

**Agenda**  
**Board of Selectmen's Meeting**  
**Town of Damariscotta, Maine**  
**May 2, 2018, 5:30 PM**  
**Damariscotta Town Hall**

**I. Pledge of Allegiance**

**II. Public Hearings**

1. Transfer (Purchase/Sale) of Town Property for Lincoln County Fire Training Facility
2. Proposed Amendments to Site Plan Review Ordinance

**III. Call to Order**

**IV. Action on Public Hearing Items**

1. Transfer of Town Property for Lincoln County Fire Training Facility
2. Proposed Amendments to Site Plan Review Ordinance

**V. Minutes**

1. April 18 Meeting

**VI. Financial Reports**

1. Payroll Warrants #
2. Accounts Payable Warrants #'s

**VII. Presentations**

**VIII. Citizen Comments and General Correspondence**

**IX. Town Manager Items**

1. Nominations for Maine Municipal Association Policy Committee
2. Board Direction on Town Meeting Warrant Articles
3. Ecumenical Food Pantry

**X. Official Action Items**

1. Purchase/Sale Agreement with Dan and Eileen Miller
2. Board Recommendations on Warrant Articles (optional)
3. Ecumenical Food Pantry Request
4. Donations for Town's Waterfront Improvements

**XI. Selectmen's Discussion Items**

**XII. Adjournment**

**Board of Assessors' Meeting to Follow**

## **Town Manager Notes**

### **May 2, 2018 Board of Selectmen's Meeting**

#### **Public Hearings/Action on Public Hearing Items**

1. **Transfer of Town Property for Lincoln County Fire Training Facility-** Representatives from the Lincoln County Fire Chiefs Association have been asked to provide an overview of the proposed fire training facility and the proposal to acquire at 27 Massasoit Drive for the new facility. Previous correspondence related to this request is attached.  
**The Board is asked to decide whether to place this item as an article on the Annual Town Meeting Warrant, and, if so, whether the Board would like to provide a recommendation to the voters.**
  
2. **Proposed Amendments to the Site Plan Review Ordinance-** Following up on its charge to review and make recommendations on changes to the Town's land-use related ordinances, the Land Use Advisory Committee has developed preliminary recommendations with regard to the Site Plan Review Ordinance. A copy of the ordinance with the proposed changes highlighted is attached. I have asked that a member of the Land Use Advisory Committee be present at the hearing to review their recommended changes. The Planning Board has reviewed and is in favor of the proposed changes.  
**The Board is asked to decide whether to place this item as an article on the Annual Town Meeting Warrant, and, if so, whether the Board would like to provide a recommendation to the voters.**

#### **Town Manager Items**

1. **Nominations for Maine Municipal Association Policy Committee-** Attached is recent correspondence from MMA regarding their request for nominations for the Association's Legislative Policy Committee.
  
2. **Board Direction On Town Meeting Warrant Articles -** Attached are three warrant articles that were submitted by citizen petition. If all three were to be approved, the amended ordinance would prohibit the installation of electronic/digital signs in the future and place additional restrictions on existing signs. Oddly enough, if one or two of the articles are approved and the one that is the most comprehensive of the three fails to get Town Meeting approval, the result will be a less restrictive ordinance than what is in place today. Especially given the potential for confusion, I am recommending that the ordinance be placed on the open portion of the Annual Town Meeting so that citizens can be given an explanation of the three articles.
  
3. **Ecumenical Food Pantry –** See attached letter.

## Official Action Items

1. **Purchase/Sale Agreement with Dan and Eileen Miller** - The Town Attorney and the attorney for the sellers are currently finalizing the agreement. I hope to have the document in hand early next week and will email this to the Board prior to your meeting.
2. **Board Recommendations on Warrant Articles (optional)** – Since the three articles related to electronic/digital signs were submitted by citizen petition, they will automatically be placed on the Warrant. The Board has the options of providing a recommendation for or against the articles or not making any recommendation.
3. **Ecumenical Food Pantry Request-** As described in the attached letter and noted under Town Manager Items, the Ecumenical Food Pantry has indicated that they no longer require the funds that were approved at the June, 2017 Town Meeting. Board action is needed to reallocate those funds to the Town’s fund balance. **Recommended Action: Reallocate the \$500 that was approved at the 2017 Annual Town Meeting for the provider agency Ecumenical Food Pantry to the Town’s General Fund Balance.**
4. **Donations for Town’s Waterfront Project-** During the past two weeks, donations for the restroom and other waterfront improvements have been received from the following businesses:  
Bath Savings - \$1,000  
First National Bank- \$5,000  
Ross Flood Properties- \$1,000  
Colby and Gale- \$2,000  
**Recommended Action: Accept the donations listed above totaling \$9,000 to be used towards the cost of the construction of the downtown restroom and other public improvements in the waterfront area.**



## Lincoln County Fire Chiefs Association

February 21, 2018

Board of Selectmen  
Town of Damariscotta

On behalf of the officers and members of the Lincoln County Fire Chiefs Association, I would like to thank you for your consideration of our request to utilize property in Damariscotta for a fire training facility. While serving as President of the Association several years ago, Newcastle Fire Chief Clayton Huntley recognized the need for a fire training facility that would be centrally located to serve all of the fire departments in Lincoln County. Chief Huntley established a committee to address this need and continues to serve as Chairman of this committee.

The need for a new fire training facility in Lincoln County is demonstrated by the fact that the fire training facility in Wiscasset has been condemned. The Maine Fire Service Institute recently hired an engineering firm to evaluate fire training facilities throughout Maine and the Wiscasset facility was the only such facility to fail the evaluation. The Maine Fire Protection Services Commission is now working on legislation (LR-2716) to create a grant program to fund the construction of regional fire training facilities. Having a designated site available will allow us to apply for these grant funds.

Thank you!

*Walter A. Morris*

Walter A. Morris  
President, LCFCA



# The Maine Fire Protection Services Commission

## Live Fire Training Facility Engineering Study Summary

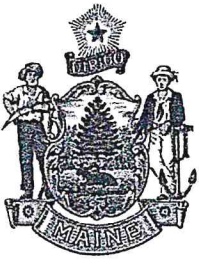
The Maine Fire Protection Services Commission (Fire Commission) along with the Maine Fire Services Institute (MFSI) have spent the better part of two years working to analyze and improve live fire training facilities in Maine. Currently MFSI is limited to six locations state-wide that are suitable to conduct live fire certification training evaluations, down from seven a few years ago. In October 2017, MFSI commissioned an engineering study of these seven locations as a risk management tool and to comply with current National Fire Protection Association (NFPA) standards. This is a summary of the results of that study of those current facilities along with other conditions that plague training for Maine's firefighters. While the engineering study provides hard facts about the current conditions of these facilities, it did not address their overall availability to train firefighters or the actual training capabilities available at each location which this summary further explains.

Firefighters in the State of Maine are required by the Bureau of Labor to train and be proficient in tasks before performing those tasks on the fire ground. These facilities were built and are maintained by local fire organizations and communities around the State and are the only locations that firefighters can train and become certified for interior live fire operations inside buildings. While these sites have served us well, the latest was built in the mid-nineties and all of these have received only sporadic repairs over the years due to limited resources. Facilities studied include those in Hollis, Yarmouth, Auburn, Wiscasset, Bangor, Ellsworth and Caribou; however MFSI no longer utilizes the Wiscasset site due to obvious cracks in the building's exterior concrete blocks that concerned State officials.

Knight Consulting Engineers was selected by MFSI through an RFP process to perform the engineering study due to their experience in studying live fire training facilities and applying the applicable NFPA standards and guidelines. The study concluded that the Bangor and Wiscasset facilities must receive repairs before they can be used again. The Wiscasset site requires significant repairs.

Here is a summary of the notable conditions that were noted in the engineering report:

- Wiscasset
  - Poor condition; repairs need to be made before continued use. Replacement of building recommended
  - Concrete walls heavily cracked, including a large crack in the concrete block wall second floor
  - Steel beam supporting second floor failing, needs additional support
  - Outside stairway needs additional reinforcement where attached to building
- Bangor
  - Repairs needed before next use
  - Burn room protection system needs repair around windows and has loose tiles



## The Maine Fire Protection Services Commission

The following facilities were considered in good condition for use with repairs needed as noted:

- Auburn
  - Second floor outside stairs & railings do not meet code, replacement needed
  - Foundation repair/patch required
  - Roof planks exposed to weather over stairs, covering should be added
- Caribou
  - Thermal panels cracked, replacement needed
  - Concrete block in burn room damaged, needs replacement or repair
  - Slab on second floor starting to sag, reinforcement recommended
- Ellsworth
  - Concrete in the burn rooms is spalling, will require constant monitoring and eventual repair/ replacement
- Hollis
  - Burn room needs additional protection added around windows and doors
- Yarmouth
  - Reinforcement post should be added to the beam in garage
  - Foundation cracks reported and will require repair if conditions worsen

In addition to the repairs needed, the current locations do not serve all of Maine's firefighters. Travel distances to these live fire training locations for many fire departments is substantial and in many cases unrealistic. Since safe fire operations require multiple fire apparatus to have back-up water supplies and hose lines for fire crews, this leaves departments shorthanded to protect communities while out of town training. Additionally, each fire evolution requires multiple support personnel to operate apparatus, provide instructional people and safety monitoring; thus reducing each department's available members as well as apparatus. Based on data from a 2017 survey of the fire service in Maine, the Fire Commission identified that eleven live fire training facilities would be required in order to reach 90% of Maine's fire departments within one hour of travel time. The current six active locations barely cover half of that need.

Another major concern is the lack of effective training operations for aerial apparatus. The standards call for a minimum of 40 feet of vertical height to properly train on aerial ladder operations. None of the current training buildings have these capabilities, since all are two-story buildings. The ability to add training towers to current or new facilities would allow departments to provide realistic training for aerial apparatus to meet the NFPA standards.

In closing the Maine Fire Protection Services Commission is promoting legislation that will address both the short and long term goals of MFSI to provide safe and effective training facilities strategically located across the State where generations of firefighters can safely and effectively train in compliance with all the applicable standards and guidelines in the future.

revised: 6-12-09 9:46 p.m.  
revised: 6-15-09 7:00 p.m.  
revised 7-08-09 7:00 p.m.  
revised: 10-21-09 8:15 p.m.  
revised: 02-17-2010 8:00 p.m.  
revised 06-15-2011 8:00 p.m  
revised 10-19-2016 8:00 pm

## **CONSTITUTION AND BYLAWS**

### **ARTICLE I**

The Association shall be known as the Lincoln County Fire Chiefs Association.

### **ARTICLE II**

The objectives of this association shall be:

- Section 1 To unite in one organization all Lincoln County Fire Chiefs, Captains, Lieutenants and representatives of other organizations furthering the cause of public safety.
- Section 2 To acquaint members with all methods of effectively fighting various types of fire; to familiarize members with the fire fighting equipment of every fire company in the area; and acquaint members with officers of each company and the area they serve.
- Section 3 To promote mutual aid agreements and training, and to provide assistance, as available, to area fire companies when requested.
- Section 4 To promote the public image of the fire service in Lincoln County and to continue to upgrade the ability to respond to the needs of its citizens.
- Section 5 To establish protocol and procedure where appropriate, which will allow Lincoln County Fire Departments to provide a systematic approach to carrying out their duties.
- Section 6 To allow the Lincoln County Fire Academy to exist and operate under the auspices of the Lincoln County Fire Chiefs Association

### **ARTICLE III**

- Section 1 The Association Officers shall be a President, Vice President, Secretary, Treasurer, and a board of Directors consisting of five members. The president and vice president shall be active chief officers at the time of their election. Said officers shall be elected by ballot at the annual meeting. A simple majority of votes cast shall elect. The President, Vice President, Secretary and Treasurer terms shall be for a period of one year, with the President and Vice President limited to two consecutive terms in each office.
- Section 1a Nominations for the Association officers shall be presented by the board of directors in the month of January, the last meeting prior to the annual meeting.
- Section 2 The President shall call all regular and special meetings; To preside at same and keep order therein; and to perform all other duties incident to this office. He/She shall be ex-officio a member of all committees and of the Board of Directors.

- Section 3 The Vice President shall be ex-officio a member of all committees and of the Board of Directors and to perform the duties of the President during his/her absence.
- Section 4 The Secretary shall keep a record of the proceedings of the Association and a roll of all members of the association; The secretary will notify all department chiefs and associate members by mail or e-mail seven (7) days before regular and annual meetings and make a written report of all business conducted at these. The secretary shall put reminders of these or any other announcements for the good of the association by whatever means best suited.
- Section 5 The Treasurer shall keep a correct account of all money received and paid out which shall be open at all times for inspection by any officer or member of the association. The Treasurer shall render a full and complete statement of the financial condition of the association at each regular and annual meeting. Expenditures of up to 200.00 dollars may be made with the approval of the president or vice-president to conduct business in the name of the association. Expenditures of a greater amount shall require approval of the membership by simple majority vote.
- Section 6 The Board of Directors shall be elected from the membership to serve the following; One for one year; Two for two years; Two for three years. The Board of Directors shall serve as a nominating Committee to identify candidates for elected offices. The Board of Directors may be assigned additional duties by the President or the association to further the goals of the association. The Board of Directors will oversee active members annually. The Board of Directors shall be the governing Board of the Lincoln County Fire Chiefs Association.
- Section 7 Sub-committees may be established at times to further particular association goals. These may be standing or special committees. A chairperson and secretary shall be elected to preside over and maintain a record of proceedings. These minutes shall be rendered at a scheduled association meeting and entered into the permanent record.
- Section 8 A quorum of twelve (12) members be present to conduct business.

Section 9

**Bylaw Addition**

This document shall be known as the appeals process: Add to Article # 3, section9  
In this document-LCFCA denotes Lincoln County Fire Chiefs Association  
presented

05/16/2011

The Committee denotes The Appeals Committee

06/15/2011 accepted

**MISSION:**

In recognizing the need for an impartial and non- bias process to oversee an appeal brought to the LCFCA as a result of a complaint made by an individual member or committee of LCFCA against another individual member or committee of LCFCA the LCFCA by a vote of the voting members in good standing will create and maintain for the good of the LCFCA an Appeals Committee and process to oversee and render an opinion on such appeal.

The opinion may be to up hold the complaint made by the individual member or committee or to overturn the complaint made of the individual member or committee thus rendering such complaint as null and void or to seek legal counsel before making a decision.

The committee and the LCFCA shall as a guide use any and all regulations, By Laws, guide lines, and procedures commonly used by the LCFCA and its committees in its regular operations with consideration to State and Federal rules and laws. The process shall be consistent at all times and not vary in the content, procedure and must follow the guide lines of this policy.



#### **Appeals Committee:**

A-The committee shall consist of five (5) members all to be chosen from the membership of the LCFCA.

B - A three members board shall be maintained being elected by the body at the annual meeting after all other officers have been chosen and all committees have been filled.(The first Year: One for three years, One for two years, One for one year and there after one for three years replacing the off going member.)

