

Town of Rome

**Commercial Development Review
Ordinance**

March 2023

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ARTICLE 1: General Provisions

SECTION 1. TITLE

This Ordinance is known and cited as the Tow of Rome Commercial Development Review Ordinance and will be referred to as “this Ordinance.”

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the provisions of Title 30-A MRSA Section 3001.

SECTION 3. EFFECTIVE DATE

This Ordinance takes effect upon enactment by the Town Meeting. The effective date is:

SECTION 4. RELATIONSHIP WITH OTHER ORDINANCES

Whenever a provision of this ordinance conflicts with, or is inconsistent with, another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. All site review applications are required to conform to all other applicable ordinances and regulations of the Town of Rome.

SECTION 5. VALIDITY AND SEVERABILITY

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

SECTION 6. AMENDMENTS

Any amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting.

SECTION 7. AVAILABILITY

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

ARTICLE 2: Purpose

SECTION 1. PURPOSE

The purpose of this Ordinance are as follows:

- A To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for commercial, industrial, office, community and service uses, municipal, institutional, utility, and recreational uses.
- B To establish a fair and reasonable set of standards for evaluating each development.
- C To mitigate potential nuisances associated with development from having a negative impact upon the community.
- D To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E To reduce off-site impacts from development from negatively affecting municipal services and infrastructure.
- F To protect the water quality of all the lakes, ponds, streams, brooks, and wetlands within the community.

ARTICLE 3: Applicability

SECTION 1. APPLICABILITY

Review is required for new construction or development of commercial uses or the proposed expansion of existing commercial operations as provided below:

- A The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, in excess of 1,200 square feet..
- B The expansion of an existing non-residential building or structure, including accessory buildings and structures, that exceed 25 percent of the existing structure footprint or if greater than 1,200 square feet in footprint area.
- C The conversion of an existing building, in whole or in part, from a residential use to a commercial use, where the area converted exceeds the square footage threshold established above.
- D The establishment of a new nonresidential use even if no buildings or structures are proposed including such uses as gravel pits, mining operations, cemeteries, golf courses, and other nonresidential uses.
- E The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use.
- F The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads, and parking lots involving more than 5,000 square feet of area. This shall not apply to paving or repavement of existing paved or impervious surfaces less than 10,000 square feet.
- G New or expanded mineral extraction operations.
- H Facilities for the storage of bulk fuel, chemicals or other flammable or hazardous substances that exceed 1,000 gallons.
- I The installation of a ground mounted solar energy facility with a nameplate production capacity of twenty-five kilowatts (25kw), or more

SECTION 2. USES NOT REQUIRING REVIEW

The following uses and activities do not require review under this Ordinance.

- A The construction, alteration, enlargement or placement of a single family or two family dwelling, including accessory buildings or structures.
- B Home occupations as defined by this Ordinance.
- C Agricultural production, timber harvesting, and forest management activities.
- D Subdivisions reviewed under the Town's Subdivision Ordinance and any roads or driveways covered by that ordinance.
- E The installation of roof mounted solar energy facilities

ARTICLE 4: Administration and Enforcement

SECTION 1. PLANNING BOARD

The Planning Board shall have the following powers and duties:

- A To administer this Ordinance.
- B To hear and decide upon applications according to this Ordinance.
- C To develop site review application forms.
- D To provide the Code Enforcement Officer with a written decision of each application.

SECTION 2 CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall have the following powers and duties:

- A To enforce the provisions of this Ordinance.
- B To issue stop work orders and other appropriate notices of violation.
- C To assist the Planning Board with the review process.
- D To conduct site visits and to review applications as authorized by this Ordinance.
- E To issue permits.

SECTION 3 COMMERCIAL DEVELOPMENT REVIEW PERMITS

The Planning Board shall review and decide upon all applications and shall submit their written decision on each application to the Code Enforcement Officer. The Planning Board shall prepare the permit approval, including any conditions and submit it to the Code Enforcement Officer, who shall issue the permit to the applicant.

No work or other development shall be undertaken on any use or project that requires review until a permit has been issued by the Code Enforcement Officer.

SECTION 4 PERMIT FEE

A non-refundable review fee shall be submitted with the application. The fee shall be established by the Board of Selectpersons.

SECTION 5 PERMIT EXPIRATION

Permits are valid for 36 months from the date of Planning Board approval for the completion of the project. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance by submitting another site review application to the Planning Board. A permit is transferable to subsequent owners of the property.

SECTION 6 DECISIONS

After a review of a complete application the Planning Board shall determine whether the proposal meets the review criteria contained in Article 5 of this Ordinance. Tire Planning Board shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision to the applicant and the Code Enforcement Officer.

SECTION 7 BURDEN OF PROOF

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

SECTION 8 RIGHTS NOT VESTED

The submittal of the application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon notification to the applicant that a complete application has been received.

SECTION 9 SITE INSPECTION

The Code Enforcement Officer and/or the Planning Board may perform an on-site inspection of the proposed project to obtain knowledge about the site and the surrounding area.

