances, abutting residential neighborhoods, public open spaces, and public pathways. Service areas shall be screened with architectural elements such as walls or fences. Screening may also include evergreen trees, shrubs, and earth berms.
- d. **Screening Design:** Structural screens and fencing shall complement the design of the main structure through repetition of materials, detailing, scale, and color. Where chain link fencing is required for safety, it shall be landscaped and painted black or a similar dark color, or coated with dark vinyl. Plastic slats in chain link fencing shall not be used. Gates shall be designed to prevent sagging.
- e. **Service Access:** Service areas shall be sited to accommodate the turning movements of vehicles used for trash pickup, deliveries, and similar functions without conflicting with other vehicles.
- f. **Coordination:** Prior to submittal of a Site Plan application, the applicant shall contact utility companies, fuel suppliers, trash haulers, the fire department to seek comment on the design and siting of service areas and facilities.
- g. **Protection:** Where architectural screening or freestanding fencing is used for screening, it shall be protected with granite posts or concrete-filled steel bollards, or reinforced in a manner that will prevent damage from service vehicles.

- h. Recycling Facilities:** Recycling bins should be installed and used.. All recycling facilities shall be screened in a manner similar to other service areas. Dumpsters and recycling areas shall be consolidated where practicable.

## **K. Buffers & Screening**

### **1. Objectives**

Buffering and screening should be used to minimize incompatibility between land uses, particularly between commercial and residential properties. Plantings, earth berms, stone walls, grading changes, fences, distance, and other means can be used effectively to create visual and psychological separation.

### **2. Design Standards**

- a. Planning:** Buffering and screening materials shall be selected based on existing site conditions, distances to property lines, and the intensity of the proposed land use. Consideration should be given to preferences of abutting landowners, if any. Discussions between the applicant and the Planning Board regarding the need for buffers and appropriate sizes and types shall begin at the sketch plan review.
- b. Design:** Buffers and screens are an integral part of the Site Plan. Stone walls, plantings, fencing, landforms, and other buffering and screening materials shall be used to screen from view any incompatible land uses. Any buffering and screening materials shall be compatible in form, texture, scale, and appearance to other landscape elements. Structural buffers and screens (e.g., screening walls) shall be compatible with the buildings and structures, in terms of scale, materials, forms, and surface treatment.
- c. Maintenance:** All natural and structural buffers and screens shall be maintained in a condition that assures their continual effectiveness. Where plantings do not survive, or grow to a point where they no longer serve as effective buffers, they shall be replaced to comply with the approved plan.

## **L. Stormwater Management**

### **1. Objectives**

Where necessary to comply with Town requirements and MeDEP Stormwater Management law, site plans shall incorporate treatment basins or other measures to maintain the quality of stormwater runoff. All stormwater management areas should be treated as integral and attractive parts of the landscape.

## 2. Design Standards

- a. **Location:** Where stormwater treatment basins or other related facilities are required, they shall be located in the least visible portion of the site. Where visible, they shall be graded to conform to natural contours and planted to integrate them into the natural landscape.
- b. **Designs:** Stormwater treatment basins shall be patterned after naturalistic landforms, avoiding hard geometric shapes. Side slopes shall be landscaped with plantings that minimize erosion and screen the basin. Islands can be effective in breaking up the mass of a treatment pond while increasing habitat opportunities.
- c. **Grading:** Abrupt changes in grading and steep side slopes (>3:1) shall be avoided. Transitional grading shall be used to blend all earthworks into the natural contours of the land where possible.
- d. **Structures:** Man-made drainage structures (e.g., culverts, manholes, and outfalls) that are visible from roadways or residential neighborhoods shall be screened with vegetation or treated to reduce their visibility and integrate them into the landscape.
- e. **Planting Design:** Plantings used in stormwater treatment ponds should be designed by a professional familiar with the growing requirements of wetland species.
- f. **Shared Basins:** Where practicable, treatment basins shall be designed to be shared by abutting properties to minimize the amount of land area devoted to stormwater management.
- g. **Rip-Rap:** Where ground protection is necessary in highly visible locations (e.g., at spillways and culverts), it shall be constructed of hand-placed rock or geo-grid, rather than course rip-rap. Where practicable, coarse crushed rock in visible roadside ditches shall be avoided.

## SECTION 4. ARCHITECTURE

### A. Background

These Architecture Standards establish criteria for new or renovated buildings in Buxton's commercial districts. They anticipate a greater sense of continuity and identity by encouraging high quality New England-style architectural design.

### B. Architectural Goals

New or renovated buildings should be designed using architecture that offers a positive experience from three perspectives: by the motorist driving along the road corridor, by the pedestrian viewing the buildings up close, and in relation to surrounding buildings that tie into the community's identity. New or renovated buildings should be designed:

- To neighborhood scale, form, orientation, height, setback, massing, materials, and architectural features.

- To a human scale that addresses the comfort, enjoyment, and safety of the users.
- As permanent, positive additions to the commercial districts, constructed of high quality, long lasting materials.
- To utilize energy conservation measures wherever possible.

## C. General Architectural Standards

### 1. Objectives

The purpose of these standards is to encourage architecture with Buxton's commercial districts that take its inspiration from traditional New England examples. Building design should reinforce a human-scaled environment through careful consideration of architectural forms, massing, detailing, the number and use of materials, and color.

### 2. Design Standards

- Design:** The architectural design shall utilize traditional New England building forms for rooflines, window trim, entrances, and all other major architectural elements to the extent practicable.
- Licensed Architects:** Any structure subject to site plan review shall be designed by an architect licensed in the State of Maine.
- Freestanding Accessory Structures:** Non-habitable structures, such as freestanding ATMs, garages, service stations, canopies, storage units, recycling sheds, trash enclosures, and utility buildings shall meet the same design standards as the principal building(s) on the site. The design of freestanding structures shall be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.
- Energy Conscious Design:** Commercial architecture and site planning shall promote energy conservation wherever practicable. Consideration should be given to solar orientation and siting, use of insulating materials, reduced lighting loads, and landscaping for windbreaks and shading.

## D. Renovations and Additions

### 1. Objectives

Existing structures within the Commercial Business Zone (BC) may come before the Planning Board for Site Plan approval as they undergo major renovations or additions. This is an opportunity to add visual interest to the building and to strengthen its relationship with the site and nearby structures. High quality architectural and site design should be applied to all renovated structures.

## 2. Design Standards

- a. **Renovations:** Where an existing building meets the design standards, proposed renovations must be designed to be compatible with the proportions, fenestration patterns, and details of the existing building. Where the existing building does not meet the design standards, the applicant may update the existing building to meet the design standards.
- b. **Design; Master Planning:** Applications to the Planning Board that involve renovations and additions shall show all improvements as well as the existing structure. A narrative shall accompany the application which explains the designer's intent to relate the old with the new. Where an existing building does not meet the design standards, the applicant shall demonstrate, by submitting a master renovation plan, how the existing building will be upgraded over time to conform to these design standards, taking into consideration the life of the building; anticipated future renovations, additions or reconstructions; and materials to be used in the proposed renovation and in future renovations and improvements to the existing building. The Planning Board may condition its approval on conformance with the master renovation plan.
- c. **Materials:** Where the existing building meets the design standards, additions or renovations shall complement or match the materials, form, color, and detailing of the existing building.
- d. **Architectural Features:** Renovations shall retain any distinctive architectural features or examples of skilled craftsmanship.

## E. Façade Design

### 1. Objectives

All buildings should present a visually inviting façade to the street, internal drives, parking areas, and surrounding neighborhoods. Wherever practicable, entrances to buildings shall be clearly visible from the street and reinforced through site and architectural features.

### 2. Design Standards

- a. **Façade Treatment:** The façade containing the main entrance shall be treated as a front façade and shall be designed in compliance with the design standards. Wherever practicable, building entrances shall be designed to be clearly visible from the street and shall provide unobstructed areas for pedestrians. The front façade shall contain a clearly defined, highly visible customer entrance and **three (3) or more** of the following elements to add scale to the building:

- Canopies
- Overhanging rooflines to provide shelter for pedestrians
- Recesses or projections in keeping with the scale of the building
- Arcades

- Raised corniced parapets over entrances
- Gables and dormers
- Pilasters
- Peaked roof forms
- Outdoor sitting or dining areas
- Display windows that are visible from the sidewalk
- Architectural details such as moldings which are integrated into the building design
- Other features which are designed to add scale and visual interest to the façade.

For **retail** structures, the front façade or any other façade that faces a public or private street shall have display windows, entry areas, or other transparent features along **40%** or more of its horizontal length. This standard may be waived by the Planning board if other architectural elements are used to provide scale and visual interest to the front façade in keeping with these Design Standards.

