

SITE REVIEW ORDINANCE

FOR

TOWN OF OAKLAND

ADOPTED APRIL 28, 2004

Amended October 22, 2008

SITE REVIEW ORDINANCE
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Article 1: General Provisions

SECTION 1. TITLE

This Ordinance is known and cited as the Town of Oakland Site 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 Council. The effective date is: April 28, 2004

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 Oakland.

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

Amendments to this Ordinance may be initiated by a majority vote by the Town Council, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

An amendment may only be adopted by a majority vote of a Town Council. The Planning Board shall conduct a public hearing on any proposed amendments prior to submittal to the Town Council for consideration.

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 is to accomplish the following objectives:

- A To establish a procedure whereby the Planning Board may review new proposals to use or develop land and buildings for non-residential uses such as commercial, industrial, office, government ,recreational facilities, communication towers, retail, wholesale, hospitals, storage facilities, hotels, motels, campgrounds and transportation facilities.
- 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, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, signs, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E To reduce off-site development impacts from negatively affecting municipal services and infrastructure.
- F To ensure that adequate water and sewer or subsurface wastewater disposal are available to serve the development.
- G To protect the water quality of all the lakes, ponds, streams, brooks, and wetlands within the community.

Article 3: Applicability

SECTION 1. APPLICABILITY

Site review is required for new construction or development of nonresidential uses or the proposed expansion of existing nonresidential operations. The review shall be classified as minor or major depending upon the size and scale of the development. The Code Enforcement Officer shall review and decide upon applications for minor developments and the Planning Board shall review and decide upon applications for major developments.

- A Minor Developments shall include the following:
 - 1 The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures that have a footprint area greater than 100 square feet and 2,500 square feet or less.
 - 2 The expansion of an existing nonresidential building or structure, including accessory buildings and structures that are 2,500 square feet or less in footprint area.

- 3 The conversion of an existing building, in whole or in part from a residential to a nonresidential use where the area converted is 2,500 square feet or less in footprint area.
- 4 The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use that results in more than 100 but less than 199 vehicle trips per day or vehicle trips at peak hour that are less than 99 vehicle trips.
- 5 The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads and parking lots that involve 40,000 square feet or less of area.
- 6 Major Home Occupations
- 7 Telecommunication and small wind energy system towers that are 60 feet or less in height

B Major Developments shall include the following:

- 1 The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, in excess of 2,500 square feet in footprint area.
- 2 The expansion of an existing nonresidential building or structure, including accessory buildings and structures, if it increases the square footage in excess of 2,500 square feet of footprint area.
- 3 The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use, where the area converted is more than 2,500 square feet of footprint area.
- 4 The establishment of a new nonresidential use, even if no buildings or structures are proposed including such uses as cemeteries, golf courses, commercial recreational facilities and other similar nonresidential uses.
- 5 The construction or conversion of an existing nonresidential use in whole or in part, to another nonresidential use that results in more than 200 total vehicle trips per day or vehicle trips at peak hour that exceed 100 vehicle trips.
- 6 The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads and parking lots involving more than 40,000 square feet of area.
- 7 Commercial facilities for the storage of bulk fuel, chemicals or other flammable or hazardous substances that exceed 5,000 gallons.
- 8 Telecommunications and small wind energy system towers more than 60 feet in height.

SECTION 2. EXEMPTION OF FIRSTPARK TAX-INCREMENT FINANCING (TIF) DISTRICT

- A. Basis: On the date this ordinance was adopted, the Kennebec Regional Development Authority (KRDA), the owner of the "FirstPark TIF District" (Firstpark) within the Town of Oakland had previously adopted and recorded in the Kennebec County Registry of Deeds a Declaration of Restrictive Covenants which apply to the development of any structure on a lot located within Firstpark. KRDA has also established a Site Review Committee, which is charged with reviewing any development plan for structures on lots within FirstPark for their compliance with the FirstPark Restrictive Use Covenants. This FirstPark Site Review Committee has a designated representative of the Town of Oakland serving on it. The Town of Oakland has found that the within described

FirstPark Restrictive Use Covenants, the fact that FirstPark is also required to establish buffers which have been imposed upon each lot within Firstpark as part of a Site Location Permit issued by the Maine Department of Environmental Protection, the fact that the FirstPark development has previously been reviewed and approved under applicable existing ordinances by the Town of Oakland Planning Board and the existing site review process established by KRDA, result in a finding that the overall site review process and development conditions for FirstPark are currently more stringent than those contained in this ordinance on the date it was adopted by the Town of Oakland.