SECTION 10 ADDITIONAL INFORMATION AND STUDIES

The Planning Board may at its discretion retain independent expert assistance to supplement the evidence presented by the applicant and received during the public hearing. The cost of such expertise shall be borne by the applicant according to the terms of an escrow account set-up at the time the application is submitted as listed in the Permit Fee Schedule established by the Board of Selectpersons.

SECTION 11 WAIVERS

- A The Planning Board may vote to waive any of the development standards or submission requirements in this Ordinance when it finds one of the following:
 - 1 One or more of the submission requirements, or development standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project, or unique features of the proposed use.
 - 2 The applicant may submit alternative designs which meet or exceed performance standards required under this ordinance. Such submissions shall not be waived but may replace standard submissions.
- B Tire applicant shall submit information to support the waiver request with the application.
- C The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request in the application. The first item of the application review shall be a consideration of any waiver request. The Planning Board shall review the waiver request and if it meets the appropriate

criteria shall approve the request and submit its decision in writing to the applicant. If the Planning Board finds that the waiver request does not meet the criteria, it shall deny the waiver and require the applicant to revise the application, as necessary. The Planning Board may vote to suspend review of the application until the applicant supply all the necessary information. The applicant shall submit all required information to the Planning Board within 60 calendar days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Planning Board make a final decision on the application until the applicant supplies additional information to the satisfaction of the Board.

- D All waivers approved by the Planning Board shall be documented during the review process.

SECTION 12 CONDITIONS

- A Upon consideration of the review criteria, the Planning Board may attach such conditions to the proposed application that it finds necessary to further the purposes of this ordinance. Conditions are limited further to address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically addressed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Planning Board shall consider the unique features of the following: site and surrounding area; proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.

SECTION 13 PUBLIC HEARING REQUIREMENTS

The Planning Board may hold a public hearing on each site review application as follows:

- A The public hearing shall be held within 35 days after the proposed application is deemed complete. This period may be extended for up to 60 days by mutual consent by the applicant and the Planning Board.
- B The notice of the date, time and place of the public hearing shall be made as follows:
 - 1 The town shall publish a notice at least once in a newspaper having general circulation within the Town. The date of the first publication shall be at least 7 days before the hearing.
 - 2 The Town shall notify the applicant by first class mail.
 - 3 The applicant shall notify all property abutters by return receipt mail, at least 7 days before the public hearing. The applicant shall provide the Planning Board with all of the return receipts.. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.
(An abutter is any lot within 500 feet of the lot being considered under site review.)
- C The Planning Board may vote to continue the public hearing to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

SECTION 14 APPEALS

A The Board of Appeals is authorized to hear administrative appeals and variance appeals arising from this Ordinance.

1 Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

2 Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

B Variances may be permitted only under the following conditions:

1 Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, lot coverage and setback requirements.

2 Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

3 The Board of Appeals shall not grant a variance unless it finds that the strict application of this Ordinance would result in undue hardship.

4 The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this ordinance to the greatest extent possible, and in doing so may impose such conditions to a variances it deems necessary. The party receiving the variance shall comply with any conditions imposed.

C Appeal Procedure

1 An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the 30 day requirement.

2 Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a A concise written statement indicating what relief is requested and why it should be granted.

b A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

3 Upon being notified of an appeal. The Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

4 The Board of Appeals shall hold a public hearing on the appeal within 45 days of its receipt of an appeal request.

D Decision by the Board of Appeals

- 1 A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- 2 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter, or to affect any variation in the application of this Ordinance from its stated terms. The Board of Appeals may reverse the decision, or failure to act of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.
- 3 The person filing the appeal shall have the burden of proof.
- 4 The Board of Appeals shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.
- 5 All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.
- 6 Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.
- 7 The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

SECTION 15 ENFORCEMENT AND PENALTIES

- A The Code Enforcement Officer shall keep a record of all enforcement actions and shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance., including the use of administrative consent agreements.
- B Any person, including but not limited to a landowner, landowner's agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A , MRSA, Section 4452.

ARTICLE 5: Review Criteria

SECTION 1. REVIEW CRITERIA

An applicant for a commercial development permit shall demonstrate that the proposed use or project meets the review criteria listed below. The Planning Board shall not approve an application unless it makes written findings that all of these criteria have been met.

- i The application is complete and applicable review fee has been paid.
- ii The proposal conforms to all tire applicable provisions of this Ordinance.
- iii The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that an unsound or unhealthy condition results.
- iv The proposed activity will not have an adverse impact on freshwater wetlands.
- v The proposed activity will not have an adverse impact upon any waterbody such as a lake, pond or stream.
- vi The proposed activity will provide for adequate storm water management.
- vii The proposed activity will provide for adequate sewage disposal.
- viii The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Rome Floodplain Management Ordinance.
- ix The Proposed activity will not result in air or water pollution.
- x The proposed activity has sufficient water available for the current and foreseeable needs of the development.
- xi The proposed activity will not, alone or in conjunction with existing activities; adversely affect the quality or quantity of groundwater.
- xii The proposed activity will dispose of all solid waste in conformance with all local regulations and that the type and quantity of waste proposed to be sent to Town facilities will not exceed their capacity.
- xiii The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties, that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
- xiv The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.

