TOWN OF DOVER-FOXCROFT
LAND USE ORDINANCE

Adopted June 11, 2019
Amended July 14, 2020
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APPENDIX – HISTORIC OVERLAY DISTRICT MAP A-1
ARTICLE I. GENERAL PROVISIONS

Section 1.1 Title
This Ordinance and the accompanying Land Use District Map shall be known and may be cited as the “Land Use Ordinance of the Town of Dover-Foxcroft, Maine, and shall be referred to as “this Ordinance”.

Section 1.2 Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A Part 2, § 1 of the Maine Constitution, the provisions of Title 30-A of the Maine Revised Statutes (M.R.S.), as amended.

Section 1.3 Purposes
1.3.1 General Purpose: The purpose of this Ordinance is to establish land use requirements consistent with the Maine Growth Management Program (Title 30-A M.R.S. § 4312 et seq.), as amended, and to implement the Town of Dover-Foxcroft Comprehensive Plan, as amended.

1.3.2 Specific Purposes: The purposes of this Ordinance are:
• To encourage growth in the identified growth areas of the community, and to limit growth in the rural areas;
• To promote the health, safety and general welfare of the residents of the community;
• To encourage the most appropriate use of land throughout the community;
• To promote traffic safety;
• To provide safety from fire and other elements;
• To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; and
• To conserve natural resources, natural beauty, and open space.

Section 1.4 Applicability
This Ordinance shall govern all land and water areas of the Town of Dover-Foxcroft. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 1.5 Conflicts with Other Ordinances
1.5.1 Conflicts within this Ordinance. Where the provisions in one part of this Ordinance conflict with those in any other part of this Ordinance, the more restrictive provisions shall apply except where expressly provided otherwise. (Amended 2020)

1.5.2 Relationship to Other Laws. Nothing in this Ordinance shall be interpreted to supersede the provisions of a more restrictive local, state, or federal law, rule, ordinance, or regulation. Compliance and approvals pursuant to other local, state, or federal laws, rules, or regulations may be submitted as evidence of compliance with this
ARTICLE I. GENERAL PROVISIONS

Ordinance; however, the municipal reviewing authority shall not be bound by any prior compliance or approvals associated with these other laws in making an independent determination of compliance with the standards of this Ordinance. (Adopted 2020)

Section 1.6 Validity and Severability
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 1.7 Effective Date of the Ordinance and Ordinance Amendments
1.7.1 Effective Date. This Ordinance and any subsequent amendments take effect upon enactment by the legislative body of the Town of Dover-Foxcroft, unless otherwise specified.

1.7.2. Repeals and Replacements. This Ordinance adopted on November 6, 2018 repeals and replaces the Town of Dover-Foxcroft Land Use Ordinance enacted on June 8, 2009, and subsequently amended on the following dates: November 2, 2010, June 12, 2012, November 5, 2013, and June 10, 2014. The Land Use Ordinance enacted on June 2009 superseded and replaced the Zoning Ordinance which became effective on November 8, 1973.

Section 1.8 Amendments
This Ordinance may be amended by a majority vote of the citizens of Dover-Foxcroft.

Section 1.9 Contract Zoning
1.9.1 Authority. In accordance with 30-A M.R.S. § 4352, as amended, property in Dover-Foxcroft may be rezoned by means of a process known as “contract zoning”, for reasons such as the unusual nature or unique location of the proposed development.

1.9.2 Purpose. It is the general purpose of this section to provide a mechanism whereby specific conditions may be added to the granting of a change in zoning in order to mitigate potential adverse effects upon adjacent properties and the community. This is a voluntary process that may be initiated by petition from a property owner or duly authorized representative. The provisions of this section shall not exempt the use or development of any property from other standards or requirements under the Land Use Ordinance, or as otherwise provided by law.

1.9.3 Mandatory Conditions. Any rezoning pursuant to this section shall:
A. Be consistent with the comprehensive plan of the town of Dover-Foxcroft, as amended;
B. Be consistent with the existing and permitted uses within the original zones (Land Use Districts);
C. Only include conditions and restrictions that relate to the physical development or operation of the property (examples include, but are not limited to, limitations on extent and intensity of permitted uses; floor area, height, or lot coverage of structure(s); setbacks; parking, traffic control devices, fencing, plantings, or landscaping; or the creation of open space or buffer zones); and
D. Be subject to an agreement between authorized representatives of the property owner and the town providing for the implementation and enforcement of all terms and conditions imposed and agreed to by the parties pursuant to this section.
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1.9.4 Procedure.
A. Except as otherwise provided in this section, all proposed rezoning amendments shall be processed in accordance with 30-A M.R.S. §4352, as amended.
B. The Planning Board shall conduct a public hearing before any property is rezoned under this section. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

Section 1.10 Availability
A certified copy of this Ordinance shall be on file with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request.

Section 1.11 Annual Administrative Review
The Code Enforcement Officer (CEO), Planning Board, and Board of Appeals each shall report as needed to the Board of Selectmen on their respective experience with the administration of this Ordinance. Their reports to the Board of Selectmen shall include any recommended amendments that would: 1) enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and 2) enhance the implementation of the purposes of this Ordinance contained in Article I, Section 1.3, above. The failure of any person or board to comply with this provision shall not affect the validity or enforceability of this Ordinance in any way.

Section 1.12 Definitions
1.12.1 Construction of Language. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.
• The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual or other legal entity.
• The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.
• The words “shall” and “will” are mandatory; the word “may” is permissive.
• The word “lot” includes the words “plot” and “parcel.”
• The word “structure” includes the word “building.”
• The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
ARTICLE I. GENERAL PROVISIONS

- The words “Town” or “municipality” means the Town of Dover-Foxcroft, Maine.

1.12.2 Definitions. In this Ordinance, the following terms shall have the following meanings:

Abutter: The owner of any property with one or more common boundaries, or directly across the street or stream from the property involved in an application or appeal.

Accessory Agricultural Activities: The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers that is incidental and subordinate to the primary use of the property for residential, commercial, institutional, educational or government use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property.

Accessory Animal Husbandry: The raising or keeping of animals other than household pets that is incidental and subordinate to the primary use of the property for residential, commercial, institutional, educational or government use in which the animals or their products are primarily for use by the owner, lessor, or occupant of the property.

Accessory Apartment: A separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is substantially contained within the structure of a single-family dwelling but functions as a separate unit.

Accessory Use or Structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same 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. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Adult Business Establishment: Any retail business, including but not limited to any bookstore, newsstand, novelty store, night club, bar, cabaret, amusement arcade or theater which: 1) Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in this section; 2) Customarily exhibits motion pictures or displays any other visual representation described or advertised as being X-rated or for adults only or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; 3) Maintains a substantial inventory of sexually oriented or sexually explicit materials; 4) Customarily provides entertainment primarily involved with the explicit depiction or description of sexual intercourse or sexual acts (as defined in Title 17-A M.R.S. § 251, as amended).

Aggrieved Party: A person who owns property in Dover-Foxcroft, whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is directly across the road or street or body of water from land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture, Commercial: The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers primarily for use as animal feed on the premises or for sale to or use by someone other than the owner, lessor, or occupant of the property. Commercial agriculture includes leased or rented land used as part of an agricultural activity as well as the related processing and storage of these plants together with buildings and structures used in the agricultural activity such as barns, storage buildings and facilities, greenhouses and temporary shelters, and accessory processing facilities. Outdoor recreational and entertainment activities that
ARTICLE I. GENERAL PROVISIONS

involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, corn mazes, agritainment, and similar activities) and educational activities are allowed as part of a commercial agricultural use.

Air Transportation Use: An airfield or landing strip that provides areas or strips of land to launch and receive power driven and non-power-driven aircraft. Typical uses in this category include airports, airfields, heliports, helipads and landing areas for gliders and balloons.

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.

Animal Hospital, Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to treatment.

Animal Husbandry, Commercial: The keeping, breeding, or raising of animals, other than household pets, primarily for sale of the animals or their products such as, but not limited to, milk, eggs, meat, wool, or fur to or for use by someone other than the owner, lessor, or occupant of the property. Commercial animal husbandry includes leased or rented land used as part of a commercial animal husbandry activity as well as the processing and storage of these animals and their products together with buildings and structures related to the agricultural activity such as barns, storage buildings and facilities, pens/enclosures, manure pits/storage, and processing facilities. Outdoor recreational and entertainment activities that involve minimal structural development and that are accessory to the agricultural activity (such as hay rides, petting zoos, agritainment, and similar activities) and educational activities are allowed as part of a commercial animal husbandry use.

Aquifer: An underground body of water and earth, sand, gravel, or rock that contains sufficient saturated permeable geologic material to hold, conduct and yield significant quantities of groundwater to wells and springs. The term "aquifer" includes, but is not limited to, all areas specifically mapped or identified on the current maps issued by the Maine Geological Survey. (Amended 2020)

Assisted Living Facility: A long-term residence for people with disabilities that prevent them from living on their own, or for older adults without disabilities who prefer certain services. The facility provides private rooms, apartments and/or cottages with common areas, such as for dining, socializing and programs along with daily meals, personal services, and may also offer limited nursing and 24-hour care. Housekeeping services may be provided, but residents are relatively self-sufficient.

Auction Barn: Any lot or structure where the principle use is the offering of goods or real estate for sale by means of exchanges between an auctioneer and bidders.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner(s) or applicant(s).

Automobile Graveyard: A yard, field or other (outdoor) area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unregistered or uninspected (unserviceable, discarded, worn-out or junked) motor vehicles as defined in Title 29-A, section 101, subsection 42, as amended, or
parts of the vehicles. Automobile graveyard also includes an area used for automobile dismantling, salvage and recycling operations.

Automobile Recycling Business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112, as amended, who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, where 80% of the business premises is used for automobile recycling operations.

Bed and Breakfast: Any dwelling in which transient lodging is provided to the public by the owner for compensation. The dwelling shall have no more than 6 bedrooms available for transient lodging. This dwelling shall also be the full-time, permanent residence of its owner. (Amended 2020)

Board of Appeals, or BOA: The Town of Dover-Foxcroft Board of Appeals.

Boarding, Lodging Facility: Any residential building or group of building(s) in which transient lodging is provided for compensation, and where the family residing on the premises acts as proprietor or owner. The facility may have more than 6 bedrooms with or without facilities for cooking in individual rooms. When the criteria for a family residing on the premises acting as proprietor or owner cannot be met, the facility shall be classified as a hotel/motel. (Amended 2020)

Boat Building, Sales and Repair: The commercial construction or fabrication of boats. Boat building, as an activity, and the place in which boat building takes place, are distinct from a marina and/or boat storage facility. Wooden boats are those comprised primarily of wood and have wooden hulls. Non-wooden boats are those primarily comprised of materials such as fiberglass, ABS, carbon fiber, steel, concrete, etc.

Building: Any structure having a roof supported by columns or walls for the shelter of persons, animals, or property of any kind.

Building Height: See “Height, Building”

Bulk Storage of Chemicals and Petroleum Products: The bulk storage of more than 1,320 gallons of petroleum products and their by-products of any kind, and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other nonhazardous waste, crude oils and all other liquid hydrocarbons regardless of specific gravity. Also, includes bulk storage of propane, liquefied natural gas or other liquefied petroleum that is a gas at ambient temperatures.

1. Accessory Use: Bulk storage of chemical petroleum products that is subordinate and accessory to a principal use that requires these materials for its operations (e.g., contractor, farmer, and industry)

2. Principal Use: Bulk storage of chemicals and petroleum products as a principal use means these products are stored on-site for the purpose of distribution for wholesale and retail sales.

Business, Professional Office, Bank: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services.

Call Center: A functional area within an organization or an outsourced, separate facility that exists solely to answer inbound or place outbound telephone calls; usually a sophisticated voice operations center that provides a full range of high-volume, inbound or outbound call
handling services, including customer support, operator services, directory assistance, multilingual customer support, credit services, card services, inbound and outbound telemarketing, interactive voice response and web-based services.

**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. The word “campground” shall include the words “camping ground” and “tenting grounds.”

**Cemetery:** Property used for the interring of the dead, both human and pets.

**Church, Place of Worship:** A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs. This definition shall also include a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis. This definition excludes “schools”, as defined elsewhere in the Ordinance.

**Code Enforcement Officer or CEO:** The Town of Dover-Foxcroft Code Enforcement Officer.

**Commercial Complex:** Any concentration of 5 or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space. A commercial complex includes uses commonly called a shopping center, business complex, or business park.

**Commercial Farmland:** A parcel consisting of 5 or more acres of land that is: 1) classified as prime farmland, unique farmland, or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or 2) used for the production of agricultural products as defined in 7 M.R.S. §152(2). *(Adopted 2020)*

**Commercial Forestland:** A parcel consisting of 10 or more acres that is used primarily for growing trees to be harvested for commercial use; may be seedling, pole timber, or saw log stands, Christmas Trees, or trees grown for other forest products. *(Adopted 2020)*

**Commercial Recreation, Indoor:** A commercial establishment offering fitness and recreation services to the general public where the activity primarily takes place indoors. Such uses include, but are not limited to: health spas, fitness rooms, gyms, indoor swimming pools, game rooms, indoor tennis facilities and bowling alleys. Indoor commercial recreation does not include as a primary use “amusement facility” as defined in this Ordinance.

**Commercial Recreation, Outdoor:** A commercial establishment offering fitness and recreation services to the general public where the activity primarily takes place outdoors, such as, but not limited to: outdoor racquet and tennis courts, outdoor health and fitness facilities, miniature golf, amusement parks, and outdoor swimming pools, but not including “amusement facility”, “campground” or “golf course”, as defined in this Ordinance.

**Commercial Use:** Any activity carried out for pecuniary gain.

**Communication Facility:** Any facility supporting antennas and/or microwave dishes for the reception and retransmission of electronic signals.

**Common Development Plan (CDP):** A means of land development which sets aside more traditional, existing land use controls in favor of administrative discretion by the Planning Board to allow for more efficient, effective, and creative development that contributes to and blends harmoniously into the natural and cultural aspects of the Town. A CDP designation must meet the criteria set forth in Article 8, Section 8.9.

**Community Center, Clubhouse:** A facility used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency, such as a service and fraternal organization, snowmobile/ATV/sportsman’s club, church social center, or other organization typically that
serves any voluntary association of persons organized for social, recreational, religious, literary, scientific, or political purposes.

**Community Living Arrangement:** A housing facility for 8 or fewer persons with disabilities, that is approved, authorized, certified, or licensed by the State as provided for in 30-A M.R.S.A. § 4357-A, as amended. A community living arrangement may include a group home, foster home or intermediate care facility. "Disability" has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602, as amended. A community living arrangement is deemed a single-family use of property for the purposes of land use regulation and zoning.

**Comprehensive Plan:** The Town of Dover-Foxcroft Comprehensive Plan.

**Conference/Convention Center:** A facility typically designed to accommodate more than 200 people and floor area of more than 5,000 square feet for meetings and conferences. The facility may include areas for product displays, recreation and entertainment functions, dining areas, and in some cases overnight accommodation facilities.

**Conforming:** A building, structure, use of land or portion thereof, that complies with the provisions of this Ordinance.

**Conservation Development Housing:** A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems. This term is also known as Cluster Housing.

**Constructed:** Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction. Excavation, fill, drainage and the like shall be considered a part of construction.

**Construction Equipment Storage:** Any lot or structure where the principle use is the storage of vehicles and equipment which are designed to be used for construction / demolition; this includes articulated and continuous track vehicles etc. This definition does not include temporary storage of road construction equipment.

**Crematoria:** A facility used for the cremation of human or animal remains.

**Day Care Facility:** A day care facility for children, as defined in Title 22 M.R.S. Chapter 1673, Section 8301, as amended; and adult day care programs, as defined in Title 22 M.R.S. Chapter 1679, Section 8601, as amended. A “Small Day Care Facility” is one that provides services for no more than 6 children or adults. A “Medium Day Care Facility” is one that provides services for 7 to 12 children or adults. A “Large Day Care Facility” is one that provides services for more than 12 children or adults. (Amended 2020)

**Density:** The number of dwelling units per area of land.

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

**District, Land Use District:** A specified portion of the municipality, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. This term is also called “zoning district”.

**Dwelling:** Any building or structure or portion thereof designed or used for residential purposes.

1. **Dwelling unit:** A room or suite of rooms used by a family as a habitation that is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.
2. **Single-family Dwelling**: Any structure containing only one dwelling unit for occupation by not more than one family. This term includes a modular home dwelling unit.

3. **Two-family Dwelling**: A building containing two dwelling units, for occupation by not more than two families.

4. **Multi-family Dwelling**: A building containing three or more dwelling units, such buildings designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

**Earth Material**: Any rock, natural soil, or fill and/or any combination thereof. Material being used for road projects by the Department of Transportation and their contractors is exempt.

**Earth Material Storage**: The storage of less than 10 cubic yards of any rock, natural soil, or fill and/or any combination thereof on a lot within a one-year period. Storage of earth material to be used by the Maine Department of Transportation, the Town of Dover-Foxcroft, and their contractors is exempt.

**Equestrian Facility**: A commercial facility designed and intended for the display of equestrian skills and the hosting of events including but not limited to show jumping, dressage, and similar events of other equestrian disciplines, and including boarding stables and other accessory uses and structures supporting those activities.

**Expansion of a Structure**: An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of Use**: The addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

**Extractive Industry**: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, or rock, and other like material, not including: 1) the excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas; 2) the excavation of material incidental to and at the site of construction or repair of streets; and 3) the excavation, processing, storage or removal of less than one 100 cubic yards of soil, topsoil, peat, loam, sand, gravel, rock, or other like material from its natural location within a 12 month period.

**Family**: A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit with common access and use to all living and eating areas, bathrooms, and food preparation areas. In addition to being a single housekeeping unit, a family also represents and implies an indefinite and long-term relationship as opposed to one that is short-term or transient, such as a group occupying a bed and breakfast or a boarding/lodging facility.

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

**Flood**: A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

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

**Footprint**: The area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.
Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Frontage, Road or Street: See “Road/Street, Frontage”

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Golf Course, Clubhouse: A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

Government Facilities and Grounds: Any lot or structure that’s principle use is by local, county, state, or federal governments for the carrying out of their duties, and offices for the conduct of public utility business and operations.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres or any inland body of water artificially formed or increased which has a surface area in excess of 30 acres. (See 38 M.R.S. §480-B(5))

Grocery, Supermarket: A retail establishment of at least 2,500 square feet in floor area primarily selling food as well as other convenience and household items. The facility may include dining areas and take-out food service.

Growth Area: An area designated in the Dover-Foxcroft Comprehensive Plan as suitable for orderly residential, commercial or industrial development, or any combination of those types of development, and into which most future development is directed. As of November 2018, Growth Districts include the Downtown, Village, Hamlet, Commercial, Light Industrial, and Industrial Districts.

Hardship: See “undue hardship.”

Heavy Equipment and Machine Service: An establishment that sells, repairs, reconditions, restores, and/or stores equipment, such as heavy trucks, excavators, bulldozers, skidders, tractors, buses, compressors, engines, and other equipment used in commercial or utility operations, including power generation. This type of establishment typically has both indoor and outdoor areas for its operations. (Amended 2020)

Height, Building: The vertical distance from a point on the ground from the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finish grade around the building, to the highest point of the roof not including chimneys, spires, uninhabitable towers, or similar accessory structures not intended for human occupancy.

Height, Structure: The vertical distance from a point on the ground from the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finish grade around the structure, to the highest point of the structure. Telecommunication facilities shall be measured from ground level (including the height of the base-pad) to the highest point on the tower, including attached antennas. Transmitting devices colocated on alternative support structures shall extend no more than 12 feet above the support structure.

Historic Site: Any site, structure, district, or archaeological site which has been officially included on the National Register of Historic Places; in the Maine Historic Resource Inventory; in the Town of Dover-Foxcroft Comprehensive Plan; or which is established by qualified testimony as being of historic significance. (Adopted 2020)

Home Occupation: An occupation, profession, or business which is carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family permanently residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which does not change the essential residential character of the dwelling unit or neighborhood. Any occupation, profession or
business that does not meet this definition is not a home occupation for the purposes of this Ordinance.

_Hospital:_ An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices. A hospital may also include emergency services and facilities, such as an ambulance station and life-flight helipads.

_Hotel / Motel:_ A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration, with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers. This term does not include “bed and breakfast” or “boarding and lodging house.”

_Household Pets:_ Those animals normally considered as household companions, but not including horses, cows, sheep, goats, mink, swine, chickens, turkeys, or any animals raised for sale or for the sale of their products.

_Impervious Area:_ The total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered impervious.

_Increase in Nonconformity of a Structure:_ Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in the setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity.

_Industrial:_ The assembling, fabrication, finishing, manufacturing, or packaging or processing of goods.

_Institutional:_ A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

_Junkyard:_ A yard, field or other outside area used to store, dismantle or otherwise handle: discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture; discarded, scrap and junked lumber; and 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.

_Kennel:_ Any place, building, tract of land, abode, or enclosure where 3 or more dogs or 3 or more cats, owned singly or jointly, are kept at any one time for boarding, breeding, training, hunting, sledding, showing, field trials or exhibition, and/or where 3 or more dogs or 3 or more cats are kept for their owners in return for a fee. This definition includes animal shelters. This definition shall not apply to dogs or cats under the age of 6 months.
**Land Use Ordinance, or LUO**: The Town of Dover-Foxcroft Land Use Ordinance.

**Laundry, Dry Cleaning Establishment**: An establishment providing washing, drying, or dry-cleaning services to the general public.

**Legal Agent**: A person authorized to act for and under the direction of another person when dealing with the Town. An agent can enter into binding agreements on the principal's behalf and may even create liability for said person.

**Library, Museum**: A facility that provides sources of information and similar resources, made accessible to a defined community for reference or borrowing. Typically, these facilities include books, periodicals, newspapers, manuscripts, films, maps, prints, documents, microfilm, CDs, cassettes, videotapes, DVDs, Blu-ray discs, e-books, audio books, databases, internet access, and other formats. A museum is a facility used to display and preserve historic, cultural, social, educational or similar artifacts and items.

**Lot**: An area of land in single ownership, or single leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Piscataquis County Registry of Deeds.

1. **Lot, Back**: A lot that does not abut a street or right-of-way.
2. **Lot, Corner**: A lot with at least two contiguous sides abutting upon a street or right-of-way.
3. **Lot, Double Frontage**: A lot with at least two noncontiguous sides abutting a street.
4. **Lot, Interior**: Any lot other than a back lot, corner lot, or double frontage lot.
5. **Lot, Shorefront**: Any lot abutting a body of water that is regulated by the Shoreland Zoning Ordinance.

**Lot Area**: The total horizontal areas 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.

**Lot, Coverage**: The percentage of a lot covered by buildings, parking areas, driveways, sidewalks, patios, and other impervious area (see definition for “Impervious Area”).

**Lot Lines**: The lines bounding a lot as defined below:
ARTICLE I. GENERAL PROVISIONS

1. **Front Lot Line**: On an interior lot, the line separating the lot from the street. On a corner or double frontage lot, the lines separating the lot from either street. On a back lot, the line closest to and most parallel to the street from which vehicular access to the lot is gained.

2. **Rear Lot Line**: The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line.

3. **Side Lot Line**: Any lot line other than the front lot line or rear lot line.

**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 registry of deeds.

**Manufactured Housing**: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by use of its own chassis or an independent chassis, to a building site.

**Manufacturing**: The making of goods, articles and products by hand or machinery. Manufacturing shall include research, assembly, fabrication, finishing, packaging or processing.

**Manufacturing, Artisan**: The small-scale manufacturing of arts, crafts, gifts, clothing, foods, beverages, and other materials in facilities that also sell goods produced to the public from the same location, in a space not to exceed 10,000 square feet and where no more than 10 employees typically occupy the space at any given time.

**Manufacturing, Light**: Industrial uses in which manufacturing processes are wholly contained within a building, and which exhibit no external evidence of a manufacturing process such as but not limited to noise, odor, vibration, dust, smoke, cinders, or fumes.

**Manufacturing, Heavy**: Industrial uses in which manufacturing processes are conducted indoors and/or outdoors and in which external evidence of the manufacturing process is detectable out-of-doors. Heavy manufacturing includes but is not limited to: wood fiber products manufacturing; chemical manufacturing; textile mills; steel fabrication; manufactured housing manufacturing; roof truss manufacturing; sawmills, turneries and fuel wood production; dairies; grain mills; beverage manufacturing, and water bottling plants.

**Medical Facility**: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

**Mega Land Use, Mega Project, or Mega Development**: A large-scale project or development that can have very substantial impacts on the community. Note: This definition is a placeholder until amendments are made to define these types of uses. Mega Land Uses are prohibited until these amendments are adopted. *(Amended 2020)*

**Mobile Home**: A dwelling unit defined as a “mobile home” in 30-A M.R.S. § 4358, but not including “modular home” as defined in 30-A M.R.S. § 4358.

**Mobile Home, Newer**: A mobile home constructed after June 15, 1976 that the manufacturer certifies was constructed in compliance with United States Department of Housing and Urban Development standards, meaning a structure transportable in one or more sections that in the traveling mode is 14 body feet or more in width and is 750 or more square feet, and that is built on a permanent chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**Mobile Home, Older**: A mobile home built before June 15, 1976 and whose manufacturer does not certify that the unit complies with the standards established under the National
ARTICLE I. GENERAL PROVISIONS

Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, Section 5401, et seq.

**Mobile Home Park:** A parcel of land under unified ownership approved by the Town of Dover-Foxcroft for the placement of 3 or more manufactured homes, and as defined in Maine State Statute 30-A M.R.S. § 4358, as amended.

**Mobile Home Park Lot:** The area of land on which an individual manufactured housing unit is situated within a mobile home park, and which is reserved for use by the occupants of that home. Mobile home park lots shall be shown on the mobile home park plan.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board though the Town’s Subdivision Ordinance for the placement of manufactured houses on individually owned lots.

**Modular Home:** A dwelling unit defined as a “modular home” in 30-A M.R.S. § 4358. (See Single-family dwelling definition above.)

**Motor Vehicle Fueling Station:** An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. A motor vehicle fueling station may include a convenience store.

**Motor Vehicle Sales:** Any site and/or facility where new and/or used vehicles are sold. This includes but is not limited to brand dealerships, used car dealerships, and any other locations where vehicles may be sold as a primary use or as an adjunct to other activities. This definition does not include the sale of personally owned registered vehicles.

**Motor Vehicle Service or Repair:** An establishment where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body frame or fender straightening and repair; overall painting and undercoating of automobiles.

**Museum:** A facility used to display and preserve historic, cultural, social, educational or similar artifacts and items. See also “Library.”

**Neighborhood Convenience Store:** A store of less than 2,500 square feet of floor space intended to serve 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 and that may include dining areas and take-out foods.

**Nonconforming:** A building, structure, use of land, or portion thereof, that legally exists on the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

**Nonconforming Condition:** A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nonconforming Lot:** A single lot of record, which, at the effective date of adoption or amendment of this Ordinance, does not meet the lot area or road/street frontage requirements of the district in which it is located.

**Nonconforming Structure:** A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.
Nonconforming Use: The 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.

Nonconformity, Increase in Nonconformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in the setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity.

Nursing Home, Convalescent Facility: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Occupied Building: A residence, school, hospital, nursing home, day care facility, house of worship, public library, or other building that is occupied, or in use as a residence, or is customarily frequented by the public at the time the permit application is submitted. (Adopted 2020)

Owner/Operator: The person or entity with legal right, title, or interests in a mega project or the option to acquire the same, including successors and assigns, that has authority and responsibility to operate the mega project on a day-to-day basis. An owner/operator must have the legal authority to represent and bind. (Adopted 2020)

Parking Facility: Means any land or any interest in land, structure or portions of structures, and improvements on land or structures intended for the off-street parking of motor vehicles by the public with or without a fee. Any such structure may be either single or multi-level and either at, above, or below the surface.

Permitted Use: A use that is listed as a permitted use in one or more of the Land Use Districts established by this Ordinance. The term shall not include any prohibited uses.

Pet Shop: A place in which any dogs, cats, rodents, reptiles, fish, pet birds, exotic birds or exotic animals not born and raised on those premises are kept for the purpose of sale to the public.

Planning Board, or Board: The Planning Board of the Town of Dover-Foxcroft.

Principal Use: The primary use and chief purpose of a lot or structure.

