Amendments to the Town of Dover-Foxcroft Land Use Ordinance pertaining to the regulation of Mega Land Uses

Public Hearing Draft (5/28/2020)

Proposed amendments are in blue and red. Blue text is proposed new text. Red are deletions of existing text.

Minor formatting to the tables is not shown in blue or red.

If adopted these amendments will be inserted into the Land Use Ordinance with page numbers and the table of contents adjusted to be consistent with the Ordinance layout.

ARTICLE I. GENERAL PROVISIONS

Section 1.5 Conflicts with between Other Ordinances and Laws

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. Nothing in this Ordinance shall be interpreted to supersede the provisions of a more restrictive local, state, or federal law, rule, ordinance or regulation. (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 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 1.12 Definitions

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

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)

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)

**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)

**Mega Land Use, Development, Mega Project, or Mega Land Use 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)

**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)

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

**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.

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)
**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)*

**Substantial Start:** Completion of 10% of a permitted structure (30% in a Shoreland Zone) or use measured as a percentage of estimated total cost.

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**ARTICLE II. LAND USE DISTRICTS**

**Section 2.5 Land Uses by Land Use District (Table 2.5.1)**

<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 – Permit from CEO Required</td>
<td>Growth Districts</td>
<td>Rural Districts</td>
</tr>
<tr>
<td>No – Prohibited Use</td>
<td>Village</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>1 Reserved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Reserved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Reserved</td>
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<tr>
<td>4 Reserved</td>
<td></td>
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</tr>
<tr>
<td>5 Reserved</td>
<td></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, shall be amended to include reference to any Mega Projects, upon the adoption of Land Use Ordinances Pertaining to Mega Projects. *(Amended 2020)*

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**ARTICLE VI. SITE PLAN REVIEW**

**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, and any Town of Dover-Foxcroft Land Use Ordinance Pertaining to Mega Projects. *(Amended 2020)*

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 in Table 6.2 (Classification Criteria for Site Plan Review Projects) or in any Town of Dover-Foxcroft Land Use Ordinance Pertaining to Mega 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) and any Town of Dover-Foxcroft Land Use Ordinance Pertaining to Mega Projects to classify applications as minor, major or mega developments. The Board has the

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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 2)

<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 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>
<tr>
<td>8. New or Expanded Adult Business Establishment</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>9. New or Expanded 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. New or Expanded 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. New or Expanded Manufacturing, Heavy</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>12. New or Expanded Sawmill, Permanent</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>13. New or Expanded Slaughterhouse</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>14. New or Expanded Air Transportation Use</td>
<td>All Districts where allowed.</td>
<td>All such uses</td>
<td>Major</td>
</tr>
<tr>
<td>15. New or Expanded 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. New or Expanded 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>16. Reserved</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>17. Reserved</td>
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<td>18. Reserved</td>
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<tr>
<td>19. Reserved</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>20. Reserved</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note:* Table 6.2 (Classification Criteria for Site Plan Review Projects—Page 2) shall be amended to include reference to any Mega Projects, upon the adoption of Land Use Ordinances Pertaining to Mega Projects.
Section 6.6—Mega Projects
See Land Use Ordinance Pertaining to Mega Projects, as applicable.

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 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 oxic [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) 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 through 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