- b. Offsets:** No uninterrupted length of any façade shall exceed **100 horizontal feet**. Facades greater than **100 feet** in length shall incorporate wall plane projections or recesses having a depth of a least **3%** of the length of the façade and extending at least **20%** of the length of the façade as a way to break up the offsets. Projections may include:
- Strong shadow lines
  - Changes in rooflines
  - Pilasters and other architectural details
  - Patterns in the surface material
  - Wall openings.
- c. Rear and Side Facades:** Blank walls facing public roads, residential neighborhoods, or abutting properties are prohibited. Where rear or side facades are visible from adjacent properties or roadways, they shall be designed to match or complement the architectural treatment of the primary façade to give it scale and visual interest. Concealed fastened metal siding, 22 gauge or thicker may be used.
- d. Site Design:** Signage, lighting, landscaping, and other exterior elements shall be designed to complement and be in scale with the façade, avoid visual or functional conflicts, and retain visibility.
- e. Trim:** Windows, door openings, ventilation openings, and other forms of exterior fenestration in frame construction shall be trimmed.
- f. Window Shapes:** Windows should be vertical in orientation, or square.
- g. Shutters:** If shutters are used, they must be sized to fit the openings and provide for all windows on a given wall. They must also conform to a New England design.

- h. Functional Elements:** All vents, downspouts, flashing, electrical conduits, meters, HVAC equipment, service areas, loading docks, service connections, and other functional elements shall be treated as integral parts of the architecture, starting at the conceptual building design phase. When these elements need to be part of the façade (e.g., downspouts, vents) they shall be incorporated into the architecture through detailing or matching colors. Meters, utility banks, HVAC equipment, and other exterior service elements shall be contained in service closets, behind walls, or located out of view from the public. Building elevations presented for Planning Board review shall show the locations and treatment of all functional elements.
- i. Vending/Self-Service Machines:** Where vending or self-service machines are provided, they shall be sited in locations that are either not visible from any public or private road or designed to be compatible with the façade. The site plan and architectural elevations shall show the location of all vending/self-service machines.
- j. Illustrations:** Upon request by the Planning Board, the applicant shall submit perspectives of the building to illustrate the three-dimensional relationship between the front and side elevations. Elevations and perspective drawings shall include all landscape elements (trees, shrubs, lighting, street furnishings, etc.) that will be seen in conjunction with the façade.

## **F. Building Materials**

### **1. Objectives**

Building materials are significant design elements that define the appearance of the structure and strengthen the sense of identity throughout Buxton. Materials used should give the appearance of New England architecture.

### **2. Design Standards**

- a. Materials Permitted:** Traditional, high-quality building materials common to northern New England (e.g., brick, clapboard, shingles or other similar products) or contemporary materials that are similar in appearance to traditional materials shall be used as the primary siding material. Painted MDO plywood may be used only when used in combination with traditional materials. Long-term maintenance needs should be a consideration in the selection of all building materials. Materials shall be selected to withstand conditions of climate, future use, and long-term stability of products.
- b. Materials Prohibited:** Highly reflective or processed materials (e.g., metal or plastic panels, brushed aluminum, bronzed glass, concrete block, T-111, untreated plywood, dryvit, etc.) and multicolored brick (incorporating occasional white brick in a random pattern) shall not be used on the primary or front-facing façade.
- c. Colors:** Traditional colors commonly found in New England villages should be used for all components of the building. Façade colors shall be low reflectance. The use of high

intensity, high reflectance, chrome, metallic, or fluorescent colors or black is prohibited as the primary color.

- d. **Trim:** Where trim is used, it shall be a color that complements the building's primary color. Neon tubing shall not be allowed as an exterior trim or accent material. All door and window trim must reflect the style of trim of the entire building and complement the front façade design. Metal Trim (Pre-Bent or Coil Stock) is only permitted for rake and horizontal roof trim. Metal Trim shall be pointed and a minimum of .024" thick.

## G. Awnings and Canopies

### 1. Objectives

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings and canopies are used, they should complement the design, materials, color, and appearance of the building.

### 2. Design Standards

- a. **Location:** Where awnings and canopies are used, both fixed and retractable, they shall be located directly over windows or doors to provide protection from the elements.
- b. **Materials:** Awnings and canopies shall not be made of reflective materials. Their color shall match or complement the façade of the building and they shall be made of materials that will be able to withstand wind, snow, ice load, and the elements.
- c. **Design Elements:** Graphics used on awnings and canopies for identification or advertising shall be designed as an integral part of the signage program for the property, and shall be coordinated with other sign elements in terms of typeface, color, and spacing. Awnings and canopies shall not be used as advertising features or light sources. Backlit awnings and canopies are prohibited. Graphics on awnings and canopies are counted toward the total signage area.

## H. Rooflines

### 1. Objectives

Rooflines should be designed to provide diversity in the form of the building and add visual interest to the streetscape. When used properly, rooflines can reduce the mass of large buildings, emphasize entrances, and provide shelter and shade for the pedestrian.

### 2. Design Standards

- a. **Pitched Roofs:** Buildings should be designed with pitched roofs. Where pitched roofs are used, the minimal pitch shall be at least **5/12**. Projecting rooflines shall be designed to create

strong shade/shadow patterns. Where pitched roofs are used, the design shall create no horizontal line greater than 100-feet, without an architectural break using features found on traditional New England buildings.

- b. Prohibited Shapes:** False mansard, A-frames, and other similar non-traditional roof forms shall not be used as the primary roofline.
- c. Flat Roofs:** To the extent practicable, flat roofs, especially on single-story isolated buildings, shall not be used. Where flat roofs are used, the design shall create no horizontal line greater than the frontage of the building, not to exceed **100 feet**, without an architectural break using features found on traditional New England buildings. For buildings with a facade less than 100feet, flat roofs shall incorporate parapets or an architectural break featuring New England style with a height difference greater than 5% and a width greater than 33% of the overall length of the building façade. See Section 4.K “*Large Scale Buildings*”) for additional design standards. Flat roofs on multi-story office buildings may be used only when designed in conformance with the design standards in Section 4.N (“*Office Buildings*”).
- d. Parapets:** Where parapets are used to break up a flat roofline, the height of the parapet shall be at least **5%** of the total length of the wall.
- e. Permitted Materials for Pitched Roofs:** Composite asphalt shingles and standing-seam non-glare metal should be used for visible roofing. High gloss roofing materials shall not be used. Roofing materials shall complement the color and texture of the building’s façade. Roof colors shall be muted earth tones of a color that is darker than the façade. Stripes and patterns on the roof should not be used.
- f. Roof-Mounted Equipment:** Mechanical and other equipment mounted on rooftops must be screened from public view or grouped in a location where visibility is minimized. Where used, screening for roof-mounted equipment shall be designed to complement the building’s mass and appearance.

## I. Street Corner Buildings

### 1. Objectives

Buildings located on corners are particularly important because they help define the character of two streets. These high-visibility locations should be emphasized by quality architecture and site development.

### 2. Design Standards

- a. Siting on Corner Lots:** A building on the corner of two public streets shall be located close to the intersection and should exhibit strong relationship to both streets that it fronts. Where zoning allows, a limited amount of parking and vehicular travel ways may be located

between the building and the property lines along one or more of the streets; however, the majority of the parking shall be located to the side or rear of the building.

- b. Corner Buildings:** Buildings on corners shall be a minimum of **twenty feet (20')** in height to add mass and visual prominence to the street.
- c. Façade Treatment:** Both façades of corner buildings shall be designed according to the standards in *Architecture: Façade Design* section. Blank or unadorned façades facing streets on corner buildings are prohibited. The façade of any upper floor(s) shall be visually related to the ground floor through repetition of design elements (e.g., color, materials, window treatment, and detailing) so as to unify the structure and help frame the ground floor.
- d. Corner Treatment:** The architectural treatment of the street corner of the building shall emphasize its prominent position through the use of enhanced massing and height, unique detailing, lighting, and other façade treatment. This corner treatment shall be designed to be visible from both streets. Where practicable, an entrance to the building shall be located at the corner.

## **J. Design Standards for National Franchises**

### **1. Objectives**

National franchises (e.g., restaurants, service stations, retail stores) are a welcome and permitted use within Buxton's commercial business districts. Buildings for these types of uses shall reflect an New England architectural traditions in their form, detailing, and materials.

### **2. Design Standards**

- a. Franchise Styles:** Architectural forms primarily derived from building styles from other regions of the country are prohibited. New England regional prototypes from national franchises are permitted, provided they meet the Design Standards.
- b. Coordination of Site Features:** Applicants shall provide the Planning Board with illustrations that demonstrate how the architectural design of site features and accessory structures (including dumpster screens, storage buildings, refrigeration lockers, playgrounds, signage, and lighting) will be coordinated with the architecture of the principal building.

## **K. Large Scale Buildings**

### **1. Objectives**

Due to their visibility and mass, large scale buildings (**20,000 square feet or greater**), such as large retail or grocery stores, can greatly enhance or detract from the visual character of the commercial districts. These buildings should be designed as attractive pieces of commercial

architecture that are consistent with the scale and form found in traditional New England architecture.

## 2. Design Standards

- a. **Design and Massing:** Large structures shall be designed to break up their mass into smaller visual components through the use of projections, recesses, and varied façade treatments. See Section 4.E (“*Architecture: Façade Design*”).
- b. **Site Design:** Scale reductions of large buildings shall be reinforced by site features such as pedestrian shelters, large trees, clearly-defined entrances, and site furnishings.
- c. **Architectural Details:** Architectural details shall be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, canopies, display windows, and light fixtures should be used to add human scale.
- d. **Façades and Exterior Walls:** Horizontal façades greater than **100 feet** in length shall incorporate wall plan projections or recesses having a depth of **at least 3%** of the length of the façade and extending at least **20%** of the length of the façade. No uninterrupted length of any façade shall exceed **100 horizontal feet**.