C-To prevent the appearance of a conflict of interest the three elected committee members shall not hold any other position ether elected or appointed in the LCFCA or committees.

D-The two remaining committee members shall be selected at the time of the appeal, One being chosen by the accused offender and the other being chosen by the individual member or committee bringing the complaint. These two committee members shall be enforce only as long as that particular appeal is in process and a decision has been rendered.

E-The committee shall have a meeting considering the complaint within ten(10) working days of receiving such complaint in writing.

F-For the good of all concerned the committee shall be held to a speedy and complete process and render a decision in the shortest time possible, not to exceed twenty(20) working days unless the option of seeking legal counsel extends the time period allowable.

G-The decision rendered by the Committee will be final for the committee and a duplicate complaint unless under different or new circumstances shall not be reconsidered by the committee.

#### **Further Appeals Process:**

A-The further appeals process if requested by the accused offender in writing to the president of the LCFCA shall be to present the complaint to be considered by the voting body of the LCFCA at a regular meeting.

B-The decision on the appeal will be by a secret ballot vote of the body of the LCFCA present at such meeting. (Minimum of 18)

C-The decision will be to uphold the opinion of the Appeals Committee or to declare any or all complaints against said individual or committee null and void or to seek legal counsel.

D-The decision rendered by the vote of the body of the LCFCA shall be considered final.

#### **ARTICLE IV**

Regular meetings shall be held on the **third** Wednesday in the months of January, February, April, June, August and October. Meeting venue will revolve around the county and will be by invitation by various Fire Departments or other agency and may be preceded by association dinners at the host's discretion.

## **ARTICLE V**

- Section 1 Applications for membership will be presented to the Lincoln County Fire Chiefs Association and then voted on at the next Association meeting.
- Section 1a Active members shall be any active Chief, Assistant Chief, Captain or Lieutenant belonging to a fire company or industrial brigade in Lincoln County.
- Section 1b Associate members shall be representatives of other organizations furthering the cause of public safety in Lincoln County.
- Section 2 Any member may be removed as a member of the Association for unethical behavior by a majority vote of the Association.
- Section 3 Once a member of this Association is relieved of their duties as a Chief or Chief Officer, they shall be an honorary member of the Association, and may hold an office except for President or Vice President.
- Section 3a In the event an honorary member becomes a Chief, or Chief Officer, they shall then become a regular member of the Association.
- Section 3b Once a Captain or a Lieutenant is relieved from their duties, they shall become an associate member of the association.

## **ARTICLE VI**

- Section 1 The role of associate members in the association shall be as an informational source and of an advisory nature.
- Section 2 Associate members may not hold the positions of President, Vice President or Board of Directors.
- Section 3 Associate members shall not be eligible to vote on issues brought before the association.

## **ARTICLE VII**

- Section 1 The annual dues shall be 100.00 effective January 2010, per town or plantation fire department.
- Section 2 The annual dues for associate members shall be voluntary.
- Section 3 The treasurer of the association shall submit bills for dues. The Treasurer will mail, e-mail or hand deliver an invoice for dues owed and a request for an updated officer list to the chief or his designee of each member town or plantation, after the annual meeting in February and before the June meeting of the same calendar year. These shall be payable at or before the June meeting.
- Section 4 Whenever any town or plantation shall fail to pay the annual dues by the June meeting, the chief of that department shall be notified by registered mail of the indebtedness to the Association, and if it is not paid within thirty days of said notice, the Secretary or Treasurer shall so report to the Board of Directors and they shall have the name of the said town or plantation dropped from the roll of the Association. Any department dropped may be reinstated by paying their indebtedness to the Association.
- Section 5 The president and treasurer shall have the authority to issue funds to cover expenses incurred. Newly elected officials must render their signature for check signing authority. Any pre-existing authority will be void

## ARTICLE VIII

These By-laws may be changed at any regular or annual meeting by a two-thirds vote of the members present. Due notice of the proposed change having been given to each member at least twenty days previous.

## ARTICLE IX

The order of business shall be as follows:

1. Pledge to the flag
2. Moment of silence for our fellow fallen firefighters and those who made the Ultimate sacrifice for our country
3. Dinner Thank you
4. Call to Order
5. Roll call of Departments
6. Reading of the Minutes
7. Treasurer's Report
8. Standing Committee Report
9. Applications for Membership
10. Unfinished Business
11. New Business
12. Communications
13. Remarks for the Good of the Order
14. Place of Next Meeting
15. Adjourn

## ARTICLE X

- Section 1      Conflict of interest: The purpose of the conflict of interest policy is to protect the Association's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Association or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace an applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable associations.
- Section 2      Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
- Section 3      A person has a financial interest if the person has, directly or indirectly, through business, investment or family:
- (a)      An ownership or investment interest in any entity with which the Association has a transaction or arrangement.
  - (b)      A compensation arrangement with the Association or with any entity or individual with which the Association has a transaction or arrangement, or
  - (c)      A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Association is negotiating a transaction or arrangement.

Compensation includes direct or indirect remuneration as well as gifts or

favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article X, Section 5, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

- Section 4      Duty to Disclose: In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of the committees with governing board delegated powers considering the proposed transaction or arrangement.
- Section 5      Determining whether a Conflict of Interest Exists: After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.
- Section 6      Procedures for Addressing the Conflict of Interest:
- (a)      An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
  - (b)      The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
  - (c)      After exercising due diligence, the governing board or committee shall determine whether the Association can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
  - (d)      If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Association's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.
- Section 7      Violations of the Conflicts of Interest Policy:
- (a)      If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
  - (b)      If after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary corrective action.
- Section 8      Records of Proceedings: The minutes of the governing board and all

- committees with board delegated powers shall contain:
- (a) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
  - (b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Section 9 Compensation:

- (a) A voting member of the governing board who receives compensation, directly or indirectly, from the Association for services is precluded from voting on matters pertaining to that member's compensation.
- (b) A voting member of any committee who jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Association for services is precluded from voting on matters pertaining to that member's compensation.
- (c) No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Association, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Section 10 Annual Statements: Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- (a) Has received a copy of these by-laws which includes this conflicts of interest policy;
- (b) Has read and understands the policy;
- (c) Has agreed to comply with the policy; and
- (d) Understands the Association is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Section 11 Periodic Reviews: To ensure the Association operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following:

- (a) Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the results or arm's length bargaining.
- (b) Whether partnerships, joint ventures, and arrangements with management organizations conform to the Association's written policies, and properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in

inurement, impermissible private benefit or in an excess benefit transaction.

Section 12 Use of Outside Experts: When conducting the periodic reviews as provided for in Section 5, 11, the Association may, but need not use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

**ARTICLE XI**

Section 1 Distribution of Assets in Event of Dissolution: Upon dissolution of the Association, all assets remaining after the payment of any and all debts of the Association shall be distributed only to an organization organized exclusively for one or more purposes as specified in Section 501 (c) (3) or corresponding provisions of any subsequent Federal tax laws

This amendment to the By-laws of the Lincoln County Fire Chief's Association supersedes all prior versions of the said By-laws.

Duly moved, seconded, discussed and adopted this 19<sup>th</sup> day of October, 2016

Print Name: \_\_\_\_\_

\_\_\_\_\_

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# The Maine Fire Protection Services Commission



## *Report on Regional Live Fire Training Facility Needs*

July 2017

## **Introduction:**

The Maine Fire Protection Services Commission (Fire Commission) was established by the legislature in 1999 to “monitor and evaluate the State’s fire protection services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the fire protection services system”. One of the core duties of the Fire Commission is “to assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members”.

Since 1999 the Fire Commission has worked diligently with a wide range of stakeholders to improve firefighter training and education. The Fire Commission has conducted studies, produced reports, and submitted legislation to improve the availability, quality, and safety of firefighter training across Maine.

## **The Challenge:**

Maine is a very large and diverse state with a wide range of fire service capabilities and training needs. However, there are common basic fire training needs that apply state-wide. They include safe, modern training facilities within a 60-minute travel time Maine’s firefighters where they can obtain hands-on live fire training in a safe and structured environment.

Maine is one of very few states in the nation that has no central training facility and in fact none of the regional training sites in Maine are owned or operated by the State. They are all a mix of local community, regional groups, chief’s organizations, and firefighter association sites that have been built and maintained through a variety of local efforts and resources. Most of the facilities are twenty years old or more (the newest built in 1996). Furthermore, not one of the facilities currently used by Maine firefighters has a NFPA compliant class A burn building which is a key component to any endorsed facility.

For several years our State fire training office, the Maine Fire Service Institute (MFSI), was able to provide a modest level of grant support for some of the facilities that it uses for skills testing. Those funds came from their operations budget but the available resources does not come close to meeting the need. A recent report from MFSI indicated there are only six current regional training sites that meet the absolute minimum standards that MFSI requires to conduct proficiency exams for firefighters and again, none of those sites meet current national consensus standards and guidelines.

Live fire training is a necessary qualification for firefighter certification and proficiency and is also one of the most dangerous evolutions firefighters perform. Historically most live fire training was conducted in acquired structures but due to costly environmental regulations and hazard mitigation costs, concerns from neighbors, and liability issues, acquired structure live fire training is no longer recommended. The key to any successful regional training facility is an engineered, NFPA compliant, class A burn structure designed specifically to meet the required training evolutions leading to firefighter certification.



## Training Firefighters in Maine:

Due to the vast differences in needs, resources, and capabilities across Maine, firefighters are trained through three primary pathways as illustrated on the graphic on page 5.

Local & regional fire training programs – individual fire departments and regional programs developed and delivered by a group of departments in a region often taught at local fire stations during the evening or on weekends when most volunteers are available.

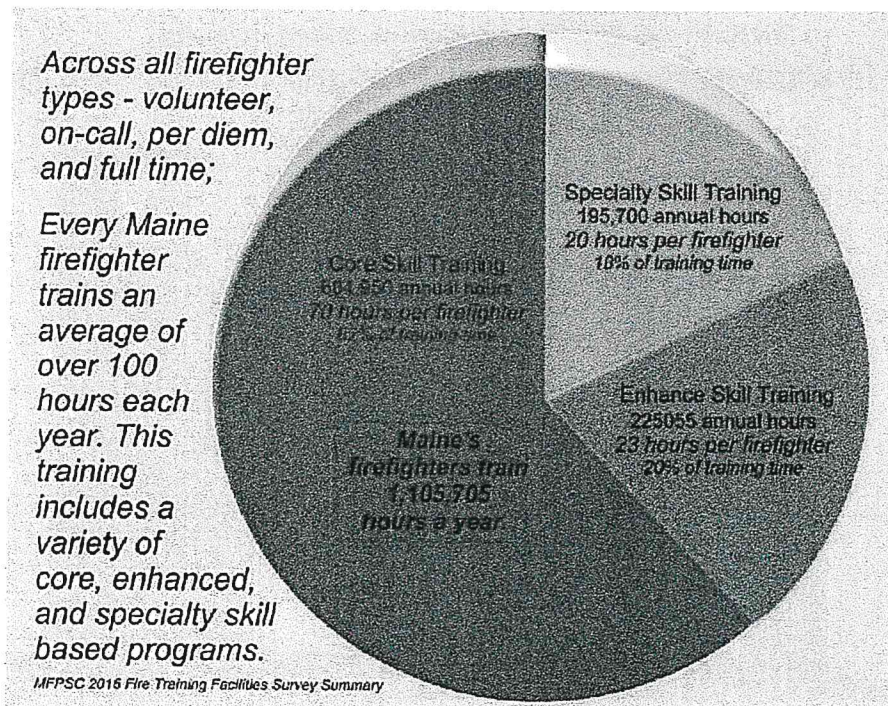
Maine Fire Service Institute (MFSI) programs – a variety of certified firefighter training programs and professional certifications are offered. MFSI certified instructors teach at MFSI classrooms, through local delivery classes at fire stations, and other training sites across the State.

Associate degree programs – Southern Maine & Eastern Maine Community Colleges each offer two-year associate degree programs in fire science where firefighters can earn college degrees and other certifications in preparation for a career in the fire service.

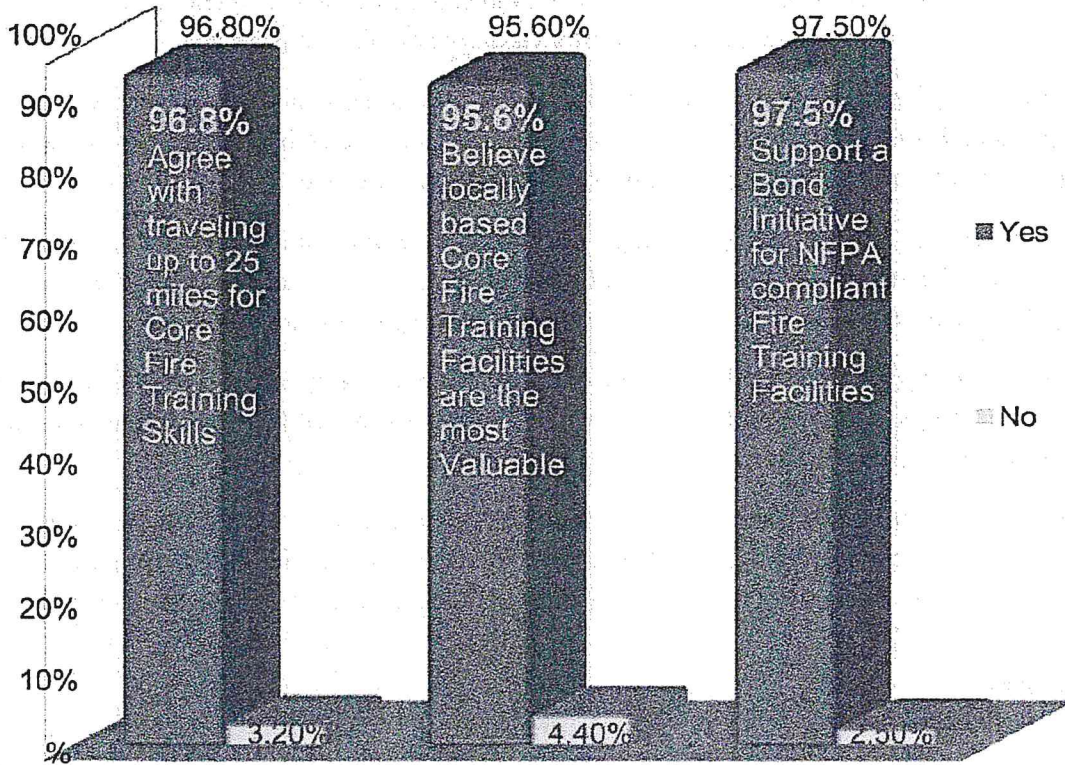
No matter where or how firefighters are trained in Maine, they must be trained commensurate with their duties (including fighting structure fires) and in accordance with NFPA standards. This includes *NFPA 1403 Standard for Live Fire Training Evolutions* 2012 edition, for live fire training evolutions.