- B. Conditional Exemption: As long as the FirstPark Restrictive Covenants and the site review process described in this section continue to be more stringent than the within ordinance of the Town of Oakland, and the Town of Oakland continues to have a right to designate a representative to serve on the FirstPark Site Review Committee, the development of any lot within FirstPark shall be exempt from the provisions of this ordinance.

In the event that any revisions are made to the FirstPark Restrictive Use Covenants and/or the FirstPark site review process in the future, the Town of Oakland Planning Board shall be notified in writing of the nature of those revisions and it shall advise the Oakland Town Council as to whether it believes those revisions will result in the FirstPark covenants and/or site review process is found, because of future revisions, to be less stringent than this ordinance, then any proposed development of a lot thereafter within FirstPark shall be subject to review pursuant to the provisions of this ordinance, but only to the extent that this ordinance is found to be more stringent than the then existing revised requirements of the FirstPark restrictive use covenants and site review process.

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 in accordance with Article 3 of 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 hear and decide upon applications in accordance with Article 3 of this Ordinance.
- D To conduct site visits
- E To issue permits.

SECTION 3 SITE REVIEW PERMITS

The Code Enforcement shall issue a Site Review Permit after the application has been reviewed and approved according to this Ordinance.

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

SECTION 4 PERMIT FEE

A non-refundable review fee shall be submitted with the application. The fee shall be established by the Town Council.

SECTION 5 PERMIT EXPIRATION

Permits are valid for 12 months from the date of approval for the substantial start of construction. 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. A permit is transferable to subsequent owners of the property.

SECTION 6 DECISIONS

After a review of a complete application the Planning Board or the Code Enforcement Officer as applicable shall determine whether the proposal meets the review criteria contained in Article 5 of this Ordinance. A determination to approve the application, approve the application with conditions, or deny the application shall be made in writing and copies provided to the applicant.

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 Town Council.

SECTION 11 WAIVERS

- A The Planning Board and/or the Code Enforcement Officer 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 The applicant shall submit information to support the waiver request with the application.
- C The Planning Board/Code Enforcement Officer 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 /Code Enforcement Officer 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/Code Enforcement Officer 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/Code Enforcement Officer may decide to suspend review of the application until the applicant supplies all the necessary information. The applicant shall submit all required information 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/Code Enforcement Officer make a final decision on the application until the applicant supplies additional information.
- D All waivers approved by the Planning Board/Code Enforcement Officer shall be documented during the review process.

SECTION 12 CONDITIONS

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

In determining whether conditions are appropriate or necessary, the Planning Board/Code Enforcement Officer 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 Published 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 Mailed by first class mail to the applicant.
 - 3 Mailed by first class mail to all property abutters as determined from the current tax assessment roles, at least 7 days before the public hearing. The Planning Board shall maintain a list of all property abutters mailed a notice in the application file. 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.
- 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 insure 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 therefore, 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.
- C The Code Enforcement Officer may represent the Town in District Court pursuant to Rule 80k. However, should the services of the Town Attorney be required in litigation in a higher court of law, the CEO shall first review the case with the Town Council.

Article 5: Review Criteria

SECTION 1. REVIEW CRITERIA

An applicant for a site review permit shall demonstrate that the proposed use or project meets the review criteria listed below. An application shall not be approved unless all of these criteria have been met.

1. The application is complete and applicable review fee has been paid.
2. The proposal conforms to all the applicable provisions of this Ordinance.
3. 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.
4. The proposed activity will not have an adverse impact on freshwater wetlands.
5. The proposed activity will not have an adverse impact upon any waterbody such as a lake, pond or stream.
6. The proposed activity will provide for adequate storm water management.
7. The proposed activity will provide for adequate sewage disposal.
8. The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Oakland Floodplain Management Ordinance.
9. The Proposed activity will not result in water pollution.
10. The proposed activity has sufficient water available for the current and foreseeable needs of the development.
11. The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
12. 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.
13. 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.
14. 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.

15. 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 Oakland, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
16. The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, and all other local Ordinances.
17. The proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond.
18. The Town has the capacity to provide fire and rescue services to the development.

Article 6: Application Procedure

SECTION 1. APPLICATION PROCEDURE FOR MINOR DEVELOPMENTS

- A The applicant shall submit the site review application to the Code Enforcement Officer.
- B A dated receipt shall be issued to the applicant upon receiving the application.
- C Within 10 days of receiving the application the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant of his/her determination. If the application is not complete the Code Enforcement Officer shall notify the applicant in writing of the specific materials needed to complete the application. The applicant shall provide the required materials.
- D The Code Enforcement Officer shall make a final decision on the application within 10 days after determining the application is complete. The Code Enforcement Officer shall approve, approve with conditions, or deny the application based upon the review criteria contained in Section 5 of this Ordinance. A written decision shall be provided to the applicant.

SECTION 2. APPLICATION PROCEDURE FOR MAJOR DEVELOPMENTS

- A The applicant shall submit the site review application to the Code Enforcement Officer along with the appropriate application fee.
- B The Town of Oakland 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 3 copies of the site review application. 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 3. SUBMISSION REQUIREMENTS

All site review applications shall be submitted on the forms developed by the Planning Board .The following materials and information shall be included with the Site Review Application. The applicant shall indicate those submission items that are not applicable to the proposal due to the particular location or design of the proposal.

- 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 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 wetlands, 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 or not an appropriate supply of water is available 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. ACCESS TO PUBLIC STREETS

This section shall apply to all development requiring a permit that directly access a Town Street. Compliance with the State of Maine, Department of Transportation, and Access Management Regulations shall be deemed suitable to meet these standards.

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.
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.
6. 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.

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 18 inches in thickness.

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

All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

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.

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.

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

No low or medium volume access point shall be located within one hundred (100) feet of any street intersection. No high volume access point shall be within two hundred fifty (250) feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access point curb radius.

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.

SECTION 2. 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. Temporary and permanent erosion control measures shall be designed and installed according to "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.
- B Temporary erosion control measures shall be installed prior to the start of any development. The applicant shall be responsible for the proper installation and operation of all erosion control measures. Permanent measures shall be installed as appropriate upon completion of the development.

SECTION 3. 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 4. MATERIALS STORAGE

- A. All outdoor storage areas, including areas used for the storage or collection of solid waste, auto parts, building materials, machinery, junkyards 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.

SECTION 5. NATURAL RESOURCE PROTECTION

A. 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 any wetland, the developer shall conform to all applicable state and federal laws and regulations.

C. Groundwater Protection

1. 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 Oakland.
2. 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.

SECTION 6. NOISE

- A. The proposed development shall not cause the background noise level to increase by 10 DBA during the day and 5 DBA at night. In no case shall the ambient noise level as measured from the property line exceed the following absolute noise criteria:
 - The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 65 decibels between the hours of 7 AM to 9:30 PM, and 50 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. Background noise levels shall be measured at each of the property lines. A day and night time reading shall be taken. Day and night time readings shall be taken at the same location along each of the property boundaries. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundaries.
- D. The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section. The applicant shall provide the following in the application to the Planning Board:

Details of how the noise measurements were taken including certification from the parties responsible for these measurements that they conform to the requirements of this section.

Written certification from an engineer or other appropriate professional that noise levels from the completed development will conform to the requirements of this section.

- E. Sounds emanating from safety signals, warning devices, emergency pressure relief valves; other emergency or public safety devices and temporary noise sources such as construction activities are exempt from these provisions.

SECTION 7. 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 properties. Direct or indirect illumination shall not exceed 0.5 footcandles upon abutting properties.

SECTION 8. 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 to 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 whenever feasible for safer pedestrian access and visibility.
- e. 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. The 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. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
- c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.
- 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

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. Handicap parking shall be provided as per State and Federal requirements.

# Of Spaces	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
½	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 ½	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 sq.ft	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
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 that the spaces are located within 250 feet of the property; that a written agreement is in place for long-term use of the spaces, and, 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.
3. 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 storm water runoff.

- 4. 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.
- 5. 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 9. BUFFERING OF STRUCTURES, PARKING LOTS, AND OTHER COMMERCIAL USES.
The provisions of this section shall not apply within commercial/industrial parks.

A. Buffering from the Main Road.

New commercial uses shall be separated from the street by a vegetative buffer.

- 1. Requirements for buffering are not intended to prevent any commercial establishment from having adequate visibility from the main road to promote its name and its products and services.
- 2. The placement, species, and beginning size of vegetation specified for the planned buffer must be included in the applicant's plot plan, and are subject to final approval of the Planning Board.
- 3. 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.

B. Landscaping for Large Parking Lots

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 ten (10) 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.
 - c. 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 10. 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. 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.

C. Sign Area and Placement

- 1 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.

- 2 Each property shall be limited to one free-standing pole sign. Properties with multiple occupancies shall share the sign. The height of the sign shall not exceed 25 feet.

SECTION 11. STORM WATER 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 the 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 *Stormwater Management for Maine, Best Management Practices*, Maine DEP, 1995 or most recent edition.
 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.

SECTION 12. WASTES

A. Solid Waste

The development shall provide for the disposal of all solid wastes in compliance with local, state and federal regulations.

B. Sanitary and Liquid Wastes

1. A completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal or a statement from the Town indicating that the municipal sewer system is capable of serving the proposed development 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 13: 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 Lake Water Quality

Development proposed within the watershed of a great pond shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

Unless otherwise noted, methods and standards for review under this section will be the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, revised May 1992 (hereinafter referred to as "Phosphorus Control Method").

Applicability: This section applies to

- 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

Article 8: Development Standards for Specific Activities

SECTION 1. TELECOMMUNICATIONS/SMALL WIND ENERGY SYSTEM TOWERS

A. Location

Consideration shall be given to serving new communication and small wind energy service demands by use of existing towers (co-location) wherever practicable. Applicants for permits for new facilities shall demonstrate why location on an existing tower is not feasible. The Planning Board may condition new permits to require co-location of other new facilities, which may be proposed, if feasible, and to ensure designs, which facilitate co-location.

B. Design and Construction

1. New telecommunication towers shall be designed in such a way as to facilitate co-location. New small wind energy towers shall be designed in such a way as to facilitate multiple locations of systems on each parcel.
2. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than five (5) years, and shall be set back from all lot lines a minimum horizontal distance equivalent to one hundred ten percent (110%) of the tower height, and a horizontal distance equivalent to one hundred fifty percent (150%) of the tower height from any habitable building on adjoining properties, but in no case less than required setbacks for the district in which it is located.

3. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.
4. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries Association. Compliance with these standards shall be certified by a registered professional engineer.
5. Any telecommunication or small wind energy system tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed from the property by the owner at their expense within one hundred twenty (120) days of receipt of notice from the Town. If the owner fails to comply with the notice, the Town of Oakland is hereby authorized to contract for removal of the tower and assess the cost of said removal as a lien against the property.

SECTION 2 HOME OCCUPATIONS

A Definition

A home occupation is an occupation or profession, which is carried on in a dwelling unit or an accessory building which is clearly incidental and secondary to the residential use of the dwelling. It is carried on by a member of the family residing in the dwelling unit and it does not alter the residential character of the dwelling or the neighborhood. A home occupation is further defined as a minor or major home occupation. Only Major home occupations are required to be reviewed and permitted under this Ordinance

- 1 A minor home occupation is an occupation or profession conducted in the dwelling or accessory building by only family members residing in the dwelling, conducted wholly indoors, contains no sign, does not involve the onsite retail sale of goods or services.
- 2 A major home occupation is an occupation or profession conducted in the dwelling unit or accessory building by members of the family residing in the dwelling and no more than 6 outside employees.

B Major Home Occupation Standards

- 1 Off street parking shall be provided for all employees and customer use.
- 2 One non-illuminated sign no larger than 6 square feet may be erected on the premises.
- 3 Outside storage, processing or display of items/products shall be prohibited
- 4 No more than 2,500 square feet of the dwelling and any accessory building shall be used for the home occupation.
- 5 The residential character of the property shall be maintained.

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 physically contiguous with the lot in question even if only at a point and any lot which is located directly across the public or private street from 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.

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.

Bulk Oil/Fuel Storage: Structures, buildings and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

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 were located at ground level.

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.

Days: Means Calendar Days, unless stated otherwise.

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.

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 Oakland Comprehensive Plan.

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.

Noise Ambient: At a specified time, the all-encompassing sound associated with a given environment, being usually a composite of sounds from many sources at many directions, near and far, including the specific development of interest.
Noise Background: The all-encompassing sound associated with a given environment, being a composite of sounds from many sources at many directions, near and far, prior to construction of the proposed development.

Nonresidential Uses: Activities and structures that include the following: commercial, industrial, recreational facilities, communication towers, retail, wholesale, government uses and structures, hospitals, offices, storage facilities, hotels, motels, campgrounds and transportation facilities. The term shall not apply to agriculture or agricultural production.

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.

Recreational Facility: Buildings, structures and areas for public and private indoor and outdoor recreation such as but not limited to golf courses, swimming pools, ball fields and courts, arcades, auditoriums, bowling alleys, theaters, health clubs, and playgrounds. This term shall not apply to passive recreation uses, which only include trails, paths, open space, and parks.

Residential Uses: Structures and buildings containing permanent and seasonal dwelling units. it shall also cover their related accessory structures.

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 3 ½ feet above the driveway at a point ten (10) feet behind the street line, to an object 4 ½ 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.

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.

Telecommunication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers, guyed towers, and monopoles for the purpose of transmitting or relaying radio frequency signals, including but not limited to radio, television, cellular, and personal communication service frequencies. Towers established for personal use such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Water body or watercourse: 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.

