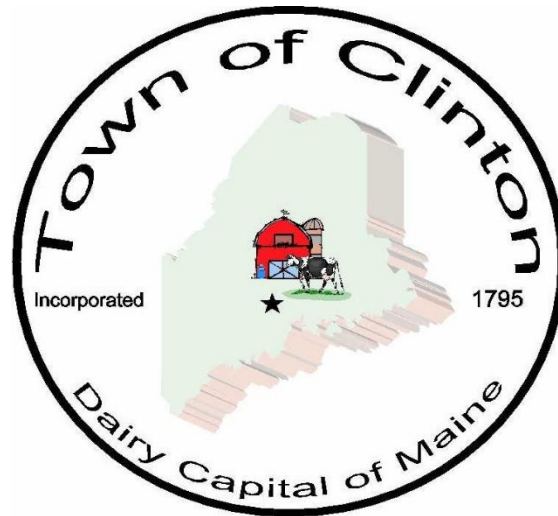


# TOWN OF CLINTON

## SITE PLAN REVIEW ORDINANCE

(Approved at Town Meeting)



Contents

**SECTION I - GENERAL ..... 4**  
A. TITLE ..... 4  
B. PURPOSE ..... 4  
C. AUTHORITY ..... 4  
D. APPLICABILITY OF SITE PLAN REVIEW ..... 4  
E. AMENDMENTS ..... 6  
**SECTION II - APPLICATION ..... 6**  
A. REVIEW AND APPROVAL AUTHORITY ..... 6  
B. ADMINISTRATION ..... 6  
    1. Reviewing Authority ..... 6  
C. CLASSIFICATION OF PROJECTS ..... 7  
D. REVIEW PROCEDURES ..... 8  
    1. Multi-Stage Process ..... 8  
    2. Procedures for Minor Developments ..... 8  
    3. Procedures for Major Developments ..... 12  
    4. Fees ..... 17  
E. SUBMISSION REQUIREMENTS ..... 18  
    1. Site Inventory and Analysis Submission Requirements ..... 18  
    2. Site Plan Review Submission Requirements ..... 19  
    3. All applications ..... 20  
    3.1 General Application Information Required for all Applications ..... 20  
    3.2 Existing Features on Application ..... 21  
    3.3 Proposed Development Activity for Application ..... 22  
    3.4 Approval Block ..... 23  
    4. Major Developments ..... 23  
    5. Waiver of Submission Requirements ..... 25  
**SECTION III - CRITERIA AND STANDARDS FOR DEVELOPMENT ..... 26**  
A. GENERAL ..... 26  
    1. Public Service Criteria: ..... 26  
    Public Service- Performance Standards: ..... 26  
    2. Transportation Criteria: ..... 29  
    Transportation- Performance Standards: ..... 29  
    3. Neighborhood Compatibility Criteria: ..... 35  
    Neighborhood Compatibility- Performance Standards: ..... 36  
    4. Environmental Protection Criteria: ..... 40  
    Environmental Protection- Performance Standards: ..... 41  
    5. Cultural Resources Criteria: ..... 43  
    Cultural Resources- Performance Standards: ..... 44  
    6. Compliance Criteria: ..... 45  
    Compliance- Performance Standards: ..... 45  
    7. Financial and Technical Capacity Criteria: ..... 45  
    Financial and Technical Capacity Criteria- Performance Standards: ..... 45  
    8. Special Criteria: ..... 46  
    Special Criteria- Performance Standards: ..... 46  
    a. Wireless Communication Facilities- ..... 46

b. Wind Energy Conversion Systems- .....	47
c. Affordable Housing Development- .....	47
9. Economic Impact Criteria: .....	49
Economic Impact- Performance Standards: .....	49
<b>SECTION IV - POST APPROVAL ACTIVITIES .....</b>	<b>49</b>
A. LIMITATION OF APPROVAL.....	49
B. INCORPORATION OF APPROVED PLAN .....	50
C. IMPROVEMENT GUARANTEES.....	50
D. MINOR CHANGES TO APPROVED PLANS .....	51
E. AMENDMENTS TO APPROVED PLANS.....	51
<b>SECTION V - APPEALS PROCEDURE .....</b>	<b>51</b>
<b>SECTION VI - ENFORCEMENT .....</b>	<b>52</b>
A. ENFORCEMENT BY CEO .....	52
B. LEGAL AUTHORITY .....	52
C. PENALTIES AND ADMINISTRATIVE REMEDIES.....	52
<b>SECTION V - VALIDITY AND SEVERABILITY.....</b>	<b>52</b>
<b>SECTION VI - CONFLICT WITH OTHER ORDINANCES.....</b>	<b>53</b>
<b>SECTION VII - EFFECTIVE DATE.....</b>	<b>53</b>
<b>SECTION VIII - DEFINITIONS .....</b>	<b>54</b>

## **SECTION I - GENERAL**

### **A. TITLE**

This Ordinance shall be known and cited as the “Site Plan Review Ordinance” of the Town of Clinton, Maine, and will be referred to as “this Ordinance”.

### **B. PURPOSE**

The site plan review standards in this Ordinance are designed to protect public health and safety, promote community welfare, and conserve the environment. They ensure that non-residential development is planned and constructed with adequate provisions for traffic and emergency access, water supply, sewage disposal, stormwater management, erosion and sediment control, groundwater protection, and the preservation of historic and archaeological resources. These standards also aim to minimize potential impacts on neighboring properties and ensure new projects fit harmoniously within the community.

### **C. AUTHORITY**

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; Title 30-A, M.R.S.A. §3001 (Home Rule); and the State’s Growth Management Law, Title 30-A, M.R.S.A. §4311 et seq., or successor statutes.

### **D. APPLICABILITY OF SITE PLAN REVIEW**

1. A person with right, title, or interest in a parcel must obtain site plan approval from the Planning Board before beginning any activity on the site— including grubbing, grading, alteration, or improvement— when the proposed use is one that requires site plan review under this Ordinance. Site plan approval is required for all uses in each district that specifically require it, regardless of size, as well as for any change of use when the new use is subject to site plan review. This Ordinance applies to the following developmental proposals:
  - a. The construction or placement of any new building or structure for non-residential use— including accessory buildings and structures—including development projects classified as Major Developments as well as those classified as Minor Developments (see Section II, Application, C.-Classification of Projects). Flagpoles, non-commercial antennae, and similar structures are excluded from the height requirement.
  - b. The expansion of an existing non-residential building or structure, including accessory buildings, when the total floor area added over any five-year period exceeds either 20 percent of the existing floor area or 5,000 square feet, whichever is greater.

- c. The conversion of an existing building in which 5,000 square feet or more of total floor area is changed from residential to non-residential use.
  - d. The establishment of a new non-residential use that occupies more than one (1) acre, even when no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other nonstructural non-residential activities. These uses are considered Major Developments.
  - e. The conversion of an existing use, in whole or in part, to a non-residential use when the new use changes the basic nature of the activity and increases the intensity of on- or off-site impacts, making it subject to the site plan review standards and criteria in Section II- Application, C.- Classification of Projects, of this Ordinance.
  - f. The construction or expansion of paved areas or other impervious surfaces, including buildings, structures, walkways, access drives, and parking lots, when the total affected area equals or exceeds 10,000 square feet within any five-year period.
2. The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit and/or other State or local approvals:
- a. The construction, alteration, or enlargement of a single family, two-family dwelling, or accessory dwelling unit, including accessory buildings and structures.
  - b. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
  - c. The reconstruction or replacement of non-residential structures provided the new structure is similar in floor area to the original and does not constitute an expansion under Section I- General, D.- Applicability of Site Plan Review, b., and further provided that the reconstruction or replacement is substantially completed within twelve (12) months of the original structure's destruction or demolition.
  - d. Agricultural activities, as defined, including agricultural buildings and structures.
  - e. Timber harvesting and forest management activities.
  - f. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

- g. Activities involving non-residential buildings or activities that are specifically excluded from review by the provisions of this Ordinance.
3. In instances where there is a question of whether an activity is subject to site plan review under this Ordinance, the Planning Board shall make the determination.

## **E. AMENDMENTS**

Amendments to this Ordinance may be initiated by the Selectboard, the Planning Board, or by citizen petition in accordance with Title 30-A M.R.S.A. §2522 or any successor statute.

No proposed amendment shall be submitted to the Town Meeting until the Select Board, or the Planning Board has held a public hearing in accordance with the Town Charter process for town meetings and public hearings.

Adoption of proposed amendments requires a simple majority vote at the Town Meeting.

## **SECTION II - APPLICATION**

### **A. REVIEW AND APPROVAL AUTHORITY**

This Ordinance shall be administered by the Planning Board and Code Enforcement Officer (CEO). All applications for Site Plan Review shall be made to the CEO. Upon receiving an application, the CEO will review it for completion and forward it to the Planning Board for their review. The Planning Board shall classify each project as either a Minor Development or Major Development. The project classification will determine the application process and submission requirements.

### **B. ADMINISTRATION**

#### ***1. Reviewing Authority***

This Ordinance shall be administered by the CEO and the Planning Board. All applications for site plan review shall be made to the CEO. The CEO may not issue a permit for site preparation, building demolition, or building construction until a site plan has been approved by the Planning Board. These activities or any related activities may not be carried out until building permits, demolition permits, or other necessary permits are secured. In the case where site work began prior to the proper approvals, the CEO has the authority to issue a stop work order and enforce all applicable penalties.

The Clinton Code Enforcement Officer may make a preliminary determination regarding the completeness of an application; however, the Planning Board is responsible for making the final determination of completeness. The Clinton Planning Board also holds the authority to review and approve all site plan review applications under this Ordinance. The Planning Board shall decide if:

- a. A proposed development requires site plan review under this Ordinance;
- b. A site plan application is, in fact, complete and if not, what additional items or information must be submitted;
- c. A site plan application shall be approved or denied;
- d. Expansion of, or changes to an existing approved site plan must be reviewed under the Multi-Stage Process section of this Ordinance (Section II, D.- Review Procedures, 1.- Multi-Stage Process);
- e. Application is exempt from review.

### **C. CLASSIFICATION OF PROJECTS**

***Minor Developments*** shall include applicable projects involving the construction or addition of less than five thousand (5,000) square feet of gross non-residential floor area, projects resulting in less than five thousand (5,000) square feet of impervious surfaces, projects involving the conversion of existing buildings or structures from one use to another use which requires site plan approval and which may or may not include enlargement of the gross floor area, projects involving non-conforming structures or uses requiring review under Article 2 of Clinton's Land Use Ordinance, **or** applicable projects involving only the installation of paved areas or signs.

***Major Developments*** shall include applicable projects involving the construction or addition of buildings or structures with five thousand (5,000) square feet or more of gross non-residential floor area, projects resulting in five thousand (5,000) square feet or more of impervious surfaces, projects involving the establishment or expansion of a campground, projects involving extraction industries, projects that require a traffic movement permit from MDOT, additions to previously approved minor development projects that would result in an increase of total square footage to be 5,000 ft<sup>2</sup> or more within a five (5) year period, or other applicable projects requiring review which are not classified as a Minor Development.

An applicant may request that the Planning Board classify a project prior to submission of an application. In this case, the applicant must make a written request for a classification. This request must include the following information:

1. The names and addresses of the record owner and the applicant and the applicant's legal interest in the property.
2. The location of the project, including the tax map and lot number.
3. A brief description of the proposed activities in such detail as to allow a classification to be made.

Within ten (10) working days of the receipt of a site plan application or a request for a classification, the Code Enforcement Officer shall notify the applicant, and the Chair of the Planning Board of the classification of the project in writing.

When the Code Enforcement Officer has classified a project based upon a request for classification rather than an application, the subsequent application must be consistent with the activities described in the request for classification. The Code Enforcement Officer shall review such application to determine if the classification is still correct and may reclassify the application if the scope of activities has been changed.

At any time prior to substantive review of the application, the applicant or Chair of the Planning Board may request a review of the determination of classification. If such a review is requested, it shall be conducted at the next regularly scheduled Planning Board meeting. The applicant may appear to describe his project, but no review of the merits of the application shall be conducted.

## **D. REVIEW PROCEDURES**

### ***1. Multi-Stage Process***

Site plan reviews are conducted in two or more stages, in order for the town and applicant to comply with the requirements of this Ordinance in an efficient manner:

- a. A pre-application process, as described in Section II- Application, D.- Review Procedure, 2.a of this Ordinance;
- b. A formal application and review process for a proposed development, as described in this Ordinance;
- c. If a proposed development is unusually complex or will require additional levels of approval from state or federal agencies, the Planning Board may issue a conditional approval with final review to follow;
- d. A revision to a previously approved plan may be subject to further review as described in this Ordinance.

### ***2. Procedures for Minor Developments***

#### **a. Pre-application Conference**

- i. A prospective applicant for a Minor Development (as determined by the Planning Board) are encouraged to contact the CEO to schedule a pre-application meeting with the Planning Board. The pre-application meeting is intended to provide an opportunity for the applicant to present a concept (sketch) plan to the Planning Board, to discuss specific ordinance requirements, or to identify concerns that should be addressed in the application.

- ii. To be placed on the agenda for a pre-application meeting, the prospective applicant must provide the information required by this Ordinance to the town office no less than seven days (7) prior to the meeting.
- iii. Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302 (or successor statute), and the merits of an application shall not be considered.
- iv. The Planning Board's advice at the time of pre-application shall not constitute review or comment on the merits of the application. The Planning Board may discuss timing of the application and other state or federal permitting procedures, identify specific concerns or issues to be addressed in the application, specify additional supplemental information to be required, or may grant waivers for submission requirements. The Planning Board may also arrange with the prospective applicant to visit the development site for the purpose of gaining a better perspective on the proposal.