Private Entities: Any non-public individuals, organizations, agencies, entities, or similar non-public organization or entity having legal status. (Adopted 2020)

Private Project: Any project that is funded in whole or in part by private funds or financing intended to benefit private entities. (Adopted 2020)

Private Way: A privately-owned road within a minimum of a 50 foot right-of-way that provides legal vehicular access to lots lacking required road/street frontage on a public road/street.

Protected Location: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, day care facility, academic school, college, library, hospital, assisted living facility, or nursing home near the development site at the time an application for a mega project is submitted; or any location within a State Park, State Wildlife Management Area, National Park, Historic Site, a nature preserve owned by the Audubon Society, the Nature Conservancy, the Northeast Wilderness Trust, or similar land conservation organization, federally-designated wilderness area, state wilderness area, or locally-designated park or recreation area; or any location within consolidated public reserve lands designated by rule by the Maine Bureau of Public Lands as a protected location. (definition continued next page)
ARTICLE I. GENERAL PROVISIONS

Transient living accommodations are generally not considered protected locations; however, in certain special situations where it is determined by the Planning Board that the health and welfare of the guests and/or the economic viability of the establishment will be unreasonably impacted, the Planning Board may designate certain hotels, motels, bed and breakfasts, boarding/lodging facilities, campsites, and duly licensed campgrounds as protected locations.

This term does not include buildings and structures located on leased camp lots, owned by the applicant, used for seasonal purposes.

For purposes of this definition: a residence is considered planned when the owner of the parcel of land on which the residence is to be located has received all applicable building and land use permits and the time for beginning construction under such permits has not expired; and a residential subdivision is considered approved when the developer has received all applicable land use permits for the subdivision and the time for beginning construction under such permits has not expired. (Adopted 2020)

Public Easement: An easement held by the Town of Dover-Foxcroft for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the public. (See Dover-Foxcroft Public Easement Acceptance Policy)

Public Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include “campgrounds”, or “commercial recreation” and “amusement facility”.

Public Transportation Facility: A lot or structure whose principle use is to enable the provision of passenger transportation services which are available for use by the general public.

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

Public Water Supply / Public Sewer: Water supply and sewage disposal system approved by the Town of Dover-Foxcroft Board of Selectmen for municipal operation.

Public Water System: There are 2 basic types: 1) a “community water system” which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents; and 2) a “non-community water system” that is not a “community water system”, but that serves at least 25 of the same persons for 6 months or more per year and may include but is not limited to a school, factory, industrial park or office building, or a water system that serves at least 25 persons, but not necessarily the same persons, for at least 60 days per year and may include, but is not limited to, a highway rest stop, seasonal restaurant, seasonal motel, golf course, park or campground. A bottled water company is a non-community water system.

Recreational Trail: A way across land, used primarily for recreational purposes including but not limited to such uses as: bicycling, Nordic (cross-country) skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight or long distance backpacking, roller skating, in-line skating, dog sledding, running, snowmobiling, canoe and kayak portaging; and vehicular travel by motorcycle, four-wheel drive or all terrain, off-road vehicles. Recreational trail use may be limited by the permitting authority or owner.
Redemption Center: A facility licensed by the Maine Department of Agriculture and whose principal use is to collect beverage containers and refund the statutory deposit pursuant to 32 M.R.S. Section 1861, as amended. The facility shall also store the beverage containers on-site for a period of time not to exceed 30 days, for the ultimate collection by the beverage distributor.

Repair Service: A business providing for the repair of personal and business property, such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; small engines and equipment; and similar items but not including the repair of motor vehicles or heavy equipment. Retail sales of parts and supplies shall be allowed provided such sales are accessory to the repair service.

Research Laboratory: A facility for investigation into the natural, physical or social sciences, which may include engineering and product development.

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises within an enclosed building or an associated outdoor eating area; or served directly to occupants of motor vehicles or directly to pedestrians from an exterior service opening, or any combination of the foregoing.

Retail Business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Retail Sales, Temporary: A group of 4 or more vendors operating from a portable or temporary facility located on a given site, which may be outdoors or indoors. Typically the use is regularly occurring, such as weekly or monthly, for a fixed period of time with the intent to discontinue such use upon expiration of the time period. This definition includes farmers’ markets and flea markets, but excludes yard sales, and occasional church and non-profit fundraisers.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (also called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road or Street: An existing state, county or town way; a way dedicated for public use and shown upon a subdivision or other plan approved by the Planning Board and recorded in the Piscataquis County Registry of Deeds; or a way dedicated for public use and shown on a plan duly recorded in the Piscataquis County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The terms “road” or “street” shall also include private, undedicated roads that are described in a recorded document. The terms “road” or “street” shall not include those ways that have been discontinued or abandoned.

Road/Street Frontage: The portion of a property lot line, measured in horizontal distance that directly abuts a public road/street or private access way. Any property line that can be defined as "road/street frontage" is also defined as the "front lot line" of a parcel.

Rural Area: A geographic area identified and designated in the Dover-Foxcroft Comprehensive Plan as an area deserving some level of regulatory protection from unrestricted development for purposes that may include, but are not limited to, supporting agriculture, forestry, sand and gravel extraction, open space, wildlife habitat, fisheries habitat, and scenic lands.

Sawmill, Permanent: A facility where logs are cut into boards or timbers; a mill or machine for sawing logs or producing firewood that is in operation on a permanent basis.

Sawmill, Temporary: A facility where logs are cut into boards or timbers, a mill or machine for sawing logs or producing firewood that is in operation on a property for a cumulative
duration of between 4 days and 2 months in any twelve month period. This definition does not include the use of handheld chainsaws or small portable chippers. This definition also does not include the use of a portable sawmill or wood splitter that is operated on a property for 4 days or less within a 12 month period.

*School, Public or Private:* A building or portion of a building, and associated facilities designed to house the following types of schools: primary and secondary schools, vocational schools, parochial schools, colleges, and/or universities.

*Self-Storage Facility:* A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis. Structures must be one story with a distance between structures of least 24 feet, and outdoor storage is prohibited. Space is not to be used for anything other than storage. *(Amended 2020)*

*Service Business:* A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods. This term includes the provision of services related to the care of persons, apparel, or small household appliances.

*Setback:* The minimum horizontal distance from a lot line to the nearest part of a building or structure.

*Shoreland Zone:* The land area located within 250 feet, horizontal distance, of the normal highwater line of any great pond, river, stream, or saltwater body; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet of the normal high-water line of a stream, as defined in the Shoreland Zoning Ordinance.

*Shoreland Zoning Ordinance:* The Town of Dover-Foxcroft Shoreland Zoning Ordinance.

*Sign:* Any exterior object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

*Sign, Changeable Electronic Copy Sign:* A sign or portion of a sign that displays electronic pictorial and/or alpha numeric information and is changeable by electronic means. If any portion of a sign meets the definition of a changeable electronic copy sign, the entire sign shall be considered a changeable electronic copy sign for the purposes of this Ordinance.

*Site Plan:* A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by this Ordinance. It includes but is not limited to lot lines, building sites, reserved open spaces, buildings, and major landscape features, both natural and man-made.

*Site Plan Review:* A review of a proposed development conducted by the Planning Board or the Code Enforcement Officer using the standards contained in this Ordinance.

*Slaughterhouse (Abattoir, Dressing Plant):* Means any building, place, or establishment in which is conducted the slaughtering of livestock or poultry for commercial purposes.

*Solar Energy System Definitions:* *(Adopted 2020)*

*Electricity Generation (production, output):* The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

*Mounted:* The manner in which a solar PV system is affixed to the roof or ground.

*Photovoltaic (PV) System:* A Solar Energy System that produces electricity through the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight.

*Power:* The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in watts (W), kilowatts (kW), and megawatts (MW).
**Solar Array:** Multiple solar panels combined together to create one system.

**Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**Solar Energy System:** A complete assembly of one or more solar collectors and solar-related equipment intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems may consist of ground-mounted, roof-mounted and building integrated solar collector devices, or other solar related equipment.

**Solar Energy System, Ground-Mounted:** A solar energy system that is structurally mounted to the ground, including, but not limited to a pole-mounted system or a system mounted on concrete pads, and whose physical size based on total airspace projected over the ground is equal to or greater than 250 square feet, and a solar energy system that is not roof-mounted or building integrated.

**Solar Energy System, Less than 250 Square Feet:** A solar energy system whose physical size based on total airspace projected over the ground, building or structure is less than 250 square feet.

**Solar Energy System, Roof Mounted or Building Integrated:** A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. A building integrated solar energy system is one that is an integral part of a building and includes, but is not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings. These solar energy systems have a physical size based on total airspace projected over or onto a building or structure equal to or greater than 250 square feet and are not ground-mounted solar energy systems.

**Solar Energy System, (Size):**
- **Large:** A ground-mounted solar energy system whose physical size based on total airspace projected over the ground is equal to or greater than 3 acres, but not larger than 40 acres.
- **Medium:** A ground-mounted solar energy system whose physical size based on total airspace projected over the ground is equal to or greater than 1,700 square feet but less than 3 acres.
- **Small:** A ground-mounted solar energy system whose physical size based on total airspace projected over the ground is 250 square feet or more and less than 1,700 square feet.

**Solar Glare:** The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Solar Photovoltaic (Solar PV) System:** A solar energy system consisting of photovoltaic cells, made with semiconducting materials that produces electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consists of PV panels (or modules) that combine to form an array; other system components may include mounting racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.

**Solar Panel (or module):** A device for the direct conversion of sunlight into useable solar energy, such as electricity or heat.
**ARTICLE I. GENERAL PROVISIONS**

*Solar Related Equipment:* Items including: a solar photovoltaic cell, module, array; solar hot air or water collector device panels; lines; pumps; batteries; mounting brackets; framing; and possibly foundations or other structures used or intended to be used for collection of solar energy.

*Solid Waste/Recycling Transfer Station:* A public or private facility that provides for the disposal of solid waste, and typically includes the collection, separation, temporary storage and transfer of materials to another location for processing and disposal. The facility may include a landfill for demolition materials.

*Street:* See “*Road or Street*”. (Note: they are intended to be the same)

*Street Frontage:* See “*Road/Street Frontage*.”

*Structure:* Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, driveways, parking lots, wind turbines, ground-mounted solar energy systems, outdoor wood boilers, water towers, swimming pools, silos, gas or liquid storage tanks that are principally above ground, signs, commercial park rides and games, carports, porches, decks, and other building features. “Structure” does not include sidewalks, fences, field or garden walls or embankment retaining walls, flagpoles, 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 Title 30-A, section 4201, subsection 5, as amended; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C, as amended; or wells or water wells as defined in Title 32, section 4700-E, subsection 8, as amended. (Amended 2020)

*Subdivision:* As defined in the Maine Subdivision Law, 30-A M.R.S.A. Section 4401, as amended.

*Subdivision Ordinance:* The Town of Dover-Foxcroft Subdivision Ordinance.

*Substantial Construction:* Completion of 30% of the permitted project measured as a percentage of the estimated total cost, as determined by the Code Enforcement Officer. (Adopted 2020)

*Swimming Pool:* An outdoor, man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

*Telecommunications Tower, Large:* Any tower taller than 120 feet in height that transmits or receives signals by electromagnetic or optical means using antennas, microwave dishes, horns, or similar types of equipment.

*Telecommunication Tower, Small:* A free-standing structure with a maximum height of 120 feet that is designed, constructed, or used primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and similar structures. This does not include amateur radio operator antennas and televisions antennas which are accessory to a residential use.

*Truck Terminal, Distribution Facility:* An area or building where trucks load and unload cargo and freight and where freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. These facilities may also include facilities for servicing trucks, and storage facilities, such as warehouses incidental to the principal use.

*Undue Hardship, or Hardship:* As used in this Ordinance, see Article III, Section 3.5.1 (Variance Appeals).
**ARTICLE I. GENERAL PROVISIONS**

*Use:* The manner in which land or a structure is arranged, designed or intended, or is occupied.

*Utility Facility, Large:* A facility necessary to the supply of the electric, natural gas, water, cable television, telephone, telecommunications, water, or sewer services, or similar services, of a scale and character commonly found only in one or a few specialized locations in the Town, including but not limited to water treatment plants, sewerage treatment plants, and substations, but excluding Solar Energy Systems, Wind Energy Systems, Hydro Facilities, Telecommunication Towers, Mega Projects, offices for the conduct of utility business and operations, and Small Utility Facilities.

*Utility Facility, Small:* An installation used by a public utility or governmental agency to supply and distribute electric, natural gas, water, cable television, telephone, telecommunications, water, sewer, stormwater management, or similar services that need to be near the property to which the service is provided, including the poles, pipes, wires, transmitters, culverts, traffic signals, and service boxes necessary to provide those or similar services, of a scale and character commonly found in developed portions of the Town, but excluding: Solar Energy Systems, Wind Energy Systems, Hydro Facilities, Telecommunications Towers and offices for the conduct of utility business and operations, and Large Utility Facilities.

*Variance:* A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship as defined in this Ordinance, as set forth in Article III, Section 3.5.1. (Variance Appeals).

*Warehouse, Storage Facility:* A use in which materials, goods, or equipment are stored for compensation or in connection with a business operation.

*Water Bodies or Surface Waters:* Lakes, ponds, rivers, streams, wetlands, and similar surficial water bodies.

*Wholesale Business:* An establishment primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to such individuals or companies.

*Wind Energy System:* A wind energy system consisting of a wind turbine, a tower, footings, electrical infrastructure, and associated equipment or structures intended to produce electrical power primarily for on-site consumption, except that when a parcel on which the facility is installed also receives electrical power supplied by an utility company, excess electrical power generated and not presently needed for on-site use may be conveyed to the utility company. A wind energy system may not have a rated capacity of more than 10 kilowatts and a total height of more than 80 feet.

*Yard:* Space on a lot not occupied with a building or structure. Porches, whether or not enclosed, shall be considered as part of the main building and shall not project into a required yard.
ARTICLE II. LAND USE DISTRICTS

Section 2.1 Establishment of Districts
For the purposes of this Ordinance, the Town of Dover-Foxcroft is hereby divided into the following Land Use Districts:
- Rural Residential (RR)
- Farm and Forest (FF)
- Village (V)
- Hamlet (H)
- Light Industrial (LI)
- Industrial (I)
- Downtown (D)
- Commercial (C)
- Historic Overlay District (HO)

Section 2.2 Land Use District Map and Rules Governing District Boundaries
The location and boundaries of the Land Use Districts are established as shown on the “Town of Dover-Foxcroft Land Use District Map,” which is hereby made a part of this Ordinance. This map shall be on file in the office of the Town Clerk. Unless otherwise set forth on the Town of Dover-Foxcroft Land Use District Map, district boundary lines are property lines, the centerlines of roads, streets and rights-of-way or such lines extended, and the center lines of water courses or such lines extended, or the Town boundary lines. Boundaries indicated as following or parallel to shorelines shall be construed to follow or be parallel to the normal high water mark of such shorelines, and in the event of changes in the shoreline shall be construed as moving with the actual shoreline. Where uncertainty exists as to the exact location of the district boundary lines, the Board of Appeals shall be the final authority as to location. Exclusive of lands subject to Shoreland Zoning requirements, where a Land Use District boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 100 feet into the more restricted portion of the lot.

Section 2.3 Land Use Requirements
Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered, and no new lot shall be created, except in conformity with all of the provisions of this Land Use Ordinance, unless a variance is granted.

Section 2.4 Land Use District Purposes
2.4.1 Purpose. The purpose of these Land Use District requirements is to implement the Dover-Foxcroft Comprehensive Plan, as amended from time to time, and to provide for orderly growth and development. The following Land Use Districts are hereby created:
- A. Rural Residential (RR): This district accommodates rural residential uses and home occupations, while maintaining rural character, protecting and supporting agriculture, forestry, and open space uses. Low-density residential uses interspersed with non-
ARTICLE II. LAND USE DISTRICTS

residential rural uses, such as cottage industries, outdoor recreation facilities, and other uses typically found in rural areas is desirable. Open space for wildlife and fisheries habitat, and a scenic landscape are important aspects of this area.

B. Farm and Forest (FF): This district accommodates low-density rural residential uses, home occupations, agriculture and forestry uses and related uses, low-intensity outdoor recreational uses, and other uses that do not detract from the rural character or natural resource-based economy of the area. Open space for wildlife and fisheries habitat, unique natural areas, and the scenic landscape are important aspects of this area.

C. Village (V): This district serves as a vibrant, walkable, convenient place to live, work and play in close proximity to goods, services, and recreational areas. The district accommodates medium to high-density residential uses, including multifamily housing, apartment houses, and mobile home parks, and other compatible neighborhood and community uses. Infill and redevelopment are desirable.

D. Hamlet District (H): This district accommodates very small villages or neighborhoods in outlying rural areas, with the goal of enhancing historic or existing character by allowing the traditional smaller lot sizes. Typical uses would include single and two family homes, home occupations, a corner grocery, a small church or park.

E. Light Industrial (LI): This district supports existing and new business and light industrial uses, including the Town’s business park. This district accommodates compatible business and light industrial uses, such as professional offices, boat building and repair, light manufacturing, wholesale businesses, commercial schools, and fitness facilities. The district also accommodates the airport, and airport-related uses.

F. Industrial District (I): This district accommodates the expansion and development of existing industrial areas to include public uses that are industrial in nature. This district supports manufacturing, and medium and heavy industrial uses that are environmentally compatible with the community such as but not limited to the recycling and solid waste transfer station, demolition and waste disposal, forest products-related industries, and certain energy generation facilities.

G. Downtown (D): This district serves as the civic, cultural and commerce center of the community. It supports a vibrant, authentic, walkable, mixed-use downtown at relatively high densities with attractive public spaces. The district accommodates typical downtown commercial uses, semi-public and public uses, and residential uses, including mixed-use developments. Infill and redevelopment are desirable, including use of second stories.

H. Commercial (C): This district accommodates commercial and compatible manufacturing uses that require larger parcels and access to a state highway, such as shopping centers, commercial complexes, auto sales and repair, restaurants, larger retail and service businesses, warehouses, and motels. Efficient use of land and infrastructure, and maintaining highway carrying capacity and safety are priorities.

I. Historic (HO): This Overlay District supports the preservation and continued use of historically significant properties, including those properties currently listed on or eligible to be listed on the National Register of Historic Places, or properties identified in the Comprehensive Plan as historically significant to the Town of Dover-Foxcroft.
ARTICLE II. LAND USE DISTRICTS

Section 2.5  Land Uses by Land Use District (Table 2.5.1) (Amended 2020)

2.5.1 Land Use Permitting Requirements. Land uses shall be governed in each Land Use District in accordance with the permitting requirements shown in Table 2.5.1 and the standards of this Ordinance. The following permit symbols used in Table 2.5.1 indicate Allowed Uses, Permitted Uses, Uses that require Site Plan Review, and Prohibited Uses. All uses must comply with the requirements of this Ordinance, as applicable, and Building Permits are required in accordance with Article V, Section 5.2.

### Permit Symbols

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>“YES”</td>
<td>Means the use is an Allowed Use that does not require a Land Use Permit, but must meet Ordinance Standards, and the use may require a Building Permit.</td>
</tr>
<tr>
<td>“NO”</td>
<td>Means the use is Prohibited.</td>
</tr>
<tr>
<td>“P/CEO”</td>
<td>Means the use is a Permitted Use that requires a Land Use Permit from the Code Enforcement Officer (CEO) and may require a Building Permit.</td>
</tr>
<tr>
<td>“S/CEO”</td>
<td>Means the use requires Site Plan Review by the CEO prior to the issuance of a Land Use Permit and a Building Permit.</td>
</tr>
<tr>
<td>“S/PB”</td>
<td>Means the use requires Site Plan Review approval from the Planning Board prior to the CEO’s issuance of a Land Use Permit and a Building Permit.</td>
</tr>
</tbody>
</table>

2.5.2 Land Uses Not Listed in Table 2.5.1. Any land use not listed in Table 2.5.1 is prohibited. The CEO has the authority to interpret whether a proposed land use is included within any of the land uses shown in Table 2.5.1, based on the uses’ scale, character, environmental impacts, traffic impacts, and potential impacts on surrounding properties and the community. If the CEO determines that the proposed land use is not included as an allowed use, permitted use, or a use permitted with Site Plan Review, then the use is prohibited. The applicant may appeal the CEO’s decision to the Planning Board. If the Planning Board determines the use is prohibited then the applicant may file an application for a Land Use Ordinance amendment in accordance with Section 1.8 Amendments of this Ordinance.
# Article II. Land Use Districts

## Table 2.5.1 Land Uses by District (Page 1) (Amended 2020)

<table>
<thead>
<tr>
<th>Outdoor Recreation, Natural Resource Uses Category</th>
<th>Growth Districts</th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Village</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>Accessory agricultural activities</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Accessory animal husbandry</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>Agriculture, commercial</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>Animal husbandry, commercial</td>
<td>S/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>Campground</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Earth material storage</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Equestrian facility</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Extractive industry</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Forestry</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Public parks and recreation</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>Recreational trail</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Reserved</td>
<td>Reserved</td>
<td>Reserved</td>
</tr>
</tbody>
</table>

Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO.
ARTICLE II. LAND USE DISTRICTS

Table 2.5.1 Land Uses by District (Page 2) *(Amended 2020)*

<table>
<thead>
<tr>
<th>Residential Uses Category</th>
<th>Growth Districts</th>
<th></th>
<th></th>
<th></th>
<th>Rural Districts</th>
<th>Farm and Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Village</td>
<td>Light Industrial</td>
<td>Industrial</td>
<td>Downtown</td>
<td>Commercial</td>
<td>Hamlet</td>
</tr>
<tr>
<td>1  Accessory apartment</td>
<td>P/CEO NO</td>
<td>NO</td>
<td>NO</td>
<td>P/CEO</td>
<td>NO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>2  Assisted living facility</td>
<td>S/PB NO</td>
<td>NO</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>3  Community living arrangement</td>
<td>P/CEO NO</td>
<td>NO</td>
<td>NO</td>
<td>P/CEO</td>
<td>NO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>4  Conservation development housing</td>
<td>S/PB NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
</tr>
<tr>
<td>5  Dwelling, single and two-family</td>
<td>P/CEO NO</td>
<td>NO</td>
<td>NO</td>
<td>P/CEO</td>
<td>NO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>6  Dwelling, multifamily</td>
<td>S/PB NO</td>
<td>NO</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>7  Home occupation</td>
<td>S/CEO NO</td>
<td>NO</td>
<td>NO</td>
<td>S/CEO</td>
<td>S/CEO</td>
<td>NO</td>
</tr>
<tr>
<td>8  Mobile home</td>
<td>P/CEO NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>9  Mobile home park</td>
<td>S/PB NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>10 Reserved</td>
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</tr>
</tbody>
</table>

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## ARTICLE II. LAND USE DISTRICTS

### Table 2.5.1 Land Uses by District (Page 3) (Amended 2020)

<table>
<thead>
<tr>
<th>Commercial and Institutional Uses Category</th>
<th>Growth Districts</th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village</td>
<td>Light Industrial</td>
<td>Residential</td>
</tr>
<tr>
<td>Industrial</td>
<td>Downtown</td>
<td>Farm and Forest</td>
</tr>
<tr>
<td>Commercial</td>
<td>Hamlet</td>
<td></td>
</tr>
<tr>
<td>S/C/EO</td>
<td>S/PB</td>
<td></td>
</tr>
<tr>
<td>S/PB</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Adult business establishment NO S/PB NO S/PB NO S/PB S/PB S/PB S/PB
12. Commercial complex S/PB S/PB NO S/PB S/PB NO NO NO NO
19. Day care facility, small P/C/EO P/C/EO NO P/C/EO P/C/EO P/C/EO P/C/EO P/C/EO P/C/EO
20. Fairgrounds S/PB NO NO NO NO NO S/PB S/C/EO

Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO.
# ARTICLE II. LAND USE DISTRICTS

<table>
<thead>
<tr>
<th>Yes – Allowed Use</th>
<th>S/CEO – Site Plan Review by CEO</th>
<th>S/PB – Site Plan Review by Planning Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>P/CEO – Permit from CEO Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No – Prohibited Use</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial and Institutional Uses Category</th>
<th>Growth Districts</th>
<th></th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Village</td>
<td>Light Industrial</td>
<td>Industrial</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------</td>
<td>------------------</td>
<td>------------</td>
</tr>
<tr>
<td>21 Golf course/clubhouse</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>23 Grocery, supermarket</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>24 Hospital</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>25 Hotel, motel</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>26 Kennel</td>
<td>NO</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>27 Laundry, dry cleaning business</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
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<tr>
<td>29 Reserved</td>
<td></td>
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<tr>
<td>30 Reserved</td>
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<td>31 Reserved</td>
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</tr>
<tr>
<td>32 Motor vehicle fueling station</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>33 Motor vehicle sales</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>34 Motor vehicle service and repair</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>35 Neighborhood convenience store</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>36 Nursing home, convalescent home</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>37 Pet shop</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>38 Redemption center</td>
<td>NO</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>39 Reserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 Reserved</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO.
### Table 2.5.1 Land Uses by District (Page 5) (Amended 2020)

<table>
<thead>
<tr>
<th>Yes – Allowed Use</th>
<th>P/CEO – Permit from CEO Required</th>
<th>No – Prohibited Use</th>
<th>S/CEO – Site Plan Review by CEO</th>
<th>S/PB – Site Plan Review by Planning Board</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial and Institutional Uses</strong></td>
<td><strong>Growth Districts</strong></td>
<td></td>
<td><strong>Rural Districts</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Category</strong></td>
<td><strong>Village</strong></td>
<td><strong>Light Industrial</strong></td>
<td><strong>Industrial</strong></td>
<td><strong>Downtown</strong></td>
</tr>
<tr>
<td>42 Research laboratory</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>44 Retail business</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
<td>S/CEO</td>
</tr>
<tr>
<td>45 Retail sales, temporary, e.g., farmers' market</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>NO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>46 School, public or private</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>47 Self-storage facility</td>
<td>NO</td>
<td>S/CEO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>49 Telecommunications tower, large</td>
<td>S/PB*</td>
<td>S/PB</td>
<td>S/PB</td>
<td>S/PB*</td>
</tr>
<tr>
<td>50 Telecommunications tower, small</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>51 Warehouse, storage facility</td>
<td>S/PB</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>52 Wholesale business</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
</tr>
<tr>
<td>53 Reserved</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54 Reserved</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55 Reserved</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: Permitted if incorporated into another structure, if allowed under Article 8, Section 8.10 Telecommunications Towers.
Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO.
Table 2.5.1 Land Uses by District (Page 6) (Amended 2020)

<table>
<thead>
<tr>
<th>Yes – Allowed Use</th>
<th>P/CEO – Permit from CEO Required</th>
<th>S/CEO – Site Plan Review by CEO</th>
<th>S/PB – Site Plan Review by Planning Board</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Industrial Uses Category</strong></td>
<td><strong>Growth Districts</strong></td>
<td><strong>Rural Districts</strong></td>
<td><strong>Farm and Forest</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Village</strong></td>
<td><strong>Light Industrial</strong></td>
<td><strong>Industrial</strong></td>
</tr>
<tr>
<td>1</td>
<td>Air transportation use</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>2</td>
<td>Automobile graveyard/ Auto recycling business/junkyard</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>3</td>
<td>Boat building, sales and repair</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>4</td>
<td>Bulk storage of chemicals &amp; petroleum products, accessory use</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>5</td>
<td>Bulk storage of chemicals &amp; petroleum products, principal use</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>6</td>
<td>Construction equipment storage</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>7</td>
<td>Crematoria</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>8</td>
<td>Heavy equipment, machine service</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>10</td>
<td>Manufacturing, light</td>
<td>S/PB</td>
<td>S/PB</td>
</tr>
<tr>
<td>11</td>
<td>Manufacturing, heavy</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>12</td>
<td>Sawmill, permanent</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>13</td>
<td>Sawmill, temporary</td>
<td>NO</td>
<td>S/CEO</td>
</tr>
<tr>
<td>14</td>
<td>Slaughterhouse</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>15</td>
<td>Solid waste/recycling/transfer sta.</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>16</td>
<td>Truck terminal, distribution fac.</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>17</td>
<td>Reserved</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO.