Other devices to add interest to long walls may be used, including strong shadow lines, changes in rooflines, pilasters and architectural details, patterns in the surface material, and wall openings. All façade elements shall be coordinated with the landscape plan to ensure balance, proportion, and compatibility.

Ground floor façades that face public streets shall have display windows, entry areas, or other such transparent features along **40% or more** of their horizontal length.

- e. **Façades and Exterior Walls for Small Retail Stores within Large Scale Buildings:** Where principal buildings contain separate retail stores which in total occupy less than 20,000 square feet of gross floor area and which each have separate, exterior customer entrances, the following standards shall apply:
  - The street level façade of such stores shall be transparent between the height of **three (3) feet** and **eight (8) feet** above the walkway grade for **no less than 40%** of the horizontal length of the building façade of such additional stores.
  - Windows shall be trimmed and include visually prominent sills, shutters, or other similar forms of framing.
- f. **Entryways:** Each principal building shall have a clearly defined, highly visible customer entrance featuring three (3) or more of the following:
  - Canopies
  - Overhangs or recesses to provide shelter
  - Arcades that lead to entrances

- Raised corniced parapets over the door
- Peaked roof forms
- Outdoor patios
- Architectural details such as tile work and moldings which are integrated into the building structure and design, or
- Other features which are designed to add scale and visual interest to the buildings.

Where separate retail stores are located in the principal building, and customer entrances to such stores are outdoors, each separate retail store shall conform to the above entryways requirements. All components used to enhance entranceways or provide a distinctive look shall be designed or detailed as integral parts of the whole building.

- g. Multiple Entrances:** All sides of a large-scale building that face an abutting public or private street shall feature at least one customer entrance to facilitate pedestrian access, minimize walking distances from cars, and reduce the scale of façades. Where a building abuts more than two street, this requirement shall apply to only two sides of the building, including the side facing the primary public street and another side facing a second street.
- h. Outdoor Sales and Storage:** Where permitted, areas for outdoor sales, storage, or service shall be designed as an integral part of the site and architectural plan, and shall meet the Service Areas Standards. See Section 3.J (“*Site Planning: Non-Public Service Areas*”).
- i. Cart Storage:** Shopping carts must be stored inside the building, or in ‘cart corrals’, out of the way of pedestrian circulation.

## **L. Linear Commercial Buildings (Strip Shopping Centers, Multi-tenant Offices, Commercial Buildings)**

### **1. Objectives**

Linear commercial structures (e.g., strip shopping centers, multi-tenant offices, or commercial buildings) shall be designed with façade and roofline elements that reduce their scale and add architectural interest.

### **2. Design Standards**

- a. Design:** Buildings with multiple storefronts (e.g., strip shopping centers, one-story office buildings) shall be visually unified through the use of complementary architectural forms, similar materials and colors, consistent details, and coordinated signage. Variations in the front setbacks should be used to add visual interest, create spaces for common entries, outdoor eating/social spaces, and landscaped spaces.
- b. Scale:** Linear structures shall include architectural elements (including covered walkways, open colonnades, arcades, and similar features) designed to provide shelter, encourage pedestrian movement, and visually unite the building.

- c. **Entrances:** Pedestrian entrances to each building shall be clearly delineated using architectural detailing, roofline breaks, landscaping, lighting or a combination of these elements. Where covered walkways are used, they should extend the full length of the façade.
- d. **Rooflines:** Variations in rooflines, detailing, and building heights shall be included to break up the scale of connected linear buildings.

## M. Linear Commercial Buildings (Service Stations, Car Washes, and Convenience Stores)

### 1. Objectives

Service stations, car washes, and convenience stores shall be designed with façade and roofline elements that reduce their scale and add architectural interest.

### 2. Design Standards

- a. **Architecture:** Windows or other forms of fenestration shall be included on the façade facing the street which shall be treated as a front façade. See Section 4.E (“*Architecture: Façade Design*”). The front façade shall include a pedestrian entrance from the street.
- b. **Canopies:** Service station canopies shall be visually compatible with the main structure through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs or pitched-faced parapets are required for canopies. Bands of bold color on the canopy and backlighting inside the canopy are prohibited. See Section 7 (“*Lighting*”) for more details.
- c. **Large Openings:** Openings for car washes or building with **four (4) or more** service bays must be integrated with the design of the building and sited so they are not directly visible from public roadways or adjacent residential areas.
- d. **Site Design:** The site design must minimize off-site noise exposure, and must provide for underground drainage systems to keep water off public streets (in the case of car washes), snow storage, safe traffic circulation patterns, and room for vehicle stacking. Pump location design must provide for traffic flow and safety.
- e. **Pedestrian Circulation:** Connections to the public sidewalk shall be included in the site plan to encourage pedestrian use. Access routes leading to or from service stations and convenience stores shall minimize conflicts with pedestrian circulation.

## N. Office Buildings

### 1. Objectives

Large-scale, multi-story office, research and hi-tech buildings (**40,000 square feet or greater**) are allowed and encouraged in our commercial districts. These buildings should be designed

as attractive pieces of commercial architecture. The Planning Board may apply alternative design standards to large-scale office, research and hi-tech building which vary from a few specific sections of the Design Standards. These alternative standards are outlined below. The Planning Board can allow alternative design standards with a **2/3 affirmative vote** by its members. Other than these alternatives, the remainder of the Design Standards for Buxton's Commercial Districts shall apply.

## 2. Alternative Design Standards

- a. **Permitted Materials:** Subject to the waiver provision, the Planning Board may allow materials including but not limited to non-reflective metal panels and brushed aluminum to be incorporated into the façade design of these structures. These materials shall be supplemented with the traditional, high quality building materials common to New England.
- b. **Roof Treatment:** Under the Flat Roofs Standard in the *Architecture: Rooflines* section, flat roofs are discouraged in most applications. However, flat roofs are anticipated and acceptable on office, research and hi-tech buildings which are three or more stories in height. In these instances, changes in the roofline, pilasters, trim and other architectural detailing shall be used to vary and break up a flat roofline. Further, roof-mounted equipment must be screened from public view in accordance with the *Architecture: Rooflines* section.
- c. **Waiver.** The Planning Board may waive the provisions of Section 4.F (“Building Materials”) and Section 4.H (“Rooflines”) for office buildings when it determines that granting a waiver will not adversely affect abutting landowners and the general health, safety and welfare of the Town and when it determines that at least one of the factors justifies the waiver: (i) special circumstances of the site, building, or building placement exist; and/or (ii) special circumstances of the surrounding buildings and uses exist.

## O. Drive-Throughs

### 1. Objectives

Architectural design and circulation planning for buildings with drive-throughs require careful consideration to integrate them into the Buxton environment. Drive-through operations and other automobile-oriented facilities should be designed with façade and roofline elements that reduce their scale, add architectural interest, and maintain the pedestrian-orientation of the structure.

### 2. Design Standards

- a. **Drive-Throughs:** Where drive-through windows are allowed, they shall be incorporated into the design of the building by matching or complementing their scale, color, detailing, massing, and other architectural treatments to that of the main structure.
- b. **Location:** Drive-throughs shall not face public or private roads, and should generally be located at the side or rear of the building. Where drive-throughs are located at the rear, the drive-throughs shall be designed to maintain the safety of the employees and patrons.

**c. Canopies:** Drive-through canopies shall be subordinate to and visually compatible with the design of the main structure. This may be accomplished through consistency in roof pitch, architectural detailing, materials, and color. Bands of bold color on the canopy and backlighting inside the canopy are prohibited.

**d. Pedestrian Circulation:** Access routes leading to or from drive-through facilities shall minimize conflicts with pedestrian circulation. Where walkways must cross driveways, motorists shall be made aware of pedestrians through signage, lights, raised crosswalks, changes in paving, or other similarly effective devices.

## **SECTION 5. LANDSCAPING**

### **A. Background**

Landscaping is an integral part of all site plan developments. Trees, shrubs, and other landscape elements can be used to accentuate buildings, create a sense of identity, and provide human scale. The applicant should carefully evaluate the physical characteristics of each site and each plant when making the final selection to ensure that the plantings will survive and thrive in their selected location.

### **B. Landscape Goals**

The landscaping elements of the site plan should:

- Reinforce the identity of the commercial districts through the use of plant materials in scale with their surroundings.
- Enhance the attractiveness and scale of commercial development through the use of colorful plant materials with interesting forms and massing.
- Help define areas where pedestrians are safely separated from the road.
- Reinforce wayfinding by emphasizing entrances and circulation patterns.
- Increase the attractiveness of parking lots by reducing their scale, providing shade, and adding seasonal interest.
- Provide screening for less attractive parts of a site or incompatible land uses.