## Survey Data:

In December of 2016 the Fire Commission surveyed Maine's fire service to follow up on a similar survey conducted in 2002. The following graphics illustrate some of the relevant data:

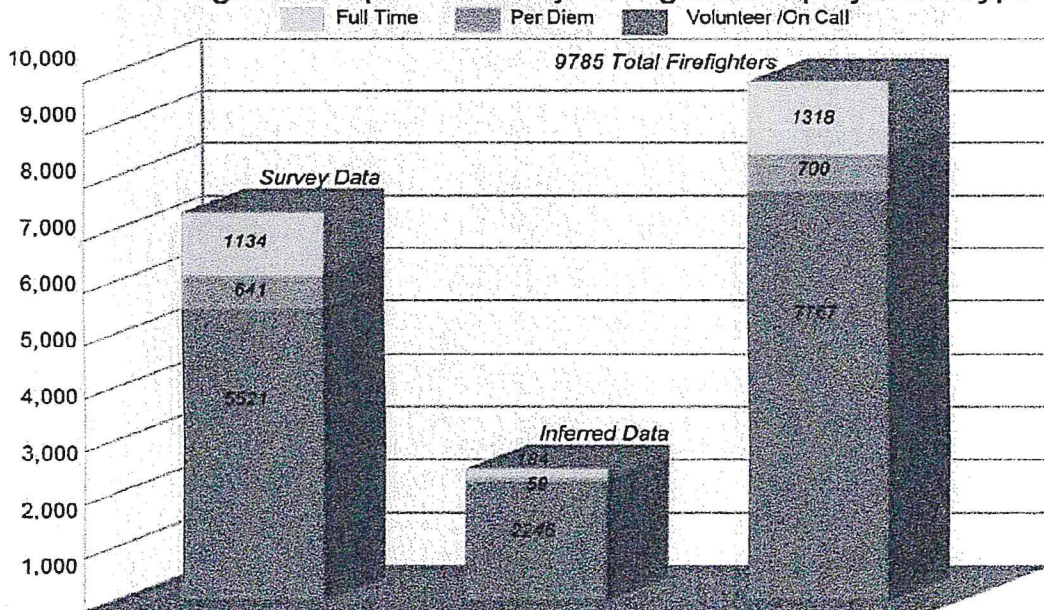


2016 Maine Fire Protection Services Commission Fire Training Facilities Survey Summary



2016 MFPSC Fire Training Facilities Survey Summary

Total Firefighters Represented by Firefighter Employment Type





\*Inferred data was compiled utilizing public information provided by and for municipalities that did not submit survey information via our electronic survey. This includes online documentation and direct municipal contact.


Created for the Maine Fire Protection Services Commission in cooperation with MFSI 2017

# Training Firefighters in Maine


**Local & Regional Fire Training Programs**  
 Individual fire department or regional programs, often taught at local stations on evenings and weekends.


All certified fire fighting in Maine is taught to National Fire Protection Association (NFPA) 1001 standards and 200 hours of classroom and field training to prepare a firefighter for entry-level fire fighting. Programs in Maine train thousands of firefighters every year, and additional hours are spent practicing and maintaining those skills.



**Local & Regional Fire Training Programs**  
 Training through the Maine Fire Services Institute (MFSI)  
 Associate & Technical Degrees via Southern Maine (SMCC) & Eastern Maine (EMCC) Community Colleges





While the variety of programs is very diverse; there are three primary ways we train firefighters in Maine



**Training through the Maine Fire Services Institute**  
 Training provided in 16-hour classes that lead to obtaining Firefighter I & II, Fire Officer, Driver/Operator, and a variety of other certifications. Classes are held at local stations, weekend fire schools, week-long academy style, and at MFSI in Brunswick.






No matter where or how firefighters are trained in Maine, they must all certify their training through MFSI's testing & credentialing. Live-Fire End testing is conducted at affiliated sites which are supported by MFSI's fire facilities grant program.

2 year Graduate Degree programs via Southern Maine Community College and Eastern Maine Community College

4 POLICE ACADEMIES  
 62 CERT AGENCIES  
 50 CERT AGENCIES

### Proposed Solution:

Based on the data from our survey, and the experience from MFSI and the many other representatives on the Fire Commission, we clearly understand that we need to move forward with a solution to Maine's fire training deficiencies. It is imperative that Maine's firefighters have safe & effective regional facilities where they can train, learn, and demonstrate proficiency in live-fire evolutions to earn certification and be ready to protect the citizens in their communities all across Maine. At a minimum those facilities must meet *NFPA 1402 Guide to Building Fire Service Training Centers* 2012 Edition, and *NFPA 1403 Standard for Live Fire Training Evolutions* 2012 Edition.

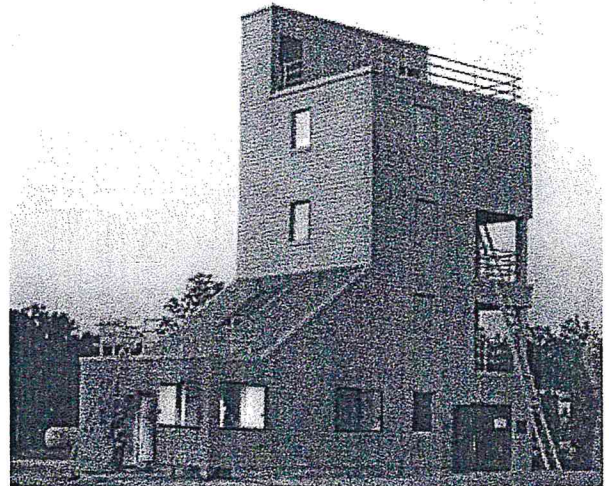
In order to meet the goal of providing a certified, safe, NFPA compliant live-burn facility within a 60 minute drive of 94% of Maine's firefighters, the Fire Commission studied the data from our survey and determined that it would require 11 sites strategically placed across the State. We have obtained cost estimates for the site work and a pre-engineered, model facility that is designed to mimic the actual types of structures found in nearly every Maine community.

Our proposal is to seek funding for a general obligation bond, facility bond, or an annual appropriation to fund a vigorous competitive grant program modeled after the very successful federal level FEMA Assistance to Firefighters Grant Program. Our grant program will build on previous MFSI facility grants with the goal of constructing one of these facilities each year. The Fire Commission will oversee and collaborate with our stakeholders and MFSI on that effort. The grant program will publish guidance and set priorities to assure sites are geographically spread across the State within a 60-minute travel time for Maine's firefighters, and to maximize return on the State's investment by partnering with municipal and private partners to cover the cost of operations and maintenance going forward. The grant program will assign scoring criteria that incentivizes regional collaboration and leverages other available grants and sources of local or regional funding.

Based on our research each facility will cost approximately \$850,000 to construct at 2018 costs. Since construction and material costs have increased approximately 4% annually on average, we have included an escalation factor over the 11 year life of the project which brings the average cost of each facility to \$1,042,127 over 11 years for a total project amount of \$11,463,397.

### Examples of the Capabilities & Requirements for Regional Live-Burn Training Facilities:

- Building suitable for training attack and extinguishment of Class A fire. Must be able to provide training in hose line operations & advancement; ventilation; search & rescue; ground ladder operations; and high angle rescue. Prop should be 40' in height for aerial ladder operations.
- Water supply from a pressurized hydrant and a static water source such as a cistern or pond
- Ventilation training prop.
- Forcible Entry training prop.
- Flashover simulator
- Below grade & Confined Space Rescue Training
- A working sprinkler & standpipe system
- Prop suitable for training attack and extinguishment of Class B fires utilizing two hose lines.
- Prop or concrete pad suitable for training and extinguishment of vehicle fires
- Concrete pad or other suitable surface and open area for vehicle extrication, portable fire extinguisher operation and similar training needs such as the MFSI vehicle fire prop.



Draft #9

{marked copy}

SITE PLAN REVIEW ORDINANCE  
TOWN OF DAMARISCOTTA  
June 15, 2016

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- Amended June 13,2018: Effective Date June 13, 2018\*
- Amended June 15, 2016: Effective Date June 15, 2016\*
- Revised July 1, 2015: Effective Date July 1, 2015
- Revised March 16, 2011: Effective Date March 16, 2011
- Revised January 21, 2009: Effective January 21, 2009
- Revised June 13, 2007: Entire Ordinance; Effective Date June 13, 2007.
- Revised June 13, 2006: Effective Date June 13, 2006
- Amended June 12, 2002; Effective Date June 18, 2002.
- Revised December 30, 1998: Section 10(A)(2)(b),(c), (d), € and Section 13, Downtown Commercial Area.
- Enacted March 26, 1994; Effective Date April 28, 1994.

\*Amended Sections 10.H.1 and 2 concerning time period for Board to issue a Notice of Decision for an approved site plan (p.10); and Section 11 on requiring submittal of a site plan fully conforming to the ordinance before submittal of a second plan that proposes any waivers sought (p. 11).

SITE PLAN REVIEW ORDINANCE  
TOWN OF DAMARISCOTTA

**Section 1. AUTHORITY**

This ordinance is enacted pursuant to the authority given the Town in MRSA Title 30-A, Section 3001.

**Section 2. PURPOSE**

Substantial development or major changes in the use of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the town. Such development can have adverse impact on schools, sewers, water lines, and other public utilities; recreational facilities; liquid and solid waste disposal; police and fire protection; open space; road systems and circulation; traffic congestion, safety and access; emergency access; placement of buildings and structures; property values; water supply and quality; management of storm water, erosion, and sedimentation; protection of the groundwater; protection of historic and archaeological resources; adverse impacts upon adjacent properties, the visual characteristics of the neighborhood and Town. The site plan review provisions set forth in this ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment, wildlife habitat, fisheries, and unique natural areas; and to fit the project harmoniously into the fabric of the community by assuring that the following objectives are accomplished with the least possible regulation:

- A. To minimize impacts caused by nonresidential, multifamily residential, and other developments described in Section 3, in a manner, which assures that adequate provisions are made for all of the concerns, listed above.
- B. To establish a Site Review procedure whereby Town officials may review new proposals to use land and buildings for uses listed in paragraph A. above.
- C. To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;
- D. To provide a Public Hearing process where required by the Ordinance through which town residents may raise questions and receive answers about how new development proposals would affect them;
- E. To suggest ways in which development proposals may be modified so that potential problems and nuisances can be minimized or eliminated;
- F. To exempt conventional lot by lot residential subdivisions already regulated under the town's Subdivision Ordinance, and other residential uses described in Section 3.
- G. To exempt all existing land uses and development from this review procedure, except where physical expansion or significant changes of use are proposed, or where new materials and processes are proposed;
- H. To balance the right of land owners to use their land for purposes stated in Section 2(G) above, with the corresponding right of abutting and neighboring land owners and other citizens of the Town to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or storm water runoff, or the pollution of ground or surface water resources.

- I. To provide local protection from those particular nuisances which are not governed by State law or regulations;
- J. To protect property values;

**Section 3. APPLICABILITY**

A. This Ordinance shall apply to:

- 1. Proposals for new construction of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings and structures.
- 2. Proposals for enlargement of or significant change of use of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings and structures.
- 3. Proposals for conversion of existing single and two-family residential structures to non-residential or multifamily dwelling uses including accessory buildings and structures.
- 4. Proposals to pave or create impervious surface of more than 10,000 square feet in the aggregate, for non-residential or multifamily dwelling uses.
- 5. Proposals to strip, grade, remove or fill earth materials of more than 20,000 square feet in area in the aggregate.
- 6. Previously conforming uses which have been discontinued for a period of 12 months or more. Such uses cannot be renewed without review by the Code Enforcement Officer to assure conformance with all applicable ordinances.
- 7. Non-conforming uses which have been discontinued for a period of twelve months or more. Such uses cannot be renewed except as provided for under the Damariscotta Shoreland Zoning Ordinance and other ordinances of the Town as applicable.
- 8. All construction and expansion of wireless telecommunication facilities except as provided in Section 3.B

B. The following are exempt from the provisions of this ordinance:

- 1. Emergency Wireless Telecommunications Facility.
- 2. Temporary wireless communication facilities for emergency communications by public officials.
- 3. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
- 4. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.
- 5. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

6. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.
7. An antenna that is an accessory use to a residential dwelling unit.
8. Single-family detached dwellings
9. Home occupations
10. Two-family dwellings
11. Agricultural land management practices and forest management practices, exclusive of associated structures or buildings.
12. Ordinary repair and maintenance.

**Section 4. EFFECTIVE DATE**

The effective date of this ordinance is June 13, 2007.

**Section 5. AVAILABILITY**

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

**Section 6. SEVERABILITY**

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

**Section 7. CONFLICTS WITH OTHER ORDINANCES**

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

**Section 8. AMENDMENTS**

This Ordinance may be amended by majority vote at any regular or special town meeting of Damariscotta.

**Section 9. ADMINISTRATION**

The Planning Board (Board) is authorized to review and act on all site plans for development requiring site plan review as defined above. In considering site plans under this provision, the Board may act to approve, disapprove, or approve with conditions as authorized by these provisions. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance, as specified in Section 3, until the site plan of development has been approved by the Board. All work shall be carried out in accord with the documentation submitted and approved by the Board.



**Section 10. PRE-APPLICATION AND APPLICATION PROCEDURES:**

- A. General Pre-Application: The applicant shall obtain a Site Plan Application, fill it out to the maximum feasible extent and set a possible meeting date at the Town to review the Site Plan Review application. The project should be reviewed informally with Code Enforcement officer and Board Chairman (or Planner) to determine if it generally conforms to applicable ordinance requirements. If the project appears to conform to applicable ordinance requirements, the applicant shall complete a building permit application, provide supporting documents and pay only the Site Plan Application fee and submit it with the Site Plan Review Ordinance application.

To be placed on the agenda for Pre-Application Sketch plan review, the applicant shall contact the Town Office at least 10 days prior to meeting. If the agenda for said meeting is full, the Chair of the Planning Board may place the project on the agenda of the next available meeting. Refer to Pre-application Procedures below for required documents.

To submit an application for review, 10 copies of a completed application and supporting documents and plans (each in a bound, stapled or otherwise attached report) along with the Site Plan Review fee, must be submitted to the town office no later than 15 business days prior to the next regularly scheduled Planning Board meeting. If the agenda for said meeting is full, the project shall be placed on the agenda of the next available meeting.

- B. Pre-Application Procedures: The following procedures and requirements shall apply to all applications for Site Plan Review:
1. Prior to submitting an application for approval of the proposed use or construction the applicant may meet informally with the Board at a regular meeting to present a sketch plan and generally discuss the proposal and to obtain guidance in development of the plan. The sketch plan may be a freehand drawing and show:
    - a. The outline of the tract or parcel with estimated dimensions, road rights of way and existing easements;
    - b. North Arrow
    - c. The proposed layout of the building(s), driveways, and parking areas; identification of general areas of steep slopes, wetlands, streams, and flood plains;
    - d. Other information pertinent to the project;
  2. Upon written request by the applicant, the Board, at its discretion, may waive certain Submission Requirements specified in Section 10.E or 10.F due to the nature or size of the project.
  3. The Board shall indicate any additional studies and other approvals from local and regional and State agencies that may be required. Letters from these agencies shall be included as a part of the application and/or review.
  4. The Board may, at its discretion make an inspection of the site prior to submission of the application.
  5. Within 30 days from submission of a pre-application and sketch plan and following an on-site inspection, if applicable, the Board shall submit in writing to the applicant a

## Site Plan Review ordinance – June 13,2018

checklist of the specific information which shall be included in the formal application to the Board.