**b. Application Procedure for Projects Classified as Minor Developments**

- i. The property owner or their representative must submit a formal Minor Development application for review and approval.
- ii. Upon receipt of the application, the Town Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid. Within ten (10) working days of receipt of an application for a Minor Development, the CEO shall review the application and determine if the application meets the submission requirements.
- iii. If the application is complete, the CEO shall notify the applicant and the Chair of the Planning Board in writing of this determination and shall provide copies of the application to any other pertinent municipal staff or boards. If the application is deemed incomplete, the CEO shall notify the applicant in writing— including by digital or electronic means—of this determination. The notification must identify the additional materials or information needed to complete the application and inform the applicant that the revised submission will be reviewed for completeness upon resubmittal.
- iv. Within twenty (20) days after the Planning Board determines that the application is complete, and before taking final action thereon, the Planning Board shall hold a public hearing.

- v. Notice of the application and public hearing shall be posted in an accessible, public location and mailed first-class, return receipt by applicant to all landowners (from a list provided by the Town Clerk) within five hundred (500) feet of the site. Failure of a person to receive such notice shall not be grounds for delay of any consideration nor denial of the application. The purpose of this notification shall be to inform the general public and abutters that a public hearing is to be held on a pending application.
- vi. The Planning Board may hold an on-site inspection to verify and investigate the information provided by the application. The Planning Board may schedule this visit either before or after the public hearing. If an application is pending during a period when there is snow cover, the Planning Board may request that the applicant agree to extension of the review period to allow an on-site inspection. Written notice of the onsite inspection shall be provided to all parties receiving notice of the pending application.
- vii. A public hearing shall be held, at which the applicant and members of the public shall be given the opportunity to present testimony or evidence in support of or opposed to the application. The hearing shall be informal, at the discretion of the Chairman of the Planning Board, allowing member of the Planning Board and attendees to ask questions of the applicant.
  - The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Planning Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with this Ordinance and other municipal ordinances.
  - The Chair of the Planning Board or their designee shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.

- The Chair shall provide the applicant or their representative with an opportunity to make a presentation at the beginning of the hearing. The Chair shall then allow the members of the Planning Board to ask questions of the applicant and for the applicant to answer those questions. Following Planning Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At conclusion of the applicant's response, the public hearing shall be closed.
- viii. Within fourteen (14) days of the closing of the public hearing, or within such other time limit as may be mutually agreed to, the Planning Board shall prepare written Findings of Fact and shall approve, approve with conditions, or deny the application. The Planning Board shall limit its review to the criteria set forth in this Ordinance. The Planning Board may consult with the applicant or any other party in completing its review. In all instances, the burden of proof shall be upon the person making the application. The Planning Board shall inform the applicant of its decision in writing, and in case of denial or approval with conditions, reasons for such action shall be stated, as required by 1 M.R.S.A § 407. A copy of the Planning Board's decision shall be filed with the CEO.
- ix. When an application is found to require additional information, study, or detailed engineering design, or when state or federal permit(s) have not yet been issued, the Planning Board may make its approval conditional on items yet to come. The conditional approval shall give the applicant a specified number of days in which to provide the required information, at which time the Planning Board may grant final approval. No construction or other development work may commence prior to final approval.

### **3. Procedures for Major Developments**

#### **a. Pre-application Conference**

Applicants for site plan review for a Major Development are required to schedule a pre-application conference with the CEO and Planning Board and Town Department heads with vested interest in the project. The purpose of this meeting is to familiarize the applicant with the review procedures, submission requirements, and approval criteria, as well as to familiarize the CEO and Planning Board with the nature of the project. Such review shall not cause the plan to be a pending application or proceedings under Title 1 M.R.S.A. §302. No decisions relating to the plan may be made at this meeting.

At the time of the pre-application conference, the applicant shall present a preliminary site plan illustrating the proposed project, together with a narrative briefly describing the proposed site, including its location, size, and general characteristics and the nature of the proposed use and potential development. The applicant should also be prepared to discuss any issues or questions about existing municipal regulations and their applicability to the project, and any anticipated requests for waivers from the submission requirements.

#### **b. Pre-application Submission Requirements**

The following information is required for pre-application review for a project classified as a Major Development under this Ordinance. A sketch of the proposed property (may be hand-drawn but should be to scale) with the following:

- i. Project name, applicant and designer (as applicable);
- ii. Date, North arrow, scale;
- iii. Perimeter boundaries, area and acreage of proposed project site for development, preliminary building footprints, any area reserved for future development, and anything else as specified by the Clinton Planning Board;
- iv. Tentative locations of rights-of-way and future lot lines or easements;
- v. A copy of the USDA soil survey map for the area with the parcel outlined on the map;
- vi. Land cover areas, i.e., woods, fields;
- vii. General natural features of the area to be developed: areas of steep slopes, bedrock outcrops, ponds, streams, wetlands, floodplains;
- viii. Tentative location of proposed structures; locations of existing structures and neighboring land uses.

#### **c. Site Inventory and Analysis**

Applicants for projects classified as Major Developments must submit a Site Inventory and Analysis for Planning Board review. This review must be completed prior to the preparation and submission of a site plan review application.

The Planning Board shall review the Site Inventory and Analysis with the applicant and shall authorize the submission of the formal application when the site analysis is complete.

### **Site Inventory and Analysis Procedure**

- i. Upon receipt of a Site Inventory and Analysis, the CEO shall give a dated receipt to the applicant. Within ten (10) days of receiving the submission, the CEO shall determine whether the Site Inventory and Analysis contains all the items required by **Section II- Application, E.- Submission Requirements, 1.- Site Inventory and Analysis Submission Requirements** of this Ordinance. If the submission is determined to be incomplete, the CEO shall notify the applicant in writing of this finding, specifying the additional material(s) required to make the submission complete, and shall advise the applicant that the Planning Board will not conduct a review until the additional information is submitted. These steps shall be repeated until the application is found to be complete.
- ii. When the submission is determined to be complete, the CEO shall notify the applicant in writing of this finding and place this item on the agenda for review by the Planning Board. The material shall also be provided to the members of other relevant municipal staff or boards.
- iii. As part of the Site Review and Analysis procedure, the Planning Board may opt to hold an on-site inspection of the proposed project to review the existing conditions, field verify the information submitted and investigate the development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. The Planning Board may decide not to hold an on-site inspection when the site is snow covered. If a review is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application may be extended, such extension shall not exceed thirty (30) days after the Planning Board is able to conduct an on-site inspection.
- iv. Written notice of the date of review of the Site Inventory and Analysis, as well as the on-site inspection, shall be provided to the applicant, members of the Planning Board, other relevant municipal staff and/or boards, and all landowners within 500 feet of the proposed site.
- v. Within forty-five (45) days of the Planning Board's finding that the Site Inventory and Analysis submission is complete, the Planning Board shall complete its review of the submission and notify the applicant in writing of its findings

## **Site Inventory and Analysis Review**

- i. The review of the Site Inventory and Analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Planning Board. The Planning Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used and developed. The outcome of the review process shall be a determination by the Planning Board of the issues and constraints that must be addressed in the formal Site Plan Review application.
- ii. The Planning Board shall also act on any requests for waivers.
- iii. If the proposed development is a “large scale retail development” as defined by 30-A M.R.S.A. § 4366, or successor statute, the Site Inventory and Analysis Review shall also include the commissioning of a comprehensive economic impact study, in accordance with the requirements of 30-A M.R.S.A. § 4367.

### **d. Site Plan Review Application for Projects Classified as Major Developments**

The applicant shall, within sixty (60) days, or within another time limit mutually agreed to by the Planning Board and the applicant, file a formal site plan review application with the CEO.

- i. Upon receipt of a formal site plan review application, the CEO shall issue dated receipt to the applicant.
- ii. Within ten (10) days of the receipt of a formal development review application, the CEO will review the material and determine whether the submission is complete. If the application is determined to be incomplete, the CEO shall notify the applicant in writing of this finding and specify the additional material(s) required to make the application complete. The notification will advise the applicant that the application will not be considered by the Planning Board until the additional information is submitted. These steps shall be repeated until the application is found to be complete.
- iii. When the CEO determines that the application is complete, they shall notify the applicant in writing of this finding and place the item on the agenda of the Planning Board for hearing and review at its next regularly scheduled meeting, consistent with meeting notice requirements for public hearing in this Ordinance.

- iv. Before the Planning Board and CEO formally review an application for a Major Development, the applicant must participate in a pre-application conference to go over the submission.
- v. The CEO shall provide written notice regarding the date, time, and location of the public hearing at which the application will be reviewed. This notice must be mailed to the applicant. The applicant must mail via return receipt abutters notices to all property owners within five hundred (500) feet of the proposed development site at least ten (10) days before the hearing. Notice of the hearing shall be published pursuant to public hearing notification processes outlined in Clinton's Town Charter.
- vi. The Planning Board may conduct an additional on-site inspection to verify and further investigate the information submitted in the application. This visit may be scheduled either before or after the public hearing. If an application is under review during a period of snow cover, the Planning Board may ask the applicant to agree to extend the review period to allow for an on-site inspection. Written notice of the inspection shall be provided to all parties who received notice of the pending application.

**e. Public Hearing Procedures**

- i. The Chair of the Planning Board, or their designee, shall preside over the public hearing. The Chair will open the hearing by identifying the application and explaining its purpose, along with the procedures that will be followed.
- ii. The purpose of the public hearing is to allow the applicant and abutting or affected property owners to provide information for the record that the Planning Board will consider when acting on the application. Testimony should focus on factual information related to the application, its supporting materials, and the project's compliance with this Ordinance and other applicable municipal ordinances.
- iii. At the start of the hearing, the Chair shall give the applicant or their representative an opportunity to present the application. The CEO shall then share any comments or recommendations from the pre-application conference. Afterward, the Chair shall allow Planning Board members to ask questions of the applicant, and the applicant shall be given the opportunity to respond.

- iv. After Planning Board questions, the Chair shall open the hearing to public comments, allowing statements, information submissions, and questions regarding the project. Once the public comment period has concluded, the Chair shall give the applicant an opportunity to respond to questions, address or rebut statements or information presented, and cross-examine anyone who provided testimony. If appropriate, the Chair may allow the applicant to respond after each individual's testimony. Following the applicant's final response, the public hearing shall be closed.

**f. Final Action on the Application**

The Planning Board shall act on the application within thirty (30) days of the public hearing. The Planning Board may deny the application, approve it, or approve it with conditions. Any conditions imposed must be necessary to ensure compliance with the approval criteria and performance standards of this Ordinance. The vote to deny, approve, or approve with conditions constitutes the Planning Board's final action on the application.

Prior to issuing its decision, the Planning Board shall make written findings of fact that establish whether the proposed development does or does not meet the criteria for approval, performance standards and other requirements of this Ordinance.

The Planning Board shall notify the applicant and all interested parties of its decision, including the findings of fact and any conditions of approval. This requirement may be satisfied by distributing the meeting minutes that contain the Planning Board's findings of fact and final decision.

**g. Final Approval and Filing**

Upon a majority vote of the Planning Board members present and voting in favor, the application shall be considered finally approved. The approved site plan, which may be modified only to reflect or incorporate conditions of approval set by the Planning Board, shall be signed by the Chair of the Planning Board.

A copy of the approved and signed site plan must be filed with the Clinton Code Enforcement Office. If the plan is not filed within thirty (30) days of its approval and signed by the Planning Board, it shall become null and void. The Planning Board may, by vote, extend the filing period for good cause.

#### **4. Fees**

##### **a. Site Inventory and Analysis Fee**

Prior to submitting a Site Inventory and Analysis for a project classified as a Major Development, the applicant must pay a non-refundable review fee. This fee must be paid to the Town of Clinton, and evidence of payment of the fee shall be included with the submission.

##### **b. Application Fee**

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of administrative review and processing of the application, including all related expenses. The fee shall not be refundable. This application fee must be paid to the Town of Clinton, and evidence of payment of the fee must be included with the application.

##### **c. Technical Review Fee**

In addition to the application fee, the applicant for site plan review may also be required to pay a technical review fee to defray the legal and technical cost of the application review, as deemed necessary by the Planning Board. This fee must be paid to the Town of Clinton.

Technical review fees may be used by the Planning Board, at its discretion, to cover reasonable costs directly related to the review of the application under the criteria set forth in this Ordinance. These costs may include, but are not limited to, consulting engineering or other professional fees, attorney fees, recording fees, and appraisal fees. After payment of all such costs, the town shall refund any remaining funds, including accrued interest, no later than sixty (60) days following final action on the application. The refund shall be accompanied by a final accounting of expenditures from the fund.

Funds deposited to the Town of Clinton earmarked for technical review shall not be used by the Planning Board for enforcement purposes. Additionally, the applicant shall not be responsible for any costs or contracted services undertaken by the Planning Board that are not directly related to the applicant's project.

##### **d. Establishment of Fees**

The Select Board may, from time to time and after consultation with the Planning Board, establish the appropriate fees following the posting of the proposed schedule of fees and public hearing.