## C. General Standards

### 1. Objectives

Landscaping shall be used to complement the architecture, enhance human scale, reinforce circulation paths, highlight entrances, provide shade, add seasonal interest, and provide screening for less attractive parts of a site.

### 2. Design Standards

- a. **Preparation:** As part of the Site Plan application for site improvements involving parking lots with **more than ten (10) cars and/or more than 2,000 square feet** of building, a landscape plan shall be prepared by a landscape architect registered in Maine, or other qualified professional familiar with local growing conditions. All other Site Plan applicants shall submit a detailed landscape plan in compliance with these design standards.
- b. **Selection:** Plant materials and landscape elements that require a low degree of maintenance should be utilized. All plantings shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions, and hardy to Maine winters.
- c. **Safety:** Plant materials should be selected with consideration to public health and safety. Plants with poisonous or messy fruits, large thorns, invasive growth patterns, or shrubs that could provide hiding places along pathways or block the view of moving vehicles shall not be used. The form and height of plantings as they mature shall not create unsafe conditions or block sight lines for pedestrians, bicyclists, or motorists.
- d. **Coordination with Utilities:** The planting plan shall illustrate how plantings are coordinated with the location of underground and overhead utilities and lighting. The planting plan shall show screening for transformers, propane tanks, and similar utilitarian elements.
- e. **Variety:** A variety of plant materials that exhibit seasonal color and interesting textures should be used to create a distinctive, yet low maintenance environment. Planting plans should strike a balance between the over-use of a single species and too much variety.
- f. **Integration:** Plantings shall be massed to soften edges, corners, and pavement areas, and to integrate the building into the landscape. Planting design shall stress simplicity in form and limit the number of species. Shrubs, perennials, annuals, ornamental grasses, and other similar plantings used along the roadways should be planted in masses or ‘drifts’ that emphasize colors and textures, rather than used as single specimens.
- g. **Irrigation:** Underground irrigation should be installed in front setbacks, public spaces, and other highly visible areas. Any underground irrigation shall be coordinated so it does not cause overflow or flooding in pedestrian use areas, such as walkways, sidewalks, or parking lots.

- h. **Existing Trees/Plants:** Wherever practicable, existing trees or other significant plantings shall be preserved by means of transplanting and reuse. The landscape plan shall illustrate which vegetation will be preserved and what protective measures will be taken during construction.
- i. **Rocks:** Large rocks shall be used as landscape elements sparingly and only as accents in mass plantings. Where used, they shall be buried to **at least 25%** of their mass.
- j. **Ground Cover:** Extensive areas of bark mulch shall not be used as a substitute for live ground cover. Where mulch is used, it shall consist of dark decomposed shredded bark, with pieces **less than 1"** in any one dimension. Consideration should be given to regular maintenance of any mulch application. Clean edges shall be maintained between various features. The landscape plan shall cover any exposed soils.
- k. **Buffers & Screening:** Plant materials and other landscape elements shall be used to create buffers as necessary between residential and commercial properties. The design of buffers should consider the appearance from both commercial and residential viewpoints. Evergreen plantings are particularly effective year-round buffering.
- l. **Minimum Plant Sizes:** Unless otherwise required by site conditions, plant materials shall meet the following minimum sizes:
 

Canopy Trees	2 ½" caliper	Evergreen Shrubs	18" ht./spread
Flowering Trees	2" caliper	Perennials	2 year clumps
Evergreen Trees	5-7' height	Ornamental Grasses	2 year clumps
Deciduous Shrubs	24" height	Ground Covers	3" pots
- m. **Guarantee Period:** All newly installed lawns and planting materials shall be guaranteed for a period of **not less than 2 years**. The developer shall submit a copy of a guarantee and a contract with a landscape contractor, indicating the terms of the guarantee period, which shall include a time frame for replacing damaged or destroyed plantings including grass.

**D. Parking Lots**

**1. Objectives**

Landscaping is necessary in parking lots to improve the visual appearance, reduce the scale of paved areas, define edges, provide shade, and add seasonal interest. Trees, shrubs, and ornamentals shall be planted in large groups, or drifts, appropriate to the scale of the space.

**2. Design Standards**

- a. **Total Landscape Area:** A **minimum of 10%** of the total area of a parking lot shall be landscaped. Larger and more visible parking lots should have more intensive landscape treatments. Driveways leading into and around parking lots are not calculated in determining the area of a lot.

- b. **Location of Trees:** Trees shall be planted a **minimum of five (5) feet** from the end of parking lot islands.
- c. **Screening:** Parking lots shall be separated from the street by plantings, low earth berms, walls, and/or other landscape elements to minimize the view of vehicles, while still allowing the public to see the building.
- d. **Safety:** Where trees abut pedestrian walkways or places where people will be walking in parking lots, their lower branches shall be pruned to **at least eight (8) feet** above the paved surface to avoid becoming an obstacle. Shrubs in parking lot islands shall **not exceed three (3) feet** in height to avoid blocking visibility.
- e. **Parking Stall Separation:** Landscaped areas used for separation between banks of parking stalls shall be a **minimum of nine (9) feet** in width.
- f. **Snow Tolerance:** Landscape materials surrounding parking lots and in islands must tolerate large quantities of snow stored during winter months. Delicate plant materials shall not be used in areas where they are likely to be buried under snow.

## E. Tree Selection & Plantings

### 1. Objectives

Trees should be used throughout Buxton’s commercial districts, planted within the right of way, near buildings, and throughout parking lots. Trees should be sited to achieve full maturity and display their natural form. Planting plans should emphasize large shade trees within or near right-of-ways in order to create a more unified streetscape.

### 2. Design Standards

- a. **Suitability:** Newly planted trees shall be resistant to insect infestation, drought, disease, roadside salt, and auto emissions. All plant material shall be suitable to Buxton’s growing conditions.
- b. **Coordination with Architecture:** Trees shall be selected and located to complement the building elevation without blocking storefronts, signs, or lighting.
- c. **Roadside Plantings:** Trees shall be planted a minimum of **five (5) feet** from the edge of the roadway. Trees and other landscaping planted at intersections shall preserve an adequate sight triangle.
- d. **Pedestrian Movement:** The lower branches of trees planted near pathways and sidewalks shall be **at least eight (8) feet** above the pavement to minimize interference with pedestrian movement throughout the year.

- e. **Root Zones:** Trees shall be planted in locations where their root development and branching patterns will not interfere with window displays, signage, underground or overhead utilities, streets, and sidewalks.

## F. Shrubs & Ornamental Plantings

### 1. Objectives

A variety of shrubs and ornamental plantings should be used throughout the commercial districts to add seasonal color, provide visual interest, help define spaces, screen undesirable elements, and emphasize circulation routes.

### 2. Design Standards

- a. **Variety in Plantings:** The landscaping plan should use flowering shrubs, evergreen shrubs, perennials, annuals, vines, ornamental grasses, and other plant materials, as well as street trees, evergreen trees, and ornamental trees.
- b. **Selection:** The selection of plantings should consider height and spread at maturity, maintenance, pest and disease tolerance. Invasive species shall not be used.
- c. **Foundation & Wall Plantings:** Planting beds should be used along exposed building edges, foundations, and uninterrupted walls. any foundation and wall plantings shall create either a formal pattern or a naturalistic blend of heights, colors, and textures for visual relief.
- d. **Mass Plantings:** Shrubs and perennials should be planted in large masses or ‘drifts’, rather than as individual specimens.
- e. **Safety:** Plant material shall be selected with consideration to public health and safety. Plants with poisonous or messy fruits or leaves, large thorns, invasive growth patterns, or shrubs that could provide hiding places along pathways or block the view of moving vehicles shall not be used

## G. Landscape Maintenance

### 1. Objectives

The planting plans presented to the Planning Board should anticipate an **eight (8)** year growing cycle to achieve maturity for shrubs, and **twenty (20)** years for trees. Provision for long-term maintenance of landscape elements is required so the site continues to improve as the landscaping achieves maturity.

### 2. Design Standards

- a. **Maintenance Plans:** As part of the Site Plan application, a written maintenance plan shall be provided for all landscape elements to be installed on the property. The maintenance

plan shall include (but not be limited to) details regarding initial installation, guarantee period, replacement policy, periodic and seasonal maintenance, special considerations, use of pesticides and fertilizers, irrigation, and seasonal displays.

- b. Low Maintenance Materials:** Plant materials and landscape elements that require a low degree of maintenance should be used. Planting characteristics to be considered include: drought resistance (except where irrigated), tolerance to auto emissions, disease and insect resistance, lack of thorns that could trap debris, and relatively light leaf litter for ease of fall cleanups.
- c. Replacement Plantings:** Where plant materials specified on the planting plan do not survive or are damaged, they shall be replaced and/or reinforced in accordance with the two-year performance guarantee to maintain conformance with the approved planting plan and to provide the necessary landscape effect.

## **SECTION 6. SIGNAGE**

### **A. Background**

Signs play a central role in providing information, wayfinding, and setting the tone for Buxton's commercial districts. They inform motorists and pedestrians, while having a direct effect on the overall appearance of the roadway.

