

**SITE PLAN REVIEW
ORDINANCE
FOR THE
TOWN OF NORWAY, MAINE**

**AMENDED
SEPTEMBER 19, 1996
JUNE 19, 2006
JUNE 17, 2019**

SITE PLAN REVIEW ORDINANCE

SECTION I PURPOSE

Large scale development or major land use change can have a profound effect upon the cost and efficiency of municipal services and upon the environment of the Town of Norway. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services, degrading of the air and water quality as well as the general health, safety, and welfare of the residents.

The purposes of this Ordinance is to protect the public health, safety and welfare of the residents of the Town of Norway, to implement the Comprehensive Plan to insure an orderly growth of the Town and to minimize the negative effects of that growth when caused by development.

SECTION II AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Home Rule) and Title 30-A M.R.S.A. Section 4352.
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Norway, Maine, adopted and effective by vote of the Town Meeting on June 6, 1978.

B. Administration

1. The Planning Board of the Town of Norway and the Code Enforcement Officer shall administer this Ordinance.
2. No building permit or plumbing permit or certificate of occupancy shall be issued by the municipal officers or Code Enforcement Officer for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and acted upon by the Planning Board.
3. All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved.
4. All applications for Site Plan Review shall be made in writing to the Board on forms provided for that purpose and shall be by the owner of the property or the owner's agent as designated in writing by the owner.

5. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectmen who shall have the authority to revise the fee schedule after public hearing. This application fee shall be made by check payable to the Town of Norway and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.
6. If the services of outside consulting engineers or other professions are required by the Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Board before the final plan is approved.

SECTION III APPLICABILITY

A. This Ordinance shall apply to:

1. All commercial proposals regarding the use of land and/or structures, alteration of land, and all construction of structures including erection, relocation, alteration, or expansion of such within the town limits.
2. Construction of two or more dwelling units in one building or the division of an existing structure into two or more dwelling units.
3. Campgrounds.
4. Home Occupations when determined by the Planning Board that Site Plan Review is required.
5. All advertising features and signs to be replaced or installed in the town limits.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, and multi-family dwellings that are considered a subdivision according to state law.
2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.
3. All non-structural uses of land for agricultural or forestry purposes.
4. of 500 square feet Any commercial construction or less.

SECTION IV APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the developer or authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.
2. The developer shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of an outline of the proposed development and may be a freehand sketch of the parcel showing the proposed layout of buildings, roads, and other features which may be of assistance to the Planning Board in making its determinations.
3. The Planning Board may request that the developer arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board to act as the Board's representative.
4. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable. The Planning Board may provide guidance to the applicant on what is required by the ordinance, information that they will need in order to review the application, the contour interval to be used, and submittal items that may be waived.
5. During the pre-application process, the Planning Board may waive submittal items after discussion, but with no formal documentation, when the submittal of such information would not be applicable to the development or would be of such nature as to be unnecessary to insure that the standards and criteria of this ordinance will be met. This process would most often be used for changes of use or construction of relatively small projects.
6. The Board will also make a determination whether a Change in Use requires Site Plan Review and whether Home Occupations require Site Plan Review.

B. The Site Plan Review Application shall contain at least the following maps, exhibits and information, unless otherwise waived by the Planning Board.

1. A site map or maps (also called a site plan) prepared at a scale of not less than one (1) inch to fifty (50) feet, or smaller scale as determined by the Planning Board, including the following information:
 - a. name and address of the applicant or authorized agent, and name of proposed development.
 - b. tax map and lot numbers and names of abutting landowners

- c. perimeter survey of the parcel made and certified by a registered land surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing true north, graphic scale, corners of parcel and date of survey and total acreage; it is also recommended that the plan contain the latitude and longitude coordinates of the intersection of one property line with an existing street; the coordinates to be obtained by GPS.
 - d. existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private rights-of-way;
 - e. existing and proposed location, ground floor area, and elevations of buildings, common facilities, and other structures on the site and parcels abutting the site;
 - f. location of soil test pits and proposed subsurface waste disposal systems if applicable.
 - g. location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits, curb and sidewalk lines, and other improvements. Also, typical cross-section of proposed streets, parking areas and other improvements; profile of streets, sidewalks, drainage ways, and other linear features may also be required.
 - h. landscape plan showing location, type, and approximate size of plantings and location and dimensions of all fencing and screening;
 - i. existing and proposed topography indicating contours at intervals of either 2, 5 or 10 feet in elevation as specified by the Planning Board;
 - j. location of aquifers, aquifer recharge areas, and wellhead protection areas, if a boundary intersects the site.
 - k. the location of Wetlands on or adjacent to the site,
 - l. the location and elevation of the 100-year flood plain if a boundary intersects the site;
 - m. if the development site is located in the direct watershed of a great pond, the name of that watershed shall be indicated on the plan; and if the boundary intersects the site, the boundary shall be shown on the plan.
 - n. the size and location and type of proposed signs and exterior lighting.
2. Exhibits showing the following information with an outline of the site shown on each. Exhibits may be copies of small-scale maps of existing information where applicable. Alternatively, information may be shown on the site map or maps.
- a. An NRCS medium intensity soil survey or soil conditions mapped and/or described by either a soil scientist, geologist, or qualified engineer. The Board

may specify the intensity of the soil survey needed and require on-site soils information to be shown on the site map.

- b. If the site is not to be served by public sewer, then an on-site soils investigation report needs to be submitted by a Department of Human Services licensed site-evaluator. The report shall contain the types of soil, and proposed location and design of the best practical subsurface disposal system(s) for the site. The location of test pits and proposed location of disposal systems shall be shown on the site map.
 - c. A copy of the municipal tax map showing the area of the development and the map and lot numbers for all lots within five hundred (500) feet of the development, and showing and stating any interest the applicant has in any parcels within 500 feet.
 - d. location of aquifer, aquifer recharge and wellhead protection areas (maps available from town, water district, and GIS layer of aquifers at the Maine Office of Geographic Information Systems web site);
 - e. wetlands, significant wildlife habitat, and scenic views or viewsheds as identified in the Comprehensive Plan within one thousand (1,000) feet of the parcel (maps available from town);
 - f. the location and elevation of the 100-year flood plain (maps available from town);
 - g. location and description of any historic or archaeological sites (see Comprehensive Plan) or Archaeological Resource Potential Areas (contact the Maine Historic Preservation Commission) within one thousand (1,000) feet of the development and a description of methods to be used to mitigate impacts from the development on those resources.
3. A written, narrative statement or information on the application form and appropriate documents to provide the following information.
- a. Evidence by the applicant of title and interest in the land on which the development is proposed;
 - b. A description of the proposed uses to be located on the site including: quantity type and size of structures, products to be manufactured, description of and volume of by-products and wastes, products to be warehoused, products to be sold or services to be offered, number of patrons served on a daily basis and during peak hours, and the types of other activity expected on the site.
 - c. Total floor area and ground coverage of each proposed building and structure; driveways, roads, parking areas and other impervious areas and percentages of lot covered by each and total impervious area;
 - d. A copy of the existing and/or proposed easements, restrictions and covenants

placed on the property;

- e. Method of solid waste, universal waste and hazardous waste disposal for waste generated during construction and after site completion;
 - f. Erosion and sedimentation control plan providing information on controls used during construction and upon completion of the site development;
 - g. Stormwater management plan providing calculations of existing and proposed peak runoff flows for the 2, 10, and 25-year storm events and calculations to support the design and size of the drainage system and its components.
 - h. Copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail. All Domestic Return Receipts, USPS form # 3811, must be returned to the Board.
 - i. An estimate of the development cost and a statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both;
 - j. List of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with and the permits needed.
 - k. The applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water, streets, sidewalks, and parking, if applicable;
 - l. The completed Department Head Sign Off Sheet with ALL Department Head signatures.
 - m. An estimate of the date when construction will start and when the development will be completed.
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- n. Traffic data to include the following:
 - 1. the estimated peak hour and average daily traffic to be generated;
 - 2. existing traffic counts on surrounding roads;
 - 3. traffic accident data covering the most recent three-year period for which such data is available on surrounding roads.
 - o. The size, location, and direction and intensity of illumination of all outdoor lighting apparatus;
 - p. The type, size, description and location of all machinery, equipment, operations, or activity likely to generate appreciable noise;

- q. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with DEP guidelines for Phosphorus Control in Lake Watersheds.

C. Application

1. The application shall be filed with the Planning Board for review. Within thirty (30) days of filing of an application, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that an application is complete, it shall notify the applicant in writing and begin its review of the proposed development.
2. The Planning Board may hold a public hearing and/ or a site visit within 30 days of the filing of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation and appropriate social media. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).
3. Within thirty (30) days of the public hearing or sixty (60) days of receiving a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. The time period will be extended when the Planning Board requests additional information that requires the applicant time to prepare and submit.
4. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

SECTION V PERFORMANCE STANDARDS

- A. The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved, unless in the judgment of the Planning Board the development does not meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application and insure that the proposed development conforms to this ordinance, Norway's Building Code and other applicable ordinances.

1. Preserve and Enhance the Landscape:

a. Downtown/Gateways:

Development will preserve the historic integrity of the downtown. Development in Gateway areas will be compatible with that of the historic buildings in the Downtown in order to create an aesthetic integrity between the Gateways and the Downtown.

Development shall be landscaped to create green space, separate buildings where appropriate, separate buildings from the street where appropriate, soften building features, offer shade, and hide or soften sides of buildings, storage and parking areas. Existing large trees shall be preserved to the extent possible. This is particularly true of trees along street lines and side and rear lot lines and other areas that do not have to be disturbed for structures, drives and parking areas.

Wherever possible and appropriate, new construction or renovation will provide for the planting of large (3 to 4 inch diameter) trees that will grow to be shade trees over time.

Neither landscaping elements or signs shall block the visibility of travel ways including driveway access points and interior parking facilities.

b. Other Areas:

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal and disturbance of soil and retaining existing vegetation, topography, and drainage ways. Development that respects the natural features of the land will retain the rural character and help maintain water quality and preserve wildlife.

Development shall use the natural features including natural vegetation to the extent possible to define and soften building and other elements and screen the appearance of off-street parking areas, mechanical systems, and storage areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include surface waters, wetlands, and significant wildlife habitat, should be preserved and protected from encroachment that would disturb them or reduce their value. Natural buffers shall be preserved adjacent to such features. The width of the buffer shall be based on the type and importance of the resource, and the slope of the land and topography. A natural buffer of seventy-five (75) feet shall be maintained along all perennial streams.

c. Rural Villages: See Section VII for special regulations for the Rural Villages.

2. Relationship of the Proposed Buildings to the Environment:

Structures shall be related harmoniously to the terrain and to existing buildings in the vicinity. The structures shall have minimal adverse affect on the environment and the aesthetic qualities of the natural environment and the developed and neighboring areas.

a. Downtown/Gateway:

New or substantially rehabilitated buildings should be in keeping with the character of the downtown or area in which they are located. A variety of building types is encouraged, but buildings should be well designed and not be flat roofed boxes with no architectural elements. In the historic district, building design should complement historic buildings. Siding and the design of architectural and functional elements should be in keeping with existing structures.

- b. Other areas:
 - (1) A variety of building types is encouraged, but buildings should be well designed and not be flat roofed boxes with no architectural elements. Buildings shall be designed to compliment the natural or structural environment in the neighborhood in which it is located.
 - (2) Buildings shall have good scale and design elements and be in harmonious conformance with the environment and neighboring development.
 - (3) Mechanical equipment, waste handling storage and equipment, and other utility hardware on the ground or buildings shall be screened from public view and neighboring residential uses with landscaping or materials harmonious with the building and site, or they shall be located so visibility from any public way or neighboring residential use is minimized.
- 3. Vehicular and Pedestrian Access: The site layout shall provide for safe entrances and exists from public and private roads by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow and accident rates. The site layout shall also provide for pedestrian ways on adjacent public ways as applicable and within the development. Pedestrian ways and movement patterns shall be appropriate to the type and scale of the development. For the purposes of this section, the term "driveway" may be substituted for access and egress points.

- a. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.
- b. Any exit driveway or driveway lane shall provide the following minimum sight distances in each direction. The measurement shall be from the driver's seat of an exiting vehicle standing between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder with the height of eye at 3.5 feet to the top of an object 4.25 feet above the pavement.

<u>Posted Speed Limit</u>	<u>Sight Distance</u>
25 mph	250'
30 mph	300'
35 mph	350'
40 mph	400'
45 mph	450'
50 mph	500'
55 mph	550'

Where truck traffic is expected to be substantial, the minimum site distance shall be increased by fifty (50) percent of that required in the table above. Height of eye should be six (6) feet with the height of the object no more than 4.25 feet above the pavement.

- c. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as may be provided herein.

- d. The grade of any exit driveway or proposed street for a distance of at least seventy-five (75) feet from its intersection with any existing street shall be a maximum of three (3) percent and all streets and driveways shall be approximately perpendicular to the street with which they intersect.
- e. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from the other streets may be allowed if it is safe and does not promote shortcutting through the site.
- f. Access ways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any existing or proposed street.
- g. The following criteria shall be used to limit the number of driveways or egress points serving a proposed project. The Planning Board may allow for variation from these criteria when the type and/or nature of traffic and vehicles require it or when conflicts with the MDOT Access Management Standards exist. Requests for variations shall be documented as appropriate by a Professional Engineer Licensed in the State of Maine. This shall not prevent the Planning Board from requiring the use of standards in this ordinance when they are more stringent than the MDOT standards.
 - (1) No use which generates less than one-hundred (100) trips per day shall have more than one (1) two-way driveway onto a roadway. Such driveway shall be no greater than thirty (30) feet wide.
 - (2) No use which generates one-hundred (100) or more vehicle trips per day shall have more than two (2) points of egress to a single roadway. The combined width of all access ways shall not exceed sixty (60) feet. For entrances handling more than thirty percent (30%) truck or large vehicle traffic, a single egress point may be up to forty-two (42) feet wide with the remaining entrance up to thirty (30) feet wide.
- h. Private entrances/exits shall be located at least one hundred (100) feet from the closest unsignalized intersection and one-hundred fifty (150) feet from the closest signalized intersection. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
- i. **Pedestrian Circulation and Movement:** The development shall provide a system of pedestrian ways within the development that is appropriate to the scope and scale of the development and that expected on adjacent properties. The pedestrian amenities shall provide for safe movement of pedestrians to and from parking areas, public sidewalks, and adjacent development if appropriate. The developer may construct or improve sidewalks or other pedestrian amenities on public right-of-ways as part of fulfilling this requirement. Work in public right-of-ways shall be coordinated with the Road Commissioner.

4. Parking and Circulation

- a. All streets, public or private, shall conform to or surpass the Town's road standards. The layout and design of all means of vehicular and pedestrian circulation including walkways, interior roads, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and parking areas.
- b. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space to accommodate the parking demand for employees and customers and business needs is provided. Parking shall conform to the following:
 - (1) All parking areas, except parking for residential uses containing three or fewer units in the village area, shall be arranged so that it is not necessary for vehicles to back into the street. All parking areas on Main St. shall be arranged so that it is not necessary to back onto Main St.
 - (2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
 - (3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.
 - (4) Off-street parking spaces shall comply with the following standards.
 - (a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines marking parking spaces may be drawn at various angles in relation to curbs and aisles, as long as the parking spaces so created contain within them the rectangle required by this section. Parking areas containing space for over ten vehicles and serving residential or commercial activities and all parking areas where parking will not be perpendicular to travel ways shall be clearly marked by line painting or other means.
 - (b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for compact cars only.
 - (5) Off-street parking shall be provided to conform with the number required in the following table. The Planning Board may require any fraction of a space to constitute the need for a full space.

New dwelling unit

2 spaces which can be reduced to 1.5 spaces at the discretion of the board

Small Retail - specialty	0.3 per 100 sq. ft. gross floor area
Large Retail/Shopping Center	0.5 per 100 sq. ft gross floor area
Office	0.4 per 100 sq. ft. gross floor area
Wholesale/warehouse	0.5 per 1000 sq. ft. gross floor area
Industrial/Manufacturing	1.1 per employee on maximum working shift
Hotels, motels, tourist homes	one per room plus ½ per employee
Hospitals	2.5 per bed
Nursing/convalescent homes	0.3 per bed
Schools	
Elementary	1.0 per classroom
Secondary	5 per classroom
Theaters/auditoria/churches	1.0 per five seats plus 1.0 per 100 sq. ft. of assembly area
Eating and drinking establishments	1.0 per three seats

For those uses not specifically listed or able to be placed into one of the above categories, the applicant shall provide evidence indicating the number of spaces that will be adequate to provide off-street parking for all activities.

The Planning Board may change the number of spaces or establish the number of spaces for uses not listed upon the submittal of information that indicates the number of spaces needed for the type of use. Information should be submitted based on similar existing uses in the area or based on the Institute of Transportation Engineers (ITE) Transportation Planning Handbook or other standard publications by ITE

- (6) Parking facilities for lots in the downtown and gateway areas which, in the interest of creating and maintaining a vital business community and which cannot provide their own parking because of location, lot size or other existing development, may be provided by the Town of Norway, private parking resources or some combination thereof. Such public or private off-street parking shall be located within five hundred (500) feet of the principal building or use as measured along lines of public access or be located such that a rearrangement of the use of the new and existing spaces would result in an adequate number of spaces for all businesses using such public/private parking arrangements. On-street parking may be allowed for small uses in the downtown that are adjacent to on-street parking spaces.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in another form that assures continued availability for parking for the development.

- (7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that the parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
 - (8) The use of an existing building for its current use shall be deemed to be in compliance with the parking requirements of this section. However, any change in the use, expansion of use, or any renovation which increases the floor area shall be required to comply with the parking requirements for changed or expanded use.
5. Stormwater Management: Adequate provision shall be made for surface drainage so that handling of surface waters will not significantly change the quantity or quality of stormwater runoff, unnecessarily alter existing drainage patterns, or adversely affect neighboring properties, or the public storm drainage system. The stormwater from the development shall not degrade downstream water quality or cause soil erosion on the site or on downstream or neighboring property. Whenever possible, on-site absorption of run-off waters shall be used such that stormwater flow on and from the site approximates existing flows for 2, 10, and 25 year storms.
- a. All construction shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Stormwater management systems shall maintain the natural drainage characteristics to the extent feasible; existing natural runoff control features, such as berms, brooks, streams, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. The use of constructed natural type features is preferred over engineered structures for the control of stormwater quantity or quality where existing natural features must be supplemented to obtain the necessary results.
 - b. There shall be no significant change in the quantity of stormwater. Particular attention shall be given to ensure that downstream properties and infrastructure, natural channels, and natural resources are not adversely impacted. Likewise, the quantity of runoff shall not be reduced to the point that recharge of groundwater, wetlands, and downstream water bodies, and the natural environment is adversely impacted.
 - c. Where the peak runoff from the project onto abutting properties is increased
 - d. either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

- e. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
6. **Signs and Advertising Features:** The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall compliment the design of proposed buildings and structures and surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic. First time signs and signs that replace existing signs shall comply with Section VII.4.
7. **Special Features of the Development:** Storage areas, exterior machinery and equipment, including waste handling equipment, service areas, truck loading areas, utility buildings, and similar equipment and structures shall have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.
8. **Exterior Lighting:** All exterior lighting shall be designed to provide for the safety of of pedestrian and vehicular traffic and provide for the security of the site and surrounding area. Lighting shall not adversely impact surrounding properties or public or private ways by creating glare or increasing the amount of ambient light. Lighting will be designed to direct light to the features of the development that requires lighting and shall not direct light skyward or in the direction of neighboring properties.
9. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
10. **Existing Utilities:** The development shall not impose an unreasonable burden on sewers, storm drains, water lines, water supply or other public utilities such that the utilities will not function as designed or intended. The development will not cause sewers to overflow or back up, the treatment facility to exceed its capacity or discharge license, storm drains and the road drainage system, including ditches and culverts, to be overloaded such that ditches, culverts or roads may be washed out or eroded to a greater extent than currently occurs, water lines and storage facilities to be stressed so that adequate fire flows cannot be provided to existing development or the proposed development, or the water supply to be stressed so that adequate reserve is not available for firefighting and for extended drought conditions.
11. **Municipal Services:** The development will not have an unreasonable adverse impact on the municipal services including, but not limited to, municipal road systems, fire department, police department, solid waste program, sewage treatment plan, schools, open spaces, recreational programs and facilities. Either the scope of development shall be limited to a size that can be adequately serviced by municipal services at the time it is built, or the developer shall provide funds for such additional capital facilities and equipment that is needed to adequately provide services to the development.
12. **Surface Waters:** Development shall not adversely impact surface waters including

brooks, streams, wetlands, vernal pools, rivers and lakes. Such areas are important to the character and environment of the town and the health, safety and welfare of its residents and as such, their natural functions including their use as wildlife habitat should be protected. No discharge, spill, leak or activity shall adversely alter the quality of surface waters including wetlands unless such discharge is licensed by the Maine Department of Environmental Protection and approved by the Planning Board. Alteration means changes to the chemical or physical characteristics of the water including, but not limited to, organic matter as measured by its biological or chemical oxygen demand, suspended solids, turbidity, temperature, odor, foam, color, or taste.

The development shall not appreciably change the flow or hydrologic function of surface waters including the level of vernal pools, wetlands, ponds and lakes by either increasing or decreasing flows or levels such that the waters would not support their current uses, their wildlife habitat function, or their hydrologic function in relation to groundwater and other surface water bodies.

Features important to the protection of surface waters and the welfare of residents include flood plains, the soils and geology, the topography; the presence of aquifers and aquifer recharge areas; and the location of lakes, rivers, streams, wetlands, and drainage swales.

a. General:

(1) Stormwater: The quantity and quality of stormwater runoff shall be controlled so that surface waters are not adversely impacted.

(2) Erosion and Sedimentation: Erosion during and after construction of the development shall be controlled so erosion on site and downslope or downstream of the development is minimized by using recognized Best Management Practices for the control of both stormwater and erosion. There shall be no sedimentation on downslope land or in downstream water bodies.

(3) Waste disposal practices and the storage of materials and/or wastes shall be done in such a manner to prevent pollution from leaving the site or from entering surface waters on or adjacent to the site.

b. Phosphorus Export to Lakes. Projects proposed within the direct watershed of a lake or pond shall be designed to limit phosphorous run-off to the levels defined below or to levels determined by an updating of the relevant information by the Maine Department of Environmental Protection. The Board shall keep an accurate record of permits issued, by watershed, using an appropriate record keeping system and shall review actual development rates and recommend adjustments to the table at five-year intervals.

Water Body	Lake Protection Level	Phosphorus Load	Allowable Export Per Acre
North	Medium	7.36	0.046
Pennessewassee	Medium	97.70	0.046
Sand	High	6.38	0.052
Mud	Medium	3.04	0.049
Round	Medium	1.14	0.049
Thompson	High	23.56	0.048
Sebago	High	145.10	0.063
Hobbs/Little Penn	High	6.02	0.035
Furlong	Medium	0.26	0.064
Speck 1 (south)	Medium	0.39	0.063
Speck 2 (north)	Medium	0.72	0.064
Little	Medium	0.02	0.067

(as of April 2019)

- (1) Calculations and the design of phosphorus control measures shall be based on the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" by the Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised. Copies of all worksheets and calculations shall be provided to the Planning Board.
 - (2) In controlling phosphorus, on lot, low maintenance control methods shall be used to the greatest extent practicable. Such measures include vegetative buffers, limits of clearing, and minimizing road lengths and number of impermeable surfaces. These and other non-structural measures shall be used prior to the use of structural measures. When using structural measures, measures should be used as near to the site of the phosphorus generation as possible so that high-maintenance structural measures such as infiltration systems and wet ponds are minimized.
13. **Groundwater and Aquifer Protection:** Development occurring on a mapped sand and gravel aquifer and development having the potential to adversely impact groundwater quality by virtue of water withdrawals, amount of impervious area, the type of operations, storage of materials, production or storage of wastes shall use recognized Best Management Practices to reduce the threat the greatest extent possible. The development shall not significantly impact the quantity of groundwater available.

- a. The boundaries of the development shall be delineated on the Sand and Gravel Aquifer Map provided as part of the Comprehensive Plan or the most recent information available in GIS format from the Maine Office of Geographic Information Systems.

When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

- b. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances. The Board may request a nitrogen concentration study of the area and downslope areas for development that would produce large quantities of domestic type sewage.
- c. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain ten (10) percent of the volume of the containers or one hundred ten (110) percent of the volume of the largest container, whichever is larger.
- d. Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan (SPCC) shall be submitted and approved by the Planning Board. The SPCC shall provide detailed information on how spills and leaks will be prevented and how they will be controlled and cleaned up should they occur. The SPCC will also contain information on employee training to ensure that the contents of the plan are familiar to all employees.
- e. The development shall not substantially reduce the groundwater recharge in the area due to the amount of impervious surface, changes to the surface water hydrology, or other features of the development; neither shall the development withdraw groundwater in quantities that would reduce the amount of water available off-site for existing or expected uses in the vicinity of the area.
- f. In those areas identified as sand and gravel aquifers as defined in subsection B above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance.

dry cleaners

photo processors

printers

auto washes

laundromats

meat packers/slaughter houses

salt piles/sand-salt piles
wood preservers
leather tanning
electrical equipment manufacturers
plastic/fiberglass fabricating
chemical reclamation facilities
industrial waste disposal/impoundment areas
graveyards
chemical manufacturing
pesticide/herbicide stores
metal platers
concrete/asphalt/coal companies
auto repair/ salvage

14. **Air pollution:** The development will not cause significant air pollution that could be a detriment to the health and welfare of residents or create a nuisance from dust, soot, or other material or chemical created by use of the development. The applicant shall comply with all federal and state air quality laws and regulations, and shall furnish evidence of compliance to the Board.
15. **Sufficient water:** The development shall have sufficient water available for the reasonably foreseeable needs of the development, and the development will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
 - a. Sufficient water shall be available to meet all drinking water, cleaning, and process water needs of the development. Additionally, the development shall provide adequate water for firefighting purposes or shall provide an alternative means of fire suppression.
 - b. Water use by the development will not reduce the ability of the system to provide water to existing customers or to provide adequate firefighting flows throughout the system.
16. **Soil Erosion and hydrologic capacity:** The development will not cause unreasonable soil erosion on- or off-site or reduce the capacity of the land to hold water so that fish and wildlife habitat are adversely impacted, stream channels, other surface waters and wetlands are changed, or additional flooding or destruction of downstream property occurs. Soil erosion shall follow recognized Best Management Practices (see Maine Erosion and Sediment Control Best Management Practices (BMP's): Manual for Designers and Engineers, Oct. 2016).

17. **Sewage Disposal:** The development will provide for adequate sewage waste disposal whether on-site facilities or the public sewer system are used. Waste water disposal facilities are required wherever human sanitary waste is created or where water is used for sanitary, process, or other purposes. When the public sewer system lines are available, they will be used for wastewater disposal purposes. Any extension will be done to the specifications established by the Sewer Department and shall be paid for by the developer. When the public sewer systems are not available, onsite facilities shall be provided and shall comply with the State Plumbing Code. The sewage disposal system shall be maintained so that it will function as designed.
18. **Scenic, Natural Beauty, Aesthetics, and Historic Sites:** The development will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
 - a. The Board shall assess the impact of the proposed development on scenic areas, views, aesthetics, and Natural Beauty. Where the proposed activity would adversely affect the scenic views, the development shall minimize such effects by providing site corridors, reducing the height of buildings and setting buildings into the landscape, retaining natural vegetation, and insuring that development does not cut ridge lines and that existing trees are preserved along ridge lines.
 - b. **Historic Sites and Archaeological Sites:** The development shall protect historic and archaeological sites located on the property or on nearby lands.
 - (1) Buildings as identified on the National Register of Historic Places, as having significance by the Maine Historic Preservation Commission, or identified in the Norway Comprehensive Plan shall be protected to the greatest practicable extent.
 - (2) Archaeological sites identified by the Maine Historic Preservation Commission shall be protected from disturbance or, based upon review by qualified archaeologists, shall be excavated and cataloged in accordance with sound and accepted archaeological practices.
19. **Financial and Technical Capacity:** The applicant shall have adequate financial and technical capacity to fully complete the development in accordance with the standards contained herein and with applicable federal, state, and other local laws, rules, and regulations. In determining financial capacity, the Board may require a guarantee that the work will be completed. Technical capacity shall be demonstrated by employing persons with professional certifications in the State of Maine and training relevant to the type of design and construction work to be performed.
20. **Shoreland Zone:** Whenever situated in whole or in part, within two hundred fifty (250) feet of any pond, lake, river, or wetland as delineated on the Shoreland Zoning map, the development shall not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Norway.

21. Noise levels: will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
 - a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.
 - b. The hourly sound level resulting from the activity shall not cause the ambient hourly sound levels at the property lines of the development to be more than 5dBA more than the ambient hourly sound limit prior to the development.
 - c. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
 - d. The following uses and activities shall be exempt from the sound pressure level regulations:
 - (1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 - (2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 - (3) Traffic noise on public streets.
22. Odors: The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.
23. Waste Disposal: The proposed development shall store, handle and dispose of all solid, liquid, universal, and hazardous wastes as defined by federal and/or state statute, whichever is more stringent, in accordance with current federal and state laws and rules. The development shall handle, store and dispose of all waste materials in a manner that will ensure protection of the public, employees, and adjacent uses and will further ensure the protection of the environment from leaks, spills, other accidents or disposal.
24. Comprehensive Plan and Other Ordinances: The proposed development shall be in conformance with the Comprehensive Plan and other applicable ordinances. In demonstrating compliance with other ordinances, the developer shall not have to obtain a permit, if required, prior to site plan approval, but shall provide such permits to the Code Enforcement Officer prior to beginning construction of the development.

SECTION VI GENERAL PROVISIONS

- A. Where the Planning Board makes written findings of fact, it may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site, such application requirements or standards would not be applicable or would be an unnecessary burden on the applicant and not adversely affect the abutting land owners and the general health, safety and welfare of the town.
- B. The Planning Board may require the filing of a Performance Bond and /or a Payment Bond or the execution of a conditional agreement with the municipality by the applicant.
- C. All construction performed under the authorization of a building permit or certificate of occupancy issued for the development within the scope of this Ordinance shall be in conformance with the approved site plan and any additional conditions established by the Planning Board.

SECTION VII SPECIAL REGULATIONS

- A. The following regulations shall be complied with, in addition to the performance standards contained in Section V of this Ordinance. When there is a conflict with the standards of Section V and this section, the standards of this section shall prevail.
 1. **Child Care and Educational Institutions:** All residential child care and/or educational institutions and/or facilities shall comply with the Rules for the Licensure of Child Care Facilities as adopted by the Department of Health and Human Services and the Department of Education.
 2. **Industrial and Commercial Development:** Any industrial/commercial use which is found by the Planning Board to constitute a public nuisance by reason of emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance shall be expressly prohibited. No such finding shall be made by the Planning Board until after a public hearing has been held.
 3. **Outdoor storage:** No outdoor storage of articles, supplies, and materials shall be within the required set-back.
 4. **Signs**
 - a. **General requirements:** Signs and advertising features of all development shall comply with the following standards except that more stringent standards may apply in the Downtown and Gateway areas
 - (1). On each premises there may be one wall or roof sign and one projecting (from the building) sign or one free standing sign. (The use of a projecting sign and free-standing sign together is not permitted.) Additional requirements are presented in the following subsections.

- (2). In the case of a multi-tenant development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.
- (3) On each premise, there may be one (1) wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership, operation, or control therein. Such signs, in aggregate, shall not have a greater area than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors, and major architectural features. Roof signs shall be no higher than the highest point of the roof directly behind the sign.
- (4). One projecting sign or one free standing sign is permitted per structure.
 - (a) Projecting signs shall be used when the building setback from the street or sidewalk is such that use of a free-standing sign would detract from the aesthetics of the streetscape, the structure and/or the landscaping. Signs shall be designed to be in keeping with the structures and aesthetics of the neighborhood. Projecting signs shall extend no lower than ten (10) feet above ground level and shall project from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet on more than two (2) sides with the other two (2) sides being no more than six (6) inches in width, and no part of the sign shall be more than four (4) feet from the building. Projecting signs may overhang public sidewalks, but shall not overhang streets or areas where vehicle movement is expected. The owner of a projecting sign shall provide liability insurance with the town named as an insured party.
 - (b). No free-standing sign shall be greater than forty (40) square feet in area on more than two sides, or no more than eighty (80) square feet on all four (4) sides. No sign shall be over sixteen (16) feet in height above the average height of land in the development. Free standing signs shall be designed such that they complement the building design and landscaping of the development.
- (5). Businesses may use one temporary, portable placard sign having two sides. Such sign may be placed on the sidewalk or other convenient area at the front of the business for the purposes of advertising daily/weekly specials or features. Such sign may only be displayed during normal business hours, and such sign shall not create a vehicular or pedestrian hazard or interfere with access for people with disabilities. The sign shall not be illuminated.
- (6). Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products and shall not be internally illuminated.

- (7) Signs shall be illuminated only by the following means:
 - (a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
 - (b) Interior, non-exposed, steady and stationary white lights of reasonable intensity.
- (8) Signs for a building housing three (3) or more businesses or services shall erect a kiosk advertising the entire activity under one name. A kiosk may be erected at each major entrance separated by a minimum of two hundred (200) feet and shall only count as one sign. Each business is also permitted one (1) identification sign not to exceed twelve (12) square feet in area mounted on a building.

b. Downtown and Gateway areas:

- (1) On each premise, there shall be permitted one (1) wall sign in accordance with the requirements of subsection a. above. No roof signs shall be permitted.
- (2) One projecting sign is permitted per structure, projecting signs shall extend no lower than ten (10) feet above ground level and shall project from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet.

Where the façade of the structure is recessed from the street/sidewalk line by more than ten (10) feet, one free standing sign is permitting per lot. Alternatively, where the façade is recessed from the street/sidewalk line by ten (10) feet or less, one free standing sign may be substituted for the projecting sign. No free-standing sign shall be greater than twenty-four (24) square feet.
- (3) Businesses may use one temporary, portable placard sign as permitted in subsection a. above.
- (4) Awning and canopy signs and lighting shall be as permitted in subsection a. above.
- (5) Internally lighted plastic signs are prohibited. Existing plastic signs are grandfathered and shall comply with the ordinance at the time of replacement of the sign.
- (6) Flags that state "OPEN" or "CLOSED" will not count as a sign.

c. Rural Villages Area

1. On each premise, there shall be permitted one (1) wall sign in accordance with the requirements of subsection 4.a.(3) above. No roof signs shall be permitted.
2. One free standing sign is permitted per lot. No free standing sign shall exceed twenty four (24) square feet in area. The top edge shall not be higher than eight (8) feet above average height of land where located from the base. Free standing signs shall be designated such that they compliment the building designs and landscaping of the site.
3. Signs shall be illuminated only by a steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
4. Permitted signs shall be illuminated only during business hours.

B. Downtown Development District and Gateway Areas

1. The purpose of this section is to provide for greater flexibility in development review, to encourage business development, the utilization of vacant and/or underutilized space, maintain historic values and implement the policies of the Comprehensive Plan.
2. The Downtown Development District and Gateway areas shall be as mapped in the Comprehensive Plan adopted by the town on June 14, 2004 or the most current plan adopted thereafter. (Appendix A for Comprehensive Plan Map.
3. Mobile Homes are prohibited in the Historic District.

C. Rural Villages Area

1. The purpose of this section is to implement the policies of the Comprehensive Plan relating to Rural Villages. These policies are:
 - a. To encourage the preservation of historic structures and the very small villages located there; and
 - b. To provide a place for neighborhood commerce and service businesses such as general stores and small specialty shops.
2. The Rural Villages Areas shall be designated on the official Rural Village Area map found in Appendix B of this Ordinance. The Official Map shall be signed by the Town Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.
3. All development proposals requiring site plan review as defined in Section III.A.1-6 and home occupations shall comply with the following standards.
 - a. No activity or use including home occupations shall generate more than ten (10) vehicle trip ends per 24-hour period. Trip generation shall be determined by the most recent edition of "Trip Generation" published by the Institute of Traffic

Engineers. When the "Trip Generation" report does not provide information for the proposed use or is believed to be inaccurate, the Planning Board shall request the applicant to provide trip generation information.

- b. No activity or use including home occupations that is to be located in an area where the daytime predevelopment ambient hourly sound level (Leg 60) is equal to or less than 45 dBA and/ or the nighttime predevelopment ambient sound level is equal to or less than 35dBA. The hourly sound level resulting from the activity shall not cause the ambient hourly sound levels at the property lines of the development to be more than 5dBA more than the ambient hourly sound limit prior to the development.

4. HOME OCCUPATIONS

- a. No more than two persons who do not make the residence his or her permanent home may be employed at the site of the home occupation.
- b. The appearance of the structure or accessory structure may not be altered, except as provided under subsection c below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, or sounds.
- c. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
- d. If the home occupation attracts any regular customer or client traffic, there shall be at least two but not more than five off street parking spaces specifically designated for use by the employees and any customers of the home occupation. Such parking shall not be located within the front setback.
- e. There shall be no public display of goods or wares or machinery, exterior exhibits, exterior storage of materials, or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
- f. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio, television, or internet reception, or causes other nuisances which extends beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to state laws and local ordinances.
- g. The home occupation shall not adversely affect any natural resource or environmentally sensitive area including but not limited to a wetland, aquifer, water course, or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals not commonly used in a residence.

SECTION VIII ENFORCEMENT

- A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the nature of the violation and the correction of the same, if possible. Said notification shall be deemed to have been made when sent to the owner or lessor by certified mail.
- B. The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph VIII A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.
- C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00) as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION IX VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

- A. **Validity and Separability:** Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. **Conflict with Other Ordinances:** Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

SECTION X APPEALS

- A. If the Planning Board or Code Enforcement Officer disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance does not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals established by vote of the Town, July 30, 1975, within thirty (30) days of the Board's decision. If it is shown after public hearing that the Planning Board or Code Enforcement Officer erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board or Code Enforcement Officer.

SECTION XI AMENDMENTS

- A. This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of ten percent (10%) of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION XII DEFINITIONS

Abutting Landowners: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and
2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and
3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Campground: An area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles, or other shelters.

Change in Use: The conversion of a building or parcel of land from one type of use to any other type of use. By way of example, the change from retail to office or retail to restaurant.

Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee, exclusive of rental of residential buildings and/or dwelling units.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including provisions for living, cooking, and eating.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods of the extraction of minerals.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Multi-family dwellings: Structures containing three or more dwelling units.

Persons: Means any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, piers, floats, and storage and processing facilities. Boundary walls, fences and flag poles are not considered structures.

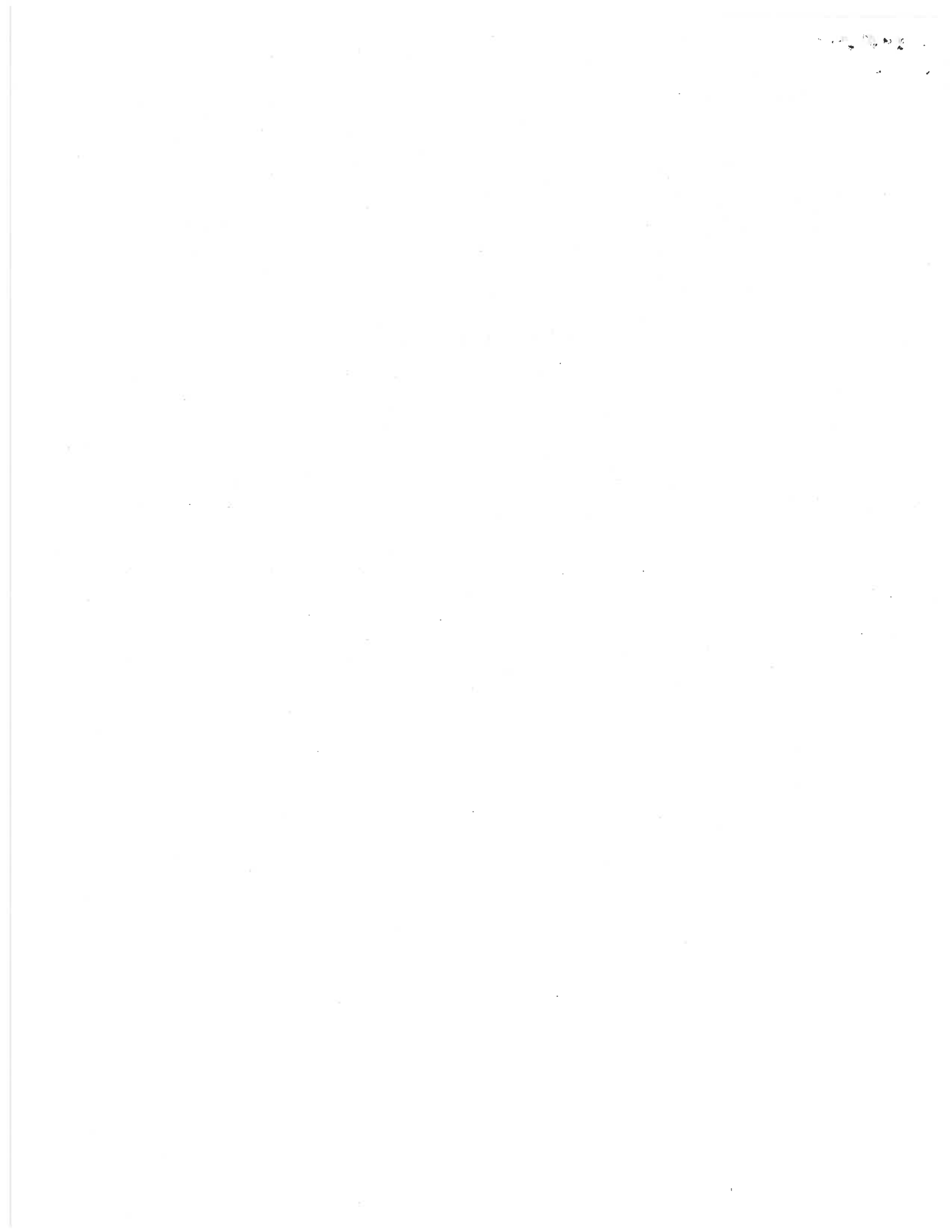
Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the estimated cost.

Substantial Enlargement: An expansion by either two thousand five hundred (2,500) square feet or twenty-five percent (25%) in area (whichever is less provided such expansion involves at least five-hundred [500] square feet) within any five (5) year period, with regard to floor space capacity or outdoor storage area.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall or any building or structure, which is supported by such wall or building and which displays only one sign surface.

Wetlands: Freshwater swamps, marshes, bogs and similar areas as defined by the Maine Natural Resources Protection Act, 38 MRSA 480-A et seq.



Norway

Downtown

with Historic District and Gateway Areas