## **E. SUBMISSION REQUIREMENTS**

### ***1. Site Inventory and Analysis Submission Requirements***

The Site Inventory and Analysis is intended to give both the applicant and the Planning Board a clear understanding of the site, including the opportunities and limitations imposed by the natural and built environment. This analysis is expected to guide a development plan that responds to the site's conditions- utilizing areas most suitable for the proposed use while avoiding areas that are unsuitable or present significant constraints whenever possible. Accordingly, the submission requirements call for the applicant to provide basic site information along with an analysis of that information. The Site Inventory and Analysis submission must contain, at minimum, the following information:

- a. The names, addresses, and phone numbers of the record owner, their designated agent (as applicable) and the applicant.
- b. The names and addresses of all consultants working on the project.
- c. Evidence of right, title, or interest in the property.
- d. Evidence of payment of the Site Inventory and Analysis fee.
- e. Five (5) hard copies and one (1) electronic copy of an accurate scale "Existing Features Plan" of the parcel at a scale of not more than one hundred (100) feet to the inch showing as a minimum:
  - i. The name of the development, north arrow, date and scale.
  - ii. The approximate boundaries of the parcel.
  - iii. The relationship of the site to the surrounding area.
  - iv. The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site (in many instances, submittal of the U.S.G.S. 10' contours will be adequate);
  - v. Major natural features of the site and vicinity, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state).
  - vi. Existing buildings, structures, or other improvements on the site and within fifty feet (50') of property lines. (If none, so state).

- vii. Existing streets, rights-of-way, restrictions or easements on the site (if none, so state).
  - viii. The location and size of existing utilities or improvements servicing the site (If none, so state).
  - ix. A High Intensity soil survey of any portion of the site located in a resource protection district or wetland and a Medium Intensity soil survey in all other areas.
- f. Five (5) hard copies and one (1) electronic copy of a “Site Analysis Plan” at the same scale as the Existing Features Plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board and CEO to determine which portions of the site are unsuitable for development or use; which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the site have development limitations (steep slopes, flat, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, scenic vistas, floodplains, drainage, etc.) to be addressed in the development plan; which areas may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are intended for development.
  - g. Five (5) hard copies and one (1) electronic copy of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board and CEO in understanding the site and the proposed use.
  - h. A list containing the names and mailing addresses of all owners of record of property located within five hundred (500) feet of the site to be developed.
  - i. Any requests for waivers from the submission requirements for the site plan review application.
  - j. A summary narrative of the key constraints and opportunities which need to be addressed in the development plan.

## ***2. Site Plan Review Submission Requirements***

Applications for site plan review must be submitted via application forms provided by the town. The complete application form, required fees, and the required plans and related information must be submitted to the CEO. With prior approval from the CEO, the applicant may submit all or part of the application electronically.

An applicant for a Major Development may not submit an application until the review of the Site Inventory and Analysis is completed.

Applications must contain at least all items outlined below in **Section II-Application, E-Submission Requirements, 3- All Applications**, unless specifically waived in writing.

### ***3. All applications***

All site plan review applications must include a fully completed and signed development review application, along with proof of payment for the application and technical review fees.

Five (5) hard copies and one (1) electronic copy of all written materials, and two (2) hard copies and one (1) electronic set of maps and/or drawings, shall be submitted. Written materials must be presented in a bound report. Maps or drawings must be at a scale sufficient to address the items listed under the approval criteria, but in no case shall exceed a scale of one hundred (100) feet to the inch for the portion of the tract proposed for development.

#### ***3.1 General Application Information Required for all Applications***

- a. The property owner's name, address, and phone number as well as the applicant's name, address and phone, if different from the owner.
- b. The name of the proposed development (if applicable).
- c. The location of all required building setbacks, yards, and buffer. The zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or abuts a different district.
- d. A current list of the names and mailing addresses of all property owners within five hundred (500) feet of the subject property's boundaries.
- e. Sketch map showing general location of the site within the municipality based upon a reduced version of the tax maps.
- f. The boundaries of all contiguous property fully or partially controlled by the owner or applicant, regardless of whether all or only a portion is being developed at this time.
- g. The tax map and lot number for the parcel or parcels where the project will be located.
- h. A copy of the property deed, a purchase option, or other documentation demonstrating the applicant's right, title, or interest in the property.

- i. The name, registration number and seal of the individual who prepared the plan, if applicable.
- j. Documentation demonstrating the applicant's technical and financial ability to complete the project as proposed.
- k. Copies of any permits required by the Maine Department of Environmental Protection; the Maine Department of Transportation; or the Army Corps of Engineers, or any other state or federal agency.
- l. A list of any requested or granted waivers to the submission requirements.

### ***3.2 Existing Features on Application***

- a. The shoreland zoning classification(s) of the property, and the location of any shoreland zoning district boundaries if the property lies within multiple districts or borders a different district.
- b. The proposed project's location regarding the Primary and Secondary Wellhead Protection Districts, as delineated on the map titled: Primary and Secondary Wellhead Protection Districts for Clinton's Tapley Well" prepared by Emery and Garrett Groundwater, Inc., dated January 1993. These wellhead protection districts are detailed further in Clinton's Land Use Ordinance.
- c. The bearings and lengths of all property lines for the parcel to be developed, along with the source of this information. This requirement may be waived only if sufficient on-site information exists to accurately establish all property boundaries.
- d. The location and size of any existing sewer and water mains, culverts, drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, as well as on adjacent streets or properties that may serve the development. An assessment of their adequacy and condition to meet the needs of the proposed use must be included. Where necessary, elevations should be provided to determine the direction of flow.
- e. Location, names, and present dimensions of existing public and private streets, driveways, parking areas, sidewalks, and rights-of-way within and extending two hundred (200) feet beyond the proposed development.
- f. The location and dimensions of existing driveways, streets, parking and loading areas, and walkways on the site.
- g. The location, dimensions, and ground floor elevation of all existing buildings on the site.

- h. The location of open drainage courses, wetlands, stone walls, graveyards, fences, tree stands, and other significant or unique natural site features. This includes, but is not limited to, floodplains, deer wintering areas, important wildlife habitats, fisheries, scenic areas, habitats for rare or endangered plants and animals, unique natural communities, sand and gravel aquifers, and historic or archaeological resources, accompanied by a description of each feature.
- i. The direction of existing surface water drainage across the site.
- j. The location, front view, dimensions, and lighting of existing signs.
- k. The location and dimensions of all existing easements, along with copies of any applicable covenants or deed restrictions.
- l. The location of the nearest fire hydrant, dry hydrant, or other water source available for fire protection.

### ***3.3 Proposed Development Activity for Application***

- a. An estimate of water supply and sewage disposal demand, the location and dimensions of all proposed water supply and wastewater disposal systems, and evidence of their adequacy for the proposed use. If on-site sewage disposal is planned, soils test pit data must be included.
- b. The proposed direction of surface water drainage across and off the site, along with an assessment of potential impacts on downstream properties.
- c. An erosion and sedimentation control plan.
- d. The location of all building setbacks and buffers as required by this Ordinance and the Land Use Ordinance.
- e. Provisions for managing all solid wastes, including hazardous and special wastes, with the location and proposed screening of any on-site waste collection or storage facilities.
- f. The location, dimensions, and detailed construction drawings for proposed driveways, parking and loading areas, walkways, and any changes to on-site or off-site traffic flow.
- g. Proposed landscaping and buffering plans.
- h. The location, dimensions, and ground-floor elevations of all proposed buildings or building expansions.

- i. The location, front view, materials, and dimensions of all proposed signs, including the method of installation.
- j. The location and type of all exterior lighting.
- k. The location of all utilities, including fire protection systems.
- l. A general description of the proposed use or activities occurring within various areas of the building(s) and site.
- m. A schedule of construction, including anticipated beginning and completion dates.
- n. An estimate of the project's peak-hour and daily traffic generation.
- o. If required by the Maine Department of Environmental Protection, or if deemed necessary by the Planning Board due to project scale or local conditions, a Stormwater Management Plan—including stormwater calculations and provisions for water quality and/or phosphorus export management.
- p. Copies of applicable State approvals and permits, provided however that the Planning Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.

### **3.4 Approval Block**

Space must be provided on the plan drawing for the signature of the Planning Board Chair and the date, along with the following notation: for a minor project, "Approved: Clinton Planning Board."

### **4. Major Developments**

In addition to the materials required for all applicants, a Major Development application must also include the following information:

- a. A narrative and/or plan explaining how the proposed development has been designed in response to the Site Inventory and Analysis.
- b. A grading plan showing existing and proposed site topography at two-foot (2') contour intervals, or at another interval as determined by the Planning Board.
- c. A Stormwater Management and Erosion Control Plan showing:

- i. The proposed and existing methods for managing stormwater runoff, including arrows indicating the direction of flow.
  - ii. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewer infrastructure.
  - iii. Engineering calculations supporting drainage design based on the twenty-five (25)-year, twenty-four (24)-hour storm event—required only if the project will significantly alter existing drainage patterns, such as through the addition of substantial new impervious surfaces.
  - iv. The proposed methods for controlling erosion and sedimentation during construction and after the project is completed.
- d. A groundwater impact analysis prepared by a groundwater hydrologist for any project that includes on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day or more.
  - e. The name, registration number, and seal of the architect, engineer, landscape architect, or other qualified professional who prepared the plan(s).
  - f. A utility plan showing the location and type of all utility services to be installed on the site, including water supply, wastewater disposal, electricity, telephone, cable TV, and any other utilities.
  - g. A planting schedule, keyed to the site plan, identifying the general varieties and sizes of trees, shrubs, and other vegetation to be installed, along with information on how existing vegetation will be protected and preserved.
  - h. A traffic impact analysis demonstrating the project's effects on the capacity, level of service, and safety of adjacent streets, required if the project will provide parking for fifty (50) or more vehicles or generate more than two hundred (200) trips during the a.m. or p.m. peak hour, based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers.
  - i. If applicable, a written statement from the Utility District confirming the adequacy of water supply—both in quantity and pressure—for domestic and fire protection needs, as well as the sewer system's capacity to accept additional wastewater if public utilities are to be used. If water or sewer line extensions or upgrades are proposed, the statement must also include approval of the system's design specifications.
  - j. The location, width, typical cross-section, grade and profiles of all proposed streets and sidewalks.

- k. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- l. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.
- m. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- n. Written offers of dedication or conveyance to the town, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.
- o. The estimated cost of the proposed development and evidence of the applicant's financial capacity to complete it. Such evidence may include a letter from a bank or other financing source identifying the project, the amount of available financing, and the institution's interest in funding the project, or a letter from a certified accountant or an annual report demonstrating adequate cash flow to meet projected costs.

## ***5. Waiver of Submission Requirements***

Upon receiving a written request from the applicant, the Planning Board may waive specific submission requirements for either Minor Developments or Major Developments. Such requests must be submitted during the pre-application conference, or during the Site Review and Analysis stage for Major Developments. A waiver may be granted only if the Planning Board determines that the omitted information is not necessary to evaluate compliance with the applicable standards and criteria.

## SECTION III - CRITERIA AND STANDARDS FOR DEVELOPMENT

### A. GENERAL

The following criteria shall guide the Planning Board and/or CEO in reviewing site plan applications and represent the minimum requirements for approval. An application shall be approved unless the Planning Board and/or CEO determines that the applicant has not met one or more of these criteria. The burden of proof rests with the applicant, who must provide sufficient evidence to demonstrate compliance with all applicable criteria.

Each criterion is paired with a set of development standards. Meeting these standards demonstrates compliance with the corresponding criterion. However, applicants may propose alternative designs or approaches that meet the criteria equally well or better than the ordinance standards. In all cases, the applicant bears the responsibility for demonstrating that the criteria have been satisfied. Nothing in this section limits the authority of the Planning Board and/or CEO to require additional evidence or impose additional standards based on the specific characteristics of the site or proposed development.

#### **1. *Public Service Criteria:***

The proposed development will not result in an undue burden on the ability of the town to provide public services:

- a. Public water and sanitary treatment services, if accessible, have the capacity to serve the development and improvements are designed to the satisfaction of these service providers. If public water and sewer are not accessible, provision has been made to provide private services without negatively affecting public resources.
- b. Public safety and utility services must have sufficient capacity to meet the needs of the development, and all security and fire protection measures must be designed to the satisfaction of the appropriate service providers.
- c. The development will not create or generate solid, liquid, hazardous, or other types of waste products that exceed the capacity of the town's waste handling systems.

#### ***Public Service- Performance Standards:***

##### **a. Public Water Supply:**

- i. If the project will be served by a public water supply, the applicant must obtain and submit a written statement from the supplier confirming that the proposed water system meets its design and construction standards, will not overburden the source or distribution system, and will provide sufficient water for both daily use and fire protection flows.

- ii. If the project will not connect to a public water supply, the applicant must demonstrate that an adequate quantity and quality of water will be available to the development without adversely affecting groundwater resources.
- iii. The Planning Board may require the applicant to make improvements to the public water supply system as necessary to satisfy this criterion.

#### **b. Sanitary Treatment Systems**

The development must provide a method for disposing of sanitary wastes in compliance with the State Plumbing Code.

- i. All sanitary sewage must be discharged into a public sanitary collection and treatment system when such facilities are accessible (within three hundred (300) feet of the property) and have adequate capacity to handle the projected waste. The sanitary treatment district must confirm that the proposed system meets its design and construction standards, will not overburden the collection or treatment system, and will serve the estimated daily flows.
- ii. If the public system is not at the lot line but can be extended within the public right-of-way, the applicant must extend the system. This is required if the public system is within one hundred (100) feet of a new use with a design flow under five hundred (500) gallons per day, or within three hundred (300) feet of a new use with a design flow of five hundred (500) or more gallons per day, provided the system has adequate capacity. The Planning Board may waive this requirement if the use is already served by a properly functioning, correctly sized subsurface disposal system, provided connection to the public system occurs if and when the subsurface system must be replaced.
- iii. If the public system cannot serve or be extended to a new or expanded use, sewage must be handled by an on-site disposal system meeting the Subsurface Wastewater Disposal Rules.
- iv. When two (2) or more lots or buildings under different ownership share a common subsurface disposal system, the system must be jointly owned and maintained by an owners' association. Deeds for each lot must include covenants requiring mandatory membership in the association and ensure adequate funding for proper system maintenance.