---

**Article II-Page 9**
## Table 2.5.1 Land Uses by District (Page 7) (Amended 2020)

<table>
<thead>
<tr>
<th>Industrial Uses Category</th>
<th>Growth Districts</th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village</td>
<td>Light Industrial</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>Industrial</td>
<td>Downtown</td>
<td>Farm and Forest</td>
</tr>
<tr>
<td>Commercial</td>
<td>Hamlet</td>
<td></td>
</tr>
</tbody>
</table>

### 18. Available Reserved
### 19. Reserved
### 20. Reserved

### Other Uses Category

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Public transportation facility</td>
<td>S/CEO</td>
<td>P/CEO</td>
<td>NO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>4</td>
<td>Signs</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>6</td>
<td>Solar energy system, less than 250 square feet*</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>7</td>
<td>Solar energy system, roof-mounted and building integrated, and small ground-mounted*</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
<tr>
<td>8</td>
<td>Solar energy system, medium ground-mounted*</td>
<td>S/PB</td>
<td>S/CEO</td>
<td>S/CEO</td>
<td>NO</td>
<td>S/CEO</td>
<td>NO</td>
<td>S/CEO</td>
</tr>
<tr>
<td>9</td>
<td>Solar energy system, large ground-mounted*</td>
<td>S/PB**</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>10</td>
<td>Utility facility, large</td>
<td>NO</td>
<td>S/PB</td>
<td>S/PB</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>S/PB</td>
</tr>
<tr>
<td>11</td>
<td>Utility facility, small</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>12</td>
<td>Wind energy system</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
<td>P/CEO</td>
</tr>
</tbody>
</table>

Accessory structures or uses that are essential for the exercise of uses listed above are permitted in the same fashion as the primary structure or use on the lot, and require review under the same reviewing authority, excepting that accessory structures less than 1,000 square feet in floor area, such as garages and sheds, may be permitted through the CEO. (See notes on next page)
<table>
<thead>
<tr>
<th>Notes: (Reference to Table 2.5.1 Land Uses by District (Page 7))</th>
</tr>
</thead>
<tbody>
<tr>
<td>* A permit under MUBEC may be required for solar energy systems, including those less than 250 square feet.</td>
</tr>
<tr>
<td>**Within the Village District a large ground-mounted solar energy system shall not be located on a parcel of land including combined adjacent parcels of land under the same ownership, of less than 30 acres in size.</td>
</tr>
</tbody>
</table>
### Table 2.5.1 Land Uses by District (Page 8) *(Amended 2020)*

<table>
<thead>
<tr>
<th>Mega Land Uses</th>
<th>Growth Districts</th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Village</td>
<td>Industrial</td>
</tr>
<tr>
<td>1</td>
<td>Reserved</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Reserved</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Reserved</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Reserved</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Reserved</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Table 2.5.1 (Land Uses by District – Page 8) “Mega Land Uses” is reserved for any future amendments designed to address specific types of mega land uses. *(Amended 2020)*
ARTICLE II. LAND USE DISTRICTS

Section 2.6  Dimensional Requirements by District (Table 2.6.1)

All structures and uses shall comply with the following dimensional requirements. Additional lot area or setbacks may be required by other provisions of this Ordinance. See notes following the table for additional requirements.

<table>
<thead>
<tr>
<th></th>
<th>Growth Districts</th>
<th>Rural Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Village</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>1</td>
<td>Minimum lot area 1</td>
<td>5,000</td>
</tr>
<tr>
<td>2</td>
<td>With public sewer (sq.ft. or acre)</td>
<td>20,000</td>
</tr>
<tr>
<td>3</td>
<td>Without public sewer (sq.ft. or acre)</td>
<td>None</td>
</tr>
<tr>
<td>4</td>
<td>Minimum lot area per dwelling unit (square feet or acre) 2</td>
<td>None</td>
</tr>
<tr>
<td>5</td>
<td>Minimum Road/Street Frontage 3</td>
<td>50</td>
</tr>
<tr>
<td>6</td>
<td>With public sewer (feet)</td>
<td>100</td>
</tr>
<tr>
<td>7</td>
<td>Without public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>8</td>
<td>Minimum front setback 4</td>
<td>15</td>
</tr>
<tr>
<td>9</td>
<td>With public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>10</td>
<td>Without public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>11</td>
<td>Minimum side setback 4</td>
<td>15</td>
</tr>
<tr>
<td>12</td>
<td>With public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>13</td>
<td>Without public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>14</td>
<td>Minimum rear setback 4</td>
<td>15</td>
</tr>
<tr>
<td>15</td>
<td>With public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>16</td>
<td>Without public sewer (feet)</td>
<td>15</td>
</tr>
<tr>
<td>17</td>
<td>Maximum lot coverage 5 (% of lot)</td>
<td>80%</td>
</tr>
<tr>
<td>18</td>
<td>Maximum building/structure height (feet) 6</td>
<td>35</td>
</tr>
</tbody>
</table>
Notes to Table 2.6.1 Dimensional Requirements

1 Minimum Lot Area:
   a. Lot Area Definition: See Article I, Section 1.12 (Definitions)
   b. Nonconforming Lots of Record: See Article I, Section 1.12 (Definitions) and Article IV (Nonconformance)
   c. Mobile Home Parks: The minimum area of a mobile home park lot shall be 6,500 square feet in area where served by a public sewer system, 12,000 square feet in area where served by a central, on-site subsurface wastewater disposal system, and 20,000 square feet in area with an individual, on-site subsurface wastewater disposal system. (See Article VIII, Section 8.8)

2 Minimum Lot Area per Dwelling Unit is also controlled by the Maine Subsurface Wastewater Disposal Rules and Maine Plumbing Code.

3 Minimum Road/Street Frontage and Required Access:
   a. Required Road/Street Frontage and Access: All lots hereinafter created shall possess frontage on a public road/street or on a private way (see definition- a private road with a minimum 50 foot wide right-of-way). All lots hereinafter created must have legal access to a public way. Back lots created as of the date of this amendment, shall be exempt from the minimum road/street frontage requirement listed in Table 2.6.1, if the back lot meets all of the other dimensional requirements of the district, and meets the requirements of this provision.
   b. Cul-De-Sac Road/Street Frontage: New lots located on cul-de-sacs or along curves in a road/street where the radius of the curve at the front lot line is less than 90 feet, shall be designed to have a minimum of 35 feet of road/street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for road/street frontage in that district. The lot width shall be measured along a line that is parallel to a tangent of the mid-point of the curve.
   c. Spaghetti Lots Prohibited: As of date of this amendment, the minimum width of a lot abutting any street shall be 30% of the depth of the lot; depth meaning horizontal distance between front and rear lot lines.

4 Structure Setbacks from Lot Lines:
   a. Front Lot Line Setback: The front lot line setback from a public road/street, or a private way or other access way shall be measured horizontally from the edge of the road/street right-of-way line to the nearest part of a building or structure, unless exempt below (e, g, h). Where a road/street right-of-way or property line associated with a private way or other access way cannot be determined, the front lot line shall be the edge of the paved or graveled area of the road, private way, or access way.
   b. Corner Lots and Double Frontage Lots: The front lot line setback requirement shall be observed along all roads/streets, private ways, and other access ways abutting the lot.
   c. Side and Rear Lot Line Setbacks: All side and rear lot line setbacks shall be measured horizontally from the property line to the nearest part of a building or structure.
   d. Applicability of Setback Requirements: All structures, buildings, roof overhangs, porches, carports, decks, steps, railings, balconies, and platforms must meet the minimum lot line setback requirements and not project into designated setback areas, unless exempt below (e, f, g, h).
   e. Driveways, Parking Areas: Driveways and parking areas may be located within any required lot line setback area provided they are not located within 5 feet of the side or rear lot lines.
   f. Exceptions for Accessory Structures Associated with Buildings Lawfully Existing as of (date of enactment of this amendment): 1) When located beyond the rear of the principal building, an accessory structure no larger than 200 square feet in floor area may be located closer to the
ARTICLE II. LAND USE DISTRICTS

property line than the required minimum side or rear lot line setbacks in Table 2.6.1, but in no case shall the accessory structure be located less than 5 feet from a side or rear lot line; 2) When located within the Village District, Hamlet District, or the Downtown District, a single story, accessory structure of up to 576 square feet (such as a 24’ x 24’, 2-car garage, carport, addition, or deck) may be located closer to the property line than the required minimum side or rear lot line setbacks in Table 2.6.1, but in no case shall the accessory structure be located less than 5 feet from a side or rear lot line. (Amended 2020)

g. **Signs:** Signs, including changeable electronic copy signs, do not have to meet the minimum front lot line setback requirement, but shall not be located within the public right-of-way.

h. **Disability Variance:** See Article III 3.5.1, C.

i. **Wind Energy System Towers, Telecommunications Towers:** Wind energy system towers and telecommunications towers must be setback a minimum horizontal distance of 1½ times the tower’s maximum allowed structure height from all property lines. In addition, these towers must be fenced and designed to prevent unauthorized access to the tower. See Article VIII, Section 8.10 (Telecommunications Towers)

5 **Lot Coverage** is the percentage of the lot area covered by buildings, parking areas, driveways, sidewalks, patios, and other impervious areas as defined in Article I, Section 1.12 (Definitions). Only the paved or otherwise impervious areas of sites on which ground-mounted solar energy systems are installed shall be counted in the lot coverage calculation. (Amended 2020)

6 **Building/Structure Height:** (Amended 2020)

a. The permitting authority may allow structures to be taller than the maximum heights in Table 2.6.1 where the increased height is essential to the use and will not create a public health or safety hazard. In no case shall the increased height (e.g., story of the building) be used for human habitation or as a daily workspace. Examples of structures that might require more height include: wind turbines and telecommunications towers (see also note 4.i, above); agricultural silos; industrial processing structures; roof-mounted solar energy systems; water towers and other structures associated with utilities. The permitting authority shall seek input from the Fire Chief, Building Code Inspector, and other Town officials, as appropriate in making this determination. Structure heights may also be limited by the Federal Aviation Administration, if located in the vicinity of an airport.

b. Ground-mounted solar energy systems located in the Downtown, Village, Hamlet and Rural Residential Districts shall not exceed 12 feet in height when oriented at maximum tilt, except that the maximum height is 22 feet for systems set back at least 30 feet from any property line.

7 **Downtown District Exemptions to Dimensional Requirements:** The permitting authority may approve the following exemptions to the dimensional standards to increase density in the Downtown District while maintaining continuity of building placement and scale; (Amended 2020)

a. **Front Setback:** The front setback of a new or rehabilitated building may be reduced to maintain the established relationship of the majority of the buildings to the street. No building shall be setback further than the average of the existing setbacks in the block in which the building is located, or if an existing building is being demolished, than the pre-existing setback, whichever is greater.

b. **Side and Rear Setback:** The side and/or rear setbacks may be reduced where buildings share or are proposed to share a common wall; these setbacks may only be reduced where the proposed building or improvement meets the requirements of the Maine Uniform Building and Energy Code.
Conservation Subdivisions: Density bonuses and reductions in dimensional requirements may be allowed for conservation subdivisions as specified in the Town of Dover-Foxcroft Subdivision Ordinance.

Exemptions for Public Utility Structures. The dimensional requirements of this Ordinance do not apply to transmission, distribution, or associated lines, towers, poles and wires, or to accessory structures of no greater than 500 square feet in area and 15 feet in height and designed to house pumping stations, telephone switching facilities, or similar equipment essential for the provision of service by a public utility.
ARTICLE III. ADMINISTRATION, APPEALS AND ENFORCEMENT

Section 3.1 Code Enforcement Officer (CEO)

3.1.1 Unless otherwise provided in this Ordinance, the CEO shall administer and enforce this Ordinance. No permit application shall be approved by the CEO except in compliance with the provisions of this Ordinance. The CEO shall have the following duties, among others, in administering this Ordinance:

A. Applications and Fees.
   1. Maintain, and update as necessary, application forms and associated materials.
   2. Recommend changes to the fee schedule, as needed. (Changes to the fee schedule must be acted upon by the Board of Selectmen)
   3. Act upon all applications and collect any fees due; refer/process all applications as required.

B. Agendas. Prepare agendas for mailing at least 7 days before meetings of the Planning Board and Board of Appeals, and attend meetings of the Planning Board and Board of Appeals, as needed.

C. CEO Permitting Authority. Act upon permit applications that are under the jurisdiction of the CEO as set forth in Article V, including but not limited to Section 5.6 (Permits Issued by the CEO).

D. Planning Board Permitting Authority. Act on and refer all applications for Site Plan Review by the Planning Board to the Planning Board.

E. Historic Overlay District. Inform applicants of structural projects to be located within the Historic Overlay District that they must comply with Article V, Section 5.5 (Historic Review Committee Consultation).

F. Appeals. Refer requests for variances and administrative appeals to the Board of Appeals, and participate in appeal procedures.

G. Reports and Records. Maintain written reports and thorough records.

H. Complaints and Violations. Investigate complaints, report violations, and issue violation notices, as appropriate.

I. Consent Agreements. Process or act on consent agreements involving violations of this Ordinance and appear in court when necessary.

J. Permit revocations. Revoke any permit after notice if it was issued in error or if it was based on erroneous information.

K. Interpretation. Refer matters to the Planning Board when there is a question concerning the interpretation of this Ordinance.

Section 3.2 Planning Board (Board)

3.2.1 Appointment and Composition.

A. The Board of Selectmen shall appoint members of the Board in accordance with state statute.

B. The Board shall contain 7 members, each serving 3-year terms.

C. Minutes of the proceedings of the Board shall be taken and shall show the vote of each member upon each question. All minutes of the Board shall be available as a public record.

D. A quorum of 4 members shall be necessary to conduct a meeting. A majority vote of the members present is required for the passage or denial of any motion before the Board.

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3.2.2 **Powers and Duties.** The Board shall be responsible for reviewing and acting upon applications for Site Plan Review as set forth in this Ordinance, and for making decisions on uses as authorized in Article II, Section 2.5.2 (Land Uses Not Listed in Table 2.6.1). Following Site Plan Review approval by the Board, the applicant shall return to the CEO for issuance of any applicable permits.

*Section 3.3 Historical Review Committee*

The Dover-Foxcroft Board of Selectmen shall appoint members of the Historic Review Committee on an annual basis. The Historical Review Committee shall be responsible for reviewing and commenting on all applications for proposed land use activity involving structural development within the Historic Overlay District (See Appendix ), following the procedures in Article V, Section 5.5.

*Section 3.4 Board of Appeals (BOA)*

3.4.1 **BOA Appointment and Composition.**

- A. The Board of Selectmen shall appoint members of the BOA in accordance with the requirements of Title 30-A M.R.S. section 2691 (Board of Appeals), as amended.
- B. The BOA shall consist of 5 members each serving terms of 3 years.
- C. Minutes of the proceedings of the BOA shall be taken and shall show the vote of each member upon each question. All minutes of the BOA shall be available as a public record.
- D. A majority of the full voting membership of the BOA shall constitute a quorum for the purpose of conducting an official meeting and deciding an appeal.

3.4.2 **Powers and Duties.** The BOA shall be responsible for deciding administrative appeals and variance appeals in accordance with the requirements of Section 3.5 (Appeals). Following the issuance of any decision favorable to the applicant, the applicant shall return to the CEO for issuance of any applicable permits.

*Section 3.5 Appeals*

3.5.1 **Variance Appeals**

- A. Authority. A variance may be granted by the Board of Appeals (BOA) from the restrictions imposed by this Ordinance on road frontage, lot area, lot coverage, structure height, and setbacks, only where a strict application of such restrictions to the petitioner and the petitioner's property would cause undue hardship. A variance shall not be granted to permit a use or structure otherwise prohibited by this Ordinance. The person filing the appeal shall have the burden of proof.
- B. Hardship defined. "Undue hardship" shall mean that:
  1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
  2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
  3. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
  4. No other feasible alternative to a variance is available to the petitioner;
  5. The granting of a variance will not unreasonably adversely affect the natural environment; and
  6. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435, as amended.
C. Disability Variance, Vehicle Storage.
1. The CEO may issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The CEO may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling. For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.
2. The BOA may grant a variance to an owner of a dwelling who resides in a dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and for no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph. For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42, as amended, with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521, as amended, and owned by the person with the permanent disability. The BOA may impose conditions on the variance granted pursuant to this Subsection.
3. The person with the permanent disability must prove by a preponderance of the evidence that the person's disability is permanent. For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A, as amended.

D. Application.
1. A variance appeal may be taken to the BOA by an aggrieved party within 30 days of the date of the official written decision appealed from, and not otherwise, except that the BOA, upon a showing of good cause, may extend the 30 day requirement to 45 days.
2. An application for a variance shall include the following:
   a. A completed application on a form prescribed by the CEO.
   b. An application fee, as set forth by the Board of Selectmen.
   c. If a variance is sought for a project already completed, a late fee as set forth by the Board of Selectmen.
   d. A written statement, which may be accompanied by diagrams or photographs and such other evidence as the petitioner may choose to submit, demonstrating:
      1) The exact nature of the hardship alleged;
      2) The physical circumstances that create the alleged hardship;
      3) That such physical circumstances are peculiar to the property in question and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or zoning district;
      4) That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same Land Use District and would not endanger the public health, safety or convenience and would not be contrary to this chapter or the Comprehensive Plan; and
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5) That all other elements of undue hardship, as defined above, are present.

E. Submissions generally.
1. At least 20 days prior to the BOA meeting at which a petitioner wishes to be heard, the petitioner shall provide to the CEO copies of all application materials in the form and quantity described in Articles V. (Permitting) and VI. (Site Plan Review), except that each submission shall be conspicuously labeled "Variance Exhibit 1," "Variance Exhibit 2," and so on, in consecutive fashion.
2. At least two days prior to the public hearing on a variance request, any other person wishing to present documentary evidence to the BOA shall provide to the CEO copies of all evidence in form and quantity described in (application requirements), except that each submission shall be conspicuously labeled with that person's surname followed by "Exhibit 1," "Exhibit 2" and so on, in consecutive fashion.

F. Hearing. Within 45 days of the CEO's receipt of the required copies of a variance application, unless delay is caused by the petitioner's failure to comply with the requirements of Sections 3.5.1, D (Application) and E (Submissions generally), above, the BOA shall conduct a public hearing on said application in accordance with the following:
1. Public notice of said hearing shall be provided as required in Section 3.5.1, E and F. Failure of any property owner to receive notice shall not necessitate another hearing or invalidate any actions of the BOA.
2. Notice of said hearing shall identify the petitioner and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and participate.
3. At any hearing a party may be represented by an agent or attorney; provided, however, that if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.
4. Any hearing may be continued or recessed to another time for good cause shown.
5. The CEO may present to the BOA plans, photographs or other materials they deem appropriate for the clearer understanding of a pending application.

G. Deliberation and decision. Within 35 days after the public hearing on an application for a variance, the BOA shall deliberate to determine whether to grant the variance. If the BOA finds that the petitioner has demonstrated an undue hardship as defined above, it shall issue an order granting the variance requested, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare. If the BOA finds that the petitioner has not demonstrated an undue hardship, it shall issue an order denying the variance. In either case the BOA shall, within seven working days after the completion of its deliberations, mail or hand deliver to the petitioner, the petitioner's representative, the Chairpersons of the Planning Board and the Board of Selectmen.

H. Certificate of variance. If the BOA grants a variance under this section, a certificate indicating the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions thereof, has been granted, and the date of the granting, shall be prepared in recordable form. The certificate must be signed by the Chairperson of the BOA or his/her designee and recorded in the Piscataquis County Registry of Deeds within 30 days of the granting of the variance or the variance is void. A variance is not valid until a certificate thereof has been recorded in accordance with this section.
3.5.2 Administrative Appeals

A. Authority. An administrative appeal may be taken to the BOA by an aggrieved party within 30 days of the date of the official written decision appealed from, and not otherwise, except that the BOA, upon a showing of good cause, may extend the 30 day requirement to 45 days. For purposes of this section, the term "decision" is limited to an order, decision, or ruling made in writing. The person filing the appeal shall have the burden of proof.

B. Application. An application for an administrative appeal shall include the following and must be filed with the CEO within 30 days of the decision or action being appealed:

1. A completed application form for appellate or de novo review.
2. An administrative fee.
3. In the case of an appeal to be heard by appellate review, a notice of the applicable parts of the record to be transcribed at the expense of the appellant.

C. Submissions generally.

1. Appellate review hearings.
   a. At least 20 days prior to the BOA meeting at which an appellant is to be heard in an appellate review hearing, the appellant shall file with the CEO at least 8 copies of the parts of the record on appeal upon which the appellant plans to rely, along with at least 8 copies of a written statement setting forth the appellant's position as to the basis for the appeal and the relief requested.
   b. No later than seven days prior to the public hearing on the appeal, any other person wishing to present either parts of the record on appeal not submitted by the appellant or a written statement setting forth that person's position on the appeal may file at least 8 copies of such materials with the CEO.

2. Evidentiary appeals (de novo)
   a. At least 20 days prior to the BOA meeting at which an appellant wishes to be heard, the appellant shall provide to the CEO at least 8 copies of all documentary evidence, except that each submission shall be conspicuously labeled "Appellant's Exhibit 1," "Appellant's Exhibit 2" and so on, in consecutive fashion, along with at least 8 copies of a written statement setting forth the appellant's position as to the basis for the appeal and the relief requested.
   b. No later than seven days prior to the public hearing on an appeal, any other person wishing to present documentary evidence to the BOA shall provide to the CEO copies of all such evidence, except that each submission shall be conspicuously labeled with that person's surname followed by "Exhibit 1," "Exhibit 2" and so on, in consecutive fashion.

D. Hearing.

1. Appellate review hearings.
   a. All appeals from decisions of the Planning Board and all other decisions in which the applicant had a fair opportunity to present evidence shall be strictly by appellate review.
   b. Appellate review hearings shall be limited to review of the record on appeal. The appellant and other parties may submit written argument and use illustrative aids that highlight or otherwise help the BOA understand the record on appeal but may not introduce any evidence that was not presented to the decision-maker below. The record on appeal shall consist of:
      1) Transcripts of the hearings held below;
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2) Exhibits and other documentary evidence submitted to or considered by the decision-maker below; and

3) The decision being appealed, factual findings made by the decision-maker below and any other rulings or decisions made by the decision-maker below that are relevant to the issues on appeal.

c. Within 45 days of the CEO's receipt of the required copies of an application for an administrative appeal, the BOA shall conduct a public hearing, which hearing shall not be a de novo hearing, on said application.

d. Notice of said hearing shall be as required in Sections 3.5.1, E (Submissions generally) and F (Hearing).

e. At any hearing a party may be represented by an agent or attorney; provided, however, that if any party is not present, any non-attorney acting as that party's agent or attorney shall provide written evidence of such authority.

f. Any hearing may be continued or recessed to another time for good cause shown.

g. The CEO may present to the BOA plans, photographs or other materials that are part of the record on appeal that they deem appropriate for the clearer understanding of a pending application.

h. If during the public comment part of the hearing a member of the public attempts to testify or otherwise offer evidence that was not presented to the decision-maker below, the Board shall during its deliberations ignore the evidence so presented.

i. Deliberation and decision. Within 30 days after the public hearing on an application for administrative appeal, the BOA shall deliberate to determine whether the record on appeal shows that the decision appealed is clearly contrary to the specific provisions of this Ordinance. The Board shall defer to all findings of fact by the decision-maker below that are supported by substantial evidence.

1) If the BOA finds that the decision is, in fact, contrary to the specific provisions of this Ordinance, it may reverse the decision, subject to such terms and conditions it considers advisable to protect the public’s health, safety and general welfare, or it may vacate the decision and may remand it to the Planning Board or the CEO for further proceedings consistent with BOA's decision.

2) If the BOA does not find that the decision appealed is clearly contrary to the specific provisions of this Ordinance, it shall deny the appeal.

3) In either case, the BOA shall, within seven days of the completion of its deliberations, mail or hand deliver and within seven days of the completion of its deliberations, mail or hand deliver to the appellant, the appellant's representative and the Chairpersons of the Planning Board and Board of Selectmen a written copy of its decision, including specific written reasons supporting the decision.

2. Evidentiary (de nova) hearings

a. Appeals from a decision by the CEO, and all other decisions or actions taken at which the appellant did not have a fair opportunity to present evidence to the decision-maker shall be by evidentiary hearing.

b. The procedures set forth for appellate review hearings in Subsection 3.5.2, D (Hearing) shall apply to appeals by evidentiary hearing, except that the appellant and other interested parties may submit documentary evidence and other exhibits within the time limits set forth in Subsection 3.5.2, C (Submissions generally), above and may present oral testimony at the hearing.
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c. Within 30 days after the public hearing on an application for an administrative appeal, the BOA shall deliberate to determine if a preponderance of the evidence presented in the appeal shows that the appellant is entitled to the relief requested.

1) If the BOA finds that the appellant is entitled to relief, it may reverse the decision, subject to such terms and conditions it considers advisable to protect the public's health, safety and general welfare, or it may vacate the decision and may remand it to the Planning Board or the CEO for further proceedings consistent with the BOA's decision.

2) If the BOA does not find that the preponderance of the evidence shows that the appellant is entitled to relief, it shall deny the appeal.

3) In either case the BOA shall, within seven days of the completion of its deliberations, and within seven days of the completion of its deliberations, mail or hand deliver to the appellant, the appellant's representative and the Chairpersons of the Planning Board and the Board of Selectmen a written copy of its decision, including specific findings of fact supporting the decision.

3.5.3 Proceedings to be Recorded. All proceedings of the BOA, including public hearings and deliberations, but except proceedings legally conducted in executive session, shall be electronically or stenographically recorded.

3.5.4 Failure to Act. Failure of the BOA to act within any of the time requirements set forth herein shall constitute a denial.

3.5.5 Reconsideration. In accordance with 30-A M.R.S. section 2691(3)(F), as amended, the BOA may reconsider any decision within 45 days of its prior decision. A request to the BOA to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the BOA members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, CEO, and other parties of interest, including abutters and those who testified at the original hearing(s). The BOA may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

3.5.6 Appeal to Superior Court. Appeals may be taken as permitted by law as provided in 30-A M.R.S. § 2691(3)(G), as amended, from any decision of the BOA to Superior Court. Any party may take an appeal, within 45 days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Section 3.6 Enforcement and Penalties

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

3.6.2 It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
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3.6.3 The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.

3.6.4 The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

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

3.6.6 Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision of this Ordinance commits a civil violation and is subject to the fines and civil penalties as provided in Title 30-A M.R.S. Section 4452, as amended. Each day a violation continues to exist after notice to correct the violation constitutes a separate violation. The Town may also seek a temporary or permanent injunction to prevent any threatened or continuing violation of this Ordinance.
ARTICLE IV. NONCONFORMANCE (GRANDFATHERING)

Section 4.1 Purpose
The intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance, or any amendment thereto, shall be allowed to continue, subject to the requirements set forth in this article. Except as otherwise provided in this Ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

Section 4.2 General
4.2.1 Transfer of Ownership. Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use, or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

4.2.2 Repair and Maintenance. This Ordinance allows, without a permit pursuant to this Ordinance, the normal upkeep and maintenance of nonconforming uses and structures including repairs that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

Section 4.3 Nonconforming Structures
4.3.1 Expansion. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Sections 4.3.2 (Reconstruction and Replacement) and 4.3.3 (Change of Use of a Nonconforming Structure), below.

4.3.2 Reconstruction and Replacement. Any nonconforming structure that is removed, or damaged or destroyed by any cause may be restored or reconstructed to its pre-destruction, pre-removal or pre-damage condition, or replaced with a structure comparable to the destroyed, removed or damaged structure, provided that a permit from the CEO for the restoration, reconstruction, or replacement is obtained within 18 months after the date of destruction, removal or damage; and that no existing nonconformity is increased and no new nonconformity is created. Any restoration, reconstruction, or replacement obtained after 18 months shall comply with the current requirements of this Ordinance.

4.3.3 Change of Use of a Nonconforming Structure. The use of a nonconforming structure may not be changed to another use unless the Permitting Authority determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the permitting authority shall consider the probable effects on public health and safety, traffic, noise, lighting, and other impacts not typically found in the land use district in which it is located.

4.3.4 Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the permitting authority, and provided that the applicant demonstrates that the lot is served by public sewer, or that the present subsurface sewage disposal system meets the requirements of State law and the Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in...
ARTICLE IV. NONCONFORMANCE (GRANDFATHERING)

compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.