- xv The proposed activity to the maximum extent possible will not have an adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Rome, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- xvi The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, and all other local Ordinances.
- xvii The proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond.
- xviii The Town has the capacity to provide fire and rescue services.

ARTICLE 6: Application Procedure

SECTION 1. APPLICATION PROCEDURE

- A The applicant shall submit the site review application to the Code Enforcement Officer along with the appropriate application fee and written evidence that abutters have been notified.
- B The Town of Rome shall issue a dated receipt to the applicant upon receiving the application.
- C Within 35 days of receipt of the application, the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant of his/her determination.
 - 1 If the application is not complete the Code Enforcement Officer shall notify the applicant of the specific materials needed to complete the application. The applicant shall provide the required materials according to above listed procedure.
 - 2 If the application is complete the Code Enforcement Officer shall notify the Planning Board that a complete site review application has been received and place the application on the Planning Board's agenda for review and consideration.
- D The applicant shall, at least 14 days prior to the scheduled meeting, submit to the Code Enforcement Officer 6 copies of the site review application including all plans and maps. The Code Enforcement Officer shall distribute to the Planning Board copies of the application prior to the meeting. The applicant may provide reduced copies of maps and plans, however, at least one full size set of plans shall be submitted.
- E Substantive review of the application shall not be deemed to have begun until the Code Enforcement Officer makes a finding that the application is complete.
- F The Planning Board shall make a final decision upon the application within 90 days of the initial meeting. However, upon mutual consent of the applicant and the Planning Board the final decision may be extended.
- G The Planning Board shall submit their final decision in writing to the applicant and to the Code Enforcement Officer within 7 working days.. Any conditions imposed upon the application shall be listed in their final decision.

SECTION 2. SUBMISSION REQUIREMENTS

All site review applications shall be submitted on the forms developed by the Planning Board and shall include the following materials and information.

- A Site Review Application
- B Site Review Application fee.
- C Waiver Request Form if Applicable.
- D General information including the following:

- 1 Name, address and telephone number of the applicant and applicant's agent if applicable.
 - 2 Property location, including address, map and lot number.
 - 3 Verification of the applicant's right, title or interest in the property.
 - 4 Estimated cost of the proposal.
 - 5 Schedule of construction including anticipated beginning and completion dates.
 - 6 A description of the project.
- E General location information including the following:
- 1 A copy of the tax map showing the property and surrounding parcels.
 - 2 A copy of the Kennebec County soil map showing the property.
 - 3 A copy of the USGS Topographic map showing the property
 - 4 A copy of the Town Shoreland Zoning Map showing the property if located in a Shoreland District.
 - 5 A copy of the FIRM Map showing the property if located in a designated floodplain.
 - 6 A copy of the National Wetlands Inventory Map showing the property.
 - 7 A map drawn to scale showing the location, boundaries, elevations, uses and square footage size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, waterbodies and wet lands, number of acres within the development, size of all impervious areas, all other significant natural and physical features and true north.
- F The location of all proposed subsurface waste water disposal systems.
- G Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression. (please note: the fire chief should be consulted to determine whether of riot appropriate structures are required to supply a water source to handle a fire threat)
- H Evidence that all other local permits have been obtained including but not limited to: Shoreland Zoning, and Floodplain Management.
- I An erosion control plan as per the requirements of this Ordinance.
- J A storm water control plan as per the requirements of this Ordinance.
- K A phosphorus control plan as per the requirements of this Ordinance.

- L The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Commission.
- M The location of any significant wildlife resources or natural areas.
- N The Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- O Any proposed areas or structures to be dedicated for public use.
- P Scaled drawings showing the location and construction specifications for all proposed roads including drainage features such as ditches and culverts, access points, driveways parking areas and other traffic management and control features.
- Q Any other material to show that the applicable performance standards or other requirements of this Ordinance are followed.
- R The estimated quantities of flammable or hazardous materials to be stored or handled on site.

ARTICLE 7: Development Standards Generally

SECTION 1. AIR QUALITY

- A. No development is 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 (BMP).

SECTION 2. ACCESS TO PUBLIC STREETS

This section shall apply to all development requiring a permit that directly access streets classified Arterial or Collector by the Maine Department of Transportation. Compliance with this section shall not relieve the applicant of the need for permitting under State Access Management Regulation.

A. General Provisions.

1. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard
2. All streets which can be expected to carry traffic to and from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development. No development shall increase the volume to capacity ratio of any street above 0.8 nor reduce Level of Service to "D" or below on any street.
3. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control Devices* published by the American Traffic Safety Services Association.
4. The Planning Board may require the developer to plan or install direct access to adjoining properties where it will serve to reduce demand for vehicular movement on public Roads.
5. In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

B. Location and Design of Access Points

1. Sight Distances: All access points shall be located to provide minimum sight distance of ten (10) feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5

feet to the top of an object 4.5 feet above the street surface.

2. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:

Low Volume'. Peak hour volume of six (6) or fewer vehicles.

Medium Volume'. Any access that is not a low volume or high volume.

High Volume'. Peak hour volume of one hundred (100) or more vehicles.

- a. Design Criteria.

- i. All portions of an access point within the right-of-way of the street shall be paved with a bituminous concrete pavement. Paving shall consist of a minimum thickness of three (3) inches of bituminous concrete over a compacted subbase of gravel of at least 24 inches in thickness.
- ii. All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of fifty (50) feet back from the edge of the existing curbline
- iii. All access points shall intersect the road at an angle as nearly 90 degrees as site conditions
- iv. permit, but in no case less than 75 degrees.
- v. The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and 10 feet on the inside corner and at least 30 feet on the outside corner.
- vi. The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; For driveways with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, "right turn only" channels shall be no more than 20 feet.
- vii. From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

- b. Median and Channelization Islands

Medians or channelization island(s) are required for high volume access points and may also be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall create a throat (entry lane) of adequate length based on the traffic study, but in no case less than 60 feet. All islands shall be curbed with sloped curbing, with proper signs installed to direct traffic.

- c. Spacing Standards

- i. No low or medium volume access point shall be located within one hundred (100) feet of
- ii. any street intersection. No high volume access point shall be within two hundred fifty

- iii. (250) feet of any intersection. Distance shall be measured from the point of tangency for
 - iv. the intersection curb radius to the point of tangency for the access point curb radius.
 - v. The minimum separation distance between two low volume access points or a low- and a medium-volume access point is fifty (50) feet. The minimum separation distance between two medium volume access points or a high- and a medium-volume access point is seventy-five (75) feet. The minimum separation distance between two high volume access points is one hundred fifty (150) feet.
 - vi. No access point shall be located within ten (10) feet of a property line.
- d. Any access point which intersects an existing or planned sidewalks shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

SECTION 3. EROSION CONTROL

- A. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ best management practices (BMPs) for erosion control unless the Code Enforcement Officer certifies in writing that the nature of the site poses very little risk of erosion. Erosion of soil and sedimentation shall be avoided by employing BMP's as established in the latest version of the "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices".
- B. The least possible amount of disturbance will occur during construction in regard to tree removal, de-vegetation, and soil disturbance. In particular, strips of naturally vegetated areas existing on the down slope side of the construction site shall be maintained as undisturbed buffer areas.
- C. All watercourses, waterbodies and wetlands will be protected from sedimentation by the installation of silt fence barriers or other appropriate means. Such barriers shall be installed before digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind occurs within 500 feet of a watercourse, waterbody or wetland or on slopes greater than 10%. The banders shall be installed at all points immediately down slope of soil exposing activities.

SECTION 4. HISTORIC AND ARCHEOLOGICAL RESOURCES

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development plan shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

SECTION 5. MATERIALS STORAGE

- A. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. A dense evergreen hedge six (6) feet or more in height at the time of planting shall be the preferred means of attaining this standard.
- B. Where a potential safety hazard to children is recognized by the planning board, a physical bairrier

sufficient

to deter small children from entering the area shall be provided and maintained in good condition.

- C. No bulk storage of flammable or explosive liquids, solids, or gases shall be permitted unless storage facilities are located at least seventy-five (75) feet from any property line if above-ground, or forty (40) feet if underground. All materials shall be stored in compliance with requirements of the Maine Department of Public Safety and other appropriate Federal, State, and local regulations. Propane gas tanks in two hundred (200) pound cylinders or smaller and heating fuel tanks of 330 gallons or smaller are not considered bulk storage for the purpose of these standards except where three or more are aggregated.

All above-ground storage facilities for toxic, flammable, or explosive liquids shall be located on impervious surfaces and shall be completely enclosed by a dike high enough to contain the total capacity of the storage tank(s) plus the rain falling into the area during a twenty-five (25) year, 24-hour duration storm, or 150 percent of the volume of the storage facility, whichever is greater.

SECTION 6. NATURAL RESOURCE PROTECTION

A. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done by designating on the site plan the limits on development-related clearing. Outside of the limits, there shall be no tree removal, water channelization, soil disturbance, or grading and filling.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, the subject areas shall be located outside of the clearing limits. The Planning Board may require a mitigation or management plan to be reviewed by the Maine Department of Inland Fisheries and Wildlife (IFW) or Natural Areas Program of the Department of Conservation as appropriate.
2. If any portion of the area to be developed includes areas mapped by the Maine IFW as Deer Wintering Areas, the developer shall consult with the Department on means to limit the impact of the development on the habitat, and incorporate those recommendations into the development plan insofar as practicable.
3. If any portion of the area to be developed includes wetland, as determined by the Town of Rome, The Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, and mitigate impacts on the wetland both during and after construction.