- v. Industrial or commercial wastewater may be discharged into public sewers only in quantities and at qualities compatible with sewage treatment operations. Such wastewater may require pretreatment at the development site to make it suitable for public treatment processes. Pretreatment may include, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation or reduction, and dilution. Pretreatment standards shall be established by the Pollution Control Facility.

**c. Public Safety Services:**

- i. The development must be designed to provide protection from the spread of fire. At a minimum, the requirements of NFPA – 1 and NFPA – 101 must be met. Whenever possible, a key box security system should be installed, and may be required on some projects.

The applicant must provide evidence, in the form of approval from the Fire Chief or their designee, that proposed fire protection measures are adequate and that the development will not exceed the Fire Department's capacity to provide protection. The Fire Chief may recommend additional protective measures, including, but not limited to, fire ponds, dry hydrants, fire lanes, separation of flammable materials, or sprinkler systems.

- ii. The development must include security measures consistent with the capacity and practices of the Town Police Department. The applicant must provide evidence of approval for the proposed security measures from the Police Chief or their designee.

**d. Utility Services:**

- i. The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project.
- ii. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

**e. Waste Disposal and Storage:**

- i. The proposed development must provide for the proper disposal of solid waste. All waste must be sent to a licensed disposal facility with sufficient capacity to accept the project's waste. The applicant must provide evidence of approval from the Director of the Transfer Station to confirm that the facility can accommodate the expected quantity and type of waste.
- ii. The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies. The applicant shall identify any wastes proposed to be generated of these types and provide evidence that they will be disposed of in accordance with said standards.
- iii. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground unless located at least seventy-five (75) feet from any lot line, or forty (40) feet for underground storage. All materials must be stored in accordance with applicable rules and regulations of the Maine Department of Public Safety, as well as any relevant federal, state, and local requirements.

**2. *Transportation Criteria:***

The proposed development will provide for adequate access for all users without placing an undue burden on the public transportation system.

- a. The development will provide for adequate access to the site for all available modes of travel, without creating a negative effect on the mobility of public roads.
- b. The development will provide sufficient parking to provide for the needs of its users without impact on the mobility of public roads.

***Transportation- Performance Standards:***

- a. **Adequacy of Road System:** Vehicular access to the site must be on roads with adequate capacity to accommodate the additional traffic generated by the development.

- i. For developments expected to generate one hundred (100) or more peak-hour trips, based on the latest edition of the *Trip Generation Manual* by the Institute of Transportation Engineers, all site access points and intersections on major access routes within one (1) mile of any entrance must maintain a minimum Level of Service (LOS) D after development if they currently operate at LOS D or better. If an intersection operates at LOS E or lower prior to development, the project must not reduce the existing level of service. The applicant is responsible for funding any improvements necessary to meet this standard and must provide a financial guarantee acceptable to the municipality to ensure completion of the work. The Planning Board may waive this requirement if the project accesses a road within the urban compact boundary and is determined not to create unnecessary adverse impacts on traffic flow or safety.
  - ii. A development not meeting the above standard may be approved if the applicant demonstrates that a public agency has committed funds to construct the improvements necessary to bring the level of access to this standard.
  - iii. For roads and projects on which the Maine Department of Transportation is responsible for issuing Traffic Movement Permits, an applicant may demonstrate compliance with the above standard by submitting an approved Traffic Movement Permit at the time of application.
- b. **Access into the Site:** Vehicular access to and from the development must be safe and convenient.
- i. Any driveway or proposed street must provide a sight distance of ten (10) feet for every mile per hour of the posted speed limit, or two hundred fifty (250) feet for roads without a posted speed.
  - ii. Access and egress points must be located to avoid conflicts with existing turning movements and traffic flow.
  - iii. The grade of any proposed driveway or street must not exceed three percent (3%) for at least forty (40) feet from the intersection.
  - iv. For lots with frontage on two (2) or more streets, primary access and egress should be from the street with lower potential for traffic congestion and fewer hazards to vehicles and pedestrians. Access from other streets may be allowed if it is safe and does not encourage “shortcutting” through the site.

- v. Where necessary to prevent traffic or pedestrian hazards or to reduce congestion, the applicant must provide turning lanes, traffic islands, or other traffic control measures within public streets.
  - vi. Accessways must be designed with sufficient capacity to prevent queuing of entering vehicles onto public streets.
  - vii. The following criteria must be used to limit the number of driveways serving a proposed project:
    - Uses generating fewer than one hundred (100) vehicle trips per day may have no more than one (1) two-way driveway onto a single roadway, with a maximum width of thirty (30) feet.
    - Uses generating one hundred (100) or more vehicle trips per day may have no more than two (2) points of entry and two (2) points of exit to a single roadway. The combined width of all access ways shall not exceed sixty (60) feet.
  - viii. Access points must be located at least fifty (50) feet from the nearest unsignalized intersection and one hundred fifty (150) feet from the nearest signalized intersection, measured from the point of tangency of the corner to the point of tangency of the access way. This requirement may be reduced if the site's shape prevents full compliance with the standard.
  - ix. Access points in or out of a development must be separated by a minimum of seventy-five (75) feet where possible and practicable.
  - x. For access to streets governed by Maine Department of Transportation Driveway or Entrance Rules, the applicant may demonstrate compliance with the above standards by submitting a copy of an approved driveway or entrance permit with the application.
- c. **Internal Vehicular Circulation:** The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
- i. Projects that will be served by delivery trucks must provide a clear route with appropriate geometric design to allow turning and backing for a minimum vehicle length of seventy-two (72) feet. Maneuvering and parking of delivery trucks at loading bays/docks shall be designed not to impede normal circulation and parking on the site.

- ii. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and the routes must be posted with appropriate signage (ex. fire lane- no parking).
  - iii. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
  - iv. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.
  - v. The development shall provide for convenient bicycle storage facilities, unless the Planning Board finds that there is no significant chance that bicyclists will use the development.
  - vi. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be in the area of the site adjacent to a pre-existing home. Communication systems must not be audible to adjacent homes. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. Queuing for the drive-through must not interfere with any sidewalk or bicycle path.
- d. **Off-street Parking:** The development shall be designed to accommodate parking for the expected number of vehicles or provide suitable alternatives. The table below shall be used as a guideline for parking supply. The Planning Board may modify parking requirements consistent with the objective of reducing the impervious surface and environmental impact while avoiding on-street parking outside of the downtown area. For uses not contemplated by the table, the publication *Parking Demand* (ITE, 1987 or most recent edition) shall be consulted.
- e. Where it is determined that this Ordinance conflicts with Town of Clinton Traffic Control, Parking, and Pedestrian Safety Ordinance, the Traffic Control, Parking, and Pedestrian Safety Ordinance prevails.

# Of Spaces	Land Use Activity
<b>Places of Residence or Accommodation</b> -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
1.5	Multi-family buildings
<b>Places of Public Assembly</b> -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Religious Institution, Restaurant (except fast food)
1/2	Convention Center, Meeting Hall, Grange, Bottle Club
<b>Places of Commerce and Industry</b> -- spaces per 1,000 sq. ft. of gross floor area.	
1	Warehouses, including self-storage
1 1/2	Industrial and Manufacturing Facilities, furniture and appliance stores
3	Grocery Stores over 5,000 sq. ft., Offices
3.5	Retail Sales, except as noted
5	Banks, Medical, Dental, and Veterinary Offices, Fitness Clubs, Child Care
6	Fast food restaurant, snack bar
<b>Public and Institutional Facilities</b> -- spaces per 1,000 sq. ft. of gross floor area	
2	Elementary Schools, Library, Museum
4	Other education – classroom area only, Community Center, Municipal Office.
6	Hospital

# Of Spaces	Land Use Activity
<b>Miscellaneous</b> -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
4 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales or Service

- At least one parking space within each development must be designated for use by persons with disabilities, plus one additional accessible space for every twenty-five (25) parking spaces provided.
- For projects that expand or add to an existing use that will remain in operation, parking requirements must account for the total number of spaces needed for both the existing and proposed uses- even if the existing use previously lacked sufficient parking.
- When a lot or building contains multiple uses, the minimum parking requirement is the sum of the requirements for each individual use. For buildings with multiple functions- such as a church with a school, or a college with offices and classrooms- each function must be calculated separately.

- The Planning Board may allow parking spaces to be installed in phases if adequate provisions are made for constructing the remaining required spaces in the future. Any permit allowing phased construction must specify the conditions for phasing, including, at minimum, permanent reservation of sufficient land area and a schedule identifying the development stage at which the remaining parking will be built.
- Areas used for parking business-related vehicles—such as construction equipment, tractor-trailers, or vehicles displayed for sale- may not be counted toward required parking totals.

f. **Parking Layout and Design:** Off-street parking must conform to the following standards:

- i. Parking areas shall be designed to eliminate the need for vehicles to back out into the street.
- ii. All parking spaces, access drives, and other impervious surfaces shall be set back at least five (5) feet from any lot line, unless a larger setback is required for buffer yards. Parking lots on adjacent properties may be linked by access ways no more than twenty-four (24) feet in width.
- iii. In parking lots that use diagonal spaces, the correct direction of traffic flow shall be clearly indicated by signs, pavement markings, or other permanent markers and shall be maintained as needed.
- iv. Parking areas shall be designed so that each vehicle can enter and exit its designated space without the need to move any other vehicle. Double-stacked parking may be allowed for residential uses, provided both spaces in the stack are assigned to occupants of the same dwelling unit.
- v. Provisions shall be made to prevent vehicle overhang from obstructing traffic flow, hindering pedestrian or bicycle movement on adjacent walkways, or damaging landscaping.
- vi. Parking stalls and aisle layout must conform to the standards in the table below.

Parking Angle (degrees)	Width	Stall Width	Skew Depth	Stall Width	Aisle
90	9'-0"		18'-0"	24'-0"	two way
60	8'-6"	10'-6"	18'-0"	16'-0"	one way
45	8'-6"	12'-9"	17'-6"	12'-0"	one way
30	8'-6"	17'-0"	17'-0"	12'-0"	one way

- vii. Parking spaces designated for use by persons with disabilities shall be at least twelve feet six inches (12' 6") in width and shall be identified with appropriate signage or pavement markings.
- g. Pedestrian Circulation: The site plan shall include a pedestrian circulation system appropriate to the type and scale of the development.
  - i. Sidewalks shall connect major building entrances and exits to parking areas and to existing or planned sidewalks in the project vicinity. Sidewalks may be located within the street right-of-way or within public areas outside the right-of-way. Sidewalks should also provide connections between the development and nearby residential, recreational, and commercial areas, as well as schools, bus stops, and existing neighborhood sidewalks, and when appropriate, to parks, open spaces, or similar amenities on or adjacent to the site.
  - ii. Where a proposed project driveway intersects an existing or planned public sidewalk, the sidewalk surface must be continued across the driveway, or the driveway must be clearly marked to indicate the presence of the sidewalk. In addition, if street trees exist on adjacent properties, similar street trees shall be planted on the project site.
  - iii. If a sidewalk exists on property abutting the development, it shall be extended into the development. In urban situations, widening of the sidewalk onto private property to encourage window shopping and an improved streetscape is encouraged. Benches, sculpture, planters and other street furniture are encouraged.

**3. Neighborhood Compatibility Criteria:**

The proposed development will not result in an undue adverse impact on the existing use(s) and quiet enjoyment of properties, both immediately abutting and within the neighborhood of the development.

- a. The development will not produce noise, light, or other deleterious effects that would constitute a nuisance to neighboring properties.
- b. The development will provide a buffer against its visual impacts.

- c. The development will blend, insofar as possible, with existing built-up neighborhoods.

**Neighborhood Compatibility- Performance Standards:**

- a. **Exterior Lighting:** Lighting may be provided to meet security, safety, and operational needs, but it shall not create harmful effects on adjacent properties or impair the vision of drivers on nearby roadways.
  - i. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so as to prevent unnecessary illumination of the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.
  - ii. When practicable, exterior lighting, except security lighting, should be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period.
  - iii. Building facades may be illuminated with low-intensity, soft lighting that does not attract undue attention. Whenever possible, the light source shall be concealed. Building entrances may be lit using recessed lighting in overhangs or soffits, or by spotlighting directed at the entrances with the light source concealed, such as within landscaped areas. Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
- b. **Noise:** The estimated sound pressure level from any continuous, regular, frequent, or intermittent source on the site shall be limited according to the time of day and the type of abutting land use, as specified below. Sound levels shall be measured at a height of at least four (4) feet above the ground at the property line of the source.

**Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (Measured in dB(a) Scale)**

<b>Abutting Use</b>	<b>7 am - 10 pm</b>	<b>10 pm - 7 am</b>
Residential	55	45
Public, semipublic, and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

- Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4- 1961) *American Standards Specification for General Purpose Sound Level Meters*.
- Construction of projects approved under this Ordinance and on a site abutting any residential use, shall limit external building activity to between the hours of 7:00 A.M. and 10:00 P.M.
  - c. **Buffering of Adjacent Uses:** New development shall provide buffering between adjacent uses where different types of uses abut one another, to minimize the impact of the development on public streets, and to screen mechanical equipment, service areas, and storage areas.
    - i. Buffering must be designed to provide a year-round visual screen to minimize adverse impacts. Buffering may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof, as approved by the Planning Board.
    - ii. A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where neighboring properties need to be shielded from any adverse external effects of the development or the development needs shielding from the negative impacts of adjacent uses.
    - iii. The width of the buffer may vary based on the type of treatment provided. In densely developed areas, a buffer consisting of dense plantings, fencing, or changes in grade may be incorporated within the required building setback. Buffers with moderate plantings should be ten (10) to fifteen (15) feet wide. In suburban and rural areas, vegetated buffers should be at least twenty-five (25) feet wide. Areas adjacent to service, loading, or storage facilities shall be screened with dense plantings, berms, fencing, or a combination thereof sufficient to substantially block visual exposure of these areas.