Section 4.4 Nonconforming Uses

4.4.1 **Expansions.** Expansion of nonconforming use is prohibited, except that a nonconforming residential use may, after obtaining a permit from the permitting authority as listed in Article II, Table 2.5.1, be expanded within an existing residential structure or within an expansion of such structure, if such addition or expansion does not increase the nonconformity of the structure or within expansions of such structures as allowed in subsection 4.3.2 (Reconstruction and Replacement), above.

4.4.2 **Resumption Prohibited.** A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the permitting authority may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding 5 year period.

4.4.3 **Change of Use.** An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources as determined by the permitting authority. In determining that no greater adverse impact will occur, the permitting authority shall consider the probable effects on public health and safety, traffic, noise, lighting, and other impacts not typically found in the district it which it is located.

Section 4.5 Nonconforming Lots

4.5.1 **Nonconforming Lots.** A nonconforming lot of record legally existing as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area and road frontage can be met. Variances relating to setback requirements or other dimensional requirements not involving lot area or road frontage, shall be obtained by action of the Board of Appeals.

4.5.2 **Nonconforming Lots.** On any nonconforming lot of record having an area of at least 5,000 square feet at the time of adoption or amendment of this Ordinance, single-family dwellings and customary accessory uses may be established in any district in which single-family dwellings are permitted, provided the lot(s) are served by public sewer or that the State Minimum Lot Size Law (12 M.R.S. sections 4807-A through 4807-D, as amended) and the Maine Subsurface Wastewater Disposal Rules are complied with.

4.5.3 **Contiguous Built Lots.**

A. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of the Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided the lot(s) are served by
public sewer or that the State Minimum Lot Size Law (12 M.R.S. sections 4807-A through 4807-D, as amended) and the Maine Subsurface Wastewater Disposal Rules are complied with.

B. If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on separate lots provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

4.5.4 Contiguous Lots - Vacant or Partially Built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.
ARTICLE V. PERMITTING

Section 5.1 Purpose
The purpose of the permitting process is to provide a level of municipal scrutiny proportionate to the anticipated impact of a proposed land use upon the Town. Further, the level of review is to be determined by the potential impact of the proposed land use upon any neighborhood, its land features, any long-term development plans for the area, and whether or not the proposed land use could exist harmoniously with the dominant environmental and man-made features of the area to be occupied or used.

Section 5.2 Permits Required (Amended 2020)
It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to engage in any activity, or use of land or structure, requiring approval in the Land Use District in which such activity or land use would occur; or to expand, change, or replace an existing land use or structure; or to renew a discontinued nonconforming land use.

5.2.1. Permits Required. Permits shall be required for the following:
   A. All buildings or structures, or signs hereinafter erected, altered, enlarged, moved, or demolished.
   B. The installation or construction of a dwelling unit, mobile home, or manufactured home.
   C. The installation or construction of any non-residential building or structure.
   D. An expansion of any nonconforming use or structure.
   E. Conversion of a single-family dwelling into a two-family or multi-family dwelling.
   F. A change of use to another use that is allowed in a particular land use district. (Amended 2020)
   G. New or expanded land use activity as listed in Article II, Table 2.5.1 (Land Use by District).
   H. Any activity listed in the Article II, Table 2.5.1 (Land Use by District) that requires review.
   I. The installation of internal plumbing and subsurface wastewater systems.
   J. Any development within the regulated floodplain pursuant to the Floodplain Ordinance.
   K. The installation of fencing that is 7 feet in height or more.
   L. Any activities or development within the Shoreland Zone pursuant to this Ordinance or the Town of Dover-Foxcroft Shoreland Zoning Ordinance.
   M. Any subdivision of land or structures pursuant to this Ordinance or the Town of Dover-Foxcroft Subdivision Ordinance.
   N. The construction or enlargement of a road, driveway, entrance way and associated drainage features such as culverts, basins and similar features.

5.2.2 Permits Not Required. Permits are not required for the following:
   A. An “allowed use” as indicated in the Article II, Table 2.5.1 (Land Use by District), unless the use entails any of the activities listed in Section 5.2.1 (Permits Required), above, or is otherwise required by the Maine Uniform Building and Energy Code.
   B. The normal repair and maintenance of any structure, unless required by the Maine Uniform Building and Energy Code, which has been adopted by the Town of Dover-Foxcroft as mandated by State Law.
Section 5.3 General Requirements and Provisions for Issuing Permits

5.3.1 Application Form. All permit applications shall be submitted using the applicable Application Form(s) provided by the Town.

5.3.2 Right, Title and Interest. All permit applications shall be signed by the owner(s) of the property, or a person with right, title, or interest in the property, or a duly authorized agent, and such signature shall certify that the information is complete and correct.

5.3.3 Burden of Proof. The applicant shall have the burden of proving that the proposed activity conforms to the purposes and provisions of this Ordinance.

5.3.4 Complete Application, Full Compliance. A permit shall be issued only if the application is deemed complete, has been reviewed, and fully complies with all the provisions of this Ordinance. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local Ordinance or regulation or any State law which the Town is responsible for enforcing.

5.3.5 Rights Not Vested. The submittal of an application to the CEO or the Board for review shall not constitute the start of the review process for the purpose of bringing an application under the provisions of 1 M.R.S. § 302, as amended. The formal review process shall commence upon written notification to an applicant that a complete application has been received.

5.3.6 Site Inspection. The CEO and/or the Board may perform on-site inspections of any proposed project to learn more about the site and its surroundings. (Note: a site inspection by the Planning Board is considered a meeting of the Board subject to public notice, etc.)

5.3.7 Fees.
   A. Application Fees. Application fees cover the Town’s administrative costs in processing applications. Fees shall be paid to the “Town of Dover-Foxcroft”, and must be provided for an application to be considered complete for review purposes. Application fees are not refundable.
   B. Technical Review Fee.
      1. The technical review fee is designed to defray the Town’s legal and technical costs in the review of the application and in project compliance. The Planning Board shall require a technical review fee for major and mega developments. The Board may waive this requirement for minor developments where legal or technical assistance are not anticipated. If required, the technical review fee must be paid to the “Town of Dover-Foxcroft” for an application to be considered complete for review purposes.
      2. The technical review fee shall consist of a retainer of at least $1,000, to accompany the application for Site Plan Review. This retainer shall be deposited in an account where it can be tracked. If any required contract with an independent consultant is estimated to cost more than the retainer submitted with the application, the total estimated cost for the consultant must be provided in the retainer by the applicant before the application is considered complete and review started. That portion of the review fee not used shall be returned to the applicant within 60 days of the Board's decision to approve or deny the application.
   C. Establishment of Fees. The Board of Selectmen shall establish and maintain the fee schedule.

5.3.8 Public Notice: Minimum Requirements. (Amended 2020)
   A. Public notice shall be provided for all meetings, site visits, and hearings of the Planning Board and the Board of Appeals.
   B. Public notice shall include a description of the proposal, the applicant’s name, the availability of the application for public inspection, and the date, time, and place of the meeting or hearing.
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at which the application or appeal will be considered. Notice shall be provided at least 7 days prior to the public meeting or hearing.

C. Public notice for Planning Board Site Plan Review and Board of Appeals meetings and hearings shall include the following:
   1. Notice in a newspaper of general circulation in Dover-Foxcroft at least 7 days prior to the meeting/hearing.
   2. A notice posted on the Town website and at the Town Office.
   3. Notice to the applicant, the Board of Selectmen, individual Board members, and any other government officials, as appropriate.
   4. At a minimum, notification shall be given to all abutting landowners, and any other parties who may be affected by the proposed project.
   5. In addition to abutters, notification for major and mega projects must include at a minimum all landowners within 500 feet of the site property boundaries.
   6. Notification to public water suppliers shall be provided as required in Title 30-A, section 3558-A, as amended.
   7. Failure on the part of any abutter or landowner to receive such notice shall not be grounds for delay of any consideration of the project.

5.3.9 Conditions of Approval. A permit shall be issued only if the applicant demonstrates that any conditions of a CEO and/or Planning Board approval for the project have been met or that provisions for complying with any conditions of approval are incorporated into the permit.

5.3.10 Performance Guarantee. If a performance guarantee is required as part of the approval of the project, a permit shall be issued only when the applicant provides written evidence that the performance guarantee has been established and is acceptable in amount and form to the Town Manager, and in accordance with Article VI, Section 6.3.7 (Performance Guarantee).

5.3.11 Decisions and Conditions in Writing. All decisions and applicable permit conditions pertaining to a permit application shall be stated in writing.

5.3.12 Permanent Record. Applications for permits and all related plans and drawings shall be maintained as a permanent record by the CEO.

5.3.13 Posting of Permit at Site. A person issued a permit pursuant to this Ordinance shall have a copy of the permit posted in a visible location at the site while the work authorized by the permit is performed.

5.3.14 Expiration of Permits. Unless otherwise specified within this Ordinance, if no substantial progress of construction has been made within one (1) year from the date the approval is granted, the approval becomes invalid. The CEO shall renew the approval within 30 days after the expiration of the approval upon payment of a fee as specified in the fee schedule, as amended, a maximum of 2 times. Otherwise the permit becomes invalid and the application process must begin anew.

5.3.15 Plumbing and Subsurface Wastewater Permits. An internal plumbing permit and a subsurface wastewater permit shall be obtained from the local plumbing inspector for all land use and construction activities as required by state law.

5.3.16 Public Sewer and Water Letter of Approval. Applicants must submit a letter of approval from the Dover-Foxcroft Water District and/or Dover-Foxcroft Wastewater Department, as applicable, prior to the construction, enlargement, repair and/or installation of public sewer and/or water pipes and structures.
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5.3.17 Modifications. Any modification to the description, scaled drawing, or site plan of the proposed structure(s) shall require a revised application, payment according to the fee schedule as amended, and approval by the permitting authority, prior to beginning the work.

Section 5.4 Classification of Projects for Review (Amended 2020)

5.4.1 Preliminary Consultation. Prior to submitting an application for review, the applicant and/or their representative shall consult with the CEO to discuss the project, the review process, and the potential classification of the project. This consultation shall be informational, and no binding decisions shall be made. The applicant shall provide the CEO with information on the location of the project, the proposed use of the property, and proposed development activities.

5.4.2 Initial Classification. Upon receipt of an application, the CEO shall classify the proposed project in accordance with Article II, Table 2.5.1 (Land Use by District), Article V, Section 5.4 (Classification of Projects for Review), and Article VI, Section 6.2 (Classification Criteria for Site Plan Review), and as follows:

A. CEO Review
   1. Permitted Use
   2. Expansion or Change of Use in a Growth District (See Section 5.6.1, C)
   3. Site Plan Review by CEO

B. Planning Board Review
   1. Minor Site Plan Review
   2. Major Site Plan Review
   3. Mega Site Plan Review

5.4.3 Classification, Generally. The classification of an application shall consider the proposed development when combined with any other development on the subject parcel completed within the previous 2 years.

5.4.4 Classification of Applications Requiring Planning Board Review. The CEO’s classification of Site Plan Review applications as minor, major or mega shall be preliminary, with the final decision of the classification of the application to be made by the Planning Board, unless this authority has been delegated to the CEO pursuant to Section 5.4.5.

5.4.5 Planning Board Delegation of Review Authority. The Planning Board may delegate Site Plan Review authority to the CEO for minor projects under the following conditions:
   1. All aspects of the property lawfully exist as of the date of the application;
   2. The proposed development will not have a greater adverse impact on the subject or adjacent properties and resources than the existing use with respect to public health and safety, noise, lighting, traffic, pollution, hours of operation, or other impacts not typically found in the land use district in which it is located;
   3. The proposal shall not make the parcel, use or structure more nonconforming with the standards of this Ordinance; and
   4. The CEO has notified the abutters and none of the abutters have raised concerns, such as those in Section 5.4.5.2, that suggest the project should be considered by the Planning Board.

5.4.6 Change in Classification. The CEO and Planning Board may change the classification at any time upon a finding that a proposed development has changed in nature and/or scope such that it no longer meets the criteria for the prior classification.

5.4.7 Historic Review Committee. The CEO shall inform the applicant of the need for consultation with the Historical Review Committee, as applicable.
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Section 5.5  **Historical Review Committee Consultation**

Section 5.5 is applicable to properties located within the Historic District (See Appendix Map of Historic Overlay District). The purpose of consultation with the Historic Review Committee is to encourage the long-term preservation of historic structures within the Historic Overlay District. Any application for a proposed land use activity involving structural development within the Historic District shall be submitted by the applicant to the Historical Review Committee for review and comment, at least 7 days prior to action being taken by the CEO or Planning Board. The Historic Review Committee comments and recommendations must be in writing. If a member of the Historical Review Committee is unable to meet with the applicant during that 7 day time frame for whatever reason then the appropriate permits may be issued without this review requirement. The CEO or Planning Board shall consider comments received from the Committee prior to rendering a decision on the application.

Section 5.6  **Permits Issued by the Code Enforcement Officer (CEO) (Amended 2020)**

5.6.1 **Authority.** The CEO has the authority to review and issue the following permits:

A. Permitted Uses. Any activity listed in Article II, Table 2.5.1 (Land Use by District), as requiring approval from the CEO.

B. Site Plan Review. Any activity listed in Article II, Table 2.5.1 (Land Use by District), as a permitted use requiring Site Plan Review approval from the CEO.

C. Land Use Permits for Expansions and Changes of Use in a Growth District. (Growth Districts include the Downtown, Commercial, Light Industrial and Industrial Districts.)

1. The CEO may issue a permit for an expansion of a use or structure, or a change of a use within an existing structure, for any use listed in Article II, Table 2.5.1 (Land Use by District) as requiring Site Plan Review by the Planning Board, under the following conditions:
   a. The use and structure lawfully exist as of the date of the application;
   b. The expansion of the existing building does not increase the gross floor area of the building by more than 2,000 square feet or 20% of the preexisting gross floor area whichever is less (gross floor area to include all stories of a building);
   c. The increase in the amount of impervious surface on a developed site that does not increase the amount of impervious surface by more than 1,000 square feet or 10% of the preexisting impervious surface area whichever is less;
   d. The proposed use must be similar to or less intensive than the existing use and must be a permitted use in the district;
   e. The proposal will not have a greater adverse impact on the subject or adjacent properties and resources than the existing use with respect to public health and safety, noise, lighting, traffic, pollution, hours of operation, or other impacts not typically found in the land use district in which it is located;
   f. The proposal shall not make the parcel, use or structure more nonconforming with the standards of this Ordinance; and
   g. The CEO has notified the abutters and none of the abutters have raised concerns, such as those in Section 5.6.1,C,1,e, that suggest the project should be considered by the Planning Board.

2. If the expansion or change of use does not meet all of the conditions in Section 5.6.1,C,1,a through g, it must be reviewed by the Planning Board as listed in Article II, Table 2.5.1 (Land Use by District) for each use.
ARTICLE V. PERMITTING

D. Permit for Disability Structures. (See Article III, Section 3.5.1, C (Disability Variance, Vehicle Storage))

E. CEO Referral to Planning Board. The CEO has the authority to refer any application for Site Plan Review or a Land Use Permit for an Expansion or Change in Use in a Growth District to the Planning Board in accordance with Article VI, Section 6.2. (Classification of Applications for Site Plan Review).

F. Planning Board Delegation of Authority. The CEO has the authority to issue permits as delegated by the Planning Board in accordance with Section 5.4.5.

Section 5.7 Site Plan Review by the Planning Board (Board)

5.7.1 Authority. The Board has the authority to review and issue the following decisions:

A. Site Plan Review. Any activity listed in Article II, Table 2.5.1 (Land Use by District), as requiring Site Plan Review approval from the Planning Board.

B. Referrals from the CEO. Any activity where the CEO has determined that Board review is required.

5.7.2 Article VI Site Plan Review. See Article VI Site Plan Review for provisions that are in addition to those in this article, Article V.

Section 5.8 Application Submission Requirements

An applicant shall submit a completed application to the CEO. The application shall contain a minimum of the following information, unless the applicant granted a waiver of specific submissions in accordance with Section 5.8.3.

5.8.1 Basic Information for All Applications. An application shall contain the following:

A. General Information

1. Name, address and telephone number of the applicant, applicant’s agent, design professionals and contractors, as applicable.

2. Verification of the applicant’s right, title, and interest in the property.

3. Signature of the owner of the property or the owner’s legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee. The application must also be dated.

4. Property location, property tax map and lot number, and a copy of the tax map showing the property and surrounding location.

5. The appropriate application fee and other applicable fees.

6. A proposed construction schedule including beginning and completion dates.

7. A complete written description of the proposed project including all other local, state and federal permits required for the project.

B. Site Map. One or more site maps drawn to scale showing the following:

1. The existing conditions on the property including:

   a. The property boundaries.

   b. The Land Use District and district boundaries if the property is located in more than one district or along the boundaries of a district.

   c. The location of required setbacks, buffers and other restrictions.

   d. The location of any easements or rights-of-way.

   e. The locations of existing structures and other existing improvements on the property including a description of the current use of the property.
ARTICLE V. PERMITTING

f. The locations of existing utilities on and adjacent to the property including wells, sewers, water mains, stormwater facilities, gas mains, and electric and telecommunications facilities.

g. The location of the nearest source of water supply for fire protection (hydrant, fire pond, etc.).

h. The general topography of the property indicating the general slope of the land and drainage patterns. A copy of the most current U.S.G.S. topographic map at a scale that clearly displays the general topography of the property may be submitted.

i. The location, type and extent of any known natural resources on the property including wetlands, vernal pools, floodplains, waterbodies, significant wildlife habitats, rare or endangered plants or animals, or similar resources.

j. The location and type of any identified historic or archeological resource on the property.

k. The location, if located within the Historic Overlay District (Appendix), and if the structure is listed, or eligible to be listed, on the National Register of Historic Places (See Comprehensive Plan, or consult with chairperson of the Historic Review Committee.

C. The proposed development activity for which approval is requested including:

1. The estimated demand for water supply and sewage disposal together with the proposed location and provisions for water supply and wastewater disposal including evidence of soil suitability if on-site sewage disposal is proposed or letter from the Dover-Foxcroft Wastewater Department and/or Dover-Foxcroft Water District approving/granting connection to their system.

2. The direction of proposed surface water drainage across the site and from the site together with the proposed location of all stormwater facilities and evidence of their adequacy.

3. The location and dimensions of all proposed buildings and structures including expansions or modifications to existing buildings that change the footprint of the building.

4. The location, dimensions and materials to be used in the construction of driveways, parking areas, sidewalks and similar facilities.

5. The proposed flow of vehicular and pedestrian traffic into and through the property.

6. The location and details for any signs proposed to be installed or altered.

7. The location and details for any exterior lighting proposed to be installed or altered.


9. Any other information necessary to demonstrate compliance with the review criteria or other standards of this Land Use Ordinance.

D. Evidence that the applicant has or can obtain all required permits necessary for the proposal.

5.8.2 Survey Requirements. The permitting authority may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a registered land surveyor. The survey may be required for the construction of new structures or any construction proposed on a undeveloped parcel or tract of land, whenever the permitting authority finds that a survey is necessary to show compliance with the requirements of this Ordinance due to the size of the lot, location of the lot or the placement of existing or proposed structures on the lot or neighboring properties.

5.8.3 Waiver of Submission Requirements.

A. Unless otherwise prohibited by this Ordinance, state or federal law, the permitting authority may modify or waive any of the applicable application submission requirements when it
determines that either the scale of the project is of such limited size, or that the project is of such a nature as to make the information unnecessary, and makes the following additional findings. Should the permitting authority determine any of the following as not applicable, their reasoning for such a decision shall be included in the written findings.

1. The need for a waiver or modification is based on unique circumstances relating to the specific site and development, and these conditions would not be expected to be encountered elsewhere.
2. The application of the standards is not requisite to public health, safety, and general welfare.
3. The granting of the waiver or modification would not adversely affect properties in the locality.
4. The granting of the waiver or modification would not alter the essential character of the locality.
5. The granting of the waiver or modification in other situations would not have the effect of amending the Ordinance requirements.

B. Notwithstanding the waiver of a submission requirement, the permitting authority may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

C. The CEO may develop application forms with check lists to simplify the process of granting waivers of submission requirements.

Section 5.9 Procedures for Projects Requiring Code Enforcement Officer Review

5.9.2. Code Enforcement Officer (CEO) Review. This section shall apply to all land use activities that require CEO review and permitting.

A. Within 7 days of receiving an application, the CEO shall determine if the application is complete and notify the applicant in writing that the application is complete, or if the application is incomplete, the specified additional material needed to make the application complete. The applicant shall be responsible for submitting any incomplete information to the CEO.

B. Permitted Uses and CEO Disability Variances. Within 14 days of determining the application is complete, the CEO shall render a final decision on an application for a permitted use or disability variance.

C. Expansions in Growth Districts and Site Plan Review by the CEO. Within 30 days of determining that the application is complete, the CEO shall render a final decision on an application for an expansion in a growth district or an application for a Site Plan Review by the CEO, and issue a decision. The CEO may extend this timeframe if the expansion or Site Plan Review must be referred to the Board, as authorized in Article V, Section 5.6.1, E (CEO Referral to the Planning Board).

D. Decisions. After review of a complete application, the CEO shall determine whether the application meets the review criteria. The CEO shall approve the application, approve the application with conditions, or deny the application. The written decision shall be delivered to the applicant.

E. Conditions of Approval. Upon consideration of the review criteria, the CEO may attach such conditions to the proposed application that he/she finds necessary to further the purposes of this Ordinance. Conditions are limited to further address items already contained in this
Ordinance. A condition may not be imposed to regulate an item not specifically addressed in this Ordinance. In determining whether conditions are appropriate or necessary, the CEO shall consider the unique features of the site and surrounding conditions, proposed use, and the proposed structure. A written finding of fact shall be created stating the unique features of the proposal and how the conditions will further the purposes of this Ordinance. All conditions shall be listed in the permit and shall be enforceable under this Ordinance.
ARTICLE VI. SITE PLAN REVIEW

Section 6.1 Applicability
Site Plan Review is required for any use listed in Article II, Table 2.5.1 (Land Use by District) as requiring Site Plan Review by either the Code Enforcement Officer (CEO) or the Planning Board (Board).

Section 6.2 Classification of Applications for Site Plan Review

6.2.1 Applications for Site Plan Review shall be classified in accordance with Article V, Section 5.4 and Article VI Section 6.2. (Amended 2020)

6.2.2 The CEO’s classification of applications for Site Plan Review by the Board shall be preliminary, with the final decision of the classification of the application to be made by the Board. [The CEO shall] Review applications for Site Plan Review for completeness, and act upon the applications based on the jurisdictional authority set forth in Article II, Table 2.5.1 and in Articles V and VI by either approving, approving with conditions, denying, or referring the application to the Planning Board for consideration. With respect to any Site Plan Review applications where the CEO has permitting authority, the CEO may refer permitting authority to the Planning Board when there is a request for a public hearing, or where a more thorough review is necessary to address complicating factors of the project application.

6.2.3 Notwithstanding Table 2.5.1 (Land Use by District) that authorizes CEO review, any application for a project that meets the criteria for a major or mega development as set forth Table 6.2 (Classification Criteria for Site Plan Review Projects) shall be reviewed by the Planning Board. (Amended 2020)

6.2.4 The CEO and Board shall use the following Table 6.2 (Classification Criteria for Site Plan Review Projects) to classify applications as minor, major or mega developments. The Board has the authority to change the classification, if the project is altered in a manner to change how it should be classified. The Board must issue written findings to justify any change in classification. (Amended 2020)
## Table 6.2 Classification Criteria for Site Plan Review Projects (Page 1)

<table>
<thead>
<tr>
<th>Impact or Use Criteria</th>
<th>Land Use District</th>
<th>Use or Threshold</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Construction of New Floor Area</td>
<td>Village, Downtown, Hamlet</td>
<td>Up to 5,000 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>Commercial, Light Industrial, Industrial</td>
<td>5,000 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td></td>
<td>Rural Residential, Farm and Forest</td>
<td>Up to 10,000 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10,000 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td>2. New Impervious Surface Area</td>
<td>Village, Downtown, Hamlet</td>
<td>Up to 5,000 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>Commercial, Light Industrial, Industrial</td>
<td>5,000 sq.ft. &amp; over</td>
<td>Major</td>
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<tr>
<td></td>
<td>Rural Residential, Farm and Forest</td>
<td>Up to 10,000 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10,000 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td>3. Cumulative Total of New Floor Area and New Impervious Surface Area</td>
<td>Village, Downtown, Hamlet</td>
<td>Up to 7,500 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>Commercial, Light Industrial, Industrial</td>
<td>7,500 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td></td>
<td>Rural Residential, Farm and Forest</td>
<td>Up to 15,000 sq. ft.</td>
<td>Minor</td>
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<td></td>
<td></td>
<td>15,000 sq.ft. &amp; over</td>
<td>Major</td>
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<tr>
<td>4. Change of Use</td>
<td>Village, Downtown, Hamlet</td>
<td>Up to 7,500 sq.ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td>Commercial, Light Industrial, Industrial</td>
<td>7,500 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td></td>
<td>Rural Residential, Farm and Forest</td>
<td>Up to 15,000 sq. ft.</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15,000 sq.ft. &amp; over</td>
<td>Major</td>
</tr>
<tr>
<td>5. Traffic</td>
<td>All Districts</td>
<td>Any activity generating more than 100 peak hour passenger /vehicle trips, based on ITE Trip Generation Manual, as amended, unless previously addressed as part of an approved plan.</td>
<td>Major</td>
</tr>
<tr>
<td>6. Construction of Multi Family Dwelling Units (New or Expanded)</td>
<td>All Districts where allowed.</td>
<td>3 to 8 units</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Over 8 units</td>
<td>Major</td>
</tr>
</tbody>
</table>
### ARTICLE VI. SITE PLAN REVIEW

#### Table 6.2 Classification Criteria for Site Plan Review Projects (Page 2)  *(Amended 2020)*

<table>
<thead>
<tr>
<th>Impact or Use Criteria</th>
<th>Land Use District</th>
<th>Use or Threshold</th>
<th>Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Mobile Home Park</td>
<td>All Districts where allowed.</td>
<td>3 to 8 units</td>
<td>Minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Over 8 units</td>
<td>Major</td>
</tr>
<tr>
<td>8. Adult Business Establishment</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>9. Bulk Storage of Chemicals and Petroleum Products, Principal Use</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>10. Manufacturing, Light</td>
<td>Village, Commercial, Rural Residential, Farm and Forest</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td></td>
<td>Light Industrial, Industrial</td>
<td>All such uses</td>
<td>Minor</td>
</tr>
<tr>
<td>11. Manufacturing, Heavy</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>12. Sawmill, Permanent</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>13. Slaughterhouse</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>14. Air Transportation Use</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>15. Extractive Industry</td>
<td>All Districts where allowed.</td>
<td>Up to 30,000 sq.ft. of disturbed area</td>
<td>Minor</td>
</tr>
<tr>
<td>16. Extractive Industry</td>
<td>All Districts where allowed.</td>
<td>30,000 sq. ft. or more of disturbed area</td>
<td>Major</td>
</tr>
<tr>
<td>17. Solar Energy System, Medium Ground-Mounted</td>
<td>All Districts where allowed.</td>
<td>Medium</td>
<td>Minor</td>
</tr>
<tr>
<td>18. Solar Energy System, Large Ground-Mounted</td>
<td>All Districts where allowed.</td>
<td>Large</td>
<td>Major</td>
</tr>
<tr>
<td>19. Reserved</td>
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<tr>
<td>20. Reserved</td>
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</table>

**Notes:**
1. Where there are conflicts in the classification of uses as “minor” or “major”, the “major” classification shall apply, unless specified otherwise in this Ordinance.
Section 6.3 Site Plan Review Procedures

6.3.1 Site Plan Review. This section shall apply to all activities that require Site Plan Review by the CEO and the Board.

A. Pre-application Conference.

1. Prior to submitting a formal application, the applicant may request a pre-application conference with the reviewing authority (CEO or Board).
   a. A pre-application conference with the Board is required for all major and mega projects.
   b. A pre-application conference with the CEO is recommended for minor projects, particularly if there is uncertainty about how the project might be classified.

2. The pre-application conference shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S. § 302, as amended. No decision on the substance of the proposed project shall be made at the pre-application conference.

3. The purposes of the pre-application conference are to:
   a. Allow the reviewing authority to understand the nature of the proposed use;
   b. Allow the applicant to understand the review process and required submissions;
   c. Identify issues that need to be addressed in future submissions;
   d. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities; and
   e. Classify the project as a minor, major or mega development.