### **B. Signage Goals**

Permanent commercial signage should:

- Provide basic, legible information about commercial establishments on attractive, signage.
- Be designed to complement the design, size, placement, and graphic format of all signage used in the commercial areas of Buxton.
- Create distinctive commercial corridors where signage is compatible with quality architecture and site design.
- Reduce visual clutter along Buxton's major roadways.
- Protect the investment of commercial interests throughout Buxton by establishing a quality benchmark for future signage, in keeping with the design standards.

### **C. Sign Design**

#### **1. Objectives**

Commercial uses in Buxton shall be identified by attractive, legible signs that serve the needs of the individual business, complement the site and the architecture, and are legible to both the

motorist and pedestrian. All new and replacement signs erected within Buxton's commercial districts shall be designed to meet these standards.

## 2. Design Standards

- a. **Signage Plan:** A Signage Plan shall be submitted as part of the Site Plan application. It shall be developed by design professionals experienced in commercial signage or environmental graphics. The applicant shall resubmit the plan to the planning staff if the building's tenant is unknown at the time of application.
- b. **Compatibility:** Sign shall be designed to be visually compatible with the building(s) and its surroundings through the use of similar detailing, form, color, lighting, and materials.
- c. **Design:** The shape of the sign shall complement the architectural features on the building. Simple geometric shapes should be used for all signage. Signs shall be trimmed and detailed to complement the building.
- d. **Maximum Gross Area of Signs:** See Section 6.D ("*Signage: Maximum Sign Sizes*") for maximum gross area of signs.
- e. **Maintenance and Replacement:** Damaged or non-operable portions of the sign shall be replaced or repaired in a timely manner.
- f. **Lettering Size:** The minimum lettering size for identification signs shall be **six inches** in height.
- g. **Location:** Signs shall be mounted in locations that do not block motorists' line of sight or create a hazard for pedestrians or bicyclists. Roof-mounted signs are prohibited.
- h. **Street Numbers:** The principal site identification sign shall contain the street address shown in a prominent location to facilitate wayfinding and 911 emergency response.
- i. **Advertising Features:** Except for permanent commercial signs, advertising features designed primarily to attract public attention are prohibited in the business commercial zone. Examples of prohibited advertising features include greater-than-life size models of food or other products, replicas of spokes-people associated with commercial products, flags or banners, sandwich board signs, and internally-lit bands of color.
- j. **Standard Note:** Any modifications to signage must be submitted to and approved by the Planning Board, in compliance with the Standard Note. No changes from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
- k. **Readerboards:** To the extent practicable, readerboards using stationary or electronic text shall not be used within Buxton's business commercial districts. Where readerboards are permitted, they shall contain **no more than 3 lines of text**. Lettering height shall be a

**minimum of 6”.** The readerboard shall be fully integrated into the overall sign design by virtue of its form, scale, color, and detailing. Readerboards will be considered part of the total signage area.

**D. Maximum Sign Sizes**

**1. Sign Dimensional Chart**

The following chart summarizes the maximum gross area (in square footage) that is permitted for signage by type of sign design.

**MAXIMUM SIGN SIZES – Freestanding (FS) / Wall-Mounted (W)**

<u>TYPE OF SIGN DESIGN</u>	<u>REF</u>	<u>MAX. DIM.</u>	
		<u>(FS)</u>	<u>(W)</u>

**TEMPORARY SIGNS:**

Temp. Sandwich Board	Gross Area	8 sf	
Advertising retail	Gross Area	32 sf	
Advertising retail in the Village Zone	Gross Area	8 sf	

**CAMPUS SIGNS:**

Campus directory	Gross Area	75 sf	75 sf
	Height	10’	10’
Campus primary	Gross Area	45 sf	45 sf
Directional	Height	9’	9’
Campus secondary	Gross Area	16 sf	16 sf
Directional	Height	8’	8’
Campus pedestrian	Gross Area	8 sf	8 sf
Directional	Height	8’	8’

**ADVERTISING/RETAIL SIGNS:**

Advertising Freestanding Signs	Gross Area FS	100 sf	
	Length FS	16’	
	Heights FS	16’	
Advertising Freestanding Signs in the Village Zone	Gross Area FS	24 sf	
	Length FS	8’	

	Heights FS	8'	
Advertising Wall Signs	Gross Area/bldg. Face: wall	100 sf	
	Combined Gross Area Corner Lot	150 sf	
Advertising Wall Signs in the Village Zone	Gross Area/Bldg.	3 sf	
Business Directory Signs	Gross Area	150 sf	
<b>MAXIMUM SIGN SIZES – Freestanding (FS) / Wall-Mounted (W)</b>			
<b><u>TYPE OF SIGN DESIGN</u></b>	<b><u>REF</u></b>	<b><u>MAX. DIM.</u></b>	
		<b>(FS)</b>	<b>(W)</b>
Home Occupation	Gross Area	6 sf	
Readerboards	Gross Area	25 sf	25 sf
Retail banner (see note 2)	Gross Area	24 sf	
IDENTIFICATION, BULLETIN AND DIRECTIONAL SIGNS:			
Bulletin board	Gross Area	24 sf	
Directional Signs at driveways	Gross Area Heights	3 sf	7'
Doorway Identification	Gross Area	10% of doorway or opening	

**2. Sign Dimensional Chart Notes and Standards**

- a. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.
- b. Banners allowed under Section XII (B)21 do not count toward maximum number of signs on the lot.
- c. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.

- d. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.
- e. Unless otherwise provided, wall and window signs shall conform to the following:
  - (i) Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.
  - (ii) Except in the cause of an awning, no wall sign shall project more than 12” inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

## E. Façade-Mounted Signs

### 1. Objectives

Façade-mounted signs should not dominate the façade of the building.

### 2. Design Standards

- a. **Design:** Façade mounted signs shall be designed as an integral element of the architecture. The shape and materials of the sign shall complement the architectural features on the building.
- b. **Location:** Signs shall not be mounted in locations that obscure architectural details on the building. Signage shall be mounted on vertical surfaces without projecting above the fascia trim. In general, signs shall be located a **minimum of 18”** from the corner of the building. No sign shall extend out **more than 12”** from the wall on which it is mounted.
- c. **Hardware:** Signage shall be mounted with concealed hardware. Metal hardware shall be stainless steel or galvanized to prevent rust and corrosion that could stain or discolor the building. Where hardware will be painted to blend with the sign, rust inhibiting paint shall be used to prevent rust streaks.

## F. Multi-tenant Properties

### 1. Objectives

Multi-tenant commercial properties should provide legible, attractive signs that help people identify the property without contributing visual clutter in the commercial district.

### 2. Design Standards

- a. **Identification Signs:** Multi-tenant buildings of multi-building sites shall have one identification sign. The identification sign shall be located near the main entrance to reinforce circulation patterns and minimize visual clutter.
- b. **Street Numbers:** The identification sign for multi-tenant properties shall incorporate the street address into the sign to facilitate wayfinding and 911 emergency response.
- c. **Compatibility:** The design of multi-tenant signs shall be coordinated with the design of the principal building(s) in terms of color, materials, detailing, and style.
- d. **Color Consistency:** Multi-tenant signs shall conform to a simple color and graphic palette in order to minimize the confusion and clutter of the sign. Multi-tenant signs shall have **no more than three (3) colors**.
- e. **Landscaping:** Landscaping surrounding signs for multi-tenant buildings shall be consistent with the landscape treatment for the entire property.

## G. Externally-Lit Signs

### 1. Objectives

Externally-lit signs are permitted but not required. Lighting for externally-lit signs should be designed as an integral part of the sign design. Lighting shall not create glare that would distract motorists or pedestrians, nor shall the degree of illumination disturb the surrounding residential areas or contribute to light pollution. See Section 7 (“*Lighting*”) for additional information.

### 2. Design Standards

- a. **Light Level:** The illumination level on the vertical surface of the sign shall be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing undue glare or reflection. *Signs shall be illuminated up to one hour before and one hour after posted hours of operation.*
- b. **Lighting:** Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the sign façade. Lights shall not be aimed toward adjacent streets, sidewalks, or abutting properties. Ground-mounted lighting shall be screened or partially buried to minimize the view of the light source.

- c. **Light Sources:** Top-mounted lighting fixtures may be used only if they are directed downward in a manner that hides the light source. Uplighting may be used if the fixture can be aimed to prevent spillage beyond the sign.
- d. **Design:** Light fixtures and mounting devices shall complement the color and design of the sign and the architecture. Concealed light sources should be utilized.

## H. Internally-Lit and Changeable Signs - Refer to Article 10.11.F

### I. Temporary Signs

#### 1. Objectives

Most commercial uses in Buxton's commercial district rely upon temporary signs on occasion to convey special information, alert the public to special events, or announce new businesses. The design and placement of temporary signs shall be closely related to existing sign systems, landscape improvements, and the building design to avoid visual clutter. Nothing herein is intended to apply to temporary signs bearing a noncommercial message that have been placed within the public right-of-way, which are regulated pursuant to 23 M.R.S. § 1913-A.