- C. Application Procedures: All applications for site plan review shall be made in writing to the Board on the forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner; and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application. The Code Enforcement Officer and Planner (or Board Chairman) shall review all applications for completeness and other permitting requirements prior to giving them to the Board.
- D. Independent Consultants: A review escrow account may be established by the applicant for all projects that include a building greater than 1,000 sq.ft. or more than 2,500 sq.ft. of impervious surface or such other projects that the Planning Board determines will require review by a consultant. The review escrow fee shall be established by the Board of Selectmen. The review escrow fee shall be used by the Planning Board to pay for professional reviews and advice related to the proposed project as it deems necessary. The Planning Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. Once the review escrow account decreases to 25% of its original amount, further review of the project shall cease until the applicant replenishes the review escrow account to an appropriate amount. Those monies deposited by the applicant and not spent by the Board shall be returned to the applicant within 30 days after the Board renders its final decision on the application or when all invoices for consultant services have been paid, whichever occurs later.
- E. Submission Requirements (except Wireless Telecommunications facilities): The application shall include 10 copies of all of the following:
  - 1. A fully executed and signed copy of the application for site plan review.
  - 2. Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.
  - 3. A site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards but not at more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
    - a. Names and addresses of all abutters on the plan and names and addresses of all abutters on a separate listing.
    - b. Sketch map showing general location of the site within the town.
    - c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
    - d. The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries.
    - e. Classification(s) of the property and the location of zoning district boundaries as applicable.
    - f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a registered engineer or soil scientist.

Site Plan Review ordinance – June 13, 2018

- g. The location of all building setbacks required by this or other ordinances of the Town of Damariscotta.
  - h. The location, size, and character of all signs and exterior lighting.
  - i. The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping; and wetlands and streams as identified by a wetlands scientist.
  - j. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
  - k. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposed.
4. A management plan in conformance with the provisions of Section 11.L.
  5. An erosion and sediment control plan in conformance with the provisions of Section 11.M.
  6. Building plans showing, at a minimum, floor plans and all elevations clearly indicating the type, color, and texture of all exterior surfacing materials of all proposed principal buildings and structures and all accessory buildings and structures.
  7. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
  8. A list of all applicable State & Federal permits.
  9. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).
  10. Demonstration of financial and technical capacity to complete the project, as proposed, in accordance with this ordinance and the approved plan.
  11. Location of any floodplains on the project parcel.
  12. Soils test pit log demonstrating suitable soils for subsurface sewage disposal unless connection to a public sanitary sewer is proposed, in which case a letter from the Great Salt Bay Sanitary District attesting to its ability to accept sanitary wastes from the proposed development.
  13. A phosphorus impact report if the project is within the watershed of a great pond.
  14. An estimate of the amount of domestic water required for the project; if connection to the public water system is proposed, a letter from the Great Salt Bay Water District attesting to its ability to provide sufficient water to the project; if water is to be supplied by wells, the results of a hydrological study if required by the Planning Board.
  15. Plan for supplying water for fire protection.

16. Letters from appropriate state authorities attesting to the project's impact, if any on historic, archaeological and rare or endangered plant or animal species on or in the vicinity of the project parcel.
  17. Demonstration that access to the site will be safe and will meet or exceed minimum required sight distance.
  18. Demonstration that the project will comply with applicable noise and air quality standards.
- F. Submission Requirements for Wireless Communication Facilities: The application shall include 10 copies of all of the following:
1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.
  2. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
  3. USGS 7.5 minute topographic map showing the location of all structures and wireless application is filed) from the FCC Tower Registration Database.
  4. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes; certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and a boundary survey for the project performed by a land surveyor licensed by the State of Maine.
  5. A scenic assessment, consisting of the following:
    - a. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;
    - b. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the Color of the structure, and the proposed lighting method.
    - c. Photo simulations of the proposed facility taken from perspectives determined by the Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
    - d. A narrative discussing: the extent to which the proposed facility would be visible from or within a designated scenic resource, the tree line elevation of vegetation within 100 feet of the facility, and the distance to the proposed facility from the designated scenic resource's noted viewpoints.
  6. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

## Site Plan Review ordinance – June 13,2018

7. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:
  - a. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements
  - b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements
  - c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically: planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
  - d. Evidence that the applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
  - e. Evidence that existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
  - f. For facilities existing prior to the effective date of this ordinance, the fees, costs, for a tower built after the passage of this ordinance;
  - g. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access;
8. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).
9. A signed statement that the owner of the wireless telecommunications facility and his or other successors and assigns agree to:
  - a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
  - b. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
  - c. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;
  - d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design construction, financing, return on equity, depreciation, and all of the costs of

adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

- e. A form of surety approved by the Board to pay for the costs of removing the facility if it is abandoned.
- f. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.
- g. The Board may waive any of these requirements when it determines that the scale of the project makes the information unnecessary.

#### G. Notification and Hearing requirements

1. The Applicant shall notify all abutting property owners by certified mail, return receipt requested, of all requests for site plan review. If two or more abutters, or 5 residents of the Town, object in writing, and such objection is received by the Board, or postmarked, within 15 days after a public notice of the request for Site Plan Review, the Board shall schedule a public hearing on the proposal. Such hearing shall be scheduled within 30 days of acceptance of an application as complete.
2. If the Board schedules a public hearing pursuant to section 10.G.1 or at its own discretion. The Board shall give written notice of the date, time, and place of such a hearing to the person making the application, and the applicant shall arrange with the Town Office to pay for the cost of publishing such notice. Such notice shall be published by the Board in a newspaper of general circulation in Damariscotta at least two (2) times; the date of the first publication to be at least seven (7) days prior to the hearing. Written notification by the Board of the hearing shall also be sent to the applicant and adjacent property owners by certified mail, return receipt requested, at least seven (7) days prior to the hearing.
3. If other agency permits are required, such as D.O.T. traffic movement permits, with roadwork involved, notifications shall be expanded as follows:
  - a. All property owners and lessees affected by the road modifications shall be notified by publication of intent in a newspaper of general circulation in Damariscotta.
  - b. Copies of the notifications shall be submitted with the application.

#### H. Board Review

1. Within 45 days of the acceptance of a complete application it becomes a Preliminary plan application. If the Board determines that the preliminary plan does not require a public hearing or the application site visit, the Board may determine that the application is a Final plan and shall make a decision. This period may be extended by mutual written agreement (by being recorded in the Board meeting Minutes). If the Board requires either a public hearing or site visit on a preliminary plan for it to gain acceptance as a final plan, the 45 day period does not start until after either and/or the public hearing or site visit have been held. All site plans with 7,500 square feet or more footprint in the aggregate, shall be required to have one or more public hearings and site visits after the Board determines it is a preliminary plan and before it may be declared a final plan.

2. The Board shall inform the applicant in writing of their ~~its~~ decision (by a Notice of Decision) on final plan applications within ~~seven (7)~~ fifteen (15) days of their ~~its~~ action. The 15 day period may be extended by mutual agreement in writing (email approvals are acceptable) to 30 days for good cause such as, but not limited to, a heavy work schedule by the Town Planner or other staff of the Planning Board.
3. One copy of the approved site plan shall be retained in the Town Office and one copy shall be given to the Code Enforcement Officer.
4. The Board may require the posting, prior to final approval of any plan, of a bond, agreement, or letter of credit in such amount as is approved by the Board as being reasonably necessary to insure completion of all improvements required as conditions of approval of such plan, and in such form as approved by the Planning Board and the Selectmen.
5. The Board may attach reasonable conditions to approvals to ensure conformity with the purposes and provisions of this ordinance. The Board may condition final approval on receipt of copies of all state or federal permits required by the project including, but not limited to, Natural Resource Protection Act Permit, Traffic Movement Permit, Site Location of Development Permit and US Army Corps of Engineers permits.
6. If the application concerns property which in whole or part is within any Shoreland Zone, the criteria included in the Shoreland Zoning Ordinance shall be reviewed concurrently with the Site Plan Review.
7. All approvals shall expire within one year of the date of issuance unless work thereunder is substantially commenced within one year from the date of approval. If work is not substantially completed within two years from the date of issue, a new application may be required by the Board.

## Section 11. PERFORMANCE STANDARDS

The following standards are to be used by the Board in judging applications for site plan review. ~~While~~ These standards are meant to provide minimum criteria, and while they should not be regarded as inflexible requirements, all proposals should address them while being open to demonstrating creativity, invention and innovation, to ensure the best outcome for the applicant and the Damariscotta community. ~~all nor should they discourage creativity, invention and innovation.~~ The site plan shall be approved unless in the judgment of the Board the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include evidence necessary to demonstrate compliance with all applicable standards. If the site plan includes a building or buildings in the aggregate of 7,500 square feet or greater of floor area or has a facade of 50 feet or more, additional standards in Section 12 may also apply.

As a requirement for being approved by the Board as a complete application and thus a preliminary plan, the applicant shall submit a plan that fully meets all the requirements of all the Section 11 Performance Standards. The applicant may also submit an accompanying separate preliminary plan that sets out any proposed waivers from Section 11 Performance Standards accompanied by a written statement(s) explaining why the applicant believes the waivers would still accomplish the purpose of the performance standard so proposed to be altered.

A. Preserve and Enhance the Landscape

The landscape should be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil and by retaining existing vegetation during construction. Except for excavation operations approved pursuant to section 11.Q, only that topsoil directly affected by buildings, access and parking areas may be removed from the site.

B. Relationship to Environment and Neighboring Buildings

1. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building.
2. Except in the downtown Commercial (C1) area, the following setbacks and buffer strips for parking areas shall be provided:
  - a. Frontage on Road: a 15 foot buffer strip from the property line to parking areas.
  - b. Side and rear lot lines: A 15-foot minimum buffer strip from the property line to any parking areas.
3. In the downtown commercial area, the following setbacks for parking areas shall be provided:
  - a. Frontage on road: Setbacks for parking shall be the same as that for structures as required by the Damariscotta Land Use Ordinance.
  - b. Side and rear lot lines: No setbacks are required for parking areas in this district.

C. Air Quality

The Board may require the applicant to demonstrate that the project, as proposed, will not result in undue air pollution or odors. In making this determination, the Board may require the applicant to consult with federal and state authorities to determine applicable air quality laws and regulations. Emission of dust, fly ash, fumes, vapors, smoke or other particulate matter or gasses and chemicals which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line shall be prohibited.

D. Lighting and Glare

1. Lighting: Exterior lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed one-tenth (0.1) foot-candles upon abutting residential properties.
2. No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.
3. Hazards: The Code Enforcement Officer may require a light source to be modified or removed even though it may have been approved by the Board if such light source is subsequently determined to causes a hazard as referenced in paragraph 1, above.



4. Plans shall be submitted for all proposed exterior lighting, drawn to a scale of 1"=20' and shall include the location and type of lighting equipment, manufacturer's specification sheets, and point-by-point calculated luminance values noted on a 10 foot grid. The following lighting criteria shall not be exceeded:
  - a. Parking lots: a maximum of 1.5 foot-candles throughout.
  - b. Intersections: a maximum of 3 foot-candles.
  - c. At property lines: Maximum 0.1 foot-candles.
  - d. The maximum height of the luminaire of freestanding or building-attached lights on properties or in parking areas for multi-use residences, commercial and other non-residential uses shall be the same as the principal building, but shall not exceed 16 feet.
  - e. All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir. The source of any light (illumination) shall not be visible from any place on any abutting lot.
  - f. All new or replacement outdoor lights in the public right-of-way shall not exceed 20 feet in height or the manufacturer's specifications.
5. The applicant shall demonstrate to the satisfaction of the Board that the proposed lighting is appropriate for the intended use. The Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination. During nighttime hours when the activity is not occurring, lighting, as a condition of approval may be required by the Board to be turned off or turned down to the minimum security level.
  - a. Automobile service stations may have canopy lights and freestanding lights that are full cut-off shielded and up to 20 feet in height. No more than 1.5 foot-candles may spill across the lot line onto abutting commercial or other non-residential uses. No more than one-tenth (.1) foot-candle shall spill across any lot line abutting a residential use.
  - b. During nighttime hours when service stations are closed, all outdoor lighting shall be turned off or down to the minimum security level.
6. Lighting may be located along streets within the development, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
7. Pathways, sidewalks and trails may be lighted with low mushroom-type standards or bollard type lights 3 feet or less in height.

#### E. Noise

The proposed development shall not increase noise levels to the extent that abutting or nearby properties are adversely affected. In order to comply with this, the development must meet the following requirements.

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

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of day and land use which abuts it as listed below except that 7 p.m. – 7 a.m. sound level limits shall apply all day on Sunday.

Abutting Use	Sound Level Limits dBA	
	7 a.m. – 7 p.m.	7 p.m. – 7 a.m.
<b>Residential</b>	55	45
<b>Commercial</b>	65	55
<b>Industrial</b>	70	60
<b>Institutional</b>	55	45

2. Where the abutting property is undeveloped, the sound level shall be equal to or less than the most restrictive other abutting use. Where there are no uses on abutting properties, the sound level at the property line shall be equal to or less than the least stringent use allowed in the zoning district.
3. Sound levels shall be measured at least four (4) feet above the ground at the property line of the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of American National Standards Institute (ANSI S1.4.) “American Standard Specification for General Purpose Sound Level Meters” and shall have been calibrated at a recognized laboratory within the past year.
4. The following uses and activities shall be exempt from the sound pressure level regulations.
  - a. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
  - b. The noises of safety signals, warning devices, and emergency pressure relief valve and other emergency activities.
  - c. Traffic noise on public roads.
  - d. Snow removal.

**F. Adequacy of Public Road System**

Vehicular access to the site must be on roads which have adequate capacity to accommodate the MDOT Level of Service Process, even if it is a Town owned road. A development not meeting this requirement may be approved if the applicant demonstrates that:

1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard as soon as possible or,
2. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements as soon as possible, with a financial guarantee acceptable to the municipality.