4. The applicant should be prepared to discuss the following:
   a. The proposed site, including its location, size, and general characteristics;
   b. The nature of the proposed use and potential development;
   c. Any questions about existing Town regulations and their applicability to the project;
   d. Any requests for waivers from the submission requirements; and
   e. Any other information necessary to classify the project as a minor, major or mega development.

5. The reviewing authority may schedule a site inspection if deemed necessary to resolve any requests for waivers and variations from the submission requirements.

B. Waiver Provision. See Article V Section 5.8.3 (Waiver of Submission Requirements).

C. Site Inventory and Analysis Procedures (Major and Mega Projects)

1. Minor Developments. Applicants shall not be required to submit a Site Inventory and Analysis, but may proceed directly to submitting a formal Site Plan Review application, See Section 6.3.1, D.

2. Major and Mega Developments. Applicants must submit a Site Inventory and Analysis for Board review. The Board may waive this requirement at the pre-application conference for major projects where the site inventory and analysis would not provide information necessary to determine compliance with this Ordinance. The 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 deemed complete.

3. Site Inventory and Analysis Procedures
   a. Upon receipt of a Site Inventory and Analysis, the CEO shall give a dated receipt to the applicant. Within 30 days of the receipt, the CEO shall determine if the submission is complete. If incomplete, the CEO shall notify the applicant indicating what additional material is necessary. When the submission is determined to be complete, the applicant shall be notified and the item placed on the Board’s agenda for consideration.
b. The Board may hold an on-site inspection to review existing conditions, field-verify the submissions, and investigate the proposal. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Board shall take final action on the application may be extended for a period not to exceed 30 days after the Board conducts the on-site inspection.

4. Site Inventory and Analysis Review. Within 45 days of the Board’s determination that the Site Inventory and Analysis is complete, the Board shall review the submission and notify the applicant in writing of its findings. The review shall be informational and shall not result in any formal approval or disapproval of the project. The outcome of the review process shall be a determination by the Board of the issues and constraints to be addressed in the formal Site Plan Review application. The Board may also act on any requests for waivers in accordance with Article V, Section 5.8.3 (Waiver of Submission Requirements).

D. Site Plan Review Application Procedures (Minor, Major and Mega Developments)
(Note: See Article V, Section 5.9.2, Code Enforcement Officer Review)

1. Upon receipt of a Site Plan Review application, the CEO shall give a dated receipt to the applicant. Within 30 days of the receipt, the CEO shall determine if the submission is complete for initiating the review. If incomplete, the CEO shall notify the applicant indicating what additional material is necessary for the application to be deemed complete. The applicant is responsible for submitting any incomplete information.

2. As soon as the CEO determines the application is complete for initiating the review, the applicant shall be notified in writing of this finding, and the application shall be placed on the Board’s agenda for substantive review within 30 days. (See Article V, Section 5.9.2, Code Enforcement Officer Review)

3. Public Notice for Applications for Major and Mega Projects. For all Mega Projects, once the application is deemed to be complete, public notice shall be given as required in Article V, 5.3.8 (Public Notice: Minimum Requirements). This notice is at the discretion of the Board for Major Projects.

6.3.2 Site Visit. The Board may hold an on-site inspection to review existing conditions, field verify submissions and investigate the development proposal. The Board may schedule this visit either before or after the public hearing. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the Board will request that the applicant agree to extend the review period to allow an adequate on-site inspection. The inability of the Board to hold a site inspection due to snow cover shall be sufficient grounds for denial of an application.

6.3.3 Public Hearing on Development Applications. (Amended 2020)
A. Major and Mega Developments. At least one public hearing shall be held for all major and mega developments undergoing Site Plan Review by the Board.

B. Minor Developments. A public hearing is not required for minor developments undergoing Site Plan Review, unless the CEO decides a hearing is necessary to determine compliance with this Ordinance. The following may be considered in making this determination:
1. The lawful existence of the property or use as of the date of the application;
2. The potential for greater adverse impacts on the subject or adjacent properties and resources than the existing use with respect to public health and safety, noise, lighting, traffic, pollution, hours of operation, or other impacts not typically found in the land use district in which it is located;
3. The proposal would make the parcel, use or structure more nonconforming with the standards of this Ordinance; and
4. Abutters have raised concerns, such as those in Section 6.3.3.2.

C. The applicant shall, at least 15 days prior to the scheduled public hearing, submit 8 copies of the application including all maps and attachments to the CEO.

D. Public Notice shall be given as required in Article V, 5.3.8 (Public Notice: Minimum Requirements)

E. 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 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 the requirements of this Ordinance or other ordinances and regulations, as applicable.

F. Hearing Procedure:
1. The Chair of the Board shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.
2. The Chair shall provide the applicant with an opportunity to make a presentation. Board members may ask questions of the applicant.
3. Following Board questions, the Chair shall ask for public comment on the project.
4. The Chair shall allow the applicant to answer any pertinent questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. This may occur after each member of the public testifies, or at the end of the public comment period. Board members may ask question from the public and applicant at any time during the public hearing.
5. If additional time is necessary, the Board may schedule additional time to reconvene the hearing and/or to accept written public comments.
6. The hearing shall be closed, prior to any Board action on the application.

6.3.4 Final Action on the Application
A. Timeframes. Final action on an application shall be as follows:
1. Minor development within 30 days of the final public hearing.
2. Major development within 60 days of the final public hearing.
3. Mega development within 90 days of the final public hearing.

B. Extension of Time Limits. All time limits provided for in this section may be extended by mutual agreement of the applicant and the Board. For example, the Board might extend the review period for the following: to conduct site visits; to request additional materials; to have additional reviews or studies conducted; to allow time for permit approvals from the state or other municipalities; or for the processing of a performance guarantee.

C. Board Action. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose conditions to assure compliance with the standards of this Ordinance.

D. Conditions of Approval. Upon consideration of the review criteria, the Board may attach such conditions to the proposed application that it finds necessary to further the purposes of this Ordinance. In determining whether conditions are appropriate or necessary, the Board shall consider the unique features of the site and surrounding conditions, proposed use, and the proposed structure. A written finding of fact shall be created stating the unique features of the proposal and how the conditions will further the purposes of this Ordinance. All conditions shall be listed in the permit and shall be enforceable under this Ordinance.
ARTICLE VI. SITE PLAN REVIEW

E. Performance Guarantee. The Board shall require a performance guarantee for the construction of any proposed road, and may require a performance guarantee for other public improvements such as storm water control features, erosion control, essential services and utilities, buffers and screening, sidewalks, and parking, when it determines that the construction of such improvements will have an impact upon the development and/or the surrounding area, and are necessary to meet the requirements of this Ordinance.

F. Written Findings. In issuing its decision, the Board shall make written findings that establish whether the proposed development does or does not meet the review criteria and each of the standards and requirements of this Ordinance.

G. The Board, or its designee, shall notify the applicant of its decision, including the findings of fact and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Board.

6.3.5 Final Approval and Filing. Upon completion of the requirements of this Article and an approval vote by the majority of the Board members, the application shall be deemed to have final approval and must be filed with the CEO.

6.3.6 Post Approval Activities
A. One copy of the complete, approved site plan must be filed with the CEO. All construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the CEO to address field conditions.

B. Submission of record drawings (as-built plans). Any project involving the construction of more than 20,000 square feet of gross floor area or 50,000 square feet of impervious surface, must provide the CEO with a set of as-built construction plans showing the building(s) and site improvements as actually constructed on the site. These record drawings must be submitted within 30 days after the completion of the construction.

C. Minor changes to approved plans. Minor changes in approved plans necessary to address field conditions may be approved by the CEO 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.

D. Amendments to approved plans. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval.

E. Plan Approval Not Acceptance of Any Improvement. The approval by the Board of a site plan shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area has been shown on the plan to be dedicated to the Town, approval of the plan shall not constitute an acceptance by the Town of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Board of Selectmen covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

6.3.7 Performance Guarantees.
A. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of final approval, a performance guarantee in the form of a certified check payable to the Town of Dover-Foxcroft, a performance bond running to the Town of Dover-Foxcroft, an
ARTICLE VI. SITE PLAN REVIEW

irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

B. At the discretion of the Town Manager, the developer may be allowed to submit individual bonds for each phase of a project’s development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

C. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed 3 years) shall be set forth in the bond time within which required improvements must be completed.

D. Inspection of Required Improvements:

1. At least 15 days prior to commencing construction of required improvements, the developer shall notify in writing the CEO of the time when the developer proposes to commence construction of such improvements so that the Town Manager or his/her designee can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements, and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.

2. At least 5 days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Dover-Foxcroft, stating the purpose of the fee. No land use or building permits shall be issued on the project and no work begun until the inspection fee has been paid.

3. If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the CEO and the Town Manager or his/her designee. The Town Manager or his/her designee shall then notify the developer and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality’s rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan.

4. Upon completion and final inspection of all required improvements, any funds remaining in a project’s inspection fee account, after all inspection fees have been paid, shall be returned to the developer.

5. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

E. The performance guarantee shall not be released by the Town Manager until:

1. The inspecting official has completed a final inspection of the project and has submitted a statement stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.

2. The Town Manager and CEO have examined the site, have reviewed the inspecting official’s report and concur with the inspector’s findings.

3. Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon completion of each phase.
Section 6.4 Application Submission Requirements

6.4.1 Major and Mega Developments: Site Inventory and Analysis Submission Requirements

A. Submission Format. All submissions shall be submitted in paper copy, as indicated in this section. Submissions must also be submitted in electronic format for mega projects. Electronic submissions are recommended for major projects, but are not mandatory.

B. The submission must contain, at a minimum, the following information:

1. Names, mailing and email addresses and telephone numbers of the record owner, applicant, applicant’s agent, design professionals and contractors, as applicable.
2. Verification of the applicant’s right, title, and interest in the property.
3. Evidence of payment of the site inventory and analysis application fee.
4. Signature of the owner of the property or the owner’s legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee. The application must be dated.
5. Eight (8) copies of an accurate scale inventory plan of the parcel at a scale of not more than 100 feet to the inch showing as a minimum:
   a. Name of the development, north arrow, date and scale.
   b. Boundaries of the parcel to be developed.
   c. Land Use District classification(s) of the property and the location of district boundaries if the property is located in two or more districts or abuts a different district.
   d. The relationship of the site to the surrounding area.
   e. Topography of the site at an appropriate contour interval depending on the nature of the use and character of the site (submittal of the U.S.G.S. 10 foot contours may be adequate).
   f. Major natural features of the site and within 1,000 feet of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, public water supplies, significant wildlife habitats and fisheries or other important natural features.
   g. Existing buildings, structures, or other improvements on the site.
   h. Existing restrictions or easements on the site.
   i. Locations and sizes of existing utilities, roads, or improvements serving the site.
   j. A Class D medium intensity soil survey. A Class B high intensity soil survey may be required if any portion of the site is located in a resource protection district or wetland.

6. Eight (8) copies of a site analysis plan at the same scale as the inventory plan (see 5, above) highlighting the opportunities and constraints of the site to enable the Board to determine: which portions of the site are unsuitable for development or use; which portions of the site are unsuitable for on-site sewage; which areas of the site have development limitations (steep or flat slopes, soil constraints, wetlands, aquifers, wildlife habitat, fisheries, floodplains, drainage, etc.) which must 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 well suited to the proposed use.

7. Eight (8) copies of a narrative describing the existing site conditions, the proposed use, and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, or other preliminary work that will assist the Board in understanding the site and the proposed use.

8. Requests for waivers from the submission requirements for the Site Plan Review application. (See Article V, Section 5.8.3 (Waivers of Submission Requirements)).
ARTICLE VI. SITE PLAN REVIEW

6.4.2 All Developments - Minor, Major and Mega: Site Plan Review Submission Requirements

A. Major and Mega Projects. Applications for major or mega developments shall not be accepted until the Site Inventory and Analysis review is completed to the satisfaction of the Board.

B. Minor, Major and Mega Projects. Applications for Site Plan Review must be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the CEO. The permitting authority may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. (See Article V, Section 5.8.3 (Waiver of Submission Requirements))

C. Submission Format. All submissions shall be submitted in paper copy, as indicated in this subsection. Submissions must also be submitted in electronic format for mega projects. Electronic submissions are recommended for major projects, but are not mandatory. The CEO may waive the number of copies required where the CEO is the permitting authority.

D. A completed application for Site Plan Review shall consist of 8 copies of all required written materials, maps, and drawings, containing the information listed below. The maps and drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 100 feet to the inch for that portion of the tract of land being proposed for development, unless otherwise requested by the CEO or Board. All maps and drawings must display the property boundaries, a north arrow and graphic scale. An additional copy is required to be submitted to the Historical Review Committee if the project is located with the Historic Overlay District (See Appendix).

1. Cover letter explaining scope of the proposed project.
2. Names, mailing addresses, email addresses, and telephone numbers of the applicant, applicant’s agent, design professionals and contractors, as applicable.
3. A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate the applicant’s right, title or interest in the property.
4. Signature of the owner of the property or the owner’s legal agent, certifying that the information on it is complete and accurate. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee. The application must be dated.
5. A complete written description of the proposed project including all other local, state and federal permits required for the project.
6. Name, registration number, and seal of the person who prepared the plan, if applicable. The permitting authority may waive the requirement for a professionally prepared plan for minor developments.
7. Locational Map showing general location of the site within the Town.
8. GPS coordinates for the site entrance(s) (existing and planned)
9. Sketch Map based on property tax map(s) displaying lot numbers of the parcel or parcels on which the project is located, and identification of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
10. Names and mailing addresses of all property owners within 500 feet of any and all property boundaries of the proposed development.
11. Estimated cost of the proposal and a proposed construction schedule including beginning and completion dates.
ARTICLE VI. SITE PLAN REVIEW

12. Existing conditions shall be described and mapped, to include the following:
   a. Land Use District classification(s), and also including Shoreland Zoning Districts, Floodplain Zones, and the Historic Overlay District, of the property and the location of district boundaries if the property is located in two or more districts or abuts a different district, as applicable.
   b. Locations of required setbacks, buffers and other regulatory restrictions.
   c. Locations and dimensions of any existing easements and copies of existing covenants or deed restrictions.
   d. Bearings and lengths of all property lines of the property to be developed and the source of this information. The Board may waive the requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries. (See Article V, Section 5.8.2 (Survey Requirements))
   e. Copy of U.S.G.S. topographic map at a scale that clearly displays the general topography of the property.
   f. Copy of the U.S.D.A. soil survey suitability map of the area.
   g. Locations of existing structures and other existing improvements on the property including a description of the current use of the property.
   h. Locations and sizes of any existing sewer and water mains, stormwater facilities, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telecommunications lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use.
   i. Locations of any public water supplies, as defined in state statute, within 1,000 feet of the site. Include names and contact information for public water suppliers.
   j. Locations of the nearest fire hydrants, dry hydrants or other water supplies for fire protection, and an assessment of its adequacy and condition to meet the needs of the proposed use.
   k. Locations, names, and present widths of existing public and private streets and rights-of-way within or adjacent to the proposed development, including any intersecting roads or driveways within 200 feet of the site.
   l. Locations and dimensions of existing driveways, parking and loading areas, fire lanes, and walkways on or immediately adjacent to the site.
   m. Locations of open drainage courses, wetlands, floodplains, graveyards, fences, stands of trees, and other important or unique natural areas and site features, such as deer wintering areas, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, significant sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features. (See Comprehensive Plan and Town website)
   n. Locations of any structures or sites listed or eligible to be listed, on the National Register of Historic Places. (See Comprehensive Plan and Town website)
   o. Location, front view, dimensions, and lighting of existing signs.

13. Proposed Development: The proposed project shall be described and mapped, to include the following:
   a. The estimated demand for water supply, and indication of water supply sufficient in quantity and quality for both normal use and fire protection. If utilizing the public water supply, a letter from the Dover-Foxcroft Water District approving connection to their
system and indicating there is adequate supply, capacity, and pressure to serve the development for both domestic and fire flows. A letter from a local well-driller or professional hydrologist may be required as evidence of adequate well water, if there is any question.

b. Provisions for wastewater disposal including evidence of soil suitability (test pit locations and analysis) prepared by a licensed site evaluator if on-site sewage disposal is proposed. If connecting to the municipal sewer system, a letter from the Dover-Foxcroft Wastewater Department approving connection to their system and indicating that there is adequate capacity to serve the project.

c. A groundwater impact analysis prepared by groundwater hydrologist may be required for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.

d. Provisions for handling all recycling, solid wastes, including hazardous and special wastes, and the location and proposed on-site collection or storage facilities.

e. The location and dimensions of all proposed buildings and structures including expansions or modifications to existing structures that change the footprint.

f. Location and nature of electrical, telephone, and any other utilities to be installed.

g. Locations, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, walkways, and similar features.

h. Proposed flow of vehicular and pedestrian traffic into and through the property, and an estimate of the peak hour and daily traffic to be generated by the project.

i. Direction of proposed surface water drainage across the site and from the site, and a plan for controlling stormwater runoff, and erosion and sedimentation during and after construction.

j. Location and details for any signs proposed to be installed or altered.

k. Location and details for any exterior lighting proposed to be installed or altered.

l. Location of any permanently installed machinery likely to cause appreciable noise at the lot lines.

m. Proposed landscaping and buffering.

n. Evidence that the applicant has or can obtain all required permits necessary for the proposal. (See Section 6.4.6, below)

o. Any other information necessary to demonstrate compliance with the review criteria or other standards of the Land Use Ordinance.

14. Proposed Major and Mega Developments: (Additional Requirements). In addition to the information required above, an application for a major or mega development must contain the following additional information:

a. A narrative and/or plan describing how the proposed development plan relates to the Site Inventory and Analysis.

b. A grading plan showing the existing and proposed topography of the site at 2 foot contour intervals or such other interval as the Board may determine.

c. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.

d. A stormwater management plan demonstrating how any increased runoff from the site will be handled if the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Board determines that such information is
necessary based on the scale of the project and the existing conditions in the vicinity of
the project a stormwater drainage and erosion control program showing:
1) The existing and proposed method of handling stormwater runoff.
2) The direction of flow of the runoff, through the use of arrows.
3) The location, elevation, and size of all catch basins, dry wells, drainage ditches,
swales, and retention basins.
4) Engineering calculations used to determine drainage requirements based upon the
25-year 24-hour storm frequency; this is required only if the project will
significantly alter the existing drainage pattern due to such factors as the amount of
new impervious surfaces being proposed.
5) Methods of controlling erosion and sedimentation during and after construction.
e. An estimate of the peak hour and average daily traffic to be generated by the project
and evidence that the additional traffic can be safely accommodated on the adjacent
streets. A traffic impact analysis may be required to demonstrate the impact of the
proposed project on the capacity, level of service and safety of adjacent streets, if the
project or expansion will provide parking for 50 or more vehicles or generate more than
100 trips during the a.m. or p.m. peak hour based upon the latest edition of the trip
generator manual of the Institution of Traffic Engineers.
f. Landscape, screening and buffering plan. Plan to include planting schedule keyed to the
site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation
to be planted on the site, as well as information pertaining to provisions that will be
made to retain and protect existing trees, shrubs, and other vegetation.
g. Cost of the proposed development and evidence of the applicant’s financial and
technical capacity to complete it. This evidence should be in the form of a letter from a
bank or other source of financing indicating the name of the project, amount of
financing proposed or available, and individual’s or institution’s interest in financing
the project or in the form of a letter from a certified accountant or annual report
indicating that the applicant has adequate cash flow to cover anticipated costs. Also a
list of all technical expertise to be utilized in the proposed project shall be provided.

6.4.3 **Major and Mega Projects: Additional Studies.** The Board may require the applicant to
perform additional studies or may hire a consultant to review the application or portions
thereof. The cost to perform additional studies or hire a consultant shall be borne by the
applicant.

6.4.4 **Written Agency Approvals Required:** Prior to approval of the final plan application, or as a
condition of approval depending on the nature of the agency permit, the following approvals
shall be obtained in writing, where applicable (this is not intended to be a complete list of all
required approvals):

A. Maine Department of Environmental Protection, under the Site Location of Development Act,
Natural Resources Protection Act, Stormwater permit, or if a waste water discharge license is
needed.

B. Maine Department of Transportation, if a driveway/entrance or a traffic movement permit is
required.

C. Maine Department of Health and Human Services, if the applicant proposes to provide a public
water system, or if an engineered subsurface waste water disposal system(s) is to be utilized.

D. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is
required.
E. Any other required state or federal permit, as appropriate.

Section 6.5 Review Criteria for Site Plan Review
An applicant for Site Plan Review shall demonstrate that the proposed use or uses meet the review criteria listed below. The Permitting Authority shall approve an application if it makes written findings that all of the following criteria have been met.

A. The application is complete and all fees have been paid.
B. The proposed activity will not result in air or water pollution, including but not limited to erosion or sedimentation to water bodies.
C. The proposal will not adversely affect groundwater quality or quantity.
D. The proposal will not have an unreasonable adverse effect upon waterbodies and wetlands.
E. The proposal will provide for adequate storm water management.
F. The proposal will have sufficient water available to meet the needs of the development.
G. The proposal will not result in a reduction of the quality of any municipal service due to an inability to serve the needs of the development.
H. The proposal will provide for the adequate disposal of all wastewater and solid waste.
I. The proposal will provide for safe and adequate vehicle and pedestrian circulation within the development, and to and from the development.
J. The proposal will not have an unreasonable adverse effect upon neighboring properties.
K. The proposal contains landscaping, buffering, and screening elements which provide privacy and protection to adjacent land uses in accordance with the appropriate performance standards.
L. The building site and roadway design will harmonize with the existing topography and conserve natural surroundings and vegetation to the greatest practical extent such that filling, excavation and earth moving is kept to a minimum.
M. The proposal will reflect the natural capabilities of the site to support the development. Buildings, structures, and other features should be located in the areas of the site most suitable for development.
N. The proposal will not have an undue adverse impact upon wildlife habitat, unique natural areas, scenic areas, archeological and historic resources, and other significant resources. Environmentally sensitive areas including waterbodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, scenic areas, aquifers, and archeological and historic resources shall be preserved to the maximum extent practicable.
O. The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.
P. The proposal conforms to all the applicable provisions of this Ordinance.
Q. The proposal conforms to all other applicable ordinances and regulations.
ARTICLE VII. PERFORMANCE AND DESIGN STANDARDS

Section 7.1 Applicability
These standards generally apply to all land uses in the Town, as applicable. For the purposes of Site Plan Review, these performance and design standards shall serve as minimum requirements for approval of all applications. Alternative designs and approaches to these standards that will satisfy the review criteria equally as well, or better, may be considered. In all instances, the burden of proof shall be upon the applicant to present information that, in the judgment of the permitting authority ((Planning Board (Board) or Code Enforcement Officer (CEO)), sufficiently demonstrates conformance with the review criteria and these standards. This shall not be construed as limiting the authority of the Board or CEO, as applicable, to require additional evidence or impose additional standards based on characteristics of the site or development.

Section 7.2 Air and Water Quality
7.2.1 No activity shall be permitted which will cause emissions of dust, ash, smoke or other particulate matter likely to damage human or animal health, vegetation, or property, by reason of concentration or toxicity. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard. This shall not be construed to regulate dust or odors generated by agricultural practices conducted using accepted Best Management Practices.

7.2.2 No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters 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.

Section 7.3 Groundwater Protection
7.3.1 No activity shall adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

7.3.2 Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the watertable beyond the boundaries of the development. No proposed development shall result in a lowering of the watertable at the development boundary by increasing runoff or decreasing infiltration.

7.3.3 Public Water Supplies. All facilities shall meet the wellhead protection requirements of 38-A M.R.S. Chapter 13- D, as amended, and as applicable to private and public water supplies.

7.3.4 Site Plan Review Assessment. An assessment of the impact of a development on groundwater quality or quantity may be required whenever the development is projected to generate demand of more than 2,000 gallons per day from groundwater sources or when a project involves an on-site wastewater disposal system with a capacity of 2,000 gallons per day or greater. The assessment shall demonstrate that the development will comply with the following standards:

A. The development shall not increase any contaminant concentration in the groundwater to more than one-half of the primary Drinking Water Standards, nor to an amount to exceed the
ARTICLE VII. PERFORMANCE AND DESIGN STANDARDS

Secondary Drinking Water Standards as established by the Maine Department of Health and Human Services at the time of the permit application.

B. If existing groundwater contains contaminants in excess of the primary standards, the applicant shall demonstrate no significant further deterioration. If groundwater contains contaminants in excess of the Secondary standards, the development shall not cause the concentration of the contaminants in question to exceed 150 percent of the pre-existing concentration.

Section 7.4 Water Bodies

7.4.1 No activity shall adversely impact rivers, streams, brooks, lakes, ponds, wetlands, or other waterbodies within the Town.

7.4.2 All structures and impervious areas shall be set back from all water bodies in conformance with applicable requirements of this Ordinance and the Dover-Foxcroft Shoreland Zoning Ordinance, and any other applicable state and local laws and regulations.

7.4.3 Water bodies shall not be developed or disturbed unless the applicant obtains all necessary permits from state and federal agencies. The applicant shall include evidence that all necessary state and federal permits have been obtained.

Section 7.5 Potable Water Supply

7.5.1 An adequate supply of potable water shall be supplied to all buildings and structures used for human habitation and whenever required by town or state laws or regulations. Water may be supplied by the Dover-Foxcroft Water District, community wells, or individual wells in conformance with all applicable town, water district, and state regulations.

7.5.2 Municipal Water. If connection to the municipal system is proposed, an application for a permit shall include a letter from the Dover-Foxcroft Water District approving the connection to the municipal system, and indicating that there is sufficient capacity to serve the project.

7.5.3 Site Plan Review. Where the a development contains structures which exceed 3,000 square feet in total area the applicant shall provide written evidence from the Dover-Foxcroft Water District, or if private wells are proposed, written evidence from a hydrologist or well driller familiar with the area, that an adequate supply of water is available to serve the potable and fire suppression demands of the proposed development. Written approval from the Town’s Fire chief may also be required.

Section 7.6 Solid Waste Disposal and Recycling

7.6.1 Solid Waste Disposal, Recycling, Generally. All activities shall provide for disposal of all solid wastes and recyclables on a timely basis and in an environmentally safe manner. All solid waste and recyclables shall be handled and disposed of in accordance with the Town’s solid waste disposal Ordinance, and must be disposed of at a licensed disposal facility having adequate capacity to accept the project’s wastes.

7.6.2 Storage of Refuse. All outdoor refuse containers shall be kept in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures, raising materials above the ground, separation of materials, prevention of standing water, extermination procedures or similar means.

7.6.3 Site Plan Review.

A. All applications shall specify the amount and exact nature of all solid waste and recyclables to be generated and indicate the method of disposal. A plan to dispose of all industrial or chemical wastes shall also be submitted indicating how the materials will be stored, handled.
and disposed to an approved facility in conformance with all applicable state and federal regulations.

B. All applications for major or mega projects shall include a letter from the Town Manager or his/her designee referencing the ability of the Town’s solid waste and recycling services to absorb the additional materials, as applicable. The Board may also require this for minor projects if necessary to determine compliance with this provision.

Section 7.7 Hazardous, Special, and Radioactive Materials

7.7.1 The handling, storage, and use of all materials identified by a federal or state agency as hazardous, special, or radioactive must be done in accordance with the standards of these agencies. An applicant for Site Plan Review shall include evidence that all necessary state and federal permits have been obtained.

7.7.2 No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage. All materials must be stored in compliance with state and federal regulations.

Section 7.8 Sewage Disposal

7.8.1 All activities shall provide for adequate disposal of sewerage as required by local, state and federal regulations, and shall not cause an unreasonable burden on municipal services, if they are utilized.

7.8.2 Subsurface Wastewater Disposal. All subsurface wastewater disposal systems shall conform to the Maine Subsurface Wastewater Disposal Rules. Whenever a subsurface wastewater system is proposed, the applicant shall submit a disposal permit application (form HHE-200 and any other applicable data) for any new subsurface wastewater disposal system or expansion of an existing system.

7.8.3 Municipal Wastewater System

A. All sanitary sewage shall be discharged into the municipal sewage collection and treatment system if required by the Dover-Foxcroft Sewer Ordinance. If connection to the municipal system is required, an application for a permit shall include a letter from the Dover-Foxcroft Wastewater Department approving the connection to the municipal system, and indicating that there is sufficient capacity to serve the project.