C. Groundwater Protection

1. Any development which will generate a demand of 2,000 gallons per day or greater out of groundwater supplies shall not affect groundwater availability beyond the boundaries of the property. The developer shall demonstrate that groundwater will not be diminished in quantity or quality as a result of the project.
2. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals

or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Rome.

SECTION 7. NOISE

- A. The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 55 decibels between the hours of 7 AM to 9:30 PM, and 45 decibels at other times. These levels specified may be exceeded by 10 dB for no more than 15 minutes per day.
- B. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.
- C. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices are exempt from these provisions.
- D. On sites abutting a residential use, development construction shall be staged so that exterior activities are not conducted between the hours of 9:30 p.m. and 7 a.m. The Planning Board may require additional measures for noise suppression.

SECTION 8. OUTDOOR LIGHTING

A development may employ outdoor lighting which serves security, safety, and operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring properties. 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. Intensity should not exceed one (1) footcandle at the property line, and under no circumstances be located or directed so as to create a nuisance to abutting residential properties.

SECTION 9. PARKING

A. General

No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.

B. Parking Lot Design Criteria

1. Location

All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. This shall not be construed to eliminate the requirement for screening, Subsection 10, below. Aisles and parking spaces will not be located within the right-of-way of the public road.

2. Interior Circulation

a. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to parking spaces.

b. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking

aisles, but shall be designed and placed so as not impede views of pedestrians and vehicles.

- c. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.
 - d. Parking aisles should be oriented perpendicular to stores or businesses for safer pedestrian
 - e. access and visibility.
 - f. Any layout that utilizes vehicular access service (“drive-up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. Tire required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.
3. Layout of Parking Stalls and Aisles
- a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.
 - b. In paved lots, the planning board may require painted stripes to delineate parking stalls. If required, stripes should be a minimum of four (4) inches in width.
 - c. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
 - d. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways, or damage landscape materials.
 - e. Oversized parking spaces may be designated in areas that ordinarily serve such vehicles as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.

C Standards for Number of Parking Spaces

1. Basic Requirements for Parking Space

- a. Adequate off-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection 2, following. For uses not listed, the publication *Parking Demand* (ITE, 1987 or most recent edition) shall be consulted. Within each development, at least one space, plus one additional space for every twenty-five(25) required, shall be designated as available for handicapped persons:

Land Use Activity
Places of Residence or Accommodation — spaces per room or dwelling unit

- 1/3 Dedicated Retirement Home, Nursing Care Facility
- 1 Overnight accommodations
- 2 Multifamily buildings

Places of Public Assembly — spaces per seat based on maximum seating capacity

- 1/4 Theater, with fixed seating
- 1/3 Church
- 1/2 Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club

Places of Commerce and Industry — spaces per 1,000 sq.ft. of gross floor area.

- 1 Warehousing, Inside sales of motor vehicles
- 1 1/2 Industrial and Manufacturing Facilities, wholesaling
- 3 Grocery Stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
- 4 Retail Sales except as noted
- 5 Banks, Medical and Dental Offices, Fitness Clubs, Child Care

Public and Institutional Facilities — spaces per 1,000 sq.ft. of gross floor area

- 2 Elementary Schools
- 4 Secondary School, Community Center, Municipal Office.
- 6 College, Hospital

Miscellaneous — criteria as specified

- 1 per 1,000 sf no spectators Indoor Sports Facility (Tennis, Fitness, etc.)
- 1 per 4 seats, based on max seating capacity Stadiums, Arenas, Racetracks, and other spectator sport venues
- 30 per acre Mini-golf, Go-Carts, and other Outdoor Amusements
- 5 per lane Bowling Alley
- 3 per service bay + 1 per 10 vehicles displayed Motor Vehicle Sales and Service
- 2 Flexibility in Standards; The planning board is permitted to modify these standards as minimum requirements, under the following circumstances:-
 - a. By up to 10 percent, based upon a showing that similar uses under similar circumstances

generate greater or less demand.

- b. The following specified uses, because their peak hour/day varies from conventional parking demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sports facilities.
 - c. A development may include as a portion of its parking requirement the provision of parking spaces not located on the same lot provided a) that the spaces are located within 250 feet of the property, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for the use already existing on that lot.
 - d. The provision of spaces for vehicles used in the ordinary conduct of the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.
 - e. The planning board may waive the installation of parking spaces provided that adequate provision is made for the development of these spaces as needed in the future, specified by conditions of the permit. Such conditions may require permanent set-aside of adequate space, and provision of construction plans along with specified conditions under which the installation will be triggered.
- a. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, nor contain an area more than 25 percent greater than the minimum set by these standards.
- The planning board may require use of pervious or semi-pervious materials as an alternative to pavement in order to reduce quantity or improve quality of stormwater runoff.
- b. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the planning board may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.
 - c. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

SECTION 10. SCREENING OF STRUCTURES, PARKING LOTS, AND OTHER COMMERCIAL USES

A. Screening for Structures and Parking Lots.

New commercial and multi-family developments shall be separated from the street by a vegetative screen. The buffer shall include a mixture of native shrubs and trees selected for adaptability to roadside conditions. The owner shall be responsible for maintenance of the buffer planting, and shall replace deceased plant material within one growing season. The buffer shall be designed as follows:

- 1. All buffer areas shall maximize the retention and use of naturally occurring woodland and shrubs, with minimal clearing, unless required by the planning board to be replaced or

augmented with plantings to achieve reasonable visual screening from public ways.