- iv. Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to, and egress from, the site. The width of the buffer strip must increase with the setback of the building as follows:

<b>Building Setback</b>	<b>Buffer Width</b>
<50 feet	10 feet
50-74 feet	15 feet
75-99 feet	20 feet
100 feet or more	25 feet

- Where the buffer width cannot be achieved, a low wall, fence, or hedge may be used to create the buffer, as approved by the Planning Board.
  - v. Outdoor storage areas, external machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
  - vi. Where a potential safety hazard to children is likely to arise, a physical barrier sufficient to deter small children from entering the premises must be provided and maintained in good condition.

**d. Landscape:**

Landscaping may consist of plant materials, including trees, shrubs, groundcovers, perennials, and annuals, as well as other features such as rocks, water elements, sculptures or art, walls, fences, paving materials, and street furniture.

- i. The natural landscape shall be preserved to the greatest extent practicable by minimizing tree removal, soil disturbance and compaction, and by retaining existing vegetation during construction. Extensive grading and filling shall be avoided whenever possible.

- ii. Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.
- iii. Landscaping around and within parking lots shades hot surfaces and visually “softens” the hard surface look of parking areas. Parking areas should be designed and landscaped to create a pedestrian-friendly environment. A landscaped border should be created around parking lots. Any parking lot containing forty (40) or more parking spaces should include one (1) or more landscaped islands within the interior of the lot. There should be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

**e. Business Signs:**

- i. Freestanding commercial business signs should be placed at right angles to the street to be viewed from both directions. Simple, geometrically shaped signs set low to the ground should be used where practicable. The number of words on signs should be minimized, and symbols should be used to catch the eye. Signs may be double sided.
- ii. To maintain vehicle and pedestrian safety, signs shall not be placed at a height or location which obstructs the view of sidewalks or driveway entrances. Free-standing signs shall not be placed within five (5) feet of a property line and shall not be erected more than twenty (20) feet in height as measured from the elevation of the road centerline.
- iii. Free-standing signs shall be sufficiently secured to the ground to withstand strong winds. (Free-standing signs which are in place for fewer than sixty (60) days per year are considered temporary and are not subject to the requirements of this Ordinance.)
- iv. All signs shall conform to the standards of the *Maine Traveler Information Services Act*, 23 M.R.S.A. § 1901 et seq. or successor statute.
- v. Unless licensed as an Official Business Directional Sign in accordance with 23 M.R.S.A. § 1918, or successor statute, signs must be placed on the property of the business offering the goods or service being advertised.
- vi. All signs shall conform to this Ordinance.

- f. **Orientation and Placement of Buildings and Structures:** The layout of buildings, parking lots, and other structures on a site shall be consistent with features of the natural and built landscape, using some or all the techniques described in this section.
- i. In urban, built-up areas, buildings should be placed close to the street. Where adjacent lots have been developed, new buildings shall be set back from the street line a distance equal to or within ten (10) feet of the average setback distance of the adjacent buildings. For buildings on corner lots, the setback relationship of both streets should be maintained.
  - ii. In undeveloped areas, buildings should be placed well back from the road to conform with the rural character of the area. Where the existing site condition is natural woodland, the buffer requirements of **Section III- Criteria and Standards for Development, 3-Neighborhood Compatibility Performance Standards, c. Buffering of Adjacent Uses and d. Landscape**, above, may be met by retaining undisturbed woodland.
  - iii. Where two (2) or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.
  - iv. The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach and should be clearly identified as such through building and site design, landscaping, and/or signage. Site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

#### **4. Environmental Protection Criteria:**

The proposed development will not create or compound undue effects on natural resources or the environment.

- a. The development will not result in degradation of air or water quality, including lake and groundwater.
- b. The development will not result in degradation of wetlands or other wildlife habitat.

- c. The development will not cause excessive erosion or sedimentation onto adjacent properties and downgrade resources.

***Environmental Protection- Performance Standards:***

- a. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved by minimizing the degree of grading and filling. 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 limitation on the extent of excavation.
- b. **Groundwater Protection**
  - i. The proposed development shall not adversely affect the quality or quantity of groundwater available to neighboring properties or public water supply systems. Applicants whose projects include on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or more must demonstrate that groundwater at the property line will meet State of Maine safe drinking water standards following development.
  - ii. The proposed extraction of two thousand (2,000) gallons per day or more from groundwater sources must be supported by a report from a qualified hydrogeologist demonstrating that:
    - The quantity of water withdrawn will not substantially lower the groundwater table beyond the property boundary or cause undesirable changes to subsurface flow patterns, including under drought conditions; and
    - The proposed facility will not reduce the quality of the aquifer from which water is extracted.
  - iii. The operator of a groundwater extraction project shall establish a system of regular monitoring and reporting on the quantity of water extracted and removed from the site.
  - iv. No use, disposal, or storage of toxic or hazardous shall be permitted within the bounds of the sand and gravel aquifers, or within the Primary or Secondary Wellhead Protection Districts, as delineated and detailed in the Town of Clinton Land Use Ordinance, under Article 3A- Wellhead Protection, except when conducted in full compliance with this Ordinance.

c. **Water Quality Protection:** All aspects of the project must be designed so that:

- i. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater's so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- ii. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
- iii. If the project is located within the Primary or Secondary Wellhead Protection District for Clinton's Tapley Well (shown on map XXXX), all proposed activities must comply with the Wellhead Protection District Requirements.

d. **Erosion Control:**

- i. Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of *Maine Erosion and Sediment Control BMPs*, published by DEP (March, 2003 or as revised).

e. **Stormwater Management:**

- i. Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a Stormwater Management Plan.
- ii. To the extent possible, the plan must retain stormwater on the site using the natural features of the site and must not have adverse impacts on abutting or downstream properties.
- iii. Any project which requires a Stormwater Management Permit from the Maine Department of Environmental Protection must submit a copy of the approved permit with the application.

- iv. For projects which do not require a DEP Stormwater Management Permit, the use of Low Impact Development techniques, consistent with the publication *Stormwater Management for Maine*, (DEP, January 2006 or as revised) is highly encouraged.
  - v. For projects involving structural treatments, a Stormwater Maintenance Agreement must be submitted at the time of application. The SMA must indicate how stormwater facilities will be maintained throughout the course of their projected life.
  - vi. The biological and chemical quality of receiving waters shall not be degraded by stormwater runoff. Measures such as oil and grease traps in catch basins, on-site vegetated waterways, vegetated buffer strips along waterways and drainage swales, and the reduction of deicing salts and fertilizers may be required.
- f. Preservation of Wildlife Habitat**
- i. No development shall involve the filling of wetlands that have been identified by the Maine Department of Inland Fisheries and Wildlife as having high or moderate value for wildlife habitat.
  - ii. If an area within the proposed development site has been identified as a critical natural area or critical habitat for endangered or threatened species, the development will avoid impacts to that area as much as practicable.
  - iii. If an area within the proposed development site has been identified by the Maine Department of Inland Fisheries and Wildlife or the *Town of Clinton Comprehensive Plan* as a Deer Wintering Area, the developer shall consult with a qualified wildlife biologist and incorporate measures for protection of the resource into the development plan.

#### **5. Cultural Resources Criteria:**

The proposed development will not have an undue negative impact on the cultural assets of the Town of Clinton.

- a. The development will not result in the loss or deterioration of archeological or historical resources of the town.
- b. The development will not result in the loss of scenic and aesthetic assets.

### **Cultural Resources- Performance Standards:**

- a. **Historic and Archaeological Resources:** If any portion of the site has been identified in the Town of Clinton Comprehensive Plan or by a qualified authority as having potential historic or archaeological resources, the application shall include an assessment of those resources. The development must incorporate appropriate measures to protect such resources, which may include, but are not limited to, modifications to the site design, scheduling of construction activities, and limiting the extent of excavation.
- b. **Shoreland Development** - When a proposed development is immediately visible from a great pond, river, or stream, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body.
  - i. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development.
  - ii. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible.
- c. **View Protection:** When a proposed development is located within the viewshed of an identified view from a public street or facility, as noted in the *Town of Clinton Comprehensive Plan*, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.
- d. **Hillside Development:** When a proposed development is located on a hillside that is visible from a public street, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. Site clearing must be minimized, and vegetation must be retained or provided to minimize the visual intrusion of the development. The development must be designed so that buildings, structures, and other improvements do not extend above the existing ridgeline or alter the ridge profile significantly. This provision may be waived for communication towers, spotting towers, and similar facilities that must be located above the ridgeline for operational reasons.

## **6. Compliance Criteria:**

The proposed development will comply with other ordinances and regulations of the Town of Clinton regarding land use and development.

### ***Compliance- Performance Standards:***

- a. If the proposed project meets the definition of a subdivision under the Clinton Subdivision Ordinance, the subdivision and site plan reviews may be conducted concurrently, with site plan approval occurring at the same time as final subdivision approval. In the event of procedural conflicts, all requirements of both ordinances shall be observed. The Planning Board shall determine that all criteria of both ordinances have been satisfied before granting approval.
- b. If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Clinton Floodplain Management Ordinance.
- c. If any portion of the site is located within a shoreland zoning district as identified in the Clinton Shoreland Zoning Ordinance and on the Shoreland Zoning Map, the development shall demonstrate compliance with the standards of that ordinance. If the project is required to get a Planning Board permit under the terms of that ordinance, the approval process for both ordinances may be done concurrently. In the event of procedural conflicts, all the requirements of both ordinances must be followed.

## **7. Financial and Technical Capacity Criteria:**

The proposed development must demonstrate the financial and technical capacity to complete the development and required public improvements in a timely manner.

### ***Financial and Technical Capacity Criteria- Performance Standards:***

- a. The applicant must demonstrate that they have the financial and technical capacity to carry out the project in accordance with this Ordinance and the approved plan.
  - i. The application must list the names of architects, engineers, and other professionals who were involved in the development of the project.
  - ii. The application must list either the names of contractors who have been engaged to construct the project, or the process by which those contractors will be hired.

- iii. The application must include the estimated cost of the project, including required public improvements, and the source of funding sufficient to meet those costs.
- b. If any public improvements are proposed or required for the development of this project, the terms of Improvement Guarantees must be approved as part of the application process. Improvement Guarantees will be developed in accordance with **Section IV- Post Approval Activities, C. Improvement Guarantees**, of this Ordinance.

## **8. Special Criteria:**

If a proposed structure exceeds thirty-five (35) feet in height, the applicant must demonstrate that it will not have an undue adverse impact on public health, safety or visual resources.

### **Special Criteria- Performance Standards:**

#### **a. Wireless Communication Facilities-**

All Wireless Telecommunication Facilities, as defined in paragraph 2, shall meet and comply with the following standards:

- i. **Setbacks-** All wireless telecommunication towers shall be setback from any existing residential lot or public building by a distance of not less than 105% of tower height. Towers, guys and accessory facilities shall meet the minimum zoning district requirements.
- ii. **Building Codes & Safety Standards-** To ensure the structural integrity of telecommunications facilities, the owner shall ensure that it is designed, constructed, and maintained in conformance with industry standards and applicable federal, State, and local building, electrical, and safety codes. Unless it can be demonstrated that the tower is access secure and not a safety hazard, a security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.
- iii. **Lighting.** Towers shall not be artificially lit, unless required by the FAA or other federal or state authorities. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and views.

- iv. **Screening and Buffers-** A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural landforms on the site shall also be preserved to the maximum extent practicable.
- v. **Color and Materials-** A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required by law, muted colors, earth tones, and subdued hues shall be used.
- vi. **Co-Location-** A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers.

***b. Wind Energy Conversion Systems-***

See Wind Energy Facility Ordinance Town of Clinton, Maine

[https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/Clinton\\_Wind\\_Ordinance\\_adopted\\_12Jun2012a.pdf](https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/Clinton_Wind_Ordinance_adopted_12Jun2012a.pdf))

***c. Affordable Housing Development-***

Affordable housing developments are permitted in land use districts that permit multi-family housing and are in Clinton's designated growth area, as outlined in the Comprehensive Plan.

- i. The Planning Board shall review all applications for affordable housing developments per the Town of Clinton's Subdivision Ordinance and this Site Plan Review Ordinance.
- ii. **Water/Wastewater-** The property owner of record must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:
  - If connected to the Clinton Water District for public sewer services, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system. If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;

- If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules*, as amended;
  - If connected to Clinton Water District for public water services, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
  - If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.
- iii. The owner or agent of the affordable housing development must (1) execute a restrictive covenant, (2) record the restrictive covenant in the Kennebec County Registry of Deeds to ensure that, for at least thirty (30) years after completion of construction:
- For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local Area Median Income (AMI) at the time of initial occupancy; and
  - For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local Area Median Income (AMI) at the time of initial occupancy.
  - Area Medium Income will be determined by Maine Housing at the time the application is submitted.
- iv. Each dwelling unit shall be equipped with approved, hardwired smoke and CO detectors, according to the Nation Fire Protection Association's Life Safety Code.

- v. Multi-family dwelling units that fit the above criteria for Affordable Housing are allowed to have a dwelling unit density of 2 ½ times the base density that is otherwise allowed in the land use district and require two (2) off street parking spaces for every three (3) units. For example, if a developer can build one unit on a two-acre site under the Land Use Ordinance, and designates the development as affordable, the developer would be eligible to build two units on the two-acre site (1 X 2.5).
- vi. Two (2) off-street parking spaces are required for every three (3) units.