B. Industrial or commercial wastewater may be discharged to public sewers in such quantities and of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site to render them amenable to the municipal treatment processes. The Dover-Foxcroft Wastewater Department shall specify the type of pretreatment required which shall be done at the expense of the applicant.

C. If the municipal wastewater system cannot serve or be extended to serve a new or expanded use, the sewage shall be disposed of by a subsurface wastewater disposal system meeting the requirements of the Maine Subsurface Wastewater Disposal Rules.

7.8.4 Central Subsurface Wastewater Collection Systems. A central subsurface wastewater collection system designed by a Maine certified hydrogeologist may be used in conformance with the Maine Subsurface Wastewater Disposal Rules and the following:

A. Provisions for the ownership, maintenance, future replacement and liability of the central collection system shall be developed.
B. An ownership association shall be required whenever different owners use a common disposal system. Deed covenants for each lot or owner shall require mandatory membership in the association.

Section 7.9  Erosion Control, Stormwater Management and Phosphorus Control

7.9.1 Erosion Control, Generally. Erosion control measures shall be designed to ensure that soil and sediment do not flow into waterbodies, municipal drainage structures, road drainage ditches and structures, and onto neighboring properties. Development shall be designed to fit with the topography and soils of the site; steep slopes with high cuts and fills shall be avoided.

A. Erosion and sedimentation control measures shall apply to all activities involving land disturbance, and shall be in operation during all stages of the activity to minimize erosion.

B. Any soil or sediment that flows into a water body, municipal drainage structure, road drainage ditch or structure or onto a neighboring property shall be removed by the responsible party.

7.9.2 Filling, Grading and Excavation. All activities that involve filling, grading, excavation, soil disturbance and other similar activities which result in unstable soil conditions shall conform to the following requirements:

A. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed and mulch, or other effective measures. Permanent stabilization shall occur within 9 months of the initial date of exposure.

B. Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch. Additional measures may be necessary to avoid siltation. Natural and man-made drainage ways and drainage outlets shall be protected from erosion.

C. Any activity listed in subsection 7.9.2, which also requires Site Plan Review shall include with the application a written Erosion Control Plan that addresses the following: mulching and re-vegetation of disturbed soil; temporary runoff control features; and permanent stabilization structures. All erosion control measures shall conform to the “Maine Erosion and Sediment Control BMPs”, published by the Maine Department of Environmental Protection, March 2003, or most recent edition.

7.9.3 Stormwater Runoff

A. All new construction and development shall be designed to minimize stormwater runoff from the site in excess of natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

B. When stormwater is directed offsite, adequate provision shall be made for disposal of all stormwater and any drained groundwater through a management system of swales, culverts, under-drains and storm drains. Stormwater runoff control systems and features shall be maintained to ensure proper functioning.

C. The stormwater drainage shall not overload existing or future planned stormwater drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage system required to handle the increased storm flows.

D. The developer shall not increase or obstruct the flow of drainage into any ditch or drainage structure existing on any road or other location within the jurisdiction of the Town by the construction of any development including a driveway, entrance, or road.
E. Any project that proposes to direct stormwater into the municipal stormwater drainage system shall submit a Stormwater Drainage Plan that shows the amount stormwater anticipated, the direction of the flow of stormwater, and the design of the stormwater facilities proposed. Written evidence that the Plan has been approved by the Town Manager or his/her designee must be submitted with application.

7.9.4 Applications for Site Plan Review shall demonstrate that the proposed development complies with all federal and state requirements for stormwater management and erosion and sedimentation control. [NOTE: A Stormwater Management Permit is required from the Maine Department of Environmental Protection prior to the disturbance of 5 acres or more or the construction of 40,000 square feet or more of impervious surface.]

7.9.5 **Major and Mega Developments**

A. A Stormwater Control Plan designed by a professional engineer shall be submitted for all major and mega developments. All stormwater features shall be designed in conformance with Stormwater Management for Maine: Best Management Practices” Manual, published by the Maine Department of Environmental Protection, January, 2006, or most recent edition. A stormwater control plan developed according to the requirements of the Maine Department of Environmental Protection Regulations, Chapter 500, Stormwater Management shall be deemed to be a suitable equivalent to these standards.

B. A Phosphorus Control Plan shall be developed in accordance with the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide To Evaluating New Development” published by the Maine Department of Environmental Protection, revised January, 2008 (or most recent edition) for all mega Site Plan Review projects that are wholly or in part located within the direct watershed of a great pond. The Board may also require that major Site Plan Review projects address phosphorus control.

**Section 7.10 Utilization of the Site and Preservation of Important Natural and Cultural Features (Applicable to Site Plan Review, only)**

7.10.1 **Site Utilization, Generally.**

A. The plan for the development must reflect the natural capabilities of the site to support the proposed development. Lots, buildings, and support facilities should be located in those portions of the site that have the most suitable conditions for the development.

B. All building, site, and roadway designs and layouts should be compatible with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity is kept to a minimum. Natural vegetation and drainage should be used and preserved wherever possible. The design should take all practical steps possible to prevent a scar up or across a ridgeline visible from public streets, roads, or water bodies.

7.10.2 **Environmentally Sensitive Areas.** Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife and fisheries habitats, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and significant sand and gravel aquifers should be preserved to the maximum extent practicable. The development must include appropriate measures for protecting these resources including but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

7.10.3 **Historic and Archaeological Sites.** Significant historic or archaeological resources must be preserved to the maximum extent practicable. The development must include appropriate
measures for protecting these resources including but not limited to modification of the proposed design of the site and limiting the extent of excavation.

7.10.4 Significant Farmland. Actively farmed agricultural land identified as prime and significant farmland shall be preserved and protected to the maximum extent practicable. The development must be designed to minimize adverse impacts to existing farming operations. This standard shall not be construed to obstruct purposeful alternative uses of land, but shall seek to prevent land from being permanently removed from agricultural production unnecessarily.

7.10.5 Sources of Information. To demonstrate that the above criteria have been met, applicants should refer to maps and information within the Town of Dover-Foxcroft Comprehensive Plan, on the Town’s website, and information readily available through state agencies, and solicit recommendations and information from the Maine Historic Preservation Commission, the Maine Department of Inland Fisheries and Wildlife, the Maine Natural Areas Program, the U.S. Department of Agriculture Natural Resources Conservation Service, the Dover-Foxcroft Historic Society, and other state and federal agencies, as appropriate to determine what resources may be impacted and the best approaches to mitigate impacts. In addition, the Board may require that applicants of major and mega Site Plan Review developments look for and identify important natural and cultural features in addition to those identified above, if the Board has reason to believe important features exist.

Section 7.11 Buffer Strips and Landscaping (Applicable to Site Plan Review, only)

7.11.1 Buffer strips, consisting of open spaces, landscaped areas, fences, walls, berms, or any combination thereof, shall be used where necessary to physically separate and screen different non-compatible land use activities from one another and to create visual barriers which obscure structures, dumpsters, headlights, lighting, glare, loading and unloading areas, vehicles or other elements of a site. Buffer strips shall be designed to: reduce the impact of noise and odors; reduce air pollution, wind, dust, and litter; and contribute to healthy air and water quality.

7.11.2 Buffer strips must be of an adequate height and width to provide a year-round visual screen and an adequate distance from adjacent property to minimize adverse impacts. Buffers shall be used to shield structures and uses from the view of non-compatible abutting properties and public roadways.

7.11.3 Natural features, such as topography, gullies, stands of trees, shrubbery, and rock outcrops, should be maintained wherever possible to provide natural buffer strips. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires 2 or 3 rows of staggered plantings. The rows should be 5 feet apart and the evergreens planted 4 feet on center.

7.11.4 All buffer strips and landscaping shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties. Buffer strips and landscaping shall be designed to be durable, and shall be maintained in an attractive, sanitary, and effective manner.

7.11.5 Major and Mega Projects.

A. Buffer strips may also be required adjacent to active farmland, forestry operations or extractive industries, such as an operating gravel pit, to reduce potential complaints by future residents or operators of their proposed development.

B. All applications shall provide a landscaping and buffering plan. Landscaping should integrate and enhance the various natural and built elements on the site, and should define street edges,
break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, groundcovers, flowering plants, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

Section 7.12 Exterior Lighting (Applicable to Site Plan Review, only)

7.12.1 Developments shall have adequate exterior lighting to provide for safe use during operating hours.

7.12.2 Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways.

7.12.3 Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky.

7.12.4 Where exterior lighting might negatively impact existing residential areas the Board may specify the hours when exterior lighting is permitted, and may specify that only motion-sensitive lighting be used for security purposes or business operations during night-time hours.

Section 7.13 Noise (Applicable to Site Plan Review, only)

7.13.1 Noise levels shall be controlled such that they do not create a nuisance for neighboring properties.

7.13.2 The maximum permissible sound pressure level of any continuous, regular, frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the closest occupied structure not owned or under the control of the owner or operator of the proposed development or use. 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 SI 4-1961) "American Standard Specification for General Purpose Sound Level Meters."

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<tr>
<th>Abutting Use</th>
<th>7:00 a.m. to 10:00 p.m.</th>
<th>10:01 p.m. to 6:59 a.m.</th>
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<tr>
<td>Residential</td>
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<tr>
<td>Residential located in a commercial or industrial district</td>
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<tr>
<td>Public, semipublic and institutional</td>
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</tr>
<tr>
<td>Commercial</td>
<td>65</td>
<td>55</td>
</tr>
<tr>
<td>Industrial</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

7.13.3 No person shall engage in construction activities on a site abutting any residential use between the hours of 8 p.m. and 6 a.m. Otherwise, the following activities shall be exempt from these regulations: 1) sounds emanating from construction and maintenance activities conducted between 6 a.m. and 8 p.m., and 2) sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.
Section 7.14  Signs

7.14.1 Purpose. The intent of this section is to preserve the value of property, protect the public safety and promote the visual quality of the Town. It is also the intent of this section to provide for the integration of all signs with the architectural character of the buildings and neighborhoods with which they are associated, to make all signs a harmonious complement through appropriate scale and appearance with the structure to which they are attached. All signs must comply with the provisions of this section, including those that do not require a permit.

7.14.2 Applicability. The provisions of this section are applicable to signs, as defined: a “sign” is any exterior device designed to inform or attract the attention of the public. A “sign” also includes any interior device that is illuminated and visible from outside a structure.

7.14.3 Interior Signs. Animated (blinking, scrolling, flashing, and similar animation) interior signs that are visible from the exterior of the building are prohibited.

7.14.4 Substitution Clause. For every sign that is allowed within these provisions, any noncommercial message may be legally substituted.

7.14.5 Prohibitions.
   A. No sign shall contain information or advertising for any product not sold on the premises, except for signs on state roads which are permitted by the Maine Department of Transportation.
   B. No sign, including signs in existence at the time of the adoption of this amendment, shall obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination. Special care shall be taken so that signs do not block drivers’ lines-of-sight at intersections.

7.14.6 Public Signs. Public signs, including but not limited to community information signs, safety and traffic signs, directional and historic signs, are allowed without permit and shall be placed within distances consistent with their functions. Where appropriate, they shall be unified in the use of symbols, lettering, color, size, location, and mounting.

7.14.7 Business and Industrial/Commercial Park Signs.
   A. Business signs require a permit from the CEO, and shall be constructed, installed, and maintained so as to ensure public safety and preserve the visual quality of the community. Such signs shall be clearly associated with and on the same site as the building or establishment which they announce. They shall not contain information or advertising for any product not sold on the premises. Business signs may be of the following types: painted, changeable letter, changeable electronic copy, hanging or wall signs, projecting, double-faced, canopy, and internally illuminated. Where appropriate, freestanding signs may be erected in addition to a sign attached to a building, so long as the attached sign shall conform to the facade lines of the building. No business sign shall extend above the roof line of the building to which it is attached.

   B. Industrial/Commercial Park Signs. Industrial/Commercial Park signs require a permit from the CEO. One sign shall be permitted at the main entrance of an industrial or commercial park. Such a sign shall bear the name of the park and an additional sign for each entity within the park. The sign shall be a single free-standing arrangement. The park name portion of the sign shall be no larger than 32 square feet. The signs for each entity shall be no larger than 5 square feet and shall bear only the name of the entity. Another sign shall be permitted for a secondary entrance to the park. Such secondary sign shall bear only the name of the park and shall be no larger than 10 square feet. Neither sign shall block drivers’ lines-of-sight at the entrance.
ARTICLE VII. PERFORMANCE AND DESIGN STANDARDS

7.14.8 **Temporary Signs.** A “temporary sign” is defined as a sign that is not designed or intended to be permanently mounted or affixed to the ground, a building, window, or a structure, and which is displayed only for a temporary or limited timeframe. Temporary signs do not require a permit, but shall comply with the requirements of Section 7.14. Temporary signs must be removed within 30 days after they are no longer serving their intended purpose.

A. **Building Construction.** One sign per street frontage of a building under construction or repair announcing the name of the enterprise or purpose for which the building is intended is allowed. Such signs shall not exceed 32 square feet in area, or more than 15 feet in height. Such signs are allowed during the construction of the project but shall be removed within 3 months of the completion of construction, unless permitted for an additional 3 months by the CEO.

B. **Announcements/Events**
   1. **Non-Profit:** Signs, including overhead banner signs, announcing non-commercial, non-profit, events, may be allowed without permit for not more than 2 weeks prior to the event, and shall be removed within 3 days of the event taking place. Such signs shall not exceed 32 square feet in area and shall not obstruct drivers’ view lines, nor shall any such sign be placed on the drivable portion of a public way. Overhead banner signs larger than 32 square feet can be permitted up to 80 square feet and are allowed not more than 4 weeks prior to the event.
   2. **Public, Information/Community Event Signs.** Public information and community event signs are allowed as described in Section 7.14.6.
   3. **Political Signs.** Political signs are allowed in accordance with Maine statutes governing political signs and elections.

C. **Property Advertising.** One sign per property to advertise the sale, lease, or rental of the property on which it is located shall be allowed. Such a sign shall not exceed 16 square feet in area and shall not obstruct drivers’ view lines.

D. **Subdivisions and other Developments** - A single sign, advertising for sale, lease, or rental of property within the subdivision or development shall be allowed. Such a sign shall not exceed 32 square feet in area, or more than 15 feet in height, and shall not obstruct drivers’ view lines. Such signs may be allowed no longer than 4 years after the final subdivision or development plan is approved.

E. **Designated Areas.** In addition to areas allowed for the placement of temporary signs for non-profit, public announcements, or events, the Board and Board of Selectmen may designate additional areas where these signs may be placed.

7.14.9 **Special Signs and Displays.**
   A. Spot lights and flood lights, shielded so as to be invisible to pedestrians and drivers off the property, shall be allowed without permit.
   B. **Address signs,** not to exceed one square foot in area, shall be allowed without permit.
   C. One exterior directory sign per street level entrance, provided that no individual listing exceeds one square foot in area, shall be allowed without permit.

7.14.10 **Illuminated Signs.** A permit from the CEO is required for all illuminated signs. Illuminated signs shall not be of the blinking, alternating, or rotating type, and no illuminated sign shall constitute a safety hazard to any public right-of-way by reason of unshielded lights or any other reason.
7.14.11 Changeable Electronic Copy Signs (Electronic Signs)

A. Definitions:
   1. A” changeable electronic copy sign” is a sign or portion of a sign that displays electronic
      pictorial and/or alpha numeric information that is changeable by electronic means. If any
      portion of a sign meets the definition of a changeable electronic copy sign, the entire sign
      shall be considered a changeable electronic copy sign for the purposes of this Ordinance.
   2. Highway Corridor – for the purposes of this section, the highway corridor is defined as a
      lot with frontage on State Route(s) 6 and 16 (Milo Road) 6, 15, 16 (West Main
      Street/Guilford Road), and 15 (East Main Street/Bangor Road) and Route 7 (Dexter Rd).
   3. Existing Commercial Site – For the purpose of this section, an existing commercial site is
      any lawful and conforming commercial land use of activity being conducted at the time of
      the passage of this section.

B. Planning Board Permit Required. All installations for new and replacement changeable
   electronic copy signs shall require a permit from the Board, and shall be in accordance with the
   following:
   1. Permits for changeable electronic copy signs shall be issued to the business or entity using
      the property. Permits shall transfer with change in business or entity using the property.
      Permits shall expire upon change of land use.
   2. Changeable electronic copy signs shall be limited to highway corridors, as defined above
      and existing commercial sites (Sections 7.14.11, A, 2 and 7.14.11, A, 3) consistent with
      uniform regulations adopted by the Board.
   3. Changeable electronic copy signs shall not be permitted within the Historic Overlay
      District unless the sign location is within the designated commercial portion of the Historic
      Overlay District and on a highway corridor.
   4. Standards and Restrictions.
      a. No part of the sign will flash, scroll, or blink.
      b. Each message will transition into another message instantaneously or within one
         second.
      c. The changeable portion of an electronic sign will in no case exceed 20 square feet.
      d. The height of an electronic sign shall not exceed 16 feet. This is measured from the top
         of the sign to the finished grade at the foundation base.
      e. A changeable electronic copy sign fixed to the ground must be encompassed at the base
         by a permanent landscaped foundation.


A. Such a sign shall not exceed 32 square feet.
B. Such a sign shall be appropriately maintained and shall not detract from adjacent property.
C. Such a sign does not obstruct drivers’ line-of-site.
D. If the sign is a changeable electronic copy sign, the changeable portion of the sign shall not
   exceed 20 square feet.

7.14.13 Home Occupation Signs. Any approved home occupation shall not erect or display a sign any
   larger than 2 feet by 3 feet. A freestanding sign shall be no higher than 6 feet. Neon and
   illuminated lights are not allowed.

7.14.14 Height Clearance and Projection Limits of Signs.

A. Ground signs. Ground signs of any type including changeable electronic copy signs shall not
   exceed in height 16 feet above ground level. Ground signs within the Commercial District shall
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not exceed 24 feet in height. Changeable electronic copy signs in the Commercial District shall not exceed 16 feet in height.

B. Projecting signs, except awning, canopy, or marquee signs:
   1. Cannot overhang a public way beyond 3 feet from the face of the building;
   2. If over a public way must leave pedestrian clearance of 8 feet including awning, canopy, or marquee signs; and
   3. Can be no larger than 12 square feet in size.
   4. If the projecting sign is a changeable electronic copy sign, the sign shall meet any additional regulations by the Board.

7.14.15 Size and Number Limits of Business Signs. One primary business sign shall be permitted, not to exceed in area one square foot for each linear foot of principal street frontage of the establishment. Secondary business signs may be permitted, no sign to exceed one square foot in area for each linear foot of secondary street frontage of the establishment. In no such case shall total sign area exceed 100 square feet per street frontage. Additional individual business signs may be permitted at the discretion of the Board.

7.14.16 Insurance. It shall be the responsibility of the owner(s) of the sign to carry liability insurance for any personal injury or property damage resulting from the fall or displacement of such signs. The Town shall in no way be held liable for injury or damage due to the falling or displacement of any sign displayed on private property or over any public right of way.

7.14.17 Nonconforming Signs. Signs not conforming to the provisions of this Ordinance on the date of enactment, or any amendment thereto, shall be considered nonconforming signs.
   A. Nonconforming signs may continue to exist if they are maintained in a safe, clean and neat condition, except for signs that obstruct or otherwise disrupt the vision of drivers on public or private roadways due to location, size, or illumination.
   B. Any nonconforming sign that is relocated must be made to conform to the provisions of this Ordinance at the time of relocation.

7.14.18 Removal of Signs. Signs shall be removed within 3 weeks after a structure is vacated and/or a business ceases to operate. All business signs shall be removed from the premises by the owner.

Section 7.15 Transportation and Parking (Applicable to Site Plan Review, only)

7.15.1 Adequate Capacity. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Board may require a traffic impact analysis for major and mega developments that are expected to carry more than 100 passenger car equivalent (PCE) trips in the peak hour. Submission of an approved Maine Department of Transportation Traffic Movement Permit (Title 23 Sec 704-A, as amended) shall be provided, as applicable.

7.15.2 Access. Vehicular access to and from the development must be safe and convenient.
   A. Driveway entrances onto a public roads must provide a minimum sight distance in both directions of 10 feet per mile per hour of the speed limit (e.g., 25 MPH speed limit = 250 feet sight distance in both directions), or be in accordance with the Maine Department of Transportation standards, to the maximum extent practicable.
   B. All driveway entrances and exits shall be kept free of visual obstructions higher than 3 feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.
C. The grade of any proposed driveway must be not more than ±3% for a minimum of 40 feet from its intersection with a public road.

D. Driveway entrances should intersect a public road at an angle of, or as near to, 90% as site conditions will allow, but should not less than 60%.

E. Where a lot has frontage on 2 or more roads, the Board may require that the primary driveway entrance from the lot be provided from the road where there is less potential for traffic hazards and congestion.

F. Driveway entrances must have sufficient capacity to avoid queuing of entering vehicles on any public road.

G. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the Board may require that the applicant provide turning lanes, traffic directional islands, and traffic controls within public roads.

H. Driveway entrances shall be wide enough to accommodate the volume and character of vehicles anticipated. The minimum traveled way width should be between 25 and 35 feet. Driveways serving large volumes of traffic or traffic of over 15% percent truck traffic should utilize widths at or approaching the maximum width allowed and even wider widths.

I. Driveway entrances onto state roads must meet state requirements. A copy of the State driveway/entrance permit must be submitted with the application.

J. Driveway entrances onto Town roads shall be designed to provide adequate stormwater drainage, and must be approved by the Dover-Foxcroft Town Manager or his/her designee.

7.15.3 Internal Systems. Internal roads, pedestrian areas, parking areas, loading/unloading areas and emergency access must be safe, convenient, and adequately constructed and designed to handle anticipated vehicles and pedestrian movements.

A. Developments to be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning, backing and unloading or loading of these vehicles.

B. Clear routes of access must be provided and maintained for emergency vehicles around buildings. The Board may require signage to indicate no parking and fire lanes.

C. Roads within the development must be designed and constructed to have adequate capacity to safely and efficiently handle the amount and type of traffic anticipated. This shall include consideration for road width, design and configuration, and construction materials and amounts.

D. Sidewalks should be durable and designed to interconnect with existing sidewalks, parking, and other pedestrian destinations.

7.15.4 Parking. Adequate off-street parking must be available for the development to include the necessary number, size and configuration of parking spaces and areas.

A. Parking areas with more than 2 parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

B. All parking spaces, access drives, and impervious surfaces must be located at least 5 feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within 5 feet of the front property line.

C. The following parking guidelines may be used to determine the amount of parking needed for a proposed development. Consideration for existing public parking, the potential for shared parking, and snow removal should be used in evaluating the need for off-street parking as part of a development.
ARTICLE VII. PERFORMANCE AND DESIGN STANDARDS

Parking Guidelines

<table>
<thead>
<tr>
<th>Activity</th>
<th>Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (Multifamily)</td>
<td></td>
</tr>
<tr>
<td>- with 1 bedroom</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>- with 2 or more bedrooms</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>- senior housing</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Lodging house, motel, inn, bed and breakfast</td>
<td>1 space per room/rental unit and 1 space for each employee on the largest shift</td>
</tr>
<tr>
<td>Church</td>
<td>1 space per 3 seats based upon max. seating capacity</td>
</tr>
<tr>
<td>Retail and Service Businesses, including flea markets and farmers markets</td>
<td>1 space for every 250 sq. ft. of floor space or market space</td>
</tr>
<tr>
<td>Industrial Businesses, Manufacturing</td>
<td>1 space per employee on max. work shift</td>
</tr>
<tr>
<td>Warehouse, wholesale</td>
<td>1 space for every 500 sq. ft. of floor area</td>
</tr>
<tr>
<td>Automobile/large equipment repair garages and gasoline stations</td>
<td>5 spaces for each bay or area used for repair work</td>
</tr>
<tr>
<td>Commercial recreation facility</td>
<td>1 space for each 100 sq. ft. of floor area</td>
</tr>
<tr>
<td>Motor vehicle sales</td>
<td>1 space reserved for customers per 30 vehicles displayed on the lot</td>
</tr>
</tbody>
</table>

7.15.5 Downtown and Major Thoroughfare Design Guidelines.
A. In the downtown and along major thoroughfares, off-street parking should be located at the rear or sides of buildings and not occupy the front setback. This design feature will draw attention to buildings and businesses, and screen parking areas.
B. Off-street parking should be interconnected with abutting parking facilities where possible.
C. Remote parking areas should connect to the downtown with well-defined sidewalks and pedestrian street lights.

Section 7.16 Road Construction Standards for Projects Requiring Site Plan Review

7.16.1 Road Construction Standards. When a project requires construction or upgrade of public or private ways, these ways shall conform to Town standards as described in the Town of Dover-Foxcroft Subdivision Ordinance, as amended from time to time.
ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT DESIGN STANDARDS

ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT PERFORMANCE AND DESIGN STANDARDS

Article VIII contains performance and design standards for specific uses and activities, and certain land use districts. These performance and design standards are in addition to those in Article VII. Article VIII also contains additional minimum submission requirements for certain land uses and activities. (Amended 2020)

Section 8.1 Adult Business Establishments

No adult entertainment establishment may be located closer than 1,000 feet from any school, daycare, religious institution, library, public park or recreation area, dwelling, or other adult entertainment establishment. The distance of 1,000 feet shall be measured in a straight line without regard to intervening structures or objects, from the customer entrance of the adult entertainment establishment to the nearest point on the boundary of the property occupied by the school, daycare, religious institution, library, public park or recreation area, dwelling unit or other adult entertainment establishment.

Section 8.2 Agriculture, including Chickens and Slaughterhouses

8.2.1 Household Pets. Unless their numbers qualify their keeping as a kennel, household pets such as dogs and cats may be kept in all Land Use Districts.

8.2.2 Animal Husbandry. The keeping of animals (other than household pets), such as horses, cattle, sheep, goats, pigs, llamas, and similar animals, and fowl, but not chickens kept for non-commercial use (Section 8.2.4) shall be subject to the following:

A. Agricultural buildings, sheds, feedlots, and fenced pens used to accommodate livestock (such as horses, cattle, sheep, goats, pigs, and similar herd animals) shall be located 100 feet from all exterior property lines of the parcel on which the animals are located, excluding pastures in the Rural Residential District and Farm and Forest District.

B. No manure shall be stored within 300 feet of the normal high-water line of a water body, wetland or wells used to supply water for human consumption.

C. All animal husbandry activities and structures including processing facilities, other than slaughterhouses, and manure storage must be operated and maintained in accordance with Best Management Practices (BMPs) for agriculture including the general BMPs identified in the latest edition of the Maine Department of Agriculture, Forestry and Conservation’s Manual of Best Management Practices for Maine Agriculture and any other general or site specific BMPs approved by the Commissioner of the Maine Department of Agriculture, Forestry and Conservation.

D. Slaughterhouses. Slaughterhouses must be located on lots of at least 3 acres, and all buildings and other facilities used for housing or slaughtering of livestock or poultry must be setback at least 100 feet from property lines on which this activity is conducted.

8.2.3 Shoreland Zones. All agricultural activities within designated shoreland zones must comply with the Dover-Foxcroft Shoreland Zoning Ordinance.

8.2.4 Chickens in the Downtown, Village and Hamlet Districts

A. Purpose: To provide standards for the keeping of domesticated chickens in the Downtown, Village and Hamlet Districts. These regulations are intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and
requirements to ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

B. Permit Required.
1. An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned to someone else.
2. An annual administrative fee of $10.00.
3. An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this section in order to obtain a permit.

C. Number and Type of Chickens Allowed.
1. The maximum number of chickens allowed is 12 per lot regardless of how many dwelling units are on the lot.
2. Only female chickens are allowed. There is no restriction on chicken species.

D. Non-Commercial Use Only. Chickens shall be kept for personal use only, excepting that chicken owners may sell eggs produced by their chickens; no person shall engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited within these Districts.

E. Enclosures.
1. Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12” in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.
2. Chickens shall be secured within a henhouse during non-daylight hours.
3. Any henhouse shall be at least 25 feet from any residential structure or any other premises on any adjacent lots. The structure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited.
4. Henhouses shall only be located in rear yards. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the 25 foot setback is met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home.