2. Buffers shall be a minimum of thirty-five (35) feet in depth and extend along the entire frontage of the lot on public ways, except for access points or driveway lanes. The number and width of lanes shall be the minimum necessary to achieve safe and efficient passage of vehicles.
- B. In cases where a parking lot exceeds one hundred fifty (150) spaces, additional landscaping shall be placed within the lot, sufficient to divide the lot into two (2) or more smaller units of no more than 100 spaces each. Landscaped islands shall consist of fifteen (15) feet planted width, except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.
- C. Screening of Adjacent Properties

Screening shall be required wherever a proposed commercial use abuts a residential development or pre-existing home, and in other instances where the Planning Board determines uses may be incompatible.

1. Screening shall consist of a natural (preferred) or artificial visual buffer sufficient to ensure continuous year round screening. Screening shall be sufficient to minimize the impacts of large buildings, vehicle movements, outdoor storage areas, glare, and related commercial activity. Areas shall be maintained and vegetation replaced as necessary. The following is intended as a guide:
 - a. A fifty (50) foot minimum will be required if the buffer will consist of natural woodland, provided that the planning board may require supplemental plantings to achieve an effective visual screen.
 - b. A twenty-five (25) foot minimum will be required if the buffer will consist primarily of dense planting of native coniferous trees.
2. Where no vegetation can be maintained, or due to unusual site conditions, the planning board may approve a screen consisting of fences, walls, berms, or combinations thereof.

SECTION 11. SIGNS

A. Purpose

The purpose of this section is to allow advertising and informational signs that will not, by their nature and location, endanger the safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger the public health, safety, and welfare.

B. Abandoned Signs

Any free-standing sign which advertises a business conducted, product sold, or activity no longer in existence, or which, through lack of maintenance or other reason, becomes a hazard shall be removed by the owner, agent, or person responsible for the lot upon on which the sign is located.

C. Illuminated Signs

Signs may be illuminated internally or externally by lights which are shielded or hooded so that the light source is not a nuisance to traffic or neighboring properties. Lighting shall be constant in color, location, and brightness. Signs shall not give off or reflect light at an intensity greater than fifty (50) foot candles as measured one hundred (100) feet from the sign.

D. Sign Area and Placement

1. No more than two signs, projecting or free-standing, which in combination are not more than 32 square feet in size, shall be permitted per premise.
2. A sign may be placed in the front setback area but may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision. Such signs shall comply with standards in Subsection 2.B.1.

SECTION 12. STORMWATER MANAGEMENT

- A. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.
- B. Storm water drainage systems shall be designed to minimize tire volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate any additional runoff. The storm water management system shall be designed to accommodate the peak discharge of two (2) year, ten(10) year, and twenty-five (25) year frequency, twenty- four (24) hour duration storms.
 1. Stormwater practices shall be as described in the most recent edition of the Maine DEP *Stormwater Management for Maine, Best Management Practices*
 2. A stormwater control plan prepared according to the requirements of DEP Regulation chapter 500, “Stormwater Management” and Chapter 502 “Direct Watersheds of Waterbodies most at Risk From New Development” shall be deemed suitable to meet these standards.
- C. Within lake watersheds, stormwater systems shall include runoff from roof drains and camp roads to encourage infiltration and minimize phosphorus loading.
- D. Stormwater systems shall be maintained as necessary to ensure proper functioning.

SECTION 13. WASTES

A. Solid Waste

The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The development will not produce wastes that exceed the capability of the transfer station, in either volume or type of waste. Any toxic, hazardous, or special waste must be

disposed of in compliance with state and federal regulation and in a manner approved by the Planning Board.

B. Sanitary and Liquid Wastes

1. A completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal shall be a prerequisite to approval.
2. At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable State and Federal regulations.

SECTION 14: WATER QUALITY

A. General Standard

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, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

B. Impact on Groundwater.

1. The Planning Board shall require an assessment of the impact of a development on groundwater quality or quantity based on the proposed size or nature of the development in cases where the development is projected to generate demand of more than two thousand (2,000) gallons per day from groundwater sources. This assessment shall contain at least the following information:
 - i. a map showing the basic soils types, and the location of any subsurface wastewater disposal systems and drinking water wells within the development and within three hundred (300) feet of the development boundaries.
 - ii. depth to the water table at representative points throughout the development,
 - iii. data on the existing groundwater quantity and quality, either from test wells or from existing wells on neighboring properties.
 - iv. an evaluation of the effect of the development on groundwater. This evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within one thousand (1,000) feet from potential contamination sources.
2. The assessment shall demonstrate that the development will comply with the following standards:
 - a. No development shall increase any contaminant concentration in the groundwater to more than one half (1/2) of the Primary Drinking Water Standards, nor to an amount to exceed the Secondary Drinking Water Standards as established by the Maine Dept. of

Health and Human Services at the time of the permit issuance.