### **9. Economic Impact Criteria:**

If the proposed development qualifies as a large-scale retail development, as defined by 30-A M.R.S.A. sec. 4366, or successor statute, it shall not create an undue adverse impact on the community.

#### ***Economic Impact- Performance Standards:***

- a. A comprehensive economic impact study shall be performed by a qualified preparer and submitted with the application for site review.
- b. In order to determine that a proposed development will have an undue adverse impact on the community, the Planning Board must find, based on the economic impact study and other submitted evidence, that at least two (2) factors in the economic analysis are negative and that the overall economic impact is adverse.
- c. The impact on neighboring municipalities within the comprehensive economic impact area must be considered as well as the impact on Clinton.

## **SECTION IV - POST APPROVAL ACTIVITIES**

### **A. LIMITATION OF APPROVAL**

Construction of the improvements authorized by any site plan approval must be substantially commenced within twelve (12) months of the date of approval and substantially completed within twenty-four (24) months.

If construction is not substantially commenced or completed within these timeframes, the site plan approval shall be null and void. An applicant may request an extension of the approval period before its expiration. Such request must be submitted in writing to the Planning Board.

The Planning Board may grant up to two (2) extensions of six (6) months each, provided that the approved plan remains in conformance with the ordinances in effect at the time of the extension and that all required federal and state approvals and permits are current.

## **B. INCORPORATION OF APPROVED PLAN**

1. One (1) copy of the approved site plan must be submitted to the Code Enforcement Officer prior to commencing construction of the project. All construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.
2. Any project involving the construction of more than twenty thousand (20,000) square feet of gross floor area or twenty thousand (20,000) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These “as-built” plans must be submitted within thirty (30) days of the issuance of a certificate of occupancy for the project or occupancy of the building.

## **C. IMPROVEMENT GUARANTEES**

### **Application**

1. **Improvement Guarantee-** The Planning Board may require the applicant to post an improvement guarantee in an amount and form specified below, as reasonably necessary to ensure the proper installation of all off-site improvements required as a condition of approval. The nature and duration of the guarantee shall be designed to achieve this purpose without imposing unnecessary costs on the applicant.
2. Upon substantial completion of all required improvements, the developer must notify the Planning Board/CEO of the completion or substantial completion of improvements and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
3. The Planning Board/CEO shall approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.
4. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

## Form of Guarantee

Improvement guarantees may be provided by a variety of means including, but not limited to, the following:

1. **Security Bond.** The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
2. **Letter of Credit.** The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
3. **Approval.** The Select Board shall review and approve all documents for form and enforceability.

## D. MINOR CHANGES TO APPROVED PLANS

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the CEO, and a report presented to the Planning Board at their next regularly scheduled meeting.

## E. AMENDMENTS TO APPROVED PLANS

Site plan approvals are based upon and limited to the proposals and plans contained in the application and supporting documents submitted and certified by the applicant. Any deviation from the approved plans, proposals, or supporting documents— except minor changes that do not affect the approval standards— shall require review and approval by the Planning Board.

## SECTION V - APPEALS PROCEDURE

Any person whose property is directly or indirectly affected by the granting or denial of a permit under this Ordinance; any person whose land directly abuts the property for which a permit has been granted; or any person who has suffered a particularized injury as a result of the granting or denial of a permit or the action of the CEO, may appeal to the Board of Appeals within thirty (30) days from the date of the Planning Board's or CEO's action.

Any appeal to the Board of Appeals under this Ordinance shall be an appellate review based solely on the evidence, testimony, and information underlying the original decision of the Planning Board or CEO. Appeals shall not be heard as new matters.

Any person who participates as a party during the proceedings before the Board of Appeals may take an appeal to the Superior Court in accordance with State laws within thirty (30) days from the date of any decision by the Board of Appeals.

## **SECTION VI - ENFORCEMENT**

### **A. ENFORCEMENT BY CEO**

The Code Enforcement Officer (CEO) or their designated agent shall enforce the provisions of this Ordinance. If the CEO or their agent determines that any provision of this Ordinance is being violated, they shall provide written notice to the person responsible for the violation, specifying the nature of the violation and ordering the corrective action required. The CEO may order the discontinuance of any illegal use of buildings, structures, additions, or ongoing work, or take any other action authorized by this Ordinance to ensure compliance and prevent violations.

### **B. LEGAL AUTHORITY**

The CEO is authorized to initiate, or cause to be initiated, in the name of the Town, any legal or equitable action necessary to enforce this Ordinance. Nothing in this section shall prevent any person entitled to equitable relief from seeking injunctions to stop actions contrary to the provisions of this Ordinance.

### **C. PENALTIES AND ADMINISTRATIVE REMEDIES**

Any person, firm, or corporation owning, controlling, or using any building or premises in violation of this Ordinance shall be subject to fines in accordance with 30-A M.R.S.A. § 4452. Each day that a violation continues after notification constitutes a separate offense.

The Select Board, or their authorized agent, may enter into administrative consent agreements to eliminate violations and recover fines without court action. Such agreements shall not permit an illegal structure or use to continue unless:

1. There is clear and convincing evidence that the structure or use resulted directly from erroneous advice given by an authorized municipal official, and there is no evidence of bad faith by the owner; or
2. Removal of the structure or use would create a threat or hazard to public health and safety or cause substantial environmental damage.

## **SECTION V - VALIDITY AND SEVERABILITY**

If any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction, such a ruling shall not affect the validity of any other section or provision of the Ordinance.

## **SECTION VI - CONFLICT WITH OTHER ORDINANCES**

In the event of a conflict or inconsistency between a provision of this Ordinance and any other provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive requirement shall prevail.

## **SECTION VII - EFFECTIVE DATE**

The effective date of this Ordinance shall be the date of its adoption by the Legislative Body of the town.

## SECTION VIII - DEFINITIONS

**Construction of Terms:** 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.

**ABUTTER:** A property owner whose land abuts, is contiguous to, or shares a common boundary with another property, including property located across a stream, street, road, public way, deeded right of way, or private way from the property involved in an application or appeal.

**ACCESSORY BUILDING/STRUCTURE:** A building or structure located on the same lot as, and customarily subordinate to, the principal building or structure. A deck or similar extension of the principal structure, or a garage attached to the principal structure by a roof or shared wall, is considered part of the principal structure. Accessory buildings or structures, whether individually or collectively, may not visually or functionally exceed the principal building on the lot. Examples of an accessory or building include but are not limited to sheds, structures, decks, garage, pools, and fences.

**ACCESSORY USE:** The term “accessory use” shall apply only to a subordinate use of land or buildings that is customarily incidental to the principal building or principal use of the land and located on the same lot as the principal building or use. Accessory uses, whether considered individually or in the aggregate, shall not subordinate the principal use on the lot. The term “incidental,” in reference to the principal use or structure, shall mean both: (a) subordinate and minor in significance to the principal use or structure, and (b) attendant to the principal use or structure.

**AFFORDABLE HOUSING DEVELOPMENT:**

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
- C. For purposes of this definition, "majority" means more than half.
- D. For purposes of this definition, "housing costs" means:
  - 1. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - 2. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**AGGRIEVED PARTY:** Any person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; whose land abuts, or is located across a road, street, or body water from, property for which a permit or variance has been granted, or any other person or group of persons who have suffered direct harm as a result of the granting or denial of such permit or variance.

**AGRICULTURE:** The cultivation of soil for the production of food, crops, or other valuable or useful products, including commercial gardening and the growing of nursery stock, as well as keeping and raising of animals, fish (see Aquaculture), or fowl for sale or for any commercial use, including but not limited to swine, poultry, cattle, dairy, and horses. It does not include agricultural industries such as fruit or poultry processing plants or fur farms, nor does it include forest management or timber harvesting activities.

**ALTERATION:** Any change, addition, or modification requiring construction, including changes in the location of structural members of a building or structure, such as bearing walls, columns, beams, or girders, or changes in the use of a building. The term also includes the construction, modification, or addition of a deck, dormer, staircase, or roof, but does not include cosmetic or decorative changes.

**ALTERNATE TOWER STRUCTURE:** Means clock towers, bell steeples, light poles and water towers, and similar alternate-design mounting structures.

**AMUSEMENT FACILITY:** Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

**ANTENNA:** The system of any poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of 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 the antenna. Measurement of tower height shall include antenna, base pad, and the appurtenances and shall be measured from the finish 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.

**AQUACULTURE:** The cultivation or propagation of freshwater, estuarine, or marine plants or animals for harvest.

**AQUIFER:** Geologic deposits or structures from which useable quantities of groundwater are available for households, municipalities, businesses, or industries.

**AREA MEDIAN INCOME:** The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

**ATTACHED:** Connected by a shared wall to the principal structure or having physically connected finished spaces.

**AUTHORIZED AGENT:** Anyone having written authorization to act on behalf of a property owner(s). The authorization shall be signed by the property owner(s).

**BASE DENSITY:** The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Ordinance.

**BUFFER STRIP:** A portion of a property or an entire property, that is intentionally left undeveloped to separate land uses and reduce potential impacts- such as noise, dust, visibility, glare, or similar effects- on adjacent properties or on sensitive natural resources.

**BUILDING:** Any structure, or part of a structure, forming a three-dimensional enclosure constructed of building materials, temporary or permanent, and intended for the housing, shelter, or enclosure of persons, animals, or property. The term includes attached or associated elements such as decks, porches, breezeways, railings, stairs, foundations, pilings, and swimming pools. Structures separated only by abutting walls without direct access between them are considered separate buildings. Excluded are sidewalks, fences, driveways, parking areas, electrical transmission or distribution lines, and retaining walls.

**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.

**BUSINESS AND PROFESSIONAL OFFICES:** Facilities where administrative, managerial, or specialized professional services are provided, primarily involving knowledge-based work, recordkeeping, and client or organizational support, and typically requiring advanced education or professional licensing. Retail sales and activities involving the regular use of trucks as part of the business operation are excluded.

**CAMPGROUND:** Land upon which one or more tents are erected, or trailers are parked for temporary use for a fee on sites arranged specifically for that purpose. Land accommodating one or more tents or recreational vehicles or other shelters for temporary dwelling use on sites arranged specifically for that purpose and for which a fee is paid. No recreational vehicle or tent shall be used for temporary dwelling except in an approved campground licensed by the State of Maine.

**CHANGE OF USE (NONRESIDENTIAL):** A change in the type of occupancy of a nonresidential building or structure, or any portion thereof, resulting in a different basic type of use—such as from retail to office, or from storage to a restaurant—but not including a change in the occupants.

**CENTRALLY MANAGED WATER SYSTEM:** A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

**CERTIFICATE OF OCCUPANCY:** An official document issued by the Code Enforcement Officer certifying that a building or structure complies with applicable building codes, zoning regulations, and other relevant ordinances, and is therefore approved for lawful occupancy or use.

**CLUB:** A voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes, whose facilities, including any clubhouse, are limited to members and their guests and generally not open to the public. A club is not operated for commercial or pecuniary gain and includes fraternities, sororities, and similar social organizations.

**CODE ENFORCEMENT OFFICER:** A person appointed by the municipal officers to administer and enforce this Ordinance.

**CODE OF MAINE RULES:** State of Maine regulations.

**CO-LOCATION:** The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**COMMERCIAL AGRICULTURE:** See Agriculture definition above. Commercial Agriculture excludes Retail Cannabis Establishments, including Retail Cannabis Cultivation Facilities, as defined by state law.

The term includes leased or rented land used for agricultural purposes, as well as associated processing and storage of crops, and related buildings or structures such as barns, storage facilities, greenhouses, temporary shelters, indoor cultivation areas, and accessory processing facilities. Outdoor recreational and educational activities that are accessory to the agricultural uses— such as hayrides, corn mazes, agritainment, and similar activities—are permitted. All Commercial Agriculture activities must comply with this Ordinance.

**COMMERCIAL FARM:** See Agriculture definition above.

**COMMERCIAL FIREWOOD PROCESSING:** A place where firewood is delivered, cut or split, and from which it is sold.

**COMMERCIAL FORESTRY:** The management, cultivation, and harvesting of trees or other forest products on forested land for commercial purposes, including the production of timber, wood, pulp, or other forest-derived products for sale or profit. This includes land classified as forest land under the Maine Tree Growth Tax Law (36 M.R.S. §573) and activities conducted in accordance with an approved forest management plan or engaged in the forest products business. Commercial forestry does not include the incidental cutting of trees for personal use, firewood, or landscaping.

**COMMERCIAL MOBILE SERVICES:** Any mobile service that is provided for the profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public, as specified by FCC regulations.

**COMMERCIAL NURSERY:** An establishment engaged in the cultivation, propagation, and sale of plants, including trees, shrubs, vines, flowers, vegetables, or other nursery stock, for commercial purposes. A commercial nursery may sell plants for planting, landscaping, or agricultural use, either on-site or off-site, and includes operations licensed or subject to licensing under Maine nursery laws (Title 7 M.R.S. §2171 et seq.). This definition does not apply to the personal cultivation of plants for non-commercial or household use.

**COMMERCIAL RECREATION:** Any business that charges a fee for providing recreational activities, including but not limited to campgrounds, racquet or tennis clubs, health and fitness facilities, amusement parks, golf courses, gyms, and swimming pools. This definition does not include amusement facilities, as separately defined.

**COMMERCIAL USE:** The use of land, buildings, or structures—excluding home occupations as defined below—primarily intended to generate income through the sale of goods or services, but not including the rental of residential buildings or dwelling units.