G. Access into the Site

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

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation (MDOT) standards. Unless otherwise specified by MDOT, the following standards apply:

Posted Speed - Required Sight Distance (1)*	
25 mph	200 ft
30 mph	250 ft
35 mph	305 ft
40 mph	360 ft
45 mph	425 ft
50 mph	495 ft
55 mph	570 ft

**\*(1) Sight distance shall be increased by up to 50% if 30% or more of the vehicles using the proposed driveway or street will consist of vehicles larger than pickup trucks**

2. For developments on lots of record (created after the effective date of this Ordinance), the applicant shall meet, to the maximum extent possible, the above MDOT sight-distances. When meeting their MDOT sight-distances adjacent to said lots of record is clearly a hardship, the Planning Board may vary the sight-distance requirements so long as the public safety is substantially served.
3. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows. The proposed site layout shall provide for safe access to and egress from public and private roads. Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all structures at all times.
4. The grade of any proposed drive or street must be not more than 3% for a minimum of forty (40) feet, from the intersection.
5. The intersection of any access/egress drive or proposed street must function at the MDOT Level of Service, even if it is a Town owned road.
6. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.
7. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes and traffic controls within public streets.
8. Access ways must be designed to have sufficient capacity to avoid queuing of entering vehicles on any public street.
9. The following criteria must be used to limit the number of driveways serving a proposed project:

- a. No use shall have more than one (1) two-way driveway onto a single roadway unless a traffic engineer demonstrates that a second access is required for traffic safety. Any driveway must be no greater than thirty (30) feet wide. The Board may permit an additional driveway if necessary to accommodate delivery truck movements on the site.
- b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two points of access to a single roadway.

## H. Parking and Circulation

### 1. Parking and Streetscape:

Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. The object is to provide neither more nor less parking spaces than is needed and to maintain the village-scale street-scape by not setting larger retail buildings farther back from the street than necessary. This regulation may be subject to Planning Board review where out buildings are employed.

### 2. Parking Requirements

For properties of one-half acre or less, the Planning Board may reduce the minimum parking count (from Section 11.H) standards down to zero on-site spaces for good reason. For properties over one-half acre, the minimum parking requirement may be reduced for good reason by the Planning Board (from standards in Section 11.H.5.i) to no less than 1 space per 1,000 square feet of leasable or saleable floor area. These spaces may be located either onsite, on-street (directly adjacent to the property), in shared parking scenarios or in any public parking facility, the closest outside edge of which facility is located no more than 500 feet from the entry of the proposed building.

### 3. Off-street Surface Parking Lot Placement

- a. Wherever possible, parking lots shall be located behind or to the side of buildings such that buildings separate parking areas from the frontage street. An exception may be made for parking areas used for the display of vehicles for sale. In no case shall parking lots be located between the front facade of the principal building and the primary abutting streets unless the Planning Board grants a waiver and both the building and parking area are screened from view from the frontage street. Development consisting of out buildings (defined in Section 12.H.2) (i.e. buildings less than seven thousand, five hundred (7,500) square feet of floor area) and placement of 6 foot walls, singly or together may be used to screen parking areas.
  - b. Off-street surface parking lots shall be set back a minimum of 15 feet from non-frontage streets excluding alleys.
4. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement of parking areas.
  5. Parking areas shall be off street and designed so that vehicles leave the parking area in a

forward motion. To minimize the number of entrances on to the main travel way, a single combined entrance/ exit is encouraged, while a maximum of 2 separate curb cuts is permitted. For those lots in the C2 District as defined herein, the requirements of this paragraph may be modified to fit the prevailing pattern of development.

6. Parking Lot Lay-out

- a. Parking lots shall be divided into small areas of no more than 40 parking spaces each by landscaping, such as but not limited to, shade trees, shrubs, and evergreens. For those lots in the C1 District, the Board may consider the Municipal Parking lot when assessing the project's parking requirements.
- b. Each 40 space (or fraction thereof) parking area shall be landscaped with curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.

7. The parking spaces provided will meet the needs of the particular use and the following standards shall be used as a guide:

- a. Access to stalls. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
- b. Movement to and from spaces. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- c. Pedestrian access. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- d. Setbacks. See Section 11B.
- e. Parking stalls. Parking stalls and aisle layout shall conform to the following standards:

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"		18'-5"	24'-0"
60°	8'-6"	10'-5"	16'-0"	one-way only
45°	8'	12'-9"	17'-5"	one-way only
30°	8'	17'-0"	12'-0"	one-way only
Parallel	9'	n/a	20'-0"	n/a

- f. Parking stripes. In paved parking area painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width.
- g. Directional arrows. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
- h. Bumpers. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement

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on adjacent walkways, or damage landscape materials.

- i. Number required. Off-street parking spaces shall be provided, unless the applicant can demonstrate that another standard is appropriate, to conform to the number required in the following schedule:

1. Light industrial	1.5/1000 s.f.
2. Industrial park	1.5/1000 s.f.
3. Manufacturing	1.5/1000 s.f.
4. Warehousing	1.5/1000 s.f.
5. Residential	2/du
6. Apartments, condominiums	2/du
7. Senior citizen multi-family	1/du
8. Hotel/Motel/Inn	1/rm
9. Bed and breakfast	1/guest room
10. Club, lodge	½ persons based on maximum legal capacity
11. Hospital/medical facility	1/3 beds and 1 per 2 employees per shift
12. Art gallery, museum, library	6.5/1,000 s.f.
13. School, primary	1.5 per classroom
14. School, secondary	8 per classroom
15. School, post-secondary	1 per student and 1 per faculty & staff member
16. Theater, auditorium, assembly	1/3 seats based on maximum legal capacity
17. Marina	½ berths
18. Sports club, health spa	5/1000 s.f.
19. Church	½ seats
20. Nursing home	1/3 rooms
21. Medical, dental office	4/1000 s.f.
22. General offices	3/1000 s.f.
23. Governmental offices	4/1000 s.f.
24. Retail store	4/1000 s.f.
25. Home improvement, hardware	3/1000 s.f.
26. Shopping center	4/1000 s.f.
27. Restaurant	9/1000 s.f. or 1/3 seats
28. Fast food restaurant	14/1000 s.f. or ½ seats
29. Bank	4/1000 s.f.
30. Services	4/1000 s.f.
31. Child care	¼ children licensed for care

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- |                                      |  |
|--------------------------------------|--|
| 32. Auto, truck repair               | 5/service bay  |
| 33. Funeral home                     | 1/100 s.f.   |
| 34. Campgrounds                      | 1/campsite   |
| 35. Barber, beauty shop              | 3/chair  |
| 36. Car, truck dealers (see also 32) | 5 plus 1/3000 s.f. indoor or outdoor display   |
| 37. Convenience store                | 4/1000 s.f.  |
| 38. Convenience store with pumps     | 4/1000 s.f.; one-half of service spaces at the gas pumps may be applied to meet not more than one-half of total parking required |
| 39. Other uses                       | sufficient spaces to accommodate the normal parking demand as determined by the Plan. Board                                      |

### I. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

### J. Existing Public Utilities and Services

1. The proposed development shall not impose a burden on sewers and storm drains, water lines or other public utilities.
2. The proposed development shall not have an adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, and other municipal services and facilities.
3. If proposed development will be served by the Great Salt Bay Sanitary (and water) District, the applicant shall submit a letter from the District stating that they will be able to hook up to the system upon payment of an impact fee. This impact fee must be paid prior to issuing of building permit.
4. The Board may require the applicant to complete a public facilities impact study or retain a consultant pursuant to the provisions of section 10.D to conduct such study if it determines the results of such study are necessary to adequately review the application.

### K. Water Quality

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

2. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the State Drinking Water Regulations, pursuant to Title 22, M.R.S.A. Section 2601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
3. At commercial and other non-residential uses, above ground commercial or bulk fuel storage and chemicals or industrial wastes and potentially harmful raw materials, shall be contained within an impermeable diked area shall be provided; the diked area must be sized to contain one hundred ten (110) percent of the total volume of the fuels/chemicals/wastes able to contained therein. The containment area shall be roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete whether walls and/or pads, shall be reinforced concrete and shall be designed by a State of Maine registered Professional Engineer.
4. Underground petroleum tanks where permitted shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
5. Residential uses, such as but not limited to a multi-unit residential development, may store conventional heating fuel, such as but not limited to heating grade oil, propane or natural gas, in above-ground tanks.

L. Storm Water Management

A management plan, prepared by a registered professional engineer, shall be designed so that the post-development runoff does not exceed the pre-development runoff for the 24- hour duration, 2-, 10-, and 25-year frequency storm events. The plan shall be prepared in accordance with *Storm Water Management for Maine: Best Management Practices*, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the storm water plan and calculations by the Knox-Lincoln Soil and Water Conservation District. If the development requires Storm water Permit from the Department of Environmental Protection (DEP), the Board may accept the Storm Water Permit issued by DEP as evidence that this section has been satisfied.

M. Erosion and Sediment Control

An erosion and sediment control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

1. The name, address, and telephone number of the person responsible for implementation of the plan.
2. A vicinity map showing the location of water bodies that may be affected by erosion and



sedimentation from the project.

3. Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
4. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
5. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
6. Description of temporary and permanent erosion control practices that will be used.
7. Identification of the locations of the temporary and permanent erosion control practices.
8. Identification of how and where collected sediment will be disposed.
9. Dust control measures.
10. Inspection and maintenance procedures, including schedule and frequency.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

N. Water Supply

The development has sufficient water available for the reasonably foreseeable needs of the development, including adequate fire protection and will not cause an unreasonable burden on an existing town water supply and/or neighboring wells.

O. Natural Beauty

The development will not have an undue adverse effect on the scenic or natural beauty of the area, or rare and irreplaceable natural areas. In making this determination, the Planning Board shall consider the following.

1. The clearing of trees should be the minimum necessary to accommodate the proposed development. The development shall, by notes on the final plan, limit the clearing of trees to those areas designated on the plan.
2. The development shall be designed to minimize the visibility of buildings from existing public roads. If the land cover type at the time of application is forested, the applicant shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets. If the development is in proximity to a ridgeline, the applicant shall demonstrate how the design will minimize or eliminate any adverse visual impact on such ridgeline.
3. The Board may require the application to include in the landscape plan the preservation of any existing large trees, the replacement of trees and vegetation, and graded contours.

P. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not

limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

Q. Filling and Excavation

Excavations of sand & gravel, borrow, clay, topsoil, silt or rock that are not incidental to a development approved by the Planning Board and which exceed 1 (one) acre in area shall conform to the following performance standards. The Planning Board may approve modifications to these standards if such modifications have been approved by the Department of Environmental Protection. Where the project schedule for excavation that is incidental to a development approved by the Planning Board will exceed two years, such excavation shall default to comply with this section.

1. The following minimum setbacks from the excavation must be maintained. See Table below:
2. No excavation within 5 (five) feet of the seasonal high water table.
3. Refueling and maintenance operations within the excavation must be in accordance with a spill prevention, control and countermeasures plan prepared by a registered professional engineer and approved by the Planning Board.
4. The excavation must be naturally internally drained or the applicant shall submit a storm water management plan in conformance with section 11.L.
5. An erosion control plan prepared in conformance with Section 11.M shall address any access or haul roads, stabilization of material stockpiles and prevention of tracking of material onto public roads.
6. Dust associated with excavation and trucking activities shall be controlled by sweeping, paving, watering or other approved method.
7. The applicant shall submit a reclamation plan that shall include, at a minimum, the following:
  - a. final slopes shall be no steeper than 2.5 horizontal feet to one (1) horizontal foot vertical;
  - b. re-vegetation of excavated surfaces within one year of completion of each phase of the excavation; re-vegetation must result in a 75% survival rate for trees and shrubs and a permanent 90% ground cover;
  - c. removal of all structures and access and haul roads;
  - d. an engineer's cost estimates for all reclamation activities;
  - e. a bond or other financial guarantee satisfactory to the Planning Board sufficient to cover the cost of reclamation.
8. The excavation shall comply with the noise standards of Section 11.E and the access road shall comply with the minimum sight distance of Section 11.G.

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(1) Must be maintained as a natural buffer. Existing vegetation cannot be removed. If existing vegetation has previously removed, it must be replaced in conformance with a plan approved by the Planning Board.

(2) No minimum buffer strip required between excavations owned by abutting property owners with abutters'

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written permission.

Point-driven or dug well in existence prior to the excavation	200 feet
Drilled well into bedrock in existence prior to the excavation	100 feet
Public drinking water source serving 500 persons or less	300 feet
Public drinking water source serving 501-1000 persons	500 feet
Public drinking water source serving over 1000 persons	1,000 feet
Great pond or river	100 feet (1)
All other water bodies	75 feet (1)
Public road unless reduced by public entities with authority to grant Such reduction	100 feet (1) (25 ft (1) topsoil excavation)
Private road unless reduced by agreement with legal users of private road	75 feet (1)
Public right of way not containing a road	50 feet (1)
Property boundary (2)	50 feet (1) (25 ft (1) topsoil excavation)

9. Excavation operations are limited to 7 a.m. to 6 p.m. Monday to Friday and 7 a.m. to 2 p.m. Saturday.
10. If blasting is proposed, the applicant shall submit a blasting plan prepared by a firm licensed to conduct such work. The plan shall include pre-project inspections of any off-site structures and wells that may be potentially affected by the blasting.

### R. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code.

1. All sanitary sewage from new or expanded uses must be discharged into a public sewage collection and treatment system when such facilities are currently available or can reasonably be made available at the lot line and have adequate capacity to handle the projected waste generation.
2. If the public collection system is not at the lot line, but can be extended in the public right-of-way, the collection system must be extended by the owner and the new or expanded use connected to the public system. Such extension shall be required if the public system is within two hundred (200) feet of a new use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a new use with a design sewage flow of five hundred (500) or more gallons per day and the system has adequate capacity to accommodate the additional flow. The Board may waiver this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided the connection to the public system will occur if and when the subsurface system needs to be replaced.
3. If the public system cannot serve or be extended to serve a new or expanded use, the sewage must be disposed by an on-site sewage disposal system meeting the requirements of the Subsurface Wastewater Disposal Rules. The location of the bed and distances from wells on the property and on adjacent lots will be clearly shown. A copy of the design will be submitted with the application. If site is currently served by a septic system and the use is being expanded or changed, report must be submitted by a licensed soil scientist that the existing system and soils can accommodate the increased load or an expanded system.
4. When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an
5. Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations.

Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The pretreatment standards shall be in compliance with the Great Salt Bay Sanitary District “Regulation of Sewer Use”.

6. For all developments which require a building permit, the applicant shall demonstrate to the satisfaction of the Plumbing Inspector that the existing septic system is functioning properly.

S. Phosphorus Control

The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. The following provisions are applicable to all projects requiring site plan review that are located within the watershed of a great pond.

1. For all new principal structures, expansions of existing structures which increase the floor area by 30% or more over the lifetime of the structure, new accessory structures of 300 square feet or more and new or enlarged roads and driveways on lots, phosphorus export from such development shall be equal to or less than that which is calculated using the methods established by the Maine Department of Environmental Protection and described in Section 4.2.1 of Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992). The following phosphorus allocation factors shall be applicable.