#### 2. Design Standards

- a. **Content and Design:** Plastic, fabric, cardboard, wooden, paper or similar signs that are not part of the permanent signage of the premises are considered temporary signs. These signs are intended to advertise products and services available on the premises. The same standards established for permanent signs shall be applied to temporary signs.
- b. **Location:** Temporary signs shall be installed in locations that do not create a hazard for pedestrians or vehicles. They shall be installed and properly secured to remain in place in high winds.
- c. **Size:** The total size of temporary signs, regardless of function **shall not exceed 20%** of the total signage area on the premises.
- d. **Lighting:** Temporary signs shall not include any additional sources of illumination, either internal or external.
- e. **Length of Time Allowed:** *Up to two (2)* temporary signs are allowed **not more than two (2) times per calendar year for no more than thirty (30) consecutive days**, provided such periods of use are **separated by at least thirty (30) days**.

- f. **Permits:** Temporary signs are allowed only with a sign permit issued by the Code Enforcement Officer. A permit must be obtained for each sign and for each of the individual periods of use.

## **SECTION 7. LIGHTING**

### **A. Background**

Outdoor lighting directly impacts the visual appearance of Buxton, as well as the town's safety and security. The lighting standards are designed to help balance the need for visibility and safety and enhance the visual quality of Buxton, while respecting the privacy of abutting residential properties. Lighting plans should consider illumination levels and fixtures that accommodate safety and visibility needs, but are also respectful of neighbors.

### **B. Lighting Goals**

Site plans should:

- Provide lighting that offers a high level of visibility and safety throughout Buxton's commercial districts.
- Unify the quality of the visual environment through the selection of attractive, appropriately scaled fixtures which:
  - Minimize distractions or hazards to motorists or pedestrians.
  - Minimize reflected light from parking lots and large commercial users that contributes to sky glow.
  - Avoid intrusions onto abutting property owners, especially residential uses.
  - Enhance noteworthy features such as monuments, sculptures, or architectural elements.
  - Promote wise energy consumption.

### **C. General Standards**

#### **1. Objectives**

Lighting for commercial facilities shall be designed to provide the minimum level of illumination necessary for security, safety, and visual appeal for both pedestrians and vehicles. Lighting should encourage activity after sunset without adding to unnecessary sky glow. Fixtures should be designed as integral site elements.

#### **2. Design Standards**

- a. Site Plan:** A Lighting Plan shall be submitted as part of the site plan application, and shall contain, at minimum:
- A plan showing the location of lighting fixtures proposed to illuminate all buildings, roadways, service areas, landscaping, parking areas, and pedestrian areas.
  - A narrative that describes the hierarchy of site lighting, how lighting will be used to provide safety and security, and aesthetic effects.
  - A maintenance and replacement plan discussing lighting maintenance.
  - A photometric diagram that shows illumination levels from all externally and internally visible lighting sources, including existing sources, to show how the minimum amount of illumination will be provided and the maximum amounts will not be exceeded.
  - Specifications and illustrations of all proposed lighting fixtures including mounting heights, photometric data, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information.
- b. Safety and Energy Conservation:** Illumination levels shall not exceed the minimums to provide safe conditions as defined by IES, Lightning Handbook, 10<sup>th</sup> Edition.
- c. Coordinated Design:** The location and design of lighting systems shall complement adjacent buildings, pedestrian amenities, and site elements. Poles and fixtures shall be proportionate to the buildings and spaces they are illuminating.
- d. Safety:** Buffers, screen walls, fencing, and other landscape elements shall be coordinated with the lighting plan to eliminate dark spots and potential hiding places.
- e. Feature Lighting:** Unique building or landscape features may be highlighted if the lighting does not create glare or distraction. Neon tubes may not be used as lighting features on the exterior of buildings.
- f. Light Pollution:** Lighting shall not cause spillover onto neighboring residential properties or create dangerous conditions due to glare on adjacent roadways. Bare bulbs are not allowed.
- g. Replacement and Modifications:** Any modifications, expansions, or replacements to the lighting system must be submitted to and approved by the Planning Board, in compliance with the Standard Note.
- h. Energy Saving Devices:** Wherever practicable, lighting design shall include the installation of timers, photo sensors, and other energy savings devices to reduce the overall energy required for the development and eliminate unnecessary lighting.

- i. **Lighting Reductions:** Where commercial properties abut residential areas, lighting in parking lots shall be reduced to **an average of 0.2 footcandles** within **one (1) hour** after closing hours.

## D. Driveway Lighting

### 1. Objectives

Driveway lighting should be designed to provide the minimum lighting necessary for traffic and pedestrian safety, using the minimum number of poles. Lighting shall not cause glare or avoidable spillover onto adjacent properties. Poles and fixtures shall be proportional in size to the roadways they are illuminating.

### 2. Design Standards

- a. **Illumination:** Driveway lighting shall be designed to illuminate the roadway and sidewalk, with a concentration on roadways. Light fixtures shall be selected and aimed to prevent glare.
- b. **Illumination Levels:** Illumination levels shall comply with the IES recommendation “ANSI Standard Practice for Roadway Lighting” (2014). Levels shall be designed for specific locations.
- c. **Luminaries:** Lamps shall be housed in a luminaire that is classified by IES as a cutoff distribution (see IES Lighting Handbook, 10<sup>th</sup> Edition). Decorative fixtures may be used, provided they meet the cutoff criteria.
- d. **Design:** The design and color of fixtures (poles and luminaries) used along driveways shall complement the architecture, landscaping, and street furnishing of the site to be developed or redeveloped in terms of color, form, and style.
- e. **Layout:** The alignment and spacing of fixtures shall follow a regular pattern that is coordinated with the layout of buildings, parking lots, and other site elements, while using the minimum lighting necessary for traffic and pedestrian safety.
- f. **Coordination with Planting Plan:** The layout of light fixtures should complement the spacing and rhythm of surrounding plantings, especially large shade trees. The lighting plan should take into consideration growth patterns of trees to avoid the need for excessive pruning as trees mature.
- g. **Mounting Height:** Light fixtures used in driveways and parking lots shall be in scale with adjacent buildings. To the extent practicable, the maximum mounting height along driveways shall **not exceed 25 feet**. Mounting heights shall be a maximum height of **12-16 feet** where sidewalks are present.

## E. Parking Lot Lighting

## 1. Objectives

Parking lot lighting should be designed to provide the minimum lighting necessary for safety, visibility, and comfort, without causing glare or avoidable spillover onto adjacent properties or roadways, or an increase in sky glow. In general, parking areas should have less illumination than their surrounding commercial uses.

## 2. Design Standards

- a. **Layout:** The alignment and spacing of fixtures in parking lots shall follow a regular pattern that is coordinated with the orientation of buildings and other site elements.
- b. **Location:** Light poles shall be incorporated within raised planting areas wherever practicable to avoid damage from vehicles and plows.
- c. **Bases:** Bases raised above the level of plantings (when installed in islands or plant beds) or higher than one foot above the level of the pavement (when installed in walkways) should not be used.
- d. **Coordination with Planting Plans:** The lighting plan shall be coordinated with the landscape plan to avoid obstructions from large trees, dark spots from shadows, or other conflicts as plantings mature.
- e. **Illumination Levels:** Illumination levels shall be defined by IES recommendation “Lighting for Parking Facilities” (2014). Illumination levels for general parking and pedestrian areas shall maintain a **minimum of 0.6 horizontal footcandles** with a **uniformity ratio of 4:1 average to minimum**. This standard shall be met both on the ground and six feet above the ground.
- f. **Luminaries:** Lamps shall be housed in a luminaire that is classified by IES as a cutoff distribution (see IES Lighting Handbook, 10<sup>th</sup> Edition). Decorative fixtures may be used, provided they meet the cutoff criteria.
- g. **Mounting Heights:** The maximum light fixture height for pole-mounted or mast-mounted light fixtures shall be twenty (20) feet for lots that are less than twenty thousand (20,000) square feet in area, twenty-five (25) feet for lots that are twenty thousand (20,000) to eighty thousand (80,000) square feet in area, and thirty (30) feet for lots larger than eighty thousand (80,000) square feet in area. The maximum light fixture height for building-mounted light fixtures shall be the upper limit of vertical building face.
- h. **Period or Historical Fixtures:** Period or historical fixtures that do not meet the requirements of this section may be used as an alternative to conventional lighting provided that, if the fixtures are not cutoff fixtures, the maximum initial lumens generated by each fixture shall **not exceed 2,000** for incandescent lamps, and **8,500** for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or

refractors. The mounting height of period or historical fixtures shall **not exceed fifteen (15) feet** above the adjacent ground.

- i. **Adjacencies:** Cutoff fixtures shall be designed to limit spillover onto adjacent residential properties **to less than 0.1 footcandles**.
- j. **Design:** The design and color of fixtures used in parking lots shall complement the roadway and pedestrian lighting, the architecture, and other street furnishings in terms of color, form, and style.

## F. Pedestrian Spaces Lighting

### 1. Objectives

The lighting of pedestrian spaces should consider pedestrian needs and safety. Light standards should illuminate the space occupied by pedestrians and the elements within those spaces, such as stairs, walls, benches, curbs, and landscaping.