F. Odor and Noise Impacts.
1. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
2. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

G. Predators, Rodents, Insects, and Parasites. The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation. Chickens may be removed by the Town through the animal control officer with the cost of the removal borne by the property owner and or/chicken owner.

H. Feed and Water. Chickens must be provided with access to feed and clean water at all times.
ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT DESIGN STANDARDS

I. Waste Storage and Removal. Provision must be made for the storage and removal of chicken manure. All manure shall be stored in fully enclosed container. No more than one, 20-gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings.

J. Fees for Re-inspections. Following the Town’s issuance of a notice of violation of the requirements hereunder and an order to correct violations, the Town will re-inspect at the expense of $75.00 to the property owner and/or chicken owner to determine whether the violations have been fixed in compliance with this section. Failure to correct the violation shall result in a penalty imposed pursuant to subsection K below in addition to the re-inspection fee. If the violation has not been fixed in compliance with this section, the violator shall be assessed a re-inspection fee of $150.00 for each subsequent re-inspection. Failure to pay the assessment for the re-inspections shall create a lien on the property of the violator.

K. Penalty. In addition to any other enforcement action which the Town may take, violation of any provision of this article shall be a civil violation and a fine of $100.00 may be imposed. Each day that a violation continues will be treated as a separate offense. This penalty is in addition to any expense for re-inspection of the property.

L. Revocation of Permit. A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable Ordinance or law.

M. Removal of Chickens. In addition to the penalty (K) any violation of the provisions of this article shall be grounds for an order from the Town to remove the chickens and the chicken-related structures.

Section 8.3 Extractive Industries

8.3.1 Standards. Extractive industries shall meet the following standards:

A. Exploratory activities to determine the nature or extent of the resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety. Exploratory activities that disturb more than 100 square feet of ground surface shall require a permit from the CEO.

B. Extraction operations shall be set back a minimum horizontal distance of 75 feet from any property line without written permission of the owner of the adjacent property.

C. Extraction operations at an extraction site shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period. Within 12 months after that time, ground levels and grades shall be established in accordance with the following:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on site. Only materials generated on-site may be buried or covered on-site.

2. The final graded slope shall be 2.5:1 (horizontal to vertical)

3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
D. A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 8.3.1, C.

E. All extractive industries must meet federal and state requirements, including 38 M.R.S. §490, as amended.

F. Submissions: The Board may require the following additional submissions:
   1. Water quality impact assessment
   2. Excavation schedule
   3. Soil Protection and Erosion Control techniques
   4. Traffic impact analysis
   5. A copy of required Maine Department of Environmental Protection applications, notifications, and approvals.

Section 8.4 Home Occupations

8.4.1 The home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses. No exterior storage or processing of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building is permitted. A home occupation shall not create noise, odors, or parking issues beyond what would be anticipated for a residential use.

8.4.2 The home occupation must be carried on by a member of the family permanently residing in the dwelling unit. One employee who is not part of the family is permitted.

8.4.3 A home occupation may have signage as specified in Article VII, Section 7.14 (Signs).

Section 8.5 Industrial and Light Industrial Districts

8.5.1 District Boundary Buffers and Setbacks. Any new or expanded non-residential use proposed to be located within an Industrial District or Light Industrial District must provide adequate buffering and screening for properties located in adjacent districts.

8.5.2 The Board may require increased structure setbacks, buffers, and screening along the boundaries of the Industrial or Light Industrial districts to protect adjacent properties from noise, dust, lighting, traffic and other impacts that are not typical in the adjacent district. (See Article VII, Section 7.11 (Buffer Strips and Landscaping).

Section 8.6 Junkyards, Automobile Graveyards, and Automobile Recycling Businesses

8.6.1 DEP Permit. Prior to issuance of a municipal permit, the applicant must present either a permit from the Department of Environmental Protection (DEP) or a letter from the DEP stating that a DEP permit is not required.

8.6.2 Standards. The following performance standards are required for of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:
   A. A visual buffer capable of completely screening from view all portions of the junkyard, automobile graveyard or automobile recycling business must be established and maintained along all property lines. The site must also be adequately screened, as provided by 30-A M.R.S. § 3754-A(1), as amended.
   B. No automobile graveyard or junkyard may be located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery, or within ordinary view from the same.
ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT DESIGN STANDARDS

C. No automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste may be located within 300 feet of a well that serves as a public or private water supply, as provided by 30-A M.R.S. §3754-A(4), as amended. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence.

D. A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by 38 M.R.S. § 436-A(5), as amended.

E. A vehicle containing fluids may not be stored or dismantled within the 100-year floodplain as mapped by the Federal Insurance Corporation, the Army Corps of Engineers, or the U.S. Department of Agriculture, or on a sand and gravel aquifer or an aquifer recharge area, as mapped by the Maine Geological Survey or by a licensed geologist.

F. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.

G. No junk, scrap metal, vehicles or other solid wastes may be placed or deposited, directly or indirectly, into the waterbodies, on the ice of waterbodies, or on the banks of waterbodies in such a manner that they may fall or be washed into these waters.

H. No vehicle may be located closer than 100 feet from any lot line.

I. To reduce noise, all dismantling of motor vehicles shall be done after 7 a.m. and before 6 p.m. Mondays through Saturdays.

J. Applicants must demonstrate compliance with all federal and state laws, including those regulating solid waste and hazardous waste.

8.6.3 Operational Considerations. Upon receiving a motor vehicle, the battery must be removed, and the engine lubricant, transmission fluid, and engine coolant must be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle may be permitted into or onto the ground.

Section 8.7 Mobile Homes

8.7.1 Applicability. Section 8.7, shall apply to all mobile homes, including newer mobile homes and older mobile homes.

8.7.2 Permit Required. A building or land use permit is required prior to locating a mobile home within the Town. A permit is also required prior to relocating a mobile home within the Town. Evidence of payment of sales tax and property tax shall accompany any application for a permit.

8.7.3 Permanent Foundation and Skirting Required.

A. All mobile homes shall be located on a permanent foundation.

1. All new single-wide and double-wide mobile homes shall be placed on a minimum of 18 to 24 inches of compacted gravel (depending on the soils) and a 6 inch reinforced concrete pad. The requirement of a concrete pad may be waived for a single-wide mobile home where a licensed engineer certifies that the concrete pad is not necessary.

2. All used single-wide mobile homes shall be placed on a minimum of 18 to 24 inches of compacted gravel (depending on soils). All used double-wide mobile homes shall be placed on a minimum of 18 to 24 inches of compacted gravel (depending on soils), and a 6 inch reinforced concrete slab.

B. Skirting shall be residential in appearance and shall be in place within 6 months of placement of the mobile home. Skirting material shall consist of properly treated all-weather materials.
which may include, but not be limited to, wood, masonry, masonry-like stone, decorative lattice or commercially available metal or plastic skirting.

8.7.4 **Only as Dwelling.** No mobile home shall be used for any purpose other than as a dwelling.

8.7.5 **Mobile Homes on Construction Sites.** Notwithstanding Section 8.7.4, the CEO may issue a special permit for use of a mobile home for a temporary office for the length of the construction project on construction sites anywhere in the Town.

8.7.6 **Recreational Vehicles.** A recreational vehicle shall not be used as a mobile home or a temporary or permanent dwelling. Any recreational vehicle in use more than 60 days in one year shall be stationed at a campground or, when not in use, stored on the premises of the owner.

8.7.7 **Older Mobile Homes.** The following shall also apply to older mobile homes, including older mobile homes located within a mobile home park:

A. An older mobile home shall not be moved into the Town from a location outside of the Town.

B. An older mobile home may only be relocated for use as a dwelling unit if it conforms to the safety standards in subsections 8.7.7, D and E.

C. If an older mobile home is not used as a dwelling for a period of 12 consecutive months, it shall not be reoccupied as a dwelling until it is made to conform to the safety standards in Section 8.7.7, E (Safety Standards).

D. No person shall remove any structural component from under an older mobile home, such that it might weaken its structural integrity unless the older mobile home is to be set on a permanent foundation in such a way as to maintain its structural integrity.

E. **Safety standards.**
   1. **Exit Facilities**
      a. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
      b. Homes shall have a minimum of 2 exterior doors not less than 12 feet from each other. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet. All exterior doors shall provide a minimum of 28” wide by 74” high clear opening.
      c. Locks shall not require the use of a key for operation from the inside.
   2. **Egress Windows and Devices**
      a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window.
      b. The bottom of the window opening shall not be more than 36 inches above the floor.
      c. Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54 inches from the finished floor.
   3. **Interior Doors.** Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking device on the inside.
   4. **Fire Detection Equipment**
      a. All homes shall contain at least one operable smoke detector centrally located within the home and one operable smoke detector in each bedroom.
      b. Cabinet areas over cooking ranges or cook tops shall be protected by a metal hood.
      c. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.
ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT DESIGN STANDARDS

5. Carpeting. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

6. Roof Load. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

7. Heating and Fuel Burning System. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31-Installing of Oil Burning Equipment as adopted by that Board, or other applicable standards.

8. Electrical System. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

8.7.9 Newer Mobile Homes. The following standards are applicable to all newer mobile homes, including newer mobile homes located within a mobile home park (See Section 8.8).

A. A newer mobile home must comply with all applicable standards of Section 8.7.

B. A new mobile home should look similar to a modular or stick-built residence by having a pitched, shingled roof, siding that is residential in appearance; and a permanent foundation with properly attached and residential appearing skirting, or a full basement. The pitched, shingled roof shall have a pitch of 2 or more vertical units for every 12 horizontal units of measurement and shall be covered with asphalt or fiberglass composition shingles or other materials, but specifically not corrugated metal roofing material.

C. Safety Standards. All mobile homes constructed after June 15, 1976 and bearing the seal of the Department of Housing and Urban Development which certifies the mobile home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards, as revised, shall be deemed to have fulfilled the safety requirements of this section. If the seal is not on the mobile home, Sections 8.7.7, D and E shall serve as minimum requirements.

Section 8.8 Mobile Home Parks

8.8.1 All mobile home parks shall comply with the following: lot size, dimension, and setbacks standards:

A. Lots served by public sewer
   1. Minimum Lot area - 6,500 square feet
   2. Minimum Lot width - 50 feet

B. Lots served by individual subsurface sewage disposal system
   1. Minimum lot area - 20,000 square feet
   2. Minimum lot width - 100 feet

C. Lots served by a central subsurface wastewater disposal system
   1. Minimum lot area - 12,000 square feet
   2. Minimum lot width - 75 feet

D. The minimum overall density of a mobile home park served by a central subsurface sewage disposal system shall be no less than one unit per 20,000 square feet of total park area.

E. The overall density of the mobile home park shall be the combined area of its mobile home lots plus the area required for road rights-of-way; the area required for buffer strips; and for areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots.
F. Lot setbacks - The following lot setbacks shall apply to all homes and accessory buildings:
   1. Front setback - 15 feet
   2. Side setback - 15 feet
   3. Rear setback - 10 feet
G. No home, accessory building or mobile home park building shall be set back less than 15 feet from a public road right-of-way.
H. A minimum 20 foot separation shall be maintained between all homes in all directions, excepting that when homes are placed end-to-end the minimum separation shall be 10 feet. The Planning Board may also allow lot side yard setbacks to be reduced to 5 feet provided a distance of at least 20 feet is maintained on one side of the home to provide usable yard space.
I. If these requirements conflict with the requirements of the Shoreland Zoning Ordinance, the stricter standards shall apply.

8.8.2 Road Standards.
A. Roads within a mobile home park shall be built in accordance with accepted engineering standards, and shall be designed and stamped by a register professional engineer. If the road is to be dedicated to the Town, the road must meet the applicable standards of this Ordinance and the applicable standards of the Town’s Subdivision Regulations.
B. Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Board may require a traffic impact analysis for mobile home parks that are expected to carry more than 100 passenger car equivalent (PCE) trips in the peak hour. Submission of an approved Maine Department of Transportation Traffic Movement Permit (Title 23 Sec 704-A, as amended) shall be provided, as applicable.
C. Vehicular access to and from the development must be safe and convenient, and shall meet the requirements of Article VII, Section 7.15.2 (Access) of this Ordinance.
D. No mobile home lot shall have vehicular access directly onto a public road.
E. For mobile home parks expected to generate 200 trips per day or more, there shall be at least 2 entrances from public roads.
F. Notwithstanding road width requirements in this Ordinance or the Subdivision Ordinance, the maximum required right-of-way for a road that is to remain as a private road is 23 feet, of which 20 feet shall be paved.
G. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet.
H. Curvilinear streets shall be utilized wherever possible. No road within the park shall be more than 200 feet without a curve or bend.
I. On-street parking shall be prohibited unless an 8 foot wide parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.

8.8.3 Parking Requirements.
A. For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces are provided by a parking lane.
B. In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking shall
be hard-surfaced and the spaces shall be reserved for that sole use. This requirement shall be waived if a parking lane provides an equivalent number of spaces.

8.8.4 **Sidewalks/Walkways.** The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum of 3 feet wide.

8.8.5 **Lighting.** Outdoor lighting shall be adequate to illuminate internal roads and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

8.8.6 **Signs.** All signs shall be in accordance with article VII, Section 7.14 (Signs) of this Ordinance.

8.8.7 **Storm Drainage.** A stormwater drainage plan shall be prepared by a registered professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

8.8.8 **Ground Water.**

A. For mobile home parks not served by a public sewer an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a certified geologist or registered professional engineer, and shall include the following:

1. A map showing the basic soil types
2. The depth to the water table at representative points throughout the mobile home park
3. Drainage conditions throughout the mobile home park
4. Data on the existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties
5. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a great pond, projections of the development’s impact on ground water phosphate concentrations shall also be provided.

6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

B. Standards

1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
2. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
3. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
4. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
C. Development. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

8.8.9 Utility Requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

8.8.10 Buffer Areas.
   A. A 50 foot wide buffer strip shall be provided along all property boundaries that: 1) abut residential land which has a gross density of less than half of that proposed in the park, or 2) abut residential land that is zoned at a density of less than half of that proposed in the park.
   B. Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
   C. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view of the adjacent property and shall be maintained throughout the life of the project.

8.8.11 Open Space. For mobile home parks served by a public sewer, an area amounting to no more than 10% of the total area devoted to individual lots shall be set aside for open space and/or recreation. Such space shall be accessible and useable by all residents of the park. Parking space, driveways and streets and buffer areas are not considered useable open space but community recreation buildings, pools and courts are considered as open space.
   A. At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.
   B. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.
   C. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to make trails for walking and jogging or to make picnic areas are permitted.
   D. The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specifies how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.
   E. Open space shall be maintained and used for its stated purpose.

8.8.12 Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

8.8.13 Lot Number. Each manufactured housing lot shall be marked with a lot number that is positioned so as to be easily seen year-round from the street.

8.8.14 Park Administration. The owner or operator of a mobile home park shall be responsible for maintenance of all park-owned structures and sites. Park management shall conform to state laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other local, state, and federal codes and regulations.

8.8.15 Conversion of Park. No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.
Section 8.9 Common Development Plan (CDP)

8.9.1 Purpose. A Common Development Plan (CDP) is a means of land development which sets aside more traditional, existing land use controls in favor of administrative discretion by the Planning Board to allow for more efficient, effective, and creative development that contributes to and blends harmoniously into the natural and cultural aspects of the Town. The benefits of a CDP designation may be particularly applicable to the downtown and other built-up areas where higher densities, walkability, and retention of historic character are desirable, as expressed in the Town’s Comprehensive Plan. A CDP designation must meet the criteria set forth in Section 8.9. If the Planning Board approves a CDP designation, the tract of land is developed according to the approved CDP.

8.9.2 Dimensional Standards. If a CDP designation has been obtained pursuant to Section 8.9, the terms of that designation may vary the standards in Article II, Section 2.6, Table 2.6.1 (Dimensional Requirements by District) and may result in the required dimensional standards applying to the lot(s) approved as the CDP area.

8.9.3 Criteria for Designation as a CDP.

A. An applicant may apply for a CDP designation for a development proposal, but has the burden of demonstrating the proposed designation will comply with the requirements of Section 8.9.

B. The Planning Board may approve a development proposal as a CDP if it meets the criteria of this Section 8.9. A CDP may involve multiple new buildings or structures on a single lot, multiple new buildings or structures on multiple lots, or a single new building or redeveloped building on an individual or multiple lots.

C. In considering any development proposal to be designated as a CDP, the Planning Board shall find that all of the following criteria are met:

1. The proposed CDP must be consistent with the Town’s Comprehensive Plan and the Land Use District purpose (See Article II, Section 2.1 (Establishment of Districts) where the development is to be located.

2. The proposed CDP must only include land uses that are allowed within the Land Use District where the development is to be located.

3. The proposed CDP shall not deviate from the applicable Land Use District dimensional standards in Article II, Section 2.6, Table 2.6.1 (Dimensional Requirements by District) by more than 20%. The dimensional standards established for the CDP designated area shall supersede the dimensional standards for the underlying Land Use District.

4. The proposed CDP must be designed by a licensed professional engineer or architect.

5. All buildings and structures shall be part of, and consistent with, a common pattern of development that positively contributes to the natural and cultural aspects of the location. The relationship of the buildings to public and private streets, and to parking areas shall result in a unified pattern.

6. The development shall incorporate private and public amenities that enhance the development’s pedestrian friendly environment, as applicable.

7. There shall be common vehicular and pedestrian circulation systems that create a pedestrian-friendly environment for the entire development, and that integrate the individual buildings into an overall pattern.

8. All secondary power lines shall be underground.

9. There shall be an overall design theme or treatment of site improvements including lighting, signs, paving, site furniture, landscaping, and other amenities.
10. The proposed CDP designation shall provide benefits to the applicant, existing and future owners or residents of the development, and the public that are equal to or better than without the CDP designation.

11. The proposed CDP must meet all of the criteria for major or mega Site Plan Review, and subdivision, if applicable.

8.9.4 Designation Approval Process. If designated, all applicable land use dimensional standards shall be established for the development by the Planning Board as a part of the review process.

Any property owner or applicant for development review may request that a development be designated as a CDP in accordance with the following process:

A. A request for CDP designation may be made by the owner of the property or by any party having valid right, title and interest in the property including an option to purchase or a purchase and sale agreement.

B. The application process for CDP designation shall be conducted in accordance with Article VI Site Plan Review; however the burden is on the applicant to submit information necessary to demonstrate that the proposed CDP designation will meet the criteria in Section 8.9.

C. Within 30 days of the date on which a complete request for a CDP designation is submitted, the Planning Board shall hold a public hearing, unless the applicant and Board mutually agree to extend this timeframe.

D. Within 30 days of the date of the public hearing, the Planning Board shall decide if the proposed development conforms to the criteria in Section 8.9. If the Board finds that the criteria have been met, it shall approve the CDP designation. If the Board finds that the criteria have not been met, the Board shall deny the designation and indicate the reasons for its denial.

E. Within 90 days of Planning Board approval, the applicant shall record the CDP in the Piscataquis County Registry of Deeds. Said Plan shall note any conditions and the applicable dimensional standards for the CDP area imposed by the Planning Board.

8.9.5 Post-Designation.

A. Once a development has been designated as a CDP, all subsequent land use applications for buildings or structures within the area covered by the designation shall be consistent with the CDP reviewed and approved by the Planning Board in making the determination.

B. An owner or applicant may request that a project that has been designated as a CDP be revised based upon new information using the same procedure as used for the initial designation. If the project is revised, the revised project shall be consistent with any existing development approval, and the Town’s Comprehensive Plan.

C. Prior to start of construction of the first building or structure with in a designated CDP, the owner or applicant may request that the designation be vacated and no longer apply to the project. Once construction is started on the first building under the designation of a CDP, the designation may not be vacated, but may be revised.

D. An approved CDP shall expire within 5 years of the date of approval by the Planning Board if the applicant has not submitted a development proposal for Site Plan Review and obtained a land use permit from the Planning Board.

Section 8.10 Telecommunications Towers

8.10.1 Federal Regulations. The installation and operation of all telecommunications towers and equipment shall be in accordance with Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) regulations.
8.10.2 **Collocation.** A new telecommunications tower and related equipment shall be designed and constructed to accommodate the collocation of at least 3 independent arrays of antennae and related equipment. Applicants for new telecommunications towers must demonstrate that collocation on an existing tower or in an existing building is not feasible in order to install a new tower.

8.10.3 **Downtown and Village Districts.** Within the Village and Downtown districts, a new telecommunications tower must be located within an existing structure, such as a church steeple or tall building.

8.10.4 **Fall Zone.** A telecommunications tower must be designed to collapse upon itself and must be setback a minimum horizontal distance of 1½ times the tower’s maximum allowed structure height from all property lines.

8.10.5 **Screening, Materials and Color.** A new telecommunications tower and related equipment shall be screened with plants from view by abutting properties to the greatest extent practicable. Provided there are no FAA color requirements to the contrary, a new telecommunications tower and related equipment must be constructed with material and colors that blend-in with the surrounding natural or built environment.

8.10.6 **Lighting.** In any case where a tower is determined by the FAA to need obstruction marking or lighting, the applicant must demonstrate that it has or will request the least visually obtrusive marking and/or lighting scheme in FAA applications. A new telecommunications tower must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

8.10.7 **Fencing.** A new telecommunication tower and related equipment must be fenced to prevent trespass on the facility, including climbing on any structure by trespassers. Fencing shall be a minimum of 6 feet in height and be topped with barbed wire.

8.10.8 **Abandonment of Tower, Financial Guarantee for Removal.**
   A. A telecommunications tower that is not operated for a continuous period of 12 months shall be considered abandoned unless the applicant requests and is granted an extension by the Board.
   B. The applicant must provide a financial guarantee, satisfactory to the CEO, to cover the cost of removal of the telecommunications tower and other related equipment once the tower has been abandoned.

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**Section 8.11 Solar Energy Systems** *(Adopted 2020)*

8.11.1 **Applicability.** Section 8.11 is applicable to the following:
   A. All roof-mounted and building integrated solar energy systems, and all small, medium, and large ground-mounted solar energy systems, modified or installed after the enactment of Section 8.11.
   B. Any upgrade, modification or structural change that materially alters the size, placement or output of an existing applicable solar energy system shall comply with the provisions of Section 8.11.

8.11.2 **Basic Standards for All Solar Energy Systems.**
   A. Solar energy systems and equipment shall not present any unreasonable safety risks, including, but not limited to, the following: 1) weight load; 2) wind resistance; 3) ingress or egress in the event of fire or other emergency; or 4) proximity of a ground-mounted system relative to buildings.
ARTICLE VIII. SPECIAL ACTIVITY OR DISTRICT DESIGN STANDARDS

B. All solar energy systems shall be designed, erected, installed, and operated in accordance with all applicable building, electrical and fire codes, and any other applicable regulations and standards.

C. Prior to operation, electrical connections must be inspected and approved by a licensed electrician in accordance with the National Electrical Code (NFPA 70), as applicable in the Town of Dover-Foxcroft.

D. Any connection to a public utility grid must be approved by the appropriate public utility.

E. A solar energy system or any of its components shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

F. Solar panel placement should be designed to minimize or negate any solar glare onto nearby properties or roadways, to the greatest extent practicable.

G. Each solar energy system shall be maintained as necessary to ensure that it is operating safely and as designed over its useful lifetime.

H. If a solar energy system ceases to perform its originally intended function for more than 12 consecutive months, the owner or operator shall remove the collector, mount, and associated equipment by no later than 90 days after the end of the twelve-month period, unless the permitting authority grants an extension due to extenuating circumstances.

I. The Town shall revoke any approvals and pursue removal of the solar energy system at the owner or operator’s expense in any of the following circumstances:
   1. The solar energy system is not installed and producing electricity that is being used within 12-months from the date of approval under this Ordinance.
   2. The solar energy system is at any time left in an unsafe condition with respect to federal, state, or local safety standards (as determined by the Town).
   3. The solar energy system has not been brought back to a safe condition/operation or removed from the site within the required timeframe.
   4. The solar energy system is defective or abandoned and has not been removed from the site within required timeframe.

8.11.3 Additional Standards for Medium and Large Ground-Mounted Solar Energy Systems.

In addition to the standards in Section 8.11.2, medium and large solar energy systems shall comply with the following:

A. Utility connections - Overhead or pole-mounted electrical wire shall be avoided to the extent possible within the facility.

B. Solar energy systems shall be designed to minimize visual impacts to the greatest extent practicable while still allowing for efficient performance. This can be accomplished by preserving natural vegetation, screening abutting properties and public roads, and other measures in accordance with Section 7.11 of this Ordinance.

C. Solar energy systems shall be designed to prevent unauthorized access to the conductors and other electrical components as required in the NFPA 70, National Electric Code, most current edition, to include, but not be limited to, fencing around the facility. Where fencing is used, fences should be elevated by a minimum of 5 inches to allow for passage of small terrestrial animals.

D. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of ground-mounted solar energy systems. Mowing and the use of herbicides and pesticides shall be minimized to the extent practicable. Native, pollinator-
friendly seed mixtures shall be used to the extent possible. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system.

E. Signs on solar energy systems shall identify the owner/operator and provide a 24-hour emergency contact phone number. Clearly visible warning signs informing individuals of potential voltage hazards shall be placed at potentially hazardous locations and on any required fencing surrounding the solar energy system.

F. The solar energy system owner/operator shall provide a copy of the project summary, electrical schematic, and site plan to the CEO and the Fire Department. The solar energy system owner/operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked. The owner/operator shall provide to the CEO the name and contact information of a responsible person for public inquiries throughout the life of the installation.

G. The solar energy system owner/operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the CEO and the Fire Department. The owner/operator shall be responsible for the cost of maintaining the solar energy system and any access road(s) unless the road is accepted by the Town as a public way.

8.11.4 Supplemental Submissions for Medium and Large Ground-Mounted Solar Energy Systems. In addition to the submissions required in other articles of this Ordinance, applicants for medium and large ground-mounted systems must submit the following:

A. Name, address, and contact information of the proposed system installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any.

B. Plan drawings of the solar energy system signed by a professional engineer licensed to practice in the State of Maine showing the proposed layout of the system, any potential shading from nearby structures, the distance between proposed solar collectors and all property lines and existing on-site buildings and structures, the tallest finished height of the solar energy system, proposed permanent access roads, proposed overhead and underground utilities, disturbed area and impermeable area estimates, proposed erosion control, and if required by the Maine Department of Environmental Protection (DEP), a construction erosion and sedimentation control plan that is in compliance with DEP requirements.

C. Documentation of the major solar energy system components to be used, including the panels, mounting systems, and inverters.

D. For grid-intertie photovoltaic systems, evidence of meeting the applicable electric utility’s transmission and distribution interconnection requirements for generation. This can be a condition of approval if evidence is provided that the necessary application has been accepted for review by the utility.

E. A one-line or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.

F. An operations and maintenance plan for the solar energy system, which shall include measures for maintaining safe access to the installation, stormwater controls, vegetation management, as well as other general procedures for operational maintenance of the installation.

G. Evidence that all other required approvals have been obtained, such as, but not limited to, a Maine Department of Environmental Protection Stormwater Permit and/or Site Location of Development Permit, and approval from the Maine Public Utilities Commission. At the discretion of the permitting authority, these approvals may be conditions of the Town’s approval.
H. A decommissioning and site restoration plan to include at a minimum:
   1. The trigger for implementing the decommissioning plan.
   2. The anticipated operational life of the project.
   3. A detailed estimate of the costs for decommissioning the entire project including costs
      associated with restoring the project area.
   4. Documentation of financial assurance demonstrating that the decommissioning and
      restoration costs will be fully funded prior to the start of construction pursuant to Section
      8.11.5. The permitting authority may waive Section 8.11.4,H,4 and Sections 8.11.5,C for a
      medium ground-mounted solar energy system whose physical size based on total airspace
      projected over the ground is less than 20,000 square feet.

8.11.5 Abandonment and Decommissioning of Medium and Large-scale Ground Mounted Solar
Energy Systems.

A. Definition: Abandonment is the date at which any part of a solar energy system has been out of
service for a continuous period of 12 months.

B. The owner or operator of the solar energy system, at their expense, shall be responsible for
decommissioning and site restoration when the solar energy system has reached the end of its
useful life, or is otherwise determined to be abandoned, unless an extension is granted by the
Planning Board. The owner or operator shall notify the CEO by certified mail of the proposed
date of discontinued operations and plans for removal. Removal and site restoration shall
consist of the following:
   1. Physical removal of all ground-mounted solar energy systems including solar photovoltaic
      installations, miscellaneous man-made structures, equipment, security barriers and
      transmission lines from the site.
   2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste
disposal regulations.
   3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The CEO, in
      conformance with applicable regulations, may allow the owner or operator to leave existing
      landscaping or specifically designated below-grade foundations in place in order to
      minimize erosion and disruption to vegetation.