- 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 parameters in question to exceed one hundred fifty (150) percent of the pre-existing concentration.
 - c. Groundwater withdrawals or alteration of surface recharge characteristics by a proposed development shall not lower the water table beyond the boundaries of the development. No proposed development shall result in a lowering of the water table at the development boundary by increasing runoff or decreasing infiltration.
3. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If any measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Plan, and as restrictions in the deeds to the affected lots.

C. Impact on Lake Water Quality

Any new or expanded development within the scope of this ordinance shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

1. Unless otherwise noted, methods and standards for review under this section will be the latest edition of the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (hereinafter referred to as "Phosphorus Control Method").
2. Applicability: This section applies to the following activities that are proposed within the watershed of a great pond.
 - a. commercial development resulting in more than 10,000 square feet of disturbed area
 - b. the creation of new roads/driveways in excess of 250 feet.
3. For the purposes of this section, "disturbed area" is any developed area resulting in new impervious surface, roads, or the permanent conversion of forest or predominantly shrub cover to lawn, gravel or other similar surface. Areas of lots converted from natural cover, or shrub/grassland, to disturbed area within the last five (5) years prior to applying for a permit under this section will be considered as part of the projects total disturbed area.
4. Projects which have received approval for phosphorus and stormwater control under the state Maine Stormwater Management Law (38 MRSA § 420-D) and its accompanying regulations (DEP Chapter 500) shall be considered to comply with the phosphorus control portion of this ordinance:

ARTICLE 8: Development Standards for Specific Activities

SECTION 1. ADULT BUSINESS

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

- A. Physical Separation: Adult businesses shall not be located within 250 feet of existing residences, nor within 500 feet of an existing educational or religious use.
- B. Signs: In addition to the provisions of Section 7.11 of this ordinance, signs for adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

SECTION 2. MATERIAL EXTRACTION OPERATIONS

A. Special Permit Requirements

Applications to the planning board for the five-year permit shall include the following elements:

- 1. A site plan including the following features:
 - topography indicating not greater than ten (10) foot contour intervals, based on USGS data;
 - the location and slope of grades existing and proposed upon completion of the extraction operation;
 - proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits.
- 2. A written statement of the proposed operating procedure and working hours.
- 3. A five-year plan, showing new areas to be mined, and old areas to be reclaimed, together with estimates of volumes to be extracted, and detailed plans for reclamation of completed excavation.
- 4. The planning board may require a hydrogeologic study to determine the effects of the proposed, activity on groundwater movement and quality in the vicinity;

B. Development Standards

- 1. No part of any extraction operation shall be permitted within fifty (50) feet of any property or street line, except
 - a. drainage ways to reduce run-off into or from the extraction area may be allowed provided suitable erosion control measures are in place. Natural vegetation shall be left and maintained on the undisturbed land.

- b. As agreed to by abutting property' owners.
2. No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless provisions are made to limit access to such locations.
3. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.
5. The hours of operation at any extraction site shall be limited, if necessary to ensure operational compatibility with neighboring residences.
6. All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
7. The five-year reclamation plan shall show that within twelve (12) months following the completion of extraction operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.
8. Final slopes shall not exceed two feet horizontal to one vertical (2:1). All areas shall be properly restored to a stable condition adequate to meet the provisions of the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District, 1991, or most recent edition. Any temporary shelters or structures erected for operations and equipment shall be removed within thirty (30) days following completion of extraction operations.

C. Existing Operations not Grandfathered

1. Any mineral extraction process in lawful operation as of the effective date of this Ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this Ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.
2. Discontinuation of any existing operation for a period of more than two (2) years shall result in the loss of grandfathered status for that operation. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2) year period.

SECTION 3. OVERNIGHT ACCOMMODATIONS

- A. Hotels, motels, rental cottages, and inns designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:
 - 1. No part of any building shall be closer than fifty (50) feet to the front lot line, rear lot line, or either side line of such lot.
 - 2. Each rental room shall be equipped with an approved, hardwired smoke detector.
- B. Bed & Breakfast facilities shall comply with the following:
 - 1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
 - 2. In addition to parking required by Section 7.9 of this Ordinance, two spaces shall be provided for the owners or operators of the business.
 - 3. There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
 - 4. Each rental room shall be equipped with an approved, hardwired smoke detector.
- C. Hotel, motel, or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards. In addition, the creation of three or more units may be subject to review under the Town of Rome Subdivision Ordinance.