### 2. Design Standards

- a. **Heights:** Mounting heights for pedestrian lighting shall be compatible with the project and the setting. Bollard fixtures, **3-4 feet** in height, and ornamental fixtures, **up to 12 feet** in height, should be used as pedestrian area lighting. When decorative or special lighting is used, pole height shall be a **maximum of 16 feet** above the ground.
- b. **Luminaries:** Lamps shall be housed in a luminaire that is classified by IES as a non-cutoff (see IES Lighting Handbook, 10<sup>th</sup> Edition). Maximum wattage shall **not exceed 100 watts**, except that equivalent energy efficient lamps may be used.
- c. **Illumination Levels:** Illumination levels shall be **1.0 minimum horizontal average footcandle** on the ground. **At six (6) feet** above the ground, the illumination level shall be **2.2 average vertical maintained footcandles**.
- d. **Decorative:** Ornamental and decorative lighting shall be used to highlight significant design elements (e.g., gateways, plazas, major building entrances).
- e. **Design:** Light poles and fixtures shall complement the roadway and parking lot lighting, as well as the other elements of the streetscape.

## G. Building Façade & Landscape Lighting

### 1. Objectives

Façade lighting is a way of highlighting special architectural features and attractively landscaped areas, while adding depth and variety to Buxton at night. Lighting used to illuminate building facades and landscaping should be limited to areas where it enhances particular

features in accordance with the overall lighting plan and does not disturb surrounding residential areas.

## 2. Design Standards

- a. **Intent:** The lighting plan narrative shall describe how the façades of individual buildings and/or landscaping will be lit (if at all) and the design intent behind such lighting.
- b. **Levels:** Maximum level of illumination on any vertical surface shall not exceed **5.0 footcandles**.
- c. **Façade:** Lighting fixtures shall be sited, aimed, and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent street, sidewalks, or properties.
- d. **Landscape Lighting:** Landscape lighting shall be sited, aimed, and shielded so that light is directed only onto the selected tree or shrub. Lighting fixtures shall not be directed toward adjacent streets, sidewalks, or properties. The lighting plan shall demonstrate that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping toward the night sky. Indirect landscape lighting (uplighting and washes) should be utilized, rather than high branch-mounted floodlights aimed toward the ground.
- e. **Bands of Light:** Neon tubes as lighting features are prohibited on building exteriors. The use of internally illuminated bands of color and/or light is prohibited.

## H. Gas Station, Convenience Store & Drive-Through Lighting

### 1. Objectives

Lit canopies or architectural features or devices used to illuminate gas stations, convenience stores, and drive-through elements of a building should facilitate the activities taking place in such locations without creating glare onto adjacent properties or roadways.

### 2. Design Standards

- a. **Light Levels under Canopies:** Areas around gasoline pumps and under canopies where a higher level of light is necessary for effective use of pumps shall be illuminated so the average horizontal illumination at ground level is **30 footcandles or less**, with a uniformity ratio of **1.25** (average to minimum).
- b. **Parking Areas:** The maximum average horizontal illumination level shall only apply to the area under and within **20 feet** of the canopy. Areas beyond **20 feet** from the canopies and gasoline pumps shall comply with the standards for parking lots. If gasoline pumps are not provided under a canopy, the entire apron shall be treated as a parking area.

- c. **Canopy Luminaries:** Recessed luminaries with flat or regressed lenses shall be used in canopies so the motorist cannot see the source of light. Drop fixtures are prohibited. A sufficient cutoff angle must be maintained so the light source is invisible to passing motorists.
- d. **Fascia:** Lights shall not be mounted on the sides (fascia) or top of the canopy. Sides and tops of canopies shall not be illuminated.

## 11.29 Solar Energy Systems Added 11/2/21

### 11.29.A Applicability.

The requirements of this Section 11.29 apply to the construction or installation of exempt, small scale, medium scale, and large scale Solar Energy Systems and any modification, upgrade, or structural change that materially alters the size, placement, or energy output of an existing solar energy system.

### 11.29.B Standards.

#### 11.29.B.1 General Standards.

11.29.B.1.a Exempt Systems; Permits Required. Exempt solar energy systems are allowed as of right in every zoning district without a permit. All other solar energy systems require a building permit from the Code Enforcement Officer. In addition, medium scale and large scale solar energy systems require a conditional use permit from the Planning Board. In addition to any other application submission requirements under this Ordinance, applicants for a conditional use permit must submit d. Plans prepared by a licensed engineer or surveyor showing the location of all solar energy system components, existing and proposed structures, existing and proposed impervious surfaces, areas proposed to be cleared of vegetation, and their physical dimensions, including a calculation of the solar energy system footprint.

11.29.B.1.b Anti-Glare Coating. Solar energy system photovoltaic panels must have an anti-glare coating.

11.29.B.1.c Compliance with Codes. Solar energy systems must meet all applicable fire safety and building code standards. Without limiting the foregoing sentence, solar energy system electrical equipment must comply with the National Electrical Code, most recent edition as adopted by State of Maine, must be installed by a Maine licensed electrician, and inspected by the Code Enforcement Officer. Solar energy system electrical equipment must be UL listed approved. Substitutions of other certifications for the UL Listing are prohibited.

11.29.B.1.d Utility Interconnection Inspection. Interconnection of a solar energy system to the electric grid must be inspected by the public utility. A copy of the interconnection permit shall be provided to the Code Enforcement Officer as part of any application for a building permit.

11.29.B.1.e Batteries. Solar storage batteries must be placed in a secure container or enclosure meeting the requirements of the NFPA standards when in use, and when no longer used must be disposed of in accordance with the laws and regulations of Maine.

11.29.B.1.f No Unreasonable Safety Risk. Solar energy systems must not present unreasonable safety risks, including without limitation risks associated with:

- (i) Weight load;
- (ii) Wind resistance; or
- (iii) Ingress or egress in the event of fire or other emergency.

In making this determination, the Code Enforcement Officer or Planning Board shall solicit input from the Fire Chief.

### **11.29.B.2 Additional Standards for Small Scale Solar Energy Systems.**

In addition to the general standards in Section 11.29.B.1, the following standards apply to small scale solar energy systems:

11.29.B.2.a Maximum Height. Ground mounted small scale solar energy systems shall not exceed a total height of 12 feet from the ground at the point of support to the highest point of the system when oriented at its maximum vertical angle.

11.29.B.2.b Minimum Setbacks. Ground mounted small scale solar energy systems must meet all minimum setback requirements that apply to structures in the applicable district.

### **11.29.B.3 Additional Standards for Medium Scale and Large Scale Solar Energy Systems**

In addition to the general standards in Section 11.29.B.1, the following standards apply to medium scale and large scale solar energy systems:

11.29.B.3.a Underground Utility Connections. To the greatest extent practicable, utility connections for medium scale and large scale solar energy system must be underground installations. In determining the practicability, the Planning Board shall consider, at minimum, the following factors: (i) soil conditions, shape, and topography of the site; (ii) commercial and technical feasibility, including costs; and (iii) any requirements of the public utility.

11.29.B.3.b Compliance Operations, Maintenance, and Safety Plan. The solar energy system must be constructed, installed, and operated in compliance with an operations, maintenance, and safety plan approved by the Planning Board. The applicant must provide a copy of the site plan review application to the Fire Chief for review, which must include a project summary and an proposed operations, maintenance, and safety plan containing, at minimum:

- (i) Schedule of construction, the anticipated commercial operations date, and the manufacturer-identified useful life of the photovoltaic technology;
- (ii) Documentation of the entity that will be legally responsible for operating, maintaining, and repairing the system for the term of its manufacturer-identified useful life;
- (iii) All means of emergency shutoff of the solar energy system, clearly marked;
- (iv) Provision for making emergency access to fire safety equipment available to the Fire Chief;
- (v) Name and contact information of response person(s) for public inquires about the system throughout the life of the installation;
- (vi) Name and contact information of 24-hour emergency contacts throughout the life of the installation; and
- (vii) A statement prepared by a licensed professional engineer certifying that the system design complies with all applicable safety codes and regulations concerning material strength, stability, security, and grounding.

The applicant shall cooperate with the Fire Chief in preparing the operations, maintenance, and safety plan. The proposed plan and the Fire Chief's recommendations shall be considered by the Planning Board in evaluating the application.

11.29.B.3.c Adverse Visual Impact. A solar energy system must be sited, designed, constructed, and operated to avoid or minimize adverse visual impacts by preserving natural vegetation, screening abutting properties, and minimizing views of the system from high-value scenic resources. A 50-foot undisturbed vegetative buffer must be maintained or, where none exists, must be planted, between the solar energy system footprint and property lines and public roadways, except where driveways and entrances are located.

11.29.B.3.d Glare. Solar energy systems must be placed and designed to avoid or minimize any solar glare onto roadways or abutting properties.

11.29.B.3.e Natural Resources. A solar energy system must be sited, designed, constructed, and operated to avoid or minimize adverse impacts to wetlands, water bodies, agricultural lands, as well as undeveloped habitat blocks, high value plant and animal habitats, and areas of ecological significance as identified by the Maine Department Inland Fisheries and Wildlife. Solar energy system shall not be located on slopes greater than 20%.