**COMPARABLE SEWER SYSTEM:** Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

**COMPREHENSIVE PLAN:** A document or interrelated documents adopted by the Town of Clinton containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving those goals, and strategies for implementation of those policies.

**CONFORMING STRUCTURE:** A building or structure, or any part thereof, that complies with all applicable provisions of this Ordinance.

**CONFORMING USE:** A use of buildings, structures, or land that complies with all applicable provisions of this Ordinance.

**CONGREGATE HOUSING:** Residential housing consisting of private apartments with central dining facilities, providing supportive services to elderly or disabled individuals who are unable to live independently but do not require the constant supervision or intensive medical care of intermediate-care or skilled nursing facilities. For purposes of this Ordinance, congregate housing includes only facilities certified by the State of Maine as meeting all standards and guidelines for congregate housing as established by the Department of Human Services under Maine State Statutes.

**CONSTRUCTED:** Built, erected, altered, reconstructed, moved onto a site, or subjected to any physical operations necessary for construction.

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

**DENSITY:** The number of dwelling units per lot of land, subject to dimensional requirements.

**DESIGNATED GROWTH AREA:** An area that is designated in Clinton's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination thereof, and into which most development projected over ten (10) years is directed.

**DEVELOPMENT:** The construction, addition, or alteration of buildings, structures, or other non-natural features; and any change in land use involving the alteration of land, water, or vegetation.

**DIMENSIONAL REQUIREMENTS:** Numerical standards relating to spatial relationships, including but not limited to setbacks, lot area, shore frontage, and height.

**DISTRICT:** A specified portion of the municipality, delineated on the official "Town of Clinton Zoning Map", within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**DUPLEX:** A structure containing two (2) dwelling units.

**DWELLING:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments.

**ENLARGEMENT OR EXPANSION OF A STRUCTURE:** Any increase in the building footprint or in the height of a structure beyond its current highest point. Alterations necessary to comply with the Americans with Disabilities Act (ADA) or the State Fire Code shall not be considered enlargements or expansions and are not subject to otherwise applicable setback requirements, provided such alterations are limited to the minimum needed to achieve compliance.

**ENLARGEMENT OR EXPANSION OF USE:** Any intensification of a use in terms of time, volume, or function, whether or not it results from an increase in the building footprint, height, floor area, land area, or cubic volume occupied by the use. Increases required solely to comply with the Americans with Disabilities Act (ADA), or the State Fire Code shall not be considered enlargements or expansions of use.

**ESSENTIAL SERVICES:** Facilities for the transmission or distribution of water, gas, electricity or essential communications or for the collection, treatment or disposal of wastes, including without limitation, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories but not buildings. This definition excludes wireless telecommunication facilities that are subject to site plan review.

**EXPANSION:** "Expansion" means the addition of antenna, towers, or other devices to an existing structure.

**EXTRACTIVE INDUSTRIES:** The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits, not including:

- A. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas (see Site Work definition);
- B. The excavation of material incidental to and at the site of construction or repair of streets; and
- C. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

**FAA:** The Federal Aviation Administration, or its lawful successor.

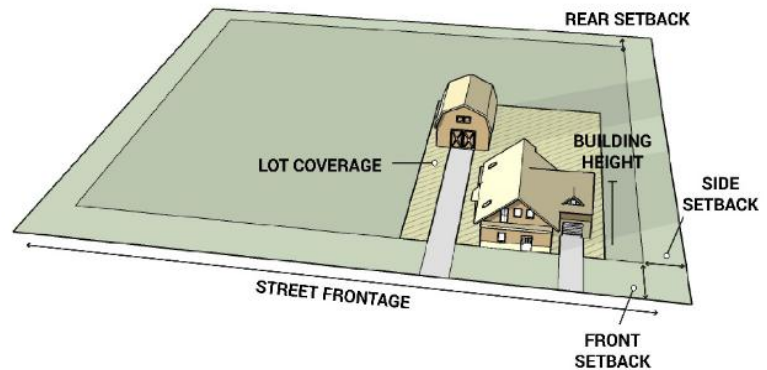
FCC: The Federal Communications Commission, or its lawful successor.

FILLING: Depositing or dumping any matter on or into the ground or water.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by two or more exterior walls.

FREE STANDING SIGN: A sign which is physically separated and not attached to a building. Free-standing signs which are in place for fewer than sixty (60) days per year are considered temporary and are not subject to the requirements of this ordinance.

FRONTAGE, ROAD: The linear distance measured along the front of the public or private street or road-right-of-way. The length of a lot's boundary line that abuts a public right-of-way, a private road, or an access easement. It is measured in linear feet along the traveled portion of the road, right-of-way, or easement, typically between two points where the side lot lines intersect with the road, right-of-way, or easement. See diagram to right.



**GASOLINE SERVICE STATION:**

- A. A building and premises where gasoline or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles), batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made and no other:
  - a. Sales and servicing of spark plugs, batteries, distributors and distributor parts;
  - b. Tire servicing and repair, but not recapping or regrooving;
  - c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers, and wiper blades, grease retainers, wheel bearings, mirrors and the like;
  - d. Radiator cleaning and flushing;
  - e. Washing and polishing inside an enclosed building and sale of automotive washing and polishing equipment;
  - f. Greasing and lubrication;
  - g. Providing and repairing fuel pumps, oil pumps and lines;
  - h. Minor servicing and repair of carburetors;
  - i. Emergency wiring repairs;
  - j. Adjusting and repairing brakes;
  - k. Motor adjustments;
  - l. Sales of cold drinks, packaged foods and similar convenience goods for auto service station customers, as accessory and incidental to the principal operation.
- B. Uses permissible at auto service stations do not include major body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in auto service stations.
- C. An auto service station is not a repair garage or a body shop.

**GROUNDWATER:** All 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.

**HARDSHIP:** See Undue Hardship

**HAZARDOUS MATERIAL:** Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

**HEIGHT:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

**HISTORIC OR ARCHAEOLOGICAL RESOURCES:** Areas identified by a governmental agency, such as the Maine Historic Preservation Commission, as having significant historic or archaeological value; areas identified in the Town of Clinton Comprehensive Plan; or other areas recognized by a qualified professional archaeologist or historian.

**HOME OCCUPATION:** An occupation or profession conducted within a dwelling that is clearly incidental and secondary to its use for residential purposes and that does not alter the character of the dwelling. By way of example, and not limitation, home occupations may include the production of foods such as breads, cookies, or preserves, as well as crafts such as rugs, birdhouses, fishing flies, and quilts. The term also includes professional and personal services, subject to any limitations on the number of employees established elsewhere in this Ordinance.

**HOSPITAL:** An institution providing primarily in-patient medical or surgical care, including related facilities such as laboratories, outpatient departments, training facilities, central services, and staff offices.

**HOTEL/MOTEL:** A commercial building or group of buildings providing temporary accommodations for travelers or transient guests for a fee or compensation, with sleeping rooms that do not include cooking facilities. Each unit has a private bathroom and a separate entrance, either to the outdoors or a common corridor. Hotels or motels may include on-site restaurant facilities for guests and the public.

**HYDRIC SOIL:** Soil that is saturated, flooded, or ponded long enough during the growing season to develop an aerobic conditions in the upper part.

**IMPERVIOUS SURFACE:** Any area covered by buildings or other constructed facilities, areas surfaced or to be surfaced with low-permeability materials such as asphalt or concrete, and areas—such as gravel roads or unpaved parking lots—that have been or will be compacted to reduce infiltration. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking or storage areas, concrete or asphalt paving, gravel roads, compacted earth, and oiled, macadam, or similar materials that impede the natural absorption of stormwater.

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

**INTERCONNECTED SERVICES:** "Interconnected Services" means service that is interconnected with the public switched network (as such terms are defined by regulation by the FCC) or service for which a request for interconnection is pending.

**JUNKYARD:** A yard, field, or other area used as a place of storage for:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances, and/or furniture;
- B. Discarded, scrap, and junked lumber;
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or nonferrous material; and
- D. Garbage dumps, waste dumps, and sanitary fills.

**KENNEL:** An establishment where five (5) or more dogs are kept in a single location under one ownership for breeding, hunting, showing, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one (1) litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

**LAND USE ORDINANCE:** Also known as a Zoning Ordinance. A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

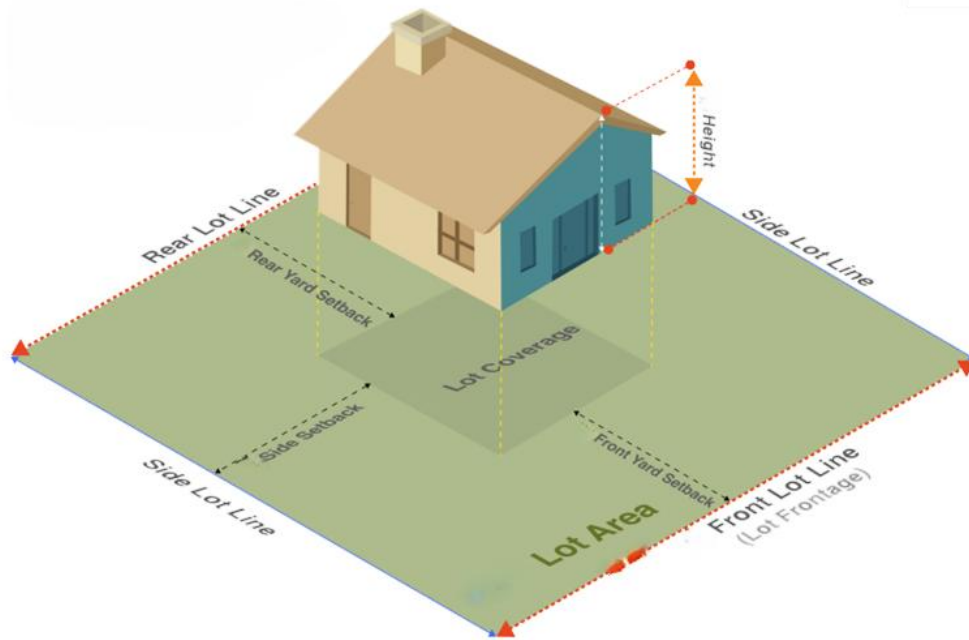
**LEVEL OF SERVICE (LOS):** Measures a driver's experience on the road and at intersections, based on the speed and number of cars using the road. The LOS of a road is designated by a letter grade of A (free flow) to F (near gridlock).

A designation of A, B, or C represents free-flowing conditions. F is stop-and-go traffic. These scores are based on the highest congestion level on that roadway, even if it only occurs a few minutes a day.

**LOT:** A single parcel of developed or undeveloped land.

**LOT LINES:** The lines bounding a lot as defined below. **(See diagram below)**

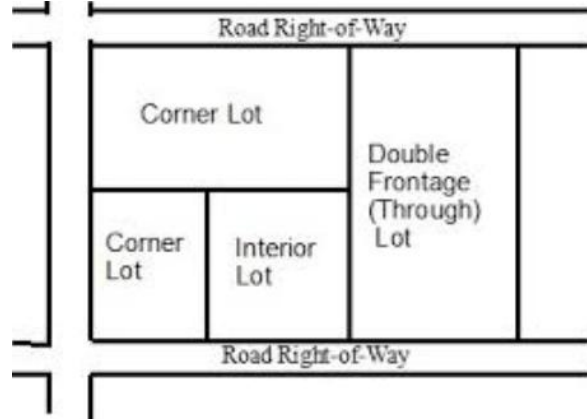
- A. **Front Lot Line:** For an interior lot, the lot line that separates the lot from the public or private street right-of-way. For a corner lot or through lot, the lot line that separates the lot from either of the two public or private street rights-of-way. Where a public or private street right-of-way does not exist or cannot be determined, the front lot line shall be the edge of the paved or graveled portion of the road.
- B. **Rear Lot Line:** The lot line opposite the front lot line. On a lot that narrows to a point at the rear, the rear lot line shall be an imaginary line, not less than ten (10) feet in length, drawn between the side lot lines and parallel to the front lot line at the point farthest from the front lot line. On a corner lot, the rear lot line shall be the lot line opposite the front lot line of least dimension.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines.



**LOT MEASUREMENTS (See diagram above)**

- A. **Lot Area:** The total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.
- B. **Lot, Corner:** A lot with at least two contiguous sides abutting upon a street or right of way.
- C. **Lot, Coverage:** The percentage of a lot covered by all buildings.
- D. **Lot Depth:** The distance between the midpoints of two lines drawn across the lot, one connecting the foremost points of the side lot lines and the other connecting the rearmost points of the side lot lines. See the definition of “Rear Lot Line.”
- E. **Lot, Minimum Area:** The required minimum lot area for a single use within a district.
- F. **Lot of Record:** A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.
- G. **Lot, Shorefront:** Any lot abutting a body of water that is regulated by the Shoreland Zoning Ordinance.

H. **Lot, Through:** Also known as a double frontage lot. An interior lot having frontage on two more or less parallel streets or rights-of-way; between a street or right-of-way and a body of water; or between two bodies of water, as distinguished from a corner lot. All sides of a through lot that abut streets, rights-of-way, or bodies of water shall be considered frontage, and required front yards shall be provided on each such side. See diagram to right.



I. **Lot width:** The horizontal distance between the side lot lines, measured at the front setback line.

**MAINTENANCE:** The routine care, repair, or upkeep of a building, structure, or property to preserve its condition, ensure proper functioning, and prevent deterioration, without altering its use, size, or location.