SECTION 4. GROUND MOUNTED SOLAR ENERGY FACILITIES

- A. Except as provided for below, ground mounted solar energy facilities with a nameplate capacity greater than twenty five kilowatts (25kW) shall be prohibited from being constructed within the Town of Rome
 - 1. A ground mounted solar energy facility with a nameplate capacity between 25kW and 50kW may be permitted after clearly demonstrating the following:
 - a. The increased size of the facility is necessary to meet the electrical energy demands of the site
 - b. 100% of the energy produced from the Solar Energy Facility will be used at the site of production
No part of the Solar Energy Facility will be located within the Shoreland Zone (as depicted on the most recent Rome Shoreland Zoning map)
- B. Ground mounted solar energy facilities with a nameplate capacity of less than twenty five kilowatts (25kW) do not require permitting under this ordinance, but shall meet all other applicable Town, State and Federal regulations governing their installation, use and removal

ARTICLE 9: Definitions

The following words and phrases, as used in this ordinance, have the meanings specified below. Any words not defined below are assumed to have their normal dictionary meaning

Abutter: Any lot which is within 500 feet of the lot in question.

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

Adult Business: Any commercial enterprise, including but not limited to bookstores, amusement centers, and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually explicit material or activities. Sexually explicit means the depiction of display of human sex organs.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this ordinance; A person whose land abuts land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture (Agricultural Production): The production, keeping or maintenance for sale or lease, of plants and /or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products, livestock; fruits and vegetables; and ornamentals and green house products.

Applicant: A person, group of people , business or corporation applying for a permit under this Ordinance.

Building: Any structure having a roof supported by columns or walls intended for sheltering or housing people, animals, business processes or activities, equipment, goods or materials of any kind or nature.

Building footprint: The area covered by a building measured from the exterior surface of the exterior walls at grade level exclusive of cantilevered portions of the building. Where the building is elevated above the grade level on post or similar devices, the building footprint is the area the building would cover if it where located at ground level.

Campground: A plot of ground upon which 2 or more campsites are located , established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes including erection of tents, trailers, lean-to, overnight cabins, or similar structures and parking facilities.

Critical Natural Area: Any area identified and listed by the Natural Areas program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered

plant species or rare and unique natural communities.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Developed Area or disturbed area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas and streets.

Essential Service: The construction, alteration and maintenance of gas, electric, communication facilities, steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, mains, call boxes, traffic signals, hydrants, and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Ground Mounted Solar Energy Facility: The area of a Solar Energy Facility which is not structurally supported by an existing building.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic preservation Commission as having significant value as an historic or archeological resource as well as areas identified in the Town of Rome Comprehensive Plan.

Home Occupation: An occupation or profession which is carried on in an dwelling unit or accessory building, which is clearly incidental and secondary to the residential use of the dwelling; earned on by a member of the family residing in the dwelling unit; ; does not involve the storage of goods or products outside; does not use lighted signs; does not have more than two signs on premise with a combined total area larger than 32 square feet, includes no more than 2 outside employees not residing in the dwelling unit; and, which does not alter the residential character of the neighborhood.

Impervious surface: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability.

Level of Service; A term used by traffic engineers, indicating a scale of “A” to “F”, measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service “E” to “F” describe road situations with severe problems attributable to traffic congestion.

Material (Mineral) Extraction Operation: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing, cleaning or other treatment of that product so as to make it suitable for commercial, industrial or construction use, but it shall not include the excavation or grading preliminary to a construction project.

Overnight Accommodation: A building or buildings in which lodging or meals and lodging are offered to the general public for compensation and in which there are no separate kitchen facilities other than associated with common eating areas or owner’s quarters. The term includes establishments commonly referred to as hotels, motels, inns , bed and breakfast, and guest houses, but does not include housekeeping units.

Peak Hour Volume: The highest number of vehicles found to be passing over a section of a lane or roadway during any 60 consecutive minutes. Typically there is a peak hour condition in the A.M. and a peak hour

condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles, for the purpose of calculation, sight distance is measured from the height of a hypothetical driver 5 feet above the driveway at a point ten (10) feet behind the street line, to an object 4.5 feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Sign, freestanding: A sign that is directly and permanently supported, and physically separated from any other structure.

Sign, canopy or projecting: A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structure protective cover over a door, entrance, window or outdoor service area. It also means a sign that is attached to the building wall and extends more than 6 inches from the face of such wall.

Structure: Anything constructed or erected on the ground or which is attached to something located on the ground.

Solar Energy Facility: The area occupied by one or more solar arrays, along with all related solar equipment, used principally to capture solar energy

Street, Public: An existing state, county, or town way; dedicated for public use and shown upon a plan approved by the Planning Board and recorded in the County Registry' of Deeds.

Substantial start; The completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Water body or water course: Any river, stream, brook, pond, lake or wetland.

Wetland: An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, wetland includes swamps, marshes, bogs, certain forest areas and similar areas