11.29.B.3.f Land Clearing, Soil Erosion, and Habitat Impacts. To the greatest extent practicable:

- (i) Clearing of natural vegetation and removal of mature trees shall be avoided or minimized;
- (ii) Mowing of vegetation shall be minimized;
- (iii) Native pollinator-friendly seed mixtures shall be used;
- (iv) Herbicide and pesticides use shall be avoided or minimized; and
- (v) Prime agricultural soil and significant volumes of topsoil shall be preserved.

In determining “greatest extent practicable” pursuant to Section 11.29.B.3.f, the Planning Board shall consider the need to keep areas adjacent to the solar energy system free of trees or shrubs in order for the system to capture sunlight.

11.29.B.3.g Setbacks. Solar energy systems must be setback a minimum of 50 feet from any public roadway or property line.

11.29.B.3.h Fencing. For ground mounted solar energy systems, perimeter fencing shall be installed around the solar energy system in compliance with the grounding requirements of the National Electrical Safety Code (NESC).

11.29.B.3.i Signage. A sign, not larger than 8 square feet and utilizing a light reflective surface, shall be placed on the premises of the solar energy system to identify the owner and operator, provide a 24-hour emergency contact phone number, and list equipment specification information including disconnect and other emergency shutoff information as required by the National Electrical Safety Code (NESC). A clearly visible warning sign concerning voltage shall also be placed at the base of all pad mounted transformers and substations.

11.29.B.3.j Road Access. Road access, with a turnaround for emergency vehicles, shall be maintained for emergency access to the solar energy system.

11.29.B.3.k Operations and Maintenance Plans. The applicant shall submit a plan for the operation and maintenance of the solar energy system, which must include provision for maintaining safe access to the system.

11.29.B.3.l Financial and Technical Capacity. The applicant shall provide evidence of financial and technical capacity to construct, operate, and decommission the solar energy system. Evidence of financial capacity shall include a statement or other documentation from a lending institution that the owner has secured financing to cover the cost of construction and decommissioning.

11.29.B.3.m Noise. The solar energy system shall not emit any continuous noise that exceeds a sound decibel of 50 dB, measured at the property line.

11.29.B.3.n Maximum Height. Ground mounted solar energy systems shall not exceed a total height of 16 feet from the ground at the point of support to the highest point of the system when oriented at its maximum vertical angle.

#### **11.29.B.4 Additional Standards for Large Scale Solar Energy Systems**

In addition to the general standards in Section 11.29.B.1, and the additional standards in Section 11.29.B.3, the following standards apply to large scale solar energy systems:

##### 11.29.B.4.a Decommissioning and Removal; Abandonment.

- (i) The owner or operator of a large scale solar energy system shall, at its expense, be responsible for the decommissioning and removal of the system within 180 days of the end of the manufacturer-identified useful life of the photovoltaic technology, within 90 days of the expiration of the site lease, or within 90 days of the receipt of a notice to the owner or operator of a determination by the Code Enforcement Officer that the system has been abandoned pursuant to Section 11.29.B.4.
- (ii) The Planning Board may extend the 180-day decommissioning deadline if the owner or operator demonstrates that the photovoltaic technology is likely to remain commercially feasible for its intended use for longer than 12 months after the end of its manufacturer identified useful life.

(iii) The solar energy system must be decommissioned in compliance with an decommissioning plan approved by the Planning Board. The plan must contain, at minimum, a proposed decommissioning schedule and statements and plans addressing the following:

1. Physical removal of all solar energy system components, structures, foundations, supports, fencing, or security barriers, access roads, and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state. The plan must include provision to restore native vegetation and use of pollinator friendly seed mixtures to the greatest extent practicable when re-vegetating.
4. An estimate of costs for the decommissioning the system, including methodology and data supporting the estimate, prepared by a Maine licensed professional engineer. No salvage value may be used calculating decommissioning costs.

11.29.B.4.b Decommissioning Bond.

- (i) The owner or operator shall provide a performance guarantee in the form of an escrow account, irrevocable letter of credit, or other form satisfactory to the Town in an amount no less than:
  - For years 1-10, 100% of the cost to fully decommission and dispose of the solar energy system, repair any unsafe conditions, and return the site to substantially its pre-construction state.
  - For years 11- 18, 125% of the cost to fully decommission and dispose of the solar energy system, repair any unsafe conditions, and return the site to substantially its pre-construction state.
  - For years 19 – to the end of operation, 150% of the cost to fully decommission and dispose of the solar energy system, repair any unsafe conditions, and return the site to substantially its pre-construction state.

11.29.B.4.c Inspection and Reporting. The owner or operator of the solar energy system shall perform an annual inspection of the solar energy system and provide to the Code Enforcement Officer

an inspection report and an annual energy production report. If the system becomes commercially inoperable, the report shall identify the source and scope of any identified damage along with a schedule to repair damage or a decommissioning schedule.

11.29.B.4.d Abandonment.

- (i) A large scale solar energy system is deemed abandoned on the date on which the system has been out of service or not commercially produced energy for a continuous period of 12 months. The failure to renew an operation permit as required by Section 11.29.B.5 is *prima facie* evidence of abandonment.
- (ii) Removal Deadline. The owner or operator of a large scale solar energy system shall, at its expense, be responsible for the decommissioning and removal of the system within 180 days of the date of abandonment. If the owner or operator of the system fails to timely decommission and remove the system, the Town retains the right to use all legal means to cause the system to be removed, including without limitation the right to exercise the decommissioning bond.

**11.29.B.5 Operation Permits and Inspections for Medium Scale and Large Scale Solar Energy Systems**

11.29.B.5.a Initial Operation Permit. After construction and before commercial operation, the owner or operator of a medium scale or large scale solar energy system must apply for and secure an operation permit from the Code Enforcement Officer and pay the fees for same as established in the Town's schedule of license, permit, application and other fees. Before issuing the operation permit, the Code Enforcement Officer and Fire Chief shall inspect the solar energy system to determine compliance with the requirements of Section 11.29 and any permit conditions. The owner or operator must provide the Code Enforcement Officer with copies of all state and federal permits and public utility licenses or agreements required to commercially operate the system.

11.29.B.5.b Renewal of Operation Permit—Large Scale Solar Energy Systems. The owner or operator of a large scale solar energy system must renew the operation permit every 5 years and pay the fees for same as established in the Town's schedule of license, permit, application and other fees. Before issuing the operation permit renewal, the Code Enforcement Officer and Fire Chief shall inspect the solar energy system to determine compliance with the requirements of Section 11.29 and any permit conditions. The renewal operation permit application must contain proof of the performance guarantee and, as applicable, any cost recalculation, as required by Section 11.29.B.4.b.(i) and (ii).

11.29.B.5.c Inspections. The Code Enforcement Officer may at any time inspect the premises of a medium scale or large scale solar energy system for compliance with Section 11.29 and permit conditions. As part of the inspections, the Code Enforcement Officer shall:

- (i) Spot check the photovoltaic panels for cracking or evidence of water infiltration within the panels. Any panel that is determined by the Code Enforcement Officer to be defective shall be removed or replaced by the owner or operator within 30 days.
- (ii) Ensure that perimeter fencing in good repair.
- (iii) Ensure that electrical equipment is properly grounded.
- (iv) Verify that signage exists in compliance with Section 11.29.B.3.i.
- (v) Verify that all safety systems are operating.
- (vi) Verify compliance with vegetation management and buffer requirements.
- (vii) Confirm that access roadways to and within the site are properly maintained.

### **11.30 Performance Standards for Medical Marijuana Caregiver/ Home Occupation**

#### **Purpose:**

The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Buxton, while still allowing for treatment and alleviation of a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition. Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zone following the rules of Home Occupation Section 11.10.

Medical marijuana caregivers not required to register with the State and qualifying patients are not regulated under this section.

Section A: Medical Marijuana Home Production Facilities are permitted within the caregiver's primary year-round residence as a home occupation subject to the following performance standards, in addition to the requirements of the districts in which the caregiver use is located:

1. The caregiver shall be least twenty-one (21) years of age.
2. The caregiver resides in the dwelling unit as his/her primary year-round residence in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in Maine statutes and/ or administrative rules.
3. A caregiver who does not own his or her primary residence shall obtain notarized written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the Town.

4. Caregivers shall cultivate medical marijuana within an enclosed, locked building.

Medical marijuana caregivers growing for their own personal use and one qualifying patient may grow outside of a building. This is limited to 12 adult plants.

No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Marijuana plants shall be entirely screened from common visual observation from a public way or area by natural objects, plantings, or a solid fence at least six (6) feet or taller in height, density, and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Code Enforcement Officer.

5. Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive through, drive-up or window service is prohibited.

Caregivers who dispense to more than 6 patients including themselves, must do so at an approved retail location or dispensary. This is to avoid high traffic in conformance with section 11.10.C.5.

6. Compliance with health and safety codes. The primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the adopted building code, electric, fire and other health safety and technical codes.

7. Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.

8. Gases. The use of gas products for extraction processes, including but not limited to carbon dioxide, sulfur dioxide and butane, and ozone generators are prohibited.

9. Dispensing of medical marijuana to medical marijuana patients shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.

10. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.

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