Watershed	Water Quality as established by MDEP	Protection Level (from MDEP)	Phosphorus Coefficient (a)	Acceptable Increase in Phosphorus	Future Area to be Developed (b)	Per Acre Phosphorus Allocation ©
Paradise Pond	Mod-sensitive	Medium	8.13 lbs	1.00	174 acres	0.047
Little Pond	Mod-sensitive	High	4.80 lbs	0.75	92 acres	0.039
Pemaquid Pond	Mod-sensitive	High	26.15 lbs	0.75	464 acres	0.042
Biscay Pond	Mod-sensitive	High	18.65 lbs	0.75	254 acres	0.055

- a. Indicates the amount of additional phosphorus that, if exported from the watershed to the lake, will produce a 1 part per billion (ppb) increase in the lake’s phosphorus concentration (lbs./ppb/year)
  - b. Assumes 15% of each watershed is undevelopable due to environmental considerations; 30% of the remaining acreage is likely to be developed over the next 50 years.
  - c. Amount of phosphorus each developed acre is allowed to export without violating water quality goals.
2. For all other accessory buildings, expansions of existing structures and expansions of existing roads and driveways, the applicant shall demonstrate that, by utilizing permanent vegetated buffers, limiting the clearing of vegetation and the size of the development area limiting impervious surfaces and directing runoff away from the affected water body, the potential for phosphorus export has been minimized.

T. Buffer Areas

No industrial or commercial buildings or uses shall be established in, or abutting, a residential use unless a landscaped buffer strip is provided to screen visually the uses. Where no natural vegetation can be maintained due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection, and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.

The following standards apply to buffer strips, screening and landscaping required under this Ordinance:

1. Buffer strips. Buffer strips shall be required of the following widths for the following areas and/or purposes:
  - a. Protect water bodies. Along any water body within or adjacent to the project where the Board determines it desirable and necessary to protect such water body from sedimentation and pollution: Such buffer strips shall be a minimum of one hundred (100) feet in width or such greater width which in the judgment of the Board may be necessary to protect water bodies from sedimentation and pollution
  - b. Buffer strip on adjacent lot. If there is a buffer strip on the adjacent lot and the applicant for Site Plan Approval provides the Board with a guarantee from the abutter acceptable to the Board that the adjoining buffer strip will remain undeveloped, the Board may reduce the required buffer strip by the width of the encumbered adjoining buffer strip.
  - c. Route 1 buffer. A vegetative buffer 100 feet deep, or twenty percent (20%) of the depth of the lot, whichever is less, measured from the edge of the traveled way, shall be provided along Route 1 for all new commercial developments and for the re-development of existing commercial properties. Parking shall be prohibited within this buffer strip.
  - d. Roadside buffer in C2 District. Except as described in section 11.T.c, a vegetative buffer 50 feet deep, or twenty percent (20%) of the depth of the lot, whichever is less, measured from the edge of the traveled way, shall be provided along all public roads in the C2 District 1 for all new commercial developments and for the re-development of existing commercial properties. Parking shall be prohibited within this buffer strip.
  - e. Incompatible uses. Where the Board determines that adjacent uses or accessory uses are incompatible, a buffer strip may be required along any property line to shield incompatible uses or accessory uses from one another. Such buffer strips shall be a minimum of twenty-five (25) feet in width and such additional width which in the judgment of the Board may be necessary to shield incompatible uses from ordinary view.
2. Screening. Screening within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features do not exist, is required as follows:
  - a. Natural features. Natural features in buffer strips shall be maintained wherever possible. When natural features such as topography, gullies, stands of trees, shrubbery, and/or rock

outcrops do not exist or are insufficient to screen structures and uses from the view of abutting properties and, where applicable, public roadways, other types of buffers shall be provided to supplement the existing features.

- b. Vegetation variety. All buffers that contain vegetation shall provide for a variety and mixture of landscaping. The variety shall be based on a consideration of susceptibility to disease, hardiness for specific site location, colors, season, textures, shapes, sizes, blossoms and foliage. Planted vegetation shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover, the species of which shall be well suited to the Damariscotta area and approved by the Board.
- c. Vegetation standards. Where planting is required, as determined by the Board at least one (1) shade tree at least six (6) feet in height and at least two and a half (2) to three (3) inches in diameter, measured at a point four (4) feet above finished grade level, shall be planted no nearer than five (5) feet to any lot line for each three hundred (300) square feet of required landscaped area; and at least one (1) deciduous shrub or evergreen at least eighteen (18) inches above finished grade level, shall be planted for each two hundred (200) square feet of finished landscaped area.
- d. Fencing. Where fencing is provided, it shall be no more than six (6) feet in height, and shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties, except that the Board may require up to an eight (8) foot high fence to separate incompatible uses.

#### U. Signs

See the Damariscotta Sign Ordinance.

#### V. Building Appearance

The following standards shall apply to all buildings less than the size standard for large-scale development. Buildings required to meet the standards for large scale development (7,500 square feet and larger) shall comply with those standards contained in Section 12 of this ordinance.

1. The building's architecture (e.g. buildings of less than 7,500 square feet of gross floor area) shall reflect traditional New England building forms including, but not limited to, pitched roofs, dormers, windows (rather than plate glass) and clapboard, shingle or brick siding. Freestanding accessory structures, such as ATMs, gas pump canopies, sheds or drive-thrus (so called), etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site.
2. Pitched roofs with a minimum pitch of 5/12 may be required by the Planning Board to complement existing abutting buildings or otherwise maintain a particular esthetic objective.
3. Building facade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature colors of black, but such colors shall be muted, not metallic, not fluorescent and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage.

#### **Section 12. LARGE-SCALE DEVELOPMENT**

In addition to the standards of Section 11, the following standards apply to larger

non-residential buildings or structures and multi-family dwellings, including connected buildings, accessory buildings and structures, on site plans with the building or connected/associated buildings being 7,500 square feet or more of total floor area. The following standards are to be used by the Board in reviewing applications for site plan review. After the effective date of this Section, additions to a building (as defined herein) that exceeds the 7,500 square foot threshold, either individually or cumulatively, shall meet the following standards for large-scale development. The Board may modify or waive specific performance standards for such additions if it finds that, due to the design, location, function or layout of the principal structure, the application of specific performance standards is impractical or inappropriate.

A. Building Appearance.

The building shall employ varying setbacks, heights, roof treatments, doorways, window openings and other structural or decorative elements to reduce apparent size and scale of the building.

1. The building's architecture shall include, but not be limited to, pitched roofs, dormers, windows (rather than plate glass) and clapboard or brick siding. Freestanding accessory structures, such as ATM's, gas pump canopies, sheds or drive-thru's (so called), etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site.
2. a. A minimum of fifty (50) percent of the structure's facades, 50 feet or longer in length and that are directly facing (i.e. parallel to) a public street, shall employ architectural features such as, but not limited to, actual protrusions or recesses with a depth of at least six (6) feet. No uninterrupted façade shall extend more than forty-nine (49) feet.  
  
b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.
3. A minimum of twenty (20) percent of all of the linear roof eaves or parapet lines on the side of structures (with a façade of 50 feet or more in length fronting on a public way), shall employ differences in height, with such differences measured eaves to eaves or parapet to parapet.
4. Pitched roofs with a minimum pitch of 5/12 may be required by the Planning Board to complement existing abutting buildings or otherwise maintain a particular aesthetic objective.
5. Building facades shall include a repeating pattern that includes no fewer than three (3) of the following elements: (a) color change; (b) texture change; (c) material module change; (d) expression of architectural or structural bay through a change in plane no less than twenty-four (24) inches in width such as an offset, reveal or projection rib. At least one of these elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
6. Any rear or side building façade that is directly facing a public street (i.e. parallel thereto), shall be designed to complement the architectural treatment of the primary façade. Rear and side building facades visible from residential properties shall be screened to block visibility from the residential property in conformance to Section 12.E.2.
7. Building façade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature colors of black, but such colors shall be muted, not metallic, not fluorescent and not specific to particular uses or tenants.

Standard corporate and trademark colors shall be permitted only on signage.

8. Building Compatibility

- a. Exterior building materials shall be of a comparable aesthetic quality on sides of the building directly facing (parallel to) public ways. Building materials such as glass, brick, tinted or decorative concrete block, wood, stucco, vinyl siding or exterior insulation and finish systems (EIFS) shall be used. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
  - b. Sides of the building not visible from a public way shall maintain compatibility with other sides of the building by use of compatible colors.
9. The integration of windows into the building design is required and shall be transparent glass between three (3) to eight (8) feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity. Any blinds shall comply with the color standards of Subsection A.7 above. If large areas of plate glass are proposed, the Planning Board may require the applicant to demonstrate that glare from such glass will not create safety concerns for vehicles.
10. Ground floor facades of retail buildings that face public streets or contain the principal access to the building and which exceed one hundred and fifty (150) feet in length shall be designed to appear as a series of attached, individual storefronts even though the building itself may consist of a single retail occupancy.
11. Public entryways shall be clearly defined and highly visible on the building's exterior design and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.

B. Outdoor Sales.

Additional standards are applicable to large-scale development consisting of retail establishments greater than seven thousand and five hundred (7,500) square feet of floor area. The Planning Board may modify or waive one or more of the following standards for vehicle display areas if it finds that the application of such standards is impractical or inappropriate.

1. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping, be counted as part of the minimum 7,500 square feet (or maximum of 35,000 square feet) of floor area and shall be permanently defined and screened with walls, roofs and shall conform to those compatible predominant materials and colors used on the rest of the building.
2. Outdoor sales areas not counted toward minimum 7,500 square feet (or maximum 35,000 square feet) of floor area at commercial buildings include the location, storage and display of such hardscape or softscape landscaping, nursery, gardening or agricultural products such as, but not limited to, cement or brick pavers, outdoor pottery, outdoor furniture or plants, mulch, fertilizer or sand bags. Except for such agricultural, gardening, landscaping, nursery and similar products normally stored outdoors, the outdoor storage of products for retail sale is prohibited in an area where customers are not permitted unless such area is visually buffered



from adjacent streets and abutting developed properties. This prohibition includes outdoor storage sheds and containers. There may, however, be outdoor storage of such things, but not limited to, excess stock of products normally found outdoors such as patio furniture, if properly visually screened and for display purposes only.

3. Outdoor sales areas must be clearly depicted on the site plan. They must be at least ten (10) feet from motor vehicle routes and protected by a physical barrier.

#### C. Parking.

1. Parking areas shall provide safe, convenient and efficient access for vehicles and pedestrians. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface.
2. Parking lots over 100 spaces shall be segmented visually and functionally into distinct parking areas of no more than 40 spaces by landscaped and curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet of landscaped area.
3. No off-street parking shall be sited between the front façade of the principal building and the primary abutting streets with the exception of parking areas used for the display of vehicles for sale. The Planning Board may waive this requirement up to fifteen (15%) percent of off-street parking if it determines that the building and parking area are screened from view by out lot(s) (as defined in Section 12.H.2) consisting of buildings less than seven thousand and five hundred (7,500) square feet of floor area and by the use of additional tree plantings, berms, fencing, low walls, shrubs and/or perennials.

#### D. Bicycles and Pedestrian Facilities

1. Sidewalks internal to the development shall be provided and shall be no less than eight (8) feet in width and raised at least 6 inches above the vehicle travelway. Also, they shall be provided from the public sidewalk or right-of-way to the principal customer entrance(s) of all larger commercial buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, ground covers and other such materials for no less than fifty (50) percent of the length of the walkway.
2. Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public street.
3. Sidewalks at least eight (8) feet in width shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade. Weather protection features such as awnings or arcades are required at all customer entrances.
4. All internal pedestrian crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as, but not limited to, pavers, bricks or

scored concrete or asphalt to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.

5. The development shall provide exterior pedestrian furniture in appropriate locations at the rate of one seat for every five thousand (5,000) square feet of gross floor area and secure, bicycle parking at the rate at least three bicycle rack spaces for every fifty (50) vehicle parking spaces.

#### E. Landscaping

1. The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. The applicant shall replace within thirty (30) days, or as seasonally required by the species, any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Planning Board that the site conditions require an alternative species of comparable size.
2. A minimum of thirty (30) percent of the building's total foundation, including a minimum of fifty (50) percent along the building's façade facing a public street, shall be planted with landscaping, based on proper planting conditions, consisting of trees at least 1" caliper in width and an average height of six (6) feet, appropriate to USDA Plant Hardiness Zone 5 and placed into soil that would allow long-term growth and survival. Add adequate coverage by shrubbery to visually screen the base\_(foundation) of the building(s). At a minimum, planted shrubbery shall be 3 gallon pot size so called. This landscaping shall be near entrances and facades facing public streets as well as in parking areas. If the building will be located in a village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping along the building's front façade is not required.
3. Parking islands shall be landscaped in conformance to Subsection 2 above.
4. Buffer strip landscaping shall consist of trees, based on proper planting conditions, at least 1" caliper in trunk width and a minimum suitable height appropriate to USDA Plant Hardiness Zone 5, placed into soil that would allow long-term growth and survival and in sufficient number to form a visual barrier consisting of understory trees, evergreen or deciduous shrubs and evergreen trees. These shall be planted along and within a minimum thirty (30) foot deep green buffer strip adjacent to all public and private streets and drives including parking lot connections, circulation drives (including those adjacent to buildings) and loading areas. If the building(s) will be located in a village area and there will be no setback between it and a public sidewalk or street right-of-way, landscaping adjacent to the public sidewalk or street right-of-way is not required.
5. Where the commercial building abuts a residential boundary line or a property with at least one residence, a stone wall or fencing with evergreen trees that provides screening and buffering shall be included, but not limited to, a six (6) foot high berm. or, as determined by the Planning Board, plantings that would protect the residents from seeing the commercial building(s).

#### F. Screening

1. Ground and wall-mounted mechanical equipment, refuse containers and permitted outdoor

storage must be fully concealed from on-site and off-site ground level views with materials identical to those on building exteriors.

2. All trash collection areas that are not within an enclosed building or underground, must be screened or recessed so that they are not visible from public sidewalks, internal pedestrian walkways or adjacent residential properties and at least 50 feet from any lot line. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
3. Roof-top equipment must be screened by parapets, upper stories or exterior walls from viewing from public streets within one-thousand (1,000) feet. Roof-top solar panels or windpower generators shall be screened only to the extent that their function is not compromised
4. Gates and fencing may be used for security and access. Chain link, wire mesh or wood slat fencing are acceptable for security purposes. Such security fencing, however, does not satisfy buffering or screening requirements of this Ordinance.
5. Loading docks must be screened from surrounding roads and developed properties by walls matching the building's exterior or by fully opaque landscaping.