C. Financial Surety. Before the start of construction, the owner or operator of a solar energy
system shall provide a form of surety, either though escrow account, performance bond or
letter of credit from a creditable financial institution, in an amount sufficient to cover the cost
of decommissioning in the event the Town determines the solar energy system to be abandoned
in accordance with Section 8.11.5,A above. The financial guarantee shall include a provision
granting and guaranteeing the Town the authority to access the funds and property and perform
the decommissioning should the facility be abandoned and the owner or operator fails to meet
their obligations to remove the solar energy system. This amount shall be based upon a fully
inclusive estimate of the costs associated with removal, prepared by a qualified engineer, and
submitted to the Planning Board at the time of application. The amount shall include a
mechanism for calculating increasing removal costs due to inflation.

D. If the owner or operator of the solar energy system fails to remove the installation in
accordance with requirements of this section within 6 months of abandonment of the end of the
useful life or date of abandonment, the Town retains the right to use the performance guarantee
and all other available means to cause an abandoned, hazardous or decommissioned solar energy system to be removed

E. The owner may apply to the Planning Board for release of the guarantee at such time that it or its assigns remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Dover-Foxcroft Town Manager.

Section 8.12 Motor Vehicle Service and Repair (Amended 2020)

8.12.1 Standards. The following standards are required for all motor vehicle service and repair businesses:

A. A buffer strip, fencing, and landscaping pursuant to Section 7.11 Buffer Strips and Landscaping may be required where necessary to physically separate and screen a motor vehicle service and repair business including outdoor storage areas from residential uses, public parks and playgrounds, and other non-compatible land uses.

B. Setbacks from adjacent property lines greater than those in Table 2.6.1 may be required to physically separate and screen a motor vehicle service and repair business including outdoor storage areas from residential uses, public parks and playgrounds, and other non-compatible land uses. These setbacks shall be based on the location, adjacent uses, natural features, and other relevant factors.

C. No motor vehicle undergoing repair shall be located within 300 feet of a well that serves as a public water supply, as provided by 30-A M.R.S. §3754-A(4), as amended, or a private water supply. This prohibition does not include a private well that serves only the motor vehicle and repair business or the owner's or operator's abutting residence.

D. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery acid, engine coolant, gasoline, and oil must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water. Fluids that are no longer in use shall be disposed of in a timely and environmentally sound manner.

E. Applicants must demonstrate compliance with all federal and state laws and regulations, including, but not limited to, those regulating solid waste, tires, waste oil, and hazardous waste. (Note: Maine Waste Management Laws, 38 M.R.S., Chapter 13)

F. Any Motor vehicle service and repair business that includes a junkyard, automobile graveyard or automobile recycling business shall also comply with Section 8.6 Junkyards, Automobile Graveyards, and Automobile Recycling Businesses.
ARTICLE IX. MEGA LAND USES

(Article IX was adopted 2020)

Section 9.1 Preamble and Purpose

- Whereas, the Town of Dover-Foxcroft is the shire town and primary service center to rural Piscataquis County, and both the Town and the region’s people and economy are dependent upon the health of the area’s scenic, cultural, and natural resources; and
- Whereas, the Town of Dover-Foxcroft’s vision is for long-term prosperity through moderate population growth consistent with the character of the Town as a service center to a vast area economically reliant on a thriving natural resource–based economy in forestry, farming, outdoor recreation, and nature and cultural-based tourism; and
- Whereas, downtown Dover-Foxcroft is an important hub of the community’s economic, civic and social activity that is dependent upon providing accessible services to residents and visitors to the region; and
- Whereas, any mega land use activity can have significant positive and negative impacts on the Town of Dover-Foxcroft, including: 1) impacts on existing and future land uses; 2) impacts on the local economy, including attractiveness for future development consistent with the Town’s Vision and Comprehensive Plan; 3) impacts on citizens’ ability to earn a living; 4) impacts on community character, such as cultural heritage, social ambiance, scenery, recreational opportunities, and overall enjoyment of the community; 5) impacts on public services and facilities, including state and local roads; 6) impacts on downtown businesses and overall vitality; 7) impacts on existing businesses and industries town-wide, including agriculture, forestry, outdoor recreation and tourism; 8) impacts on property values and the property tax base; 9) impacts on air and water quality, and other environmental concerns, such as noise, dust, and light pollution; 10) impacts on natural resources, such as water resources, wildlife and fisheries habitats, and other unique and important habitats; and 11) impacts on the overall health, safety, welfare, and prosperity of the community and region; and
- Whereas, the Town of Dover-Foxcroft recognizes the value of properly sited mega land uses so long as their size, location, and impacts are limited so as not to harm the public, health, safety, and welfare of the residents of Dover-Foxcroft; now, therefore,

The Purpose of Article IX is to provide additional administrative and permitting requirements, and standards for regulating mega land uses; more specifically, this Article is intended to:

A. Establish clear guidelines and standards for mega land uses so the Town can fairly and responsibly protect the public health, safety, and welfare of the community.
B. Regulate mega land uses to prevent or minimize any potential adverse effects on the Town as described in the Preamble.

Section 9.2 Scope and Effective Date

9.2.1 Scope. This Ordinance, including Article IX regulates the location, design, construction, alteration, occupancy, and operation of mega land uses in the Town of Dover-Foxcroft.

9.2.2 Effective Date and Applicability. The effective date of Article IX is the date of enactment of these provisions. Notwithstanding the provisions of 1 M.R.S. § 302, Article IX is applicable, as of its effective date, and to the maximum extent permitted by law and subject to the severability.

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clause in Section 1.6, to all proceedings, applications, and petitions that have not been submitted and finally acted on for all mega land uses, as regulated herein. This Ordinance shall also apply to all mega land uses proposed, operated, modified, or constructed after the enactment of these provisions.

**Section 9.3 Administration**

9.3.1 **Permits Required.** It is unlawful and a violation of this Ordinance to construct, modify, maintain, or operate a mega land use project without first obtaining all necessary permits, permit renewals, and approvals from the Town of Dover-Foxcroft. In addition, all required federal, state and municipal (i.e., city, town, plantation, or unorganized township) permit approvals must be obtained prior to the construction, modification, or operation of a mega land use project. Applicants and owner/operators shall submit copies of all federal, state, and all municipal (i.e., city, town, plantation, or unorganized township) applications and permits, and approvals associated with any mega land use project.

9.3.2 **Applicant’s and Owner/Operator’s Burden.** The burden is upon the applicant to demonstrate by substantial evidence that the criteria and standards for approval are satisfied, and that the public’s health, safety, and general welfare will be adequately protected. Further, the burden of ongoing compliance with all aspects of this Ordinance is on the applicant and the owner/operator of the mega land use project. Approval of a mega land use project by the Planning Board does not abrogate or reduce the responsibility of the applicant or the owner/operator to comply with this Ordinance.

9.3.3 **Technical and Financial Capacity.** Any applicant or owner/operator of a mega land use project shall maintain adequate technical and financial capacity to construct, maintain, and operate the mega land use project in a manner that complies with all applicable standards and requirements of this Ordinance and any other applicable local, state, or federal laws or regulations.

9.3.4 **Third-Party Consultants for Project Management Oversight and Expert Assistance**

A. The applicant of a mega land use project shall pay for the cost of any third-party consultants hired by the Town of Dover-Foxcroft to assist the Planning Board, including without limitation, legal, engineering, environmental, wildlife, sound, or scenic consultants. Such payment shall be in accordance with an agreement for the benefit of the Town to set up an escrow funded by the applicant that is in a form and includes terms and conditions acceptable to the Board of Selectmen and Town Attorney.

B. With respect to such costs and expenses anticipated to continue beyond any initial approval, such as services related to any monitoring or assessment of impacts, requirements for payment of such shall be inserted in any approval as an ongoing condition of that approval.

9.3.5 **Public Scoping Sessions.** In addition to the public meetings and hearings required in other Articles of this Land Use Ordinance, any applicant for a mega project must hold public scoping sessions prior to making a formal application to the Town for a permit. The purpose of the scoping sessions is to notify and explain the proposed project to the public and to obtain public input prior to making an application to the Town.

**Section 9.4 Review Criteria and Standards**

All of the Article IX review criteria and standards must be satisfied, as determined by the Planning Board, prior to issuance of a permit for a mega land use project.

9.4.1 **Review Criterion:** The proposed mega land use project shall satisfy all of the review criteria and standards set forth in the Town’s Land Use Ordinance.
9.4.2 Setbacks and Buffers
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on surrounding properties, protected locations, water bodies within or adjacent to the mega project, and the movement of wildlife between important habitats.
B. Standards and Submissions: At a minimum the applicant must submit a narrative and drawing(s) describing proposed setbacks and buffer strips, including evidence of: 1) setback and buffer dimensions; 2) clearing limits for natural buffers; 3) planting specifications for new buffers (including a planting schedule); and 4) identification of the person(s) responsible for buffer maintenance – all buffers should either be maintained by the applicant or protected in perpetuity.

9.4.3 Sound Limits
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect due to noise.
B. Standards and Submissions:
1. The proposed mega project shall meet the sound limits in Section 7.13 Noise of this Ordinance.
2. Protected Locations
   a. At protected locations more than 1,000 feet from living and sleeping quarters, the daytime hourly sound level limits shall apply regardless of the time of day.
   b. Houses of worship, academic schools, libraries, state and national parks without camping areas, historic sites, nature preserves, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation and the daytime hourly sound level limits shall apply regardless of the time of day.
3. At a minimum the applicant must provide a full noise study prepared by a qualified professional that includes the following:
   a. Maps and descriptions of the land uses and land use/zoning districts for the area potentially affected by sounds from the development.
   b. Descriptions of the protected locations within 1,000 feet of the development.
   c. Evidence concerning whether or not the area surrounding the development is a quiet area.
   d. A description of all types of noise to be generated, sources of noise, and locations of noise sources.
   e. A description of the daytime and nighttime sound levels expected at property lines and protected locations for all types of sound generated.
   f. A description of proposed sound control measures, locations and expected performance.
   g. A comparison of expected sound levels with sound level limits in the underlying land use district, as well as any applicable sound limits in Maine Department of Environmental Protection regulations.
   h. Any additional noise-related information required by the Maine Department of Environmental Protection.
C. The Board as a condition of approval may establish any reasonable requirement to ensure that the developer has made adequate provision for the control of noise from the development and to reduce the impact of noise on protected locations. Such conditions may include, but
are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns. The Board may also require ongoing monitoring to ensure compliance.

9.4.4 Stormwater Runoff and Infiltration

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect due to stormwater runoff and infiltration.

B. Standards and Submissions:

1. At a minimum the applicant must submit a stormwater management plan to include the following:
   a. A stormwater management system that will infiltrate, detain, or retain water falling on the site during a storm of an intensity equal to a twenty-five year, twenty-four hour storm such that the rate of flow of stormwater from the development does not exceed the rate of outflow of stormwater from the site prior to the undertaking of the development. The proposed stormwater management system must be designed by a professional engineer or other person duly qualified to undertake the design, and must include:
      i. Evidence that the stormwater management system will take into consideration the upstream runoff which must pass over or through the development site and is designed to pass upstream flows generated by a twenty-five year frequency through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
      ii. Evidence that the design of piped or open channel systems will be based on a ten year flow frequency without overloading or flooding beyond channel limits, and that areas expected to be flooded by runoff of a twenty-five year frequency will be designated, and no structures will be planned within such area.
      iii. Evidence that, where permanent embankment-type storage or retention basins are planned, the basins will be designed in accordance with good engineering practice.
      iv. If the construction of the mega project is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed, and not limited to an initial or limited phase of the development.
      v. A plan for adequately maintaining the stormwater system over the life of the development.

2. The physical, biological, and chemical properties of the receiving waters will not be unreasonably degraded by the stormwater runoff from the development site.

3. The peak discharge of the receiving waters will not be increased as the result of the stormwater runoff from the development site for storms up to a level of intensity of a twenty-five year, twenty-four hour storm.
9.4.5 Soil Erosion and Sedimentation Control

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on soils and vegetative cover, water quality, and wildlife and fisheries habitat due to soil erosion and sedimentation.

B. Standards and Submissions: At a minimum the applicant must submit a comprehensive erosion and sedimentation control plan, designed in accordance with the "Maine Environmental Quality Handbook", the U.S.D.A. Soil Conservation Service's "Engineering Field Manual", or another appropriate reference. The submission shall include a site-specific soil survey in accordance with the following:

1. Minimum soil information to include the soil parent material, slope, soil texture, depth to dense till or bedrock (whichever is the shallowest), redoximorphic features, and soil wetness (drainage class and/or oxiaquic [oxygenated groundwater] conditions) must be identified. Soil mapping units are to be delineated at a Class A high-intensity level (as defined by the Maine Association of Professional Soil Scientists) and soil inclusions which pose limitations to the proposed development must be described.

2. Sufficient information to define drainage across the mega project and to determine the appropriate type and location of stormwater management and erosion and sediment control measures that must be provided.

3. Ground control must be identified and maintained by the use of GPS (to sub-meter accuracy) or following a surveyed path or baseline prepared by a qualified professional.

4. At a minimum, the proposed development site is to be walked and conditions observed within the proposed development area where soil is to be disturbed and/or filled.

5. In remote, difficult to access sites, soil survey information may be obtained using a hand shovel, screw auger, or dutch auger. For more-accessible areas, deeper soil observations may be necessary to properly classify the soils. Soil map units are to be classified at the series level (or associations for closely related soils).

6. A narrative that discusses field investigation techniques, the soil conditions, a description of the landforms investigated, and the limitations of the soils with respect to the proposed development. Also, describe assumptions made during field observations based upon the information obtained in the field.

7. Site-specific soil survey information is not necessary to upgrade existing roads unless the upgrade will require work significantly outside of the existing road footprint.

9.4.6 Natural Drainage Ways

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on natural drainage ways.

B. Standards and Submissions: At a minimum the applicant must submit the following:

1. A plan showing all existing water courses, drainage ways, channels, or streams to be affected by the mega project, and the nature, width, and location of proposed easements, rights-of-way, culverts, catch basins, or other means of channeling surface water within the mega project and over adjacent parcels of land that substantially conforms with the lines of such natural water courses.

2. Deed covenants which establish the easements or rights-of-way and provide for their continued maintenance.

9.4.7 Groundwater Quality

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on groundwater quality.
B. Standards and Submissions:

1. The applicant must submit evidence that the mega project will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S. § 601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the mega project will not degrade the water quality any further.

2. At a minimum the applicant must also provide:
   a. A description, including mapped information of any public water supply and its recharge area, any significant sand and gravel aquifer and its recharge area, and any other water supply (well) within 1,000 feet of the proposed mega project.
   b. A comprehensive list, including physical and chemical characteristics and projected quantities of wastes to be disposed of or stored within the proposed mega project which may potentially contaminate the ground water.
   c. Methods for preventing ground water pollution as the result of the disposal and/or storage of wastes.
   d. An evaluation of the geological, hydrologic, and soils conditions of the development site.
   e. Data establishing background ground water quality.
   f. A proposed plan of action, and alternatives, to be followed in the event the proposed development results in ground water contamination.

3. Transmission, storage, and/or disposal of solid waste, hazardous wastes, and leachable or liquid wastes, including petroleum products and septage, is prohibited within 1,500 feet of any public water supply and its recharge area, any significant sand and gravel aquifer and its recharge area, and any other water supply, such as a private well.

9.4.8 Groundwater Quantity

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on groundwater quantity.

B. Standards and Submissions:

1. At a minimum, the applicant must submit evidence that the quantity of water to be taken from ground water sources will not substantially lower the ground water table, cause undesirable changes in ground water flow patterns, cause a lowering of the ground water supply to the point where existing wells run dry - particularly during the late summer and early fall, cause unacceptable ground subsidence, affect the hydrologic characteristics of surface water bodies (peak flows, low flows and water levels) resulting in adverse effects on their assimilative capacity and recreational use, as well as on certain wildlife habitats. The applicant must also provide:
   a. Estimates of the quantity of ground water to be used by the proposed development; and
   b. In the areas where the lowering of the ground water level, land subsidence, or any of the effects in (B, 1) above, have been or can be reasonably be expected to be a problem, a report by a duly qualified person addressing the potential effects of ground water use by the proposed development.

2. Conditions of approval may include, but are not limited to, that wells in the surrounding area be monitored to determine the effect of the mega project on ground water levels, and that people whose wells are adversely affected be provided with new wells or another
source of potable water of equal or greater quality and quantity for their use and consumption.

9.4.9 Surface Water Quality

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on surface water quality.

B. Standards and Submissions: At a minimum, the applicant must submit evidence that:

1. The mega project or reasonably foreseeable consequences of the mega project will not discharge any water pollutants which negatively affect the state classification of a surface water body as established in 38 M.R.S. § 363 et seq.
2. The best practicable treatment of point sources of water pollutants will be utilized.
3. The total phosphorous concentrations in all tributaries to great ponds will not exceed the standard established in Maine Department of Environmental Protection (MDEP) Regulation Chapter 583.1.
4. Any effect on surface water temperature will be in compliance with all appropriate standards established in MDEP Regulations Chapter 582.1 - 582.8.
5. A waste discharge license, as required by 38 M.R.S. § 413 et seq., has been or will be obtained.

9.4.10 Wildlife and Fisheries

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on wildlife and fisheries.

B. Standards and Submissions: The applicant must submit a plan that avoids adverse effects on wildlife and fisheries located on or near the project site. Wildlife and fisheries habitats to be addressed shall include those identified in the Town’s Comprehensive Plan, including but not limited to, the most recent information from the Maine Beginning with Habitat Program, and by state and federal agencies. Such evidence shall include, but not be limited to, identification of potential wildlife and fisheries habitat impacts based on consultation with state and federal natural resources agencies, and other experts. Protections for wildlife and fisheries habitat may include, but not be limited to, avoidance of critical habitat, modification of the proposed site design, construction timing, and extent of excavation. The Maine Department of Transportation Waterway and Wildlife Crossing Policy and Design Guide should be utilized when planning future road construction or rehabilitation projects with the goal of maintaining critical fish and wildlife passage.

9.4.11 Unusual Natural Areas

A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on unusual natural areas.

B. Standards and Submissions: At a minimum the applicant must submit a description of appropriate buffers or other measures to be taken to protect unusual natural areas located on or near the project site. Such evidence shall include identification of potential impacts on unusual natural areas based on the Town’s Comprehensive Plan, including but not limited to, the most recent Maine Beginning with Habitat Program information, and in consultation with state and federal natural resources agencies. “Unusual natural area” means a land or water area, which is undeveloped and contains natural features of unusual geological, botanical, zoological, ecological, hydrological, and other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such areas may include: rare or exemplary plant communities; individual plant species of unusual interest because of size, species, or other reasons; unusual or exemplary bogs; important wildlife and fisheries habitats, particularly
those of rare or endangered species; unusual land forms; fossils and other deposits of importance to geologists; outstanding scenic areas; and other natural areas of similar character. Examples within the Town include the Alder Stream Focus Area, the Foxcroft/Sangerville White Cedar Bog, and Atlantic salmon, brook trout and other fisheries habitats.

9.4.12 Historic Sites
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on sites of historic significance.
B. Standards and Submissions: At a minimum, the applicant must submit a description of potential impacts on historic sites identified in the Town’s Comprehensive Plan, including, but not limited to, archaeological sites where the Maine Historic Preservation Commission has indicated there is a potential for significant archaeological resources. The Dover-Foxcroft Historical Society, the Maine Historic Preservation Commission, and any other applicable state or federal agency shall be consulted to identify any additional sites of significance, and to identify potential impacts and recommended measures to minimize impacts. Protections for historic sites may include, but not be limited to, total avoidance, modification of the proposed site design, construction timing, and extent of excavation.

9.4.13 Scenic Character
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect on the scenic character of the surrounding area.
B. Standards and Submissions: At a minimum, the applicant must submit a narrative describing how visual impacts to the scenic character of the surrounding area will be minimized. Scenic and cultural landscapes that are iconic and visible from a public way, public recreation area, or other public location shall be preserved to the maximum extent. Scenic areas identified in the Comprehensive Plan shall also be preserved. This may require submittal of a visual impact analysis prepared by a qualified professional, to include: 1) sketches of the proposed mega project indicating how it fits into the scenic character of the area; 2) lighting plans for minimizing light pollution; and 3) landscaping plans for minimizing the visual impact of the mega project.

9.4.14 Solid Waste
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect as to solid waste.
B. Standards and Submissions:
1. At a minimum, the applicant must submit evidence that there will be adequate provision for solid waste disposal. All solid waste will be disposed of in a manner which ensures that: 1) no unreasonable adverse effects on the natural environment will result; 2) the public health, safety, and welfare will not be adversely affected; and 3) the wastes will not combine with other wastes, water, or other natural or man-made substances to create additional harmful effects to the natural environment or the public health, safety, and welfare.
2. At a minimum, the applicant must provide evidence of: 1) the types and estimated quantities of solid waste to be generated by the mega project and the proposed method of disposal; and 2) a letter from the Dover-Foxcroft Town Manager and the operator of a solid waste management facility or, if needed, multiple facilities, stating that adequate capacity exists for all solid waste generated by the mega project and that the applicant may utilize the solid waste management facilities.
9.4.15 Blasting
A. Review Criterion: The proposed mega project will not have an unreasonable adverse effect as a result of blasting.
B. Standards and Submissions: At a minimum, the applicant must submit a site plan indicating proposed blast areas at the project site and locations of all offsite structures and wells not owned or controlled by the applicant within 2,000 feet of any blast site. A report must be prepared by a qualified professional that includes the following:
   1. An assessment of the potential for adverse effects of blasting on protected natural resources and structures and wells not owned or controlled by the applicant considering, at a minimum, ground vibration, peak particle velocities, noise and airblast effects, and on-site and offsite ground and surface water quality and quantity.
   2. A blasting plan which addresses methods to control adverse effects from ground vibration, airblast and flyrock and noise; provides details on the proposed blast design, monitoring of blasts (as applicable), a blast schedule, and includes provisions for pre-blast surveys, signage, warnings, and access control during blast events in conformance with 38 M.R.S. §490-z(14) and all other applicable federal and state regulations.

9.4.16 Impact and Alternatives Analysis; Mitigation Plan
A. Review Criterion: The proposed mega project shall be designed to have no unreasonable adverse effects on the community based on an analysis of both adverse and beneficial impacts, an alternatives analysis, and a proposed mitigation plan that addresses any and all potential negative impacts.
B. Standards and Submissions: At a minimum, the applicant must submit the following:
   1. An impact analysis that identifies potentially significant adverse and/or beneficial effects to the Town. An environmental impact statement or equivalent document prepared as part of state or federal permitting requirements may be used, at the discretion of the Planning Board. The Planning Board may require these documents to be supplemented to meet the requirements of this section.
   2. An alternatives analysis that demonstrates consideration of site and design alternatives as well as alternative technologies, modified scale or magnitude, and alternatives incorporating practicable mitigation measures.
   3. A mitigation plan that includes measures that could reasonably eliminate or minimize any adverse effects of the proposed project shall be identified, including, but not limited to:
      a. Minimizing an impact by not taking a certain action or parts of an action.
      b. Rectifying an impact through repair, rehabilitation, restoration, or replacement.
      c. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project.
      d. Compensating for an impact though other actions.

9.4.17 Significant Tangible Benefits
A. Review Criterion: The applicant must demonstrate that the proposed mega project will provide significant environmental and economic improvements or benefits to the citizens of the Town of Dover-Foxcroft attributable to the construction, operation, and maintenance of the proposed Mega Project.
B. Standards and Submissions: At a minimum the evidence submitted in support of this demonstration shall include the following:
   1. The estimated number of both part-time and full-time jobs (short-term and long-term) to be created in the Town.
2. The proposed property tax payments from the project and projected impact on property tax rates in Dover-Foxcroft.
3. A plan for land or natural resource conservation.
4. The estimated type of and amounts of purchases of materials for the construction, operation, and maintenance of the project to be made in Dover-Foxcroft.
5. A plan for post-construction reporting to the Town of Dover-Foxcroft of tangible benefits realized from the construction, operation, and maintenance of the project.
6. Any other tangible benefits to be provided by the project.

9.4.18 Decommissioning and Site Restoration Plan

A. Review Criterion: The applicant must provide a decommissioning and site restoration plan with funding to ensure that the project site will be returned to the state as it existed prior to the mega project when the project is no longer in operation.

B. Standards and Submissions: At a minimum the applicant must provide a decommissioning and site restoration plan that describes the following:
   1. A description of the trigger for implementing the decommissioning plan.
   2. A description of the anticipated operational life of the mega project.
   3. A detailed estimate of costs for decommissioning the entire mega project, including costs associated with restoring the mega project area.
   4. A restoration plan for the decommissioned mega project area that returns the area to the state as it existed before the mega project, including the estimated costs for restoring the area.
   5. Documentation of financial assurance demonstrating that the decommissioning and restoration costs will be fully funded prior to the start of construction. Financial assurance can be demonstrated in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance acceptable to the Planning Board in consultation with the Town Manager and the Town’s Attorney.

9.4.19 Technical and Financial Capacity

A. Review Criterion: The mega project must be supported by adequate technical expertise and financial capacity for its design, construction, maintenance, operation, and decommissioning in conformance with the requirements of this Ordinance.

B. Standards and Submissions: The standards set forth below must be met for all mega projects:
   1. The applicant and owner/operator shall retain qualified consultants, contractors and staff to design, construct, repair, and operate the proposed mega project in accordance with approved plans. In determining the technical ability, the Board shall consider the size and scope of the proposed project, the previous experience of the applicant and owner/operator, the experience and training of the consultants and contractors retained by the applicant and owner/operator, and the existence of violations or previous approvals granted to the applicant.
   2. The applicant and owner/operator shall have adequate financial resources to design, construct, maintain, operate, and decommission the mega project in compliance with this Ordinance. In determining financial capacity, the Board shall consider the cost of the proposed mega project, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resources available directly from the applicant and owner/operator to finance the mega project.
**Section 9.5 Standard Conditions of Approval**

9.5.1 **As-Built Plans.** The applicant shall submit as-built plans at the completion of the construction to the CEO or, as may be requested by the Planning Board, as part of phased completion of the project.

9.5.2 **Compliance with Other Local, State, and Federal Requirements.** The applicant shall comply with any and all other local, state, or federal requirements, including, but not limited to, securing all other necessary governmental permits or similar approvals. All approvals shall be conditional on the applicant obtaining all required federal, state, county, and local permit approvals, including permit approvals from adjacent jurisdictions, as applicable.

9.5.3 **Performance Guarantees.** In accordance with Article VI, Section 6.3.9 (Performance Guarantees), the Planning Board shall require the furnishing of a bond or other performance guarantee it deems equivalent to secure the applicant's obligations under this Ordinance.

9.5.4 **Complaint Protocol**

A. The applicant shall submit a complaint protocol that provides: 1) a transparent process for reporting complaints to the owner/operator of the mega project; 2) a consistent approach to documenting complaints and to inform subsequent monitoring efforts; and 3) a process of informing the Town of complaints.

B. The owner/operator shall implement and maintain the complaint protocol throughout the life of the mega project. The owner/operator shall submit a report that describes all complaints and how the complaints were addressed to the CEO on an annual basis. The CEO may modify this timeframe if there are few complaints and the complaints are being addressed in a satisfactory manner by the owner/operator.

9.5.5 **Liability Insurance**

A. The applicant must provide evidence of liability insurance for the construction and operation of the mega project that provides sufficient liability coverage as determined by the Planning Board in consultation with the Town Manager and Town Attorney. The applicant must also name the Town of Dover-Foxcroft as an additionally insured party under its insurance policy(ies).

B. A certificate of the required insurance shall be provided to the CEO on an annual basis.

9.5.6 **Other Conditions.** The Planning Board may impose any other reasonable conditions having a rationale relationship to the proposed Mega Project.

**Section 9.6 Reserved**

**Section 9.7 Reserved**

**Section 9.8 Reserved**
APPENDIX – HISTORIC OVERLAY DISTRICT MAP