**MEDICAL CANNABIS CULTIVATION FACILITY:** See Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs in the Municipality of Clinton ([https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/Mari\\_Retail.pdf](https://www.clinton-me.us/vertical/sites/%7B8223271E-6464-4357-A7AA-9AD738BDD5C8%7D/uploads/Mari_Retail.pdf))

**MEDICAL MARIJUANA PRODUCTION FACILITY LIMIT:** There shall be no more than four Medical Marijuana Caregivers allowed to operate within a single Medical Marijuana Production Facility.

**MOBILE HOME PARK:** A parcel of land under unified ownership approved by the Planning Board for the placement of two (2) or more manufactured homes. Permit applications related to Mobile Home Parks will be reviewed under the Site Plan Review Ordinance, as Mobile Home Parks are considered a commercial use.

**MOBILE SERVICE:** A radio communication service conducted between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes both one-way and two-way radio communication services; a mobile service which provides a regular interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile communications by eligible users over designated areas of operation; and any service for which a license is required in a personal; communications service .

**MULTI-FAMILY DWELLING:** A structure containing three (3) or more dwelling units.

**MUNICIPALITY:** Town of Clinton.

**NATURAL AREAS/NATURAL COMMUNITIES, UNIQUE NATURAL AREA/COMMUNITIES:** Areas identified by the Maine Department of Conservation Natural Areas Program as having significant ecological, scientific, or natural value, as well as any areas so designated in the Town of Clinton Comprehensive Plan.

**NEIGHBORHOOD CONVENIENCE STORES:** A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows. A retail establishment under 1,500 square feet designed to serve the daily needs of a residential neighborhood, primarily selling merchandise such as basic foods, newspapers, household items, and emergency home repair supplies. This definition excludes sit-down dining, eat-in food service, or drive-through/take-out windows.

**NET ACREAGE CALCULATION:** The area of a lot or lots which is usable for determining allowable densities, as set forth in the Net Acreage Calculations standard contained in the Performance Standards section of this Ordinance. The portion of a lot or lots that may be used to determine allowable residential density, as calculated in accordance with the Net Acreage Calculation standards in Article 3- Land Use District Requirements of this Ordinance.

**NON-CONFORMING:** A building, structure, use of land, or portion thereof that was lawfully in existence at the time of adoption or amendment of this Ordinance, but which does not comply with one or more applicable provisions of this Ordinance.

**NON-CONFORMING LOT:** A lot that was lawfully created in accordance with applicable laws and ordinances in effect at the time of its creation, but which does not meet one or more current dimensional or other regulatory requirements of this Ordinance.

**NON-CONFORMING STRUCTURE:** A structure which does not meet any one or more of the dimensional lot requirements in Article 3 of the Town of Clinton Land Use Ordinance, but which is allowed solely because it was in lawful existence at the time said Ordinance or amendments took effect.

**NON-CONFORMING USE:** Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**NON-RESIDENTIAL ACCESSORY STRUCTURE:** A permitted structure of building customarily incidental and subordinate to the principal use of the lot that supports functions related to the principal use or building. An accessory structure is located on the same lot as the principal use or structure and is not intended for human habitation.

**NURSING HOME:** A facility that provides skilled nursing and related medical services for individuals who are not acutely ill but require skilled nursing care and medical services. These facilities are operated in connection with a hospital and designed to accommodate convalescent or other persons who need skilled nursing care for a period of not less than 24 hours a day.

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

**PERSONAL WIRELESS SERVICE FACILITIES:** Facilities for the provision of personal wireless services.

**PERSONAL WIRELESS SERVICES:** Commercial mobiles services, unlicensed wireless services, and common carrier wireless exchange access service.

**PERMITTED USE:** Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

**PLANNING BOARD:** The Planning Board of the Town of Clinton.

**POTABLE:** Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), *Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.*

**PRINCIPAL STRUCTURE:** Also known as the Primary Structure. A structure in which the main or primary use of the structure is conducted.

**PRINCIPAL USE:** The primary use to which the premises are devoted and the main purpose for which the premises exist.

**PROHIBITED USE:** A use that is not permitted in a zone or district.

**PUBLIC UTILITY:** Any person, firm or corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**PUBLIC UTILITY FACILITY:** A facility, whether publicly or privately owned, that provides direct or indirect utility services to the public, including but not limited to water and sewage pumping stations and treatment facilities, telecommunications structures, and major electrical transmission lines, pipelines, or substations primarily intended to convey services through a community. This definition does not include local utility distribution lines.

**PUBLIC STREET:** Any street or road open to travel by the general public, regardless of whether it is owned or maintained by the Town, the State, or a private entity.

**RESIDENTIAL USE:** Buildings, structures, land, or portions thereof, used, designed, or intended for use as a home or residence for one or more individuals. Residential uses may include single-family (principal and ADUs), duplex, triplex, quadplex, and other multi-family housing; condominiums; time-share units; and apartments. For purposes of this Ordinance the following uses are not included under this definition: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals. The abovementioned uses are considered commercial uses.

**RESTAURANT:** An establishment where meals are prepared and served to the public for compensation.

**Fast-Food or Drive-Through Restaurant:** An establishment where meals are prepared and served for quick consumption on or off the premises, often in edible or disposable containers, with minimal time between ordering and service.

**Sit-Down Restaurant:** An establishment where meals are prepared and served for consumption on the premises, typically requiring a moderate amount of time between ordering and service.

**RESTRICTIVE COVENANT:** A provision in a deed, or other covenant conveying real property, restricting the use of the land.

**RETAIL BUSINESS:** A business that sells, rents, or leases goods or services directly to the end consumer for personal use or consumption, rather than for resale.

**RIGHT-OF-WAY:** A strip or area of land over which passage is legally permitted, including: a public way or road accessible to the public; a private way with passage rights held by an individual; or land used by the Town of Clinton or a utility for the installation, maintenance, and repair of utility infrastructure.

**ROAD:** An existing State, county, or Town way or a street accepted or dedicated for public use by the Town of Clinton or State of Maine. The term "road" shall not include those ways which have been discontinued or abandoned.

**SCHOOL:**

**Public and Private Schools (including Parochial Schools):** An educational institution where knowledge or instruction is imparted and which meets either of the following criteria: it is operated on a non-profit basis, or it offers courses sufficient to satisfy state compulsory education requirements.

**Commercial School:** An educational institution operated for profit, offering instruction in specialized or vocational subjects such as dance, music, riding, correspondence courses, aquatic skills, driving, or business.

**SETBACK REQUIREMENTS:** The minimum horizontal distance from a lot line, shoreline, or road to the nearest structure, or other regulated object or area as defined in this Ordinance, including porches, steps, and railings.

**SELF-STORAGE BUILDING:** A building or group of buildings containing individual, compartmentalized storage units that are leased or rented separately and accessed through individual doors.

**SHOPPING CENTER:** A unified complex of commercial establishments on a single site, planned and managed as one unit with on-site parking. This includes any two (2) or more retail or service establishments under common ownership or management totaling 15,000 square feet or more. The buildings may be connected to each other or not.

**SHORELAND ZONING REQUIREMENTS:** Includes shoreland zoning requirements under Title 38 Chapter 3, and the Town of Clinton Land Use and Shoreland Zoning Ordinances.

**SIGHT DISTANCE:** The length of unobstructed vision available to a motorist entering a street from an access point. Sight distance is measured from a point on the driveway ten (10) feet from the edge of the traveled way and three-and-one-half (3½) feet above the surface, to a point four-and-one-quarter (4¼) feet above the street level.

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

**SITE PLAN REVIEW ORDINANCE:** A municipal ordinance requiring developers to submit detailed plans for non-residential or multi-family projects to the Planning Board and CEO for review. The Site Plan Review Ordinance ensures compliance with zoning, safety, and environmental standards, covering aspects such as traffic, parking, landscaping, and infrastructure to minimize negative impacts on neighboring properties.

**SITE WORK:** Initial, exterior construction activities that prepare raw land for construction. Site work encompasses essential tasks such as but not limited to clearing, grading, excavation, soil stabilization

**STRUCTURE:** Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. § 436-A(12). The term includes structures temporarily or permanently located, such as decks, patios, steps, landings, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. § 4700-E(8).

**SUBDIVISION:** As defined in the Subdivision Law, 30-A M.R.S.A. Section 4401 and Town of Clinton Subdivision Ordinance.

**SUBSTANTIALLY COMMENCED:** Construction is considered substantially commenced when work beyond excavation has begun, including but not limited to the pouring of a slab or footings, installation of piles, construction of columns, or placement of a manufactured home on a foundation.

**SUBSTANTIALLY COMPLETED:** Construction is considered substantially completed when the project has progressed to a stage where normal use, occupancy, or functioning can occur without risk to the health, safety, or welfare of occupants or the public. At a minimum, this shall include the completion of no less than seventy (70) percent of the estimated cost of proposed improvements and the permanent stabilization or revegetation of any areas disturbed during construction.

**TOWER:** Any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

**UNLICENSED SERVICES:** The offering of telecommunication services using duly authorized devices which do not require individual licenses but does not mean the provision of direct-to-home satellite services.

**UNDUE HARDSHIP:** A condition in which strict compliance with this Ordinance would prevent a property owner from making reasonable use of their property due to the property's physical characteristics, such as size, shape, topography, or soil conditions. An undue hardship is not established by personal or financial circumstances or by actions taken by the property owner. Relief granted for an undue hardship shall not result in significant harm to the public interest or defeat the intent of this Ordinance. This definition is consistent with the criteria for variances under 30-A M.R.S.A. § 4353(6).

**USE:** The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

**VEGETATION:** All living trees, shrubs, ground cover, and other live plants species.

**VEGETATIVE BUFFER:** A continuous strip or area of vegetation, including trees, shrubs, and ground cover, maintained to separate and screen different land uses, reduce noise, control stormwater runoff, prevent soil erosion, protect natural resources, or preserve scenic or environmental qualities.

**VARIANCE:** A modification or relaxation of the requirements of this Ordinance granted when, due to circumstances or conditions unique to a specific property— but not generally applicable to other properties in the same district— and not caused by the applicant, strict enforcement of the ordinance would create unnecessary or undue hardship.

**VEHICLE BODY SHOP:** A business establishment engaged in general repair, engine rebuilding, or parts replacement. services such as collision repair, body or frame straightening, painting, undercoating, motor vehicle reconditioning, and related maintenance.

**VEHICLE GRAVEYARD, JUNKYARD:** A yard, field, or other area used as a place of storage. other than temporary storage by an establishment or place of business which is engaged primarily in doing autobody repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in Title 29, Section 1, Subsection 7, or parts thereof. A yard, field, or other area used for the storage of three (3) or more unserviceable, unregistered, discarded, worn-out, or junked motor vehicles, or parts thereof, as defined in Title 29, Section 1, Subsection 7, excluding temporary storage by an establishment or business primarily engaged in auto body repair for the purpose of making vehicles serviceable.

**VEHICLE/HEAVY EQUIPMENT REPAIR GARAGE:** A facility where, with or without the sale of engine fuels, the following services may be performed: general repair and maintenance, engine rebuilding, and/or the renting and sale of automobiles.

**VEHICLE SALES (DEALER):** means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a vehicle or industrial equipment and who has:

- A. An established place of business for those purposes in this State;
- B. A current dealer license issued by the Secretary of State.

**WAIVER:** A relaxation of all or portions of the submission requirements if the information is not required to determine compliance with the standards of this Ordinance. A waiver is not the same as a variance.

**WETLAND:** An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, certain forested areas, and similar areas. See the Shoreland Zoning Ordinance for more details. Fresh water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act. The parameters that characterize wetlands are:

- A. The vegetation is predominantly wetland or aquatic;
- B. The soils are predominantly undrained hydric or wetland soils; and
- C. The substrate is non-soil (such as sand, gravel or rock) and the area is saturated with water or covered with water at least 2 months during each year.

**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 additional areas so designated in the municipality's Comprehensive Plan.

**WIND ENERGY CONVERSION SYSTEM:** A structure or system designed to convert wind energy into electrical energy for commercial purposes. A WECS includes all associated components, including towers, turbines, powerhouses, and substations necessary to deliver electricity to the grid.

**WIRELESS COMMUNICATION FACILITY ("cell tower"):** Any structure, tower, antenna, or device used to provide radio or television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone service, specialized mobile radio (SMR) communications, common carrier wireless exchange services, personal communications service (PCS), or pager services.

- **Major Wireless Telecommunications Facility:** Any such facility over 70 feet in height, any expansion that increases its height by more than 20 feet, or any facility requiring a Planning Board permit.
- **Minor Wireless Telecommunications Facility:** Any such facility not classified as "Major" and requiring a permit only from the Code Enforcement Officer.

**ZONING ORDINANCE:** Also known as a Land Use Ordinance. A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

# Site Plan Review Ordinance Formatting Key

## Section Heading

Heading Style 2, Arial 14 pt font, bold. Line spacing- 0 spaces before or after- single spaced

### A. Section Subheading

Heading Style 3. Arial 12pt font. Left by 0.25", Right by 0", Hanging by 0.25". Line spacing- 0 spaces before or after- single spaced

#### 1. Numbered Subheadings

Heading Style 4. Arial 12pt font. Left by 0.5", Right by 0", Hanging by 0.25". Line spacing- 0 spaces before or after- single spaced. Subheading titles are bold.

- a. Arial 12pt font. Left by 0.75", Right by 0", Hanging by 0.25". Line spacing- 0 spaces before or after- single spaced.
- i. Arial 12pt font. Left by 1.00", Right by 0", Hanging by 0.25". Line spacing- 0 spaces before or after- single spaced.
  - Arial 12pt font. Left by 1.15", Right by 0", Hanging by 0.25". Line spacing- 0 spaces before or after- single spaced.