#### G. Building Reuse

Additional standards for maintenance of a site after vacancy applicable only to large-scale developments consisting of commercial buildings (in the aggregate) greater than 7,500 square feet in total floor area are:

1. If the building remains vacant for a period of four (4) consecutive years (within a 20 year time frame after having been initially constructed), the Selectmen may, following notice to the owners, mortgagees and any other legally interested parties, along with an opportunity to be heard, vote their right to pursue the removal of the building(s) from the site pursuant to 17 MRSA, Section 2851 (The Dangerous Buildings Statute) if the Selectmen find that the building(s) are structurally unsafe, unstable, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put (or could reasonably be put pursuant to the Damariscotta Land Use Ordinance), constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, or is otherwise dangerous to life or property. In pursuit of exercising removal of a building(s) pursuant to 17 MRSA, Section 2851, the Selectmen must find, after notice and hearing on the vacant or abandoned building(s), that the building(s) are a nuisance or dangerous before deciding upon razing and removal of the building(s) from the site.
2. Where a proposed new building will replace an existing commercial building of 7,500 square feet of total floor area or more, the applicant shall submit evidence that there will be no private prohibition on the type of reuse of the previously occupied building through conditions of sale or lease.

#### H. Additional Standards for Buildings 20,000 square feet or Greater in total floor area

Additional standards applicable only to large-scale development greater than twenty thousand (20,000) square feet in total floor area. These standards are intended to ensure that the buildings are not prominently visible from roads unless they are sited close to the road in a manner similar to traditional village commercial development.

1. Retail buildings of twenty (20,000) square feet or greater in total floor area that are set back

more than fifty (50) feet from a road shall not be prominently visible from such a road. This may be accomplished by existing vegetation and topography as well as proposed site improvements such as landscaping, berms and similar site design features. In determining if existing vegetation and/or proposed landscaping will satisfy this standard, the Planning board shall require the applicant to provide a visualization of the building and landscaping as they would appear 7 years after completion of the project.

2. Alternatively, the standards in Section H herein, may be satisfied by the siting of smaller commercial buildings on pads or out-lots between the large-scale retail building and the designated road. This technique shall be employed for the full width of the development site along the road that provides its principal vehicular access except for access locations and landscaped public open spaces that the Planning Board determines will provide effective visual buffering of the large retail building.

### 3. Community Impacts

The Planning Board may require an economic and fiscal impact analysis for a proposed large-scale development. The applicant shall provide adequate funding to the Town to retain a consultant of the Town's choice with appropriate experience to complete and present such analysis.

- a. The impact statement shall include the following elements:

- (1) Identification and assessment of the impacts of the proposed project, including positive, negative and indirect impacts.
- (2) Proposed measures to mitigate adverse impacts and/or maximize positive impacts including provision of infrastructure or public service improvements sufficient to support the project. Any adverse impacts that cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
- (3) Proposed measures to mitigate negative traffic impacts to road plans of the Town and how to integrate the proposed development into the road plans of the Town.

- b. The impact statement shall assess the following areas of potential impact:

- (1) Types of jobs created.
- (2) Number of full-time (forty (40) hours per week) and part-time (less than forty (40) hours per week) jobs created.
- (3) Evaluation of the market and financial feasibility of the project. Include a trade area analysis indicating the market area proposed for the project and the area from which patrons will be attracted and any plans for phased construction. Include any further market studies prepared for the project by the applicant.
- (4) Evaluation of the potential for the proposed project to create an over-supply of retail space in Town using industry-accepted standards for commercial floor area per resident.
- (5) Evaluation of the impact of the proposed project on commercial vacancy rates in Damariscotta and Lincoln County.
- (6) Estimate to what extent the proposed project would reduce the diversity of the Town's economic base by eliminating smaller businesses.

- (7) Comparison and evaluation of the projected costs and benefits to the Town resulting from the project including:
  - (i) Projected costs arising from increased demand for and required improvements to public services and infrastructure.
  - (ii) Value of improvements to public services and infrastructure to be provided by the project.
  - (iii) Projected tax revenues to the Town to be generated by the project and the need for increased financial support for infrastructure improvements and protective services.
  - (iv) Projected impact of the project on land values (both residential and commercial) and potential loss or increase in tax revenues to the Town.
  - (v) Short-term and long-term projection of increased revenues to the Town and costs resulting from the proposed project.
  - (vi) Estimate of the difference between how much of the revenue generated by the proposed project would be retained and re-directed back into the economy of the community compared to other retail chain stores and locally-owned, independent retailers in Town.

### **Section 13 APPEALS AND VARIANCES**

- A. To appeal a decision of the Board, an aggrieved party must file the appeal with the Board of Appeals within 30 days of the date of the decision of the Board. If such appeal decision is not filed within the stated time, the prior decision of the Board shall be final. Following a hearing, the Board of Appeals may reverse the decision of the Board only upon a finding of Fact or in law that the decision is clearly contrary to specific provisions of this Ordinance. The Board of Appeals may affirm, modify, or remand the application to the Board for further proceeding. The Board of Appeals shall render a decision within 30 days of receiving an application.
- B. The Board of Appeals may grant a variance from the strict application of this Ordinance provided that the strict application of the terms of this Ordinance would result in undue hardship to the applicant. The term “undue hardship” shall mean:
  - 1. That the land in question cannot yield a reasonable return unless a variance is granted, and;
  - 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
  - 3. That the granting of a variance will not alter the essential character of the locality; and,
  - 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- C. Appeal Procedure
  - 1. Making an Appeal
    - a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Board.

Such appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the 30 day requirement.

- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - (1) A concise written statement indicating what relief is requested and why it should be granted.
  - (2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- c. Upon being notified of an appeal, the Code Enforcement Officer or Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- d. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
- e. The Code Enforcement Officer shall participate in appeals procedures.

## 2. Decision by Board of Appeals

- a. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- c. The person filing the appeal shall have the burden of proof.
- d. The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
- e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

## 3. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceeding before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 30 days from the date of any decision of the Board of Appeals.

## 4. Reconsideration

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

#### **Section 14 ENFORCEMENT**

##### **A. Nuisances**

Any violation of this Ordinance shall be deemed to be a nuisance.

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

1. This ordinance shall be administered and enforced by a Code Enforcement Officer (CEO) appointed by the Municipal Officers. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
3. The Code Enforcement Officer shall be responsible for administering the provisions of this ordinance, including interpreting the provisions hereof. Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this ordinance may appeal, within the time limits for such appeals, such determination to the Board of Appeals as an administrative appeal. If the Appeals Board finds that the CEO erred in his/her interpretation of the ordinance, it shall modify or reverse the action accordingly.

##### **C. Legal Actions**

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

##### **D. Fines**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

## **Section 15 DEFINITIONS**

**Meaning of Words.** All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural.

**ABUTTING PROPERTY** - Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

**ACCESSORY BUILDING** - A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

**ACCESSORY USE** - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**AGGRIEVED PARTY** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such a permit or variance.

**ANTENNA** - any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

**ANTENNA HEIGHT**- the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**ARCADE:** A series of outdoor spaces located -under a roof or overhang and supported by columns or arches.

**ARTERIAL** - A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

**BAY:** As applied to large scale development, a spatial division element in a building defined by beams or ribs and their supports.

**BERM:** An earthen mound designed to provide visual interest on a site, screen -undesirable views, reduce noise or provide a buffer from adjoining uses.

**BUFFER:** As applied to large scale development, an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesirable views, noise and glare,



effectively providing greater privacy to neighboring land uses. Typical buffers include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.

**BUILDING** - Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

**BUILDING FOOTPRINT** - The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above grade level on posts or similar devices, the building footprint is the area the building would cover if it were located at ground level.

**BED & BREAKFAST** - A private home occupied by the owner or his tenant as his principal residence which offers overnight sleeping accommodations and breakfast at a single price for travelers; the total space occupied by such accommodations no to exceed twenty percent of the dwelling.

**BOARD** - The Planning Board of the Town of Damariscotta.

**CANOPY**: As applied to large scale development, a projection over a niche or doorway, often decorative or decorated; a roof over an accessory structure including but not limited to gasoline pumps and an Automated Teller Machine (ATM).

**CHANGE FROM ONE CATEGORY OF NONRESIDENTIAL USE TO ANOTHER CATEGORY OF NONRESIDENTIAL USE** - A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

**COLLECTOR** – A street that collects traffic from local streets and connects with arterials or a street or road functionally classified as a collector by the Maine Department of Transportation.

**COLOCATION** - the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**COLUMN**: A vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drums the full diameter of the shaft.

**COMMERCIAL** - the use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**CONNECTED/ASSOCIATED BUILDINGS**: Two or more buildings on a site plan that are connected by and arcade or sidewalk or that are less than 50 feet apart at any point on any building.

**CURB CUT** - The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

**DOWNTOWN COMMERCIAL AREA** - the Downtown Commercial Area is defined as follows: Downtown Commercial (C1) district of Article 3(C)(2)(a) of the Damariscotta Land Use Ordinance.

**DWELLING UNIT** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

**EAVE:** The overhang at the lower edge of the roof, which usually projects out over the exterior walls of the structure.

**EXPANSION -**

1. An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans With Disabilities Act (ADA) and/or State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.
2. Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans With Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.
3. (As it applies to telecommunication facilities) - the addition of antennas, towers or other devices to an existing structure.

**FAA -** The Federal Aviation Administration or its lawful successor.

**FACADE:** The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

**FCC -** means the Federal Communications Commission , or its lawful successor

**FOOTCANDLE:** A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away.

**FORMULA RESTAURANT:** An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following description:

- a. It has the same or similar name, trade name, or trademark as others in the chain or group;
- b. It offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group;
  - (1) Exterior design or architecture;
  - (2) Uniforms, except that a personal identification or simple logo will not render the clothing a uniform.
- c. It is a fast food restaurant within a chain of 3 or more similarly named and identifiably designed and constructed to look similar to the viewer.

**FISHERIES -** Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

**FLOOR AREA -** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**GROUND WATER -** All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

**HISTORIC OR ARCHAEOLOGICAL RESOURCES and SITES - resources that are:**

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**HISTORIC DISTRICT** - a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

**HOME OCCUPATION** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than 2 persons other than family members residing in the home.

**HOTEL/MOTEL/INN** - a commercial building or group of detached or connected buildings designed to accommodate for a fee travelers and other transient guests remaining for a limited duration with sleeping rooms without cooking facilities, each unit having its own private bathroom and its separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel, motel, or inn may include restaurant facilities for the use of its guests and other customers.

**ILLUMINANCE** – The measure of the amount of light that is intercepted by an object that is a distance away from the sign. That is, the lighted sign face illuminates objects that are away from it, and the lighting level produced by the sign on a particular object is measured in footcandles (fc)s.

**IMPERVIOUS SURFACE** - The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of storm water.

**INDUSTRIAL** - the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**LANDSCAPING:** The combination of natural elements such as trees, shrubs, ground covers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and

pleasing environment, screening unsightly views, reducing environmental impacts, and filtering matter from the air.

**LARGE SCALE DEVELOPMENT:** Unless otherwise described, a commercial establishment or a multi-family dwelling or other non-residential development that equals or exceeds seven thousand five-hundred (7,500) square feet of gross floor area, a non-residential development with a drive-thru facility or outdoor fuel sales or a formula restaurant; large scale development does not include agricultural building or commercial greenhouses and nurseries accessory to a retail or wholesale sales establishment.

**LINE OF SIGHT-** the direct view of the object from the designated scenic resource.

**LOCAL STREET** - A public street or road which is not identified as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision.

**LUMINANCE** – The measure of the brightness of the sign face.

**MULTI-FAMILY RESIDENTIAL** - a residential structure containing 3 or more residential dwelling units.

**NADIR:** The angle pointing directly downward zero (0°) degrees from the lighting fixture. Seventy-five (75°) degrees nadir, for example, is the angle pointing seventy-five (75°) degrees above nadir.

**NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES** - Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

**OUT LOT:** A comparatively small lot with a small building located between a larger, commercial or institutional building and a public street. The larger internal-lot building is generally of 7,500 square feet or greater footprint.

**OWNER** - Any person, firm, corporation, or other legal entity which controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

**PARABOLIC ANTENNA** (also known as a satellite dish antenna) - an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

**PARAPET:** The portion of a wall that extends above the roofline.

**PARKING SPACE** - An area abutting a street or drive and intended or used for parking vehicles, in compliance with Section 11.H.

**PEDESTRIAN WALKWAY:** A surfaced walkway separate from the traveled portion of a public or private right-of-way, parking lot or driving aisle.

**PITCH:** The slope of a roof commonly expressed in terms of inches of vertical rise per foot of horizontal run.

**PORTICO:** A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

**PRINCIPAL USE** - the use other than one which is wholly incidental or accessory to another use on the same premises.

**PRINCIPAL STRUCTURE** - A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. A use other than one which is wholly incidental or accessory to another use on the same premises.

**PUBLIC RECREATIONAL FACILITY** - a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property's owner.

**RECHARGE AREA** - Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

**RETAIL BUSINESS, STORE OR USE** - A business engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale; also pertaining to any structure or use connected with or engaged in such sale, whether it be attached to the principal structure or any accessory structure or use which would reasonably be considered incidental and subordinate to the principal use or structure. This definition shall apply to any such structure or use located on the same lot or adjoining lots under the same ownership.

**SCALE:** The size or proportion of a building element or space relative to the structural or functional dimension of the human body.

**SCREEN:** See also "buffer". The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views.

**SETBACK** - the nearest horizontal distance from the property line or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

**SETBACK, FRONT** - An open area extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**SETBACK, REAR** - An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of the lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**SETBACK, SIDE** - An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

**SHARED PARKING** – A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.

**SIGHT DISTANCE** - The direct line of sight from a point four feet above the centerline of a road or highway to a point four feet above the center of the place at which vehicles enter and leave the highway.

**SIGNIFICANT CHANGE OF USE** – The change of the use of a property which triggers changes to any of the performance standards of Section 11 of this Ordinance. Such changes may include, but are

not limited to, changes in the number of on-site parking spaces, for example, as required in Section 11(H)(4)(i).

**STRUCTURE** - Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including a tent or vehicle.

**STOREFRONT:** The traditional "main street" facade bound by a structural pier on either side, the sidewalk on the bottom and the lower edge of the upper facade at the top.

**SUBSTANTIALLY COMMENCED; SUBSTANTIALLY COMPLETED** - Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

**SUBSURFACE SEWAGE DISPOSAL SYSTEM** - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Ch 13, Subchapter 1.

**TARGETED MARKET COVERAGE AREA** - the area which is targeted to be served by this proposed telecommunications facility.

**TEXTURE:** The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in the exterior facade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed.

**THEATRE BUILDING** - Or theatre (also a playhouse) is a structure where theatrical works or plays are performed or other performances such as lectures or musical concerts may be given in front of an audience. A theatre building (also a cinema, movie house, picture theater, film theater) may also be a venue for viewing motion pictures ("movies" or "films") by an audience.

**USE** - The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**VEGETATION** - All live trees, shrubs, ground cover, and other plants.

**WIRELESS TELECOMMUNICATIONS FACILITY OR FACILITY**- any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

**WILDLIFE HABITAT, SIGNIFICANT WILDLIFE HABITAT** - Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's comprehensive plan.

**Board of Selectmen**

\_\_\_\_\_  
Amy Leshure

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ronn Orenstein

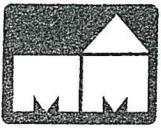
\_\_\_\_\_  
Roberta Mayer

\_\_\_\_\_  
Mark Hagar

\_\_\_\_\_  
Louis Abbotoni

Attest: A true copy of an Ordinance entitled: "Site Plan Review Ordinance, Town of Damariscotta" Amended June 35, 2018, as certified to me by the Municipal Officers of Damariscotta, Maine on the 13th day of **June**, 2018.

\_\_\_\_\_  
Michelle Cameron, Town Clerk  
Damariscotta, Maine



# Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

To: MMA's Key Municipal Officials

From: Linda C. Cohen, President, Maine Municipal Association

Date: April 26, 2018

Re: Nominations to MMA's 2018-2020 Legislative Policy Committee

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This memo begins the process of electing 70 dedicated municipal officials to serve on MMA's Legislative Policy Committee (LPC) over the next two-year period. Given the importance of this Policy Committee to MMA's overall mission, I urge you to help us identify nominees for service during the 2018-2020 biennium.

The LPC brings elected and appointed officials together from towns and cities across the state. According to its by-laws, the purpose of the LPC is "*to define municipal interests and to maximize those interests through effective participation in the legislative process.*" Operating something like a town meeting, the LPC establishes MMA's public policy positions on all matters of direct and statewide municipal interest for representation in the State House. The LPC meets at the MMA building in Augusta once a month during the first several months of each legislative session.

After the next LPC is elected, its first task will be to develop MMA's legislative agenda for submission to the Legislature in January 2019. Beginning in early 2019, the LPC will meet to determine MMA's position on all municipally-related legislation submitted by the Governor and legislators. MMA's legislative staff advocates for the positions established by the LPC.

The membership of the LPC tends to be a mixture of seasoned veterans, who bring an extraordinary depth of experience to the table, and new members with fresh concerns and insights. Speaking as a former Chair of the LPC, it is my observation that the debates and decision-making accomplished by this Committee often include public policy discussions of the highest caliber. The results certainly help establish MMA's credibility in the Maine legislative process.

A Nomination Form is enclosed. Two municipal officials are elected from each of Maine's 35 Senate Districts. What follows is background information on the process of election, and the suggested time commitment to serve.

**Background Information.** Any elected or appointed municipal official holding office in any MMA member community is eligible to serve on the Committee. There are two seats on the LPC for each State Senate District. Members serve two-year terms, representing their own community and the other municipalities in their Senate District.

(over)



## LPC NOMINEE BIOGRAPHY

**To:** Legislative Policy Committee Nominees

**From:** Maine Municipal Association

**Date:** April 26, 2018

To help municipal officials make an informed choice when they vote for their LPC representatives, we ask nominees to provide some background information regarding their municipal service and why they want to be LPC members. A "nominee profile" is included on the ballot for each nominee who provides us with a profile.

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Municipality:** \_\_\_\_\_ **Years in current position:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_  
(include zip code, please)

**Prior (recent) municipal experience:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you served on the LPC before? No  Yes  If yes, what years? \_\_\_\_\_

If you have served on any other MMA Committees, please note them: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate your primary issues of concern, and/or reasons for wanting to serve on the LPC:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please give this completed form to your Board of Selectmen/Assessors or Council so that it can be returned with the Nomination Form, or send it directly to Laura Ellis at MMA by June 13<sup>th</sup>:

Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330  
FAX: 624-0129  
Email: [Lellis@memun.org](mailto:Lellis@memun.org)

**Thank You!**

# NOMINATION FORM

Maine Municipal Association's  
**Legislative Policy Committee**  
July 2018 to June 2020


## Senate District 13

Alna  
Boothbay  
Boothbay Harbor  
Bremen  
Bristol  
Damariscotta  
Edgecomb

Jefferson  
Monhegan Plt.  
Newcastle  
Nobleboro  
Somerville  
South Bristol  
Southport

Waldoboro  
Washington  
Westport Island  
Whitefield  
Windsor  
Wiscasset

The municipal officers of \_\_\_\_\_ hereby nominate:  
*Print name of your municipality*

Nominee: \_\_\_\_\_   
*Print name of Nominee*

Nominee's municipality: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Signature of Nominator*  
\_\_\_\_\_  
*Print name of Nominator*

### Consent

I agree to accept the nomination and to serve if elected to the MMA Legislative Policy Committee:

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Signature of Nominee*

**Please return Nomination Form by 5:00 p.m. on June 13, 2018, to:**

Laura Ellis - Maine Municipal Association  
60 Community Drive, Augusta, ME 04330  
FAX: 624-0129

**Nominations received after 5:00 p.m. on June 13, 2018 will not be counted.**

**Ecumenical Food Pantry  
Damariscotta/Newcastle/Nobleboro, Maine**

Matt Lutkus, Manager  
Town of Damariscotta  
21 School Street  
Damariscotta, ME 04543

For some years the Good Shepherd Food Bank has charged \$1,500 a year to have food delivered to our local food pantry which services the three towns mentioned above. Each town contributed \$500 to cover the cost.

I have learned that the Good Shepherd Food Bank no longer charges to deliver orders placed with them.

On November 7, 2017, I submitted a "Petition for Funding to Be Included on the Warrant for the Annual Town Meeting in June 2018 for Fiscal Year 2019." Please remove that request from the warrant.

We will also not need the \$500 we are scheduled to receive this June.

Sincerely,

A handwritten signature in cursive script that reads "Marilynn McConnell".

Marilynn McConnell, Treasurer of EFP

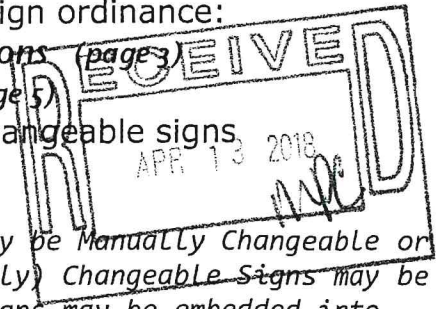
**PROHIBIT ELECTRONICALLY CHANGEABLE SIGNS THROUGHOUT DAMARISCOTTA**

Shall the town of Damariscotta revise the 2016 sign ordinance:

\*107-4 Permitted Signs by District and Regulations (pages 3)

→ (d) Other Commercial C2 District (page 5)

(4) re: manually and electronically changeable signs



**Currently reads:**

One of the total permitted signs per Business on a property may be Manually Changeable or Electronically (Digitally) Changeable. Electronically (Digitally) Changeable Signs may be double-sided and free-standing or may be single-sided. Such signs may be embedded into and be a constituent part of a larger non-illuminated sign. (See \*107-4(f) for electronically (digitally) Changeable Sign requirements.)

125 Valid signatures  
4-18-18  
amp

**Revision requested** removes all reference to permitting any Electronically (Digitally) Changeable signs, allowing for Manually Changeable (non-LED) only.

**Suggested phrasing for substitution:**

One of the total permitted signs per Business on a property may be Manually Changeable.

**We, the undersigned registered voters of Damariscotta, request the inclusion of this enactment proposal on the 2017 Town Warrant.**

SIGNATURE	PRINTED NAME	ADDRESS (do not use PO Box)	Damariscotta, ME (registered voter)
1 ✓ [Signature]	1 MEGAN DINSMORE	33 Hedgate Rd.	DAMARISCOTTA
2 ✓ [Signature]	2 Gabrielle Brunkmeyer	33 Eagle Lane	Damariscotta
3 ✓ [Signature]	3 Ann MacLaughlin	157 Main St	Damariscotta
4 ✓ [Signature]	4 Robert Brown	35 Hugoburn St	Damariscotta
5 ✓ [Signature]	5 JANE D. HARRIMAN	177 School St	DAMARISCOTTA
6 ✓ [Signature]	6 PAUL HARRIMAN	177 School St	Damariscotta
7 ✓ [Signature]	7 Kathy Smith	78 Laurel Road	Damariscotta
8 ✓ [Signature]	8 CATHERINE BLOUNT	158 Church St.	Damariscotta
9 ✓ [Signature]	9 Paul Trenton	158 Church	Damariscotta
10 ✓ [Signature]	10 Denise Rankin	358 Bristol Rd	Damariscotta
11 ✓ [Signature]	11 JANE HERBERT	14 High St	Damariscotta
12 ✓ [Signature]	12 CLAYTON HERBERT	14 High St	DAMARISCOTTA
13 ✓ [Signature]	13 Richard Hayes	88 Westwood Rd	DAMARISCOTTA
14 ✓ [Signature]	14 Barbara Fraser	38 Rosell Lane	Damariscotta

T/L 14

17 valid  
unvalid

134 valid signatures MRC

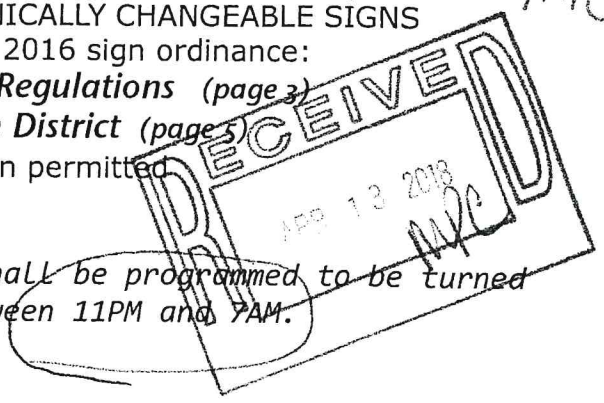
ADJUST HOURS OF ILLUMINATION RE: ELECTRONICALLY CHANGEABLE SIGNS

Shall the town of Damariscotta revise the 2016 sign ordinance:

\*107-4 Permitted Signs by District and Regulations (page 3)

→ (d) Other Commercial (Highway) C2 District (page 5)

(5). re: hours of sign illumination permitted



**Currently reads:**

All electronically (digitally) changeable signs shall be programmed to be turned down to 50% of its maximum illuminating power between 11PM and 7AM.

**Revision requested:**

Delete this in its entirety.

**We, the undersigned registered voters of Damariscotta, request the inclusion of this enactment proposal on the 2017 Town Warrant.**

SIGNATURE	PRINTED NAME	ADDRESS (do not use PO Box)	Damariscotta, ME (registered voter)
<i>Megan Dinmore</i>	MEGANDINEMORE	23 Headgate Rd.	DAMARISCOTTA
<i>Gabrielle Grunkemeyer</i>	Gabrielle Grunkemeyer	33 Cayle Lane	Damariscotta
<i>Ann MacLaughlin</i>	Ann MacLaughlin	157 Main	Damariscotta
<i>Robert Brown</i>	Robert Brown	35 Naigden St	Damariscotta
<i>Jane D. Hartman</i>	JANE D. HARTMAN	177 School St	DAMARISCOTTA
<i>Paul Hartman</i>	PAUL HARTMAN	177 School St	Damariscotta
<i>Mary K Bausch</i>	MARY BAUSCH	156 Lessor	Damariscotta
<i>William Bausch</i>	William Bausch	156 Lessor Rd	Damariscotta
<i>Carol Smith</i>	Carol Smith	74 Lessor Rd	Damariscotta
<i>Kathy Smith</i>	Kathy Smith	18 Lessor Road	Damariscotta
<i>Catherine Bloor</i>	CATHERINE BLOOR	158 Church St.	Damariscotta
<i>Paul Fenton</i>	Paul Fenton	158 Church	Damariscotta
<i>Denise Rankin</i>	DENISE RANKIN	358 Bristol Rd	Damariscotta
<i>Joe Burrows</i>	Joe Burrows	358 Bristol Rd	Damariscotta
<i>Jane Herbert</i>	JANE HERBERT	14 High	Damariscotta
<i>Lizette Herbert</i>	Lizette HERBERT	14 High	Damariscotta
<i>Richard Hagan</i>	Richard Hagan	88 Westwood Rd	Damariscotta
<i>Barbara Frasei</i>	Barbara Frasei	38 Russell Lane	Damariscotta

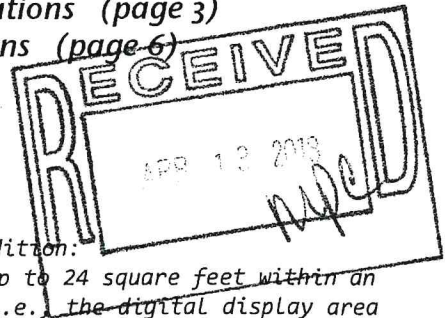
121 Signatures  
RJB

**PROHIBIT ELECTRONICALLY CHANGEABLE SIGNS THROUGHOUT DAMARISCOTTA**

Shall the town of Damariscotta revise the 2016 sign ordinance:

\*107-4 Permitted Signs by District and Regulations (page 3)

→ (f) Electronically (Digitally) Changeable Signs (page 6)



**Revision requested:**

Delete this section (f #1 through #6) in its entirety.

Currently reads:

(f) Electronically (Digitally) Changeable Signs

Changeable Signs shall conform to 23 M.R.S.A. §1914 (11-A). In addition:

- (1) Changeable display area of a single sign shall be allowed up to 24 square feet within an overall changeable sign surface of up to 32 square feet per side (i.e., the digital display area may cover up to 75 percent of a 32 square foot overall sign).
- (2) The highest point of the display of a changeable sign may not exceed a height of 20 feet above either the centerline of the nearest public way (if the public way is within 50 feet of the sign) or actual ground level adjacent to the sign, whichever is lower.
- (3) Electronically changeable signs (that may change at any frequency but that do not flash) are allowed at gas stations to announce the current price of gasoline. Such signs require a permit from the CEO.
- (4) The display on a changeable sign may be changed no more frequently than once every 30 minutes, except for changeable signs at gas stations.
- (5) When an electronic changeable sign transitions from one display to the next, it must change as rapidly as technologically practicable. The display is permitted to change through phasing, rolling, scrolling or blending. The display is prohibited from flashing.
- (6) All electronically changeable signs shall be turned down to 50 percent or less of their daytime illumination between 11 PM and 7 AM.

**in addition to:**

**Modify \*107-6**

**Prohibited Signs (a) (page 7)**

Currently reads:

Electronically (Digitally) Changeable Signs are prohibited in all Districts except as expressly permitted in this Ordinance.

**Change to:**

(f) Electronically (Digitally) Changeable Signs

- (1) Electronically (Digitally) Changeable Signs are prohibited in all Districts.
- (2) All pre-existing electronically (digitally) changeable signs in C2 district, no matter their size, shall be turned off between 11PM and 7AM.

**We, the undersigned registered voters of Damariscotta, request the inclusion of this enactment proposal on the 2017 Town Warrant.**

SIGNATURE	PRINTED NAME	ADDRESS (do not use PO Box)	Damariscotta, ME (registered voter)
✓ Muffin Dinsmore	1 MEGAN DINSMORE	23 Headgate Rd	DAMARISCOTTA
✓ Gabrielle Gunkelmayr	2 Gabrielle Gunkelmayr	33 Eagle Lane	Damariscotta
✓ Ann MacLaughlin	3 Ann MacLaughlin	157 Main St	Damariscotta
✓ Paul Hartman	4 PAUL HARTMAN	177 School St	Damariscotta