# SITE PLAN REVIEW ORDINANCE
## OF THE TOWN OF ANDOVER, MAINE
## OCTOBER 2005

### SECTION I PURPOSES

Substantial development or major changes in the uses of land cause a profound impact on the cost and efficiency of municipal services and on the environment of the Town. Such development can have impacts on schools, waterlines, and other public utilities; recreational facilities; solid waste disposal; fire protection; open space; road systems and circulation; property values; water quality; the visual characteristics of the Town; and the general health, safety, and welfare of the community. It is the purpose of this ordinance to minimize such impacts caused by development, and to accomplish the following objectives:

A. To promote the development of an economically sound and stable community.

B. To integrate new development harmoniously and safely into the existing environment.

C. To minimize adverse and irreversible impacts on natural resources.

D. To establish a fair and reasonable set of standards for the evaluation of each development proposal.

E. To provide for discussion of ways in which development proposals may be modified so that potential adverse impacts would be minimized or prevented.

F. To balance the right of land owners to use their land for the purposes stated in paragraph I.b. above with the corresponding right of abutting and neighboring land owners to enjoy their property.

G. To reduce the off-site (external) impacts created by development, thereby decreasing the cost of maintaining or improving municipal facilities.

### SECTION II AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII Part 2 of the Maine Constitution and Title 30-A MRSA Section 3001.
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Andover, Maine, adopted and effective by vote of the Town Meeting.

B. Administration

The Planning Board of the Town of Andover shall administer this Ordinance.

### SECTION III APPLICABILITY

A. This Ordinance shall apply to all development proposals involving new construction, change of use, or substantial enlargement and/or alteration of the following:

1. Commercial, retail, industrial, institutional and recreational buildings, structures and uses and accessory structures and their uses.
2. Multi-family dwellings and accessory uses and structures.
3. Campgrounds.

4. Mobile Home Parks.
5. Condominium development. All condominiums are created under Title 33 MRSA Chapter 31 known as "The Maine Condominium Act" and subject to the terms therein.
6. Motels, Hotels and Inns.
7. Bed and Breakfast Establishments, Tourist Homes, Rooming and Boarding Houses.
8. Telecommunication Towers and related facilities.
9. Gravel pits, mineral extraction, quarries, and soil or topsoil mining when more than 10,000 square feet is involved in any five- (5) year period.
10. Resumption of conforming and non-conforming uses which have been discontinued for at least one (1) year.
11. New Proposal to pave, strip, grade, fill or remove earth materials from areas of more than 10,000 square feet within a five- (5) year period.
12. Expansion of existing pits, quarries, mining and extraction activities by more than 20,000 square feet.

B. Development proposals as defined by State Subdivision Law in Title 30-A Section 4404 shall also require Subdivision Review as per the Andover Subdivision Ordinance.

C. The following definitions shall be used to determine applicability:

1. New Construction shall occur when new or different material is used to build, rebuild, construct or erect a structure on a new or existing foundation or concrete pad or on the ground, or to excavate, fill, grade, or otherwise prepare land for use.
2. Change of Use shall occur when either of the following occurs, as determined and documented by the Planning Board:
   a. The proposed use significantly affects the Performance Standards as defined in Section V, or
   b. Stricter standards as defined in Section VII, Special Regulations apply to the proposed use.
3. Substantial enlargement shall occur when the total footprint area of the structure as it existed at the time of the adoption of this Ordinance is increased by either one thousand (1,000) square feet or twenty-five percent (25%) in area, whichever is lesser, within any ten- (10) year period. Enlargements of less than one thousand (1,000) square feet or twenty-five percent (25%) in area shall not be counted as "substantial" provided that the cumulative sum of less-than-substantial enlargement with any ten- (10) year period does not exceed one thousand (1,000) square feet or twenty-five percent (25%) of the total footprint area of the structure as it existed at the time of adoption of this Ordinance.
   A substantial enlargement shall occur when the use of an existing structure or site increases by fifty percent (50%) as measured by seating capacity or parking requirements within any ten- (10) year period.
4. Substantial alteration shall occur when there is a structural change, change of location or major modification which involves more than fifty percent (50%) of the total square footage of the area of use. Normal maintenance activities such as painting, re-siding, re-roofing, replacing trim, railings or other non-structural architectural details, or adding or removing or changing the location of doors and windows shall not be considered to be alterations under this Ordinance.

D. This Ordinance does not apply to:

1. Construction of detached single-family and two-family dwellings and customary outbuildings for the use of the residents thereof.
2. The subdivision of land as defined by Title 30-A MRSA Section 4404 and/or the Subdivision Regulations of the Town of Andover.
3. Nonstructural use of land for agriculture or forestry including agricultural and forest management roads.

4. Existing buildings or premises legally established prior to the adoption of this Ordinance unless subject to review under the provisions of Section III A-C.
5. Seasonal farmstands selling only agricultural products.
6. Home occupations.
7. Any structure damaged or destroyed by fire, explosion or natural disaster, if it is rebuilt on the same or a rebuilt foundation of equal or lesser floor area for the same use at the time of destruction and if completed within two (2) years of destruction.
8. The construction of small structures necessary for the provision of utilities or services such as power, water and sewage. Exempted structures shall not exceed one-hundred (100) square feet in area.
9. Change of use which does not affect the performance standards.

## SECTION IV APPLICATION PROCEDURE

A. Optional Pre-Application Meeting

1. Prior to submitting an application for development, the property owner, the property developer, or his/her authorized agent may appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.
2. The developer may present to the Planning Board at this time, for informal review and comment, a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the proposed development, and may be a freehand, penciled sketch of the parcel, showing the proposed layout of buildings, roads and other features which may be of assistance to the Planning Board in fully understanding the nature of the development proposals. An Applicant may at this time submit a formal written request for a decision regarding the applicability of the Ordinance.
3. The Planning Board may request that the developer arrange for an inspection of the site by the Planning Board, or by an individual appointed by the Board Chairman 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. The submission or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 MRSA Section 302.

B. Application

Each application shall be considered individually, and those items required will be specified by the Planning Board. Any requirement may be modified or waived by the Planning Board. The site plan review application shall be submitted to the Planning Board together with the appropriate fees (see Section XIII - Fees). Thirteen (13) copies of a Site Plan application, documentation and all plans and maps shall be submitted. The application shall include as a minimum:

1. Plan(s) and a map(s) shall be prepared at a scale determined by the Planning Board but which shall not be less than one (1) inch to two hundred (200) feet. The plan shall be prepared by a registered land surveyor, engineer, or other person deemed acceptable by the Planning Board and relate to reproducible reference points.
   a. Name and address of the Applicant or his/her authorized agent, and name of proposed development and any land within five hundred (500) feet of the proposed development in which the Applicant has title or interest.
   b. Two places (at least three inches [3"] x three inches [3"] each), one (1) for Planning Board signatures and one (1) for conditions of approval, to be placed outside the drawing.
   c. The corners of the parcel.
   d. Location and dimensions of lot lines.

e. Graphic scale.
f. North point.
g. Names of abutters including across the street.
h. Total acreage of parcel.
i. Layout of lot interior.
j. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site onto public streets and curb and sidewalk lines.
k. Landscape plan showing location, type and approximate size of plantings, area lighting, signs, open space. Location, dimensions and description of all fencing and screening (may be a separate plan).
l. Floor plan (may be separate plan).
m. Seal of land surveyor, engineer, or other person deemed acceptable by the Planning Board and date of survey.
n. Existing and proposed locations and dimensions of any utility lines, sewer lines, sewage disposal systems, wells, water lines, easements, culverts, drains, drainage ways and public or private rights-of-way; and all proposed development connections to or uses thereof.
o. Existing and proposed locations and dimensions of buildings and other structures, roads and other paved areas, any buried tanks and structures.
p. Floor elevations and front elevations of buildings (may be separate plan).
q. Topography indicating contours at intervals of not more than five (5) feet in elevation unless otherwise specified by the Planning Board (may be separate map). Disturbed areas with a slope of twenty percent (20%) or greater must be specifically designated on both pre- and post-development plans.
r. Parking plan, showing all on-site parking, and including written agreements for shared parking.
s. Location of interesting roads and driveways within 200′ of the site.

2. Other required maps
   a. Municipal tax map of the parcel showing the lot numbers and the names of abutting landowners, including across the street, and also other property owners as specified by the Planning Board.
   b. Location of aquifers and aquifer recharge areas.
   c. Existing soil conditions as described by either a soil scientist, geologist, engineer or Soil Conservation Service medium-intensity soil survey, if required by the Planning Board.
   d. Location of Significant Wildlife Habitat, including fisheries, as identified by the Department of Inland Fishery & Wildlife and/or the Andover Comprehensive Plan.
   e. The location and nature of historic or archaeological resources.
   f. The location and nature of Natural Areas as identified by the State of Maine.
   g. Where applicable, the Planning Board may request certain maps to be in GIS format from the Maine Office of Geographic Information System.

3. Accompanying documents shall consist of
   a. Evidence by the Applicant of his/her title and/or interest in the land included in the application.
   b. A description of the proposed uses to be located on the site, including quantity and type of residential units, if any.
   c. Summary of existing and proposed easements, restrictions and covenants placed on the property.
   d. An estimate of quantities of material to be excavated and/or filled.
   e. An estimate of and plan for storage and disposal of land clearing debris and waste, construction/demolition debris and of solid waste generated by the construction process and finished project.
   f. Copies of letters to the Selectmen and to the abutting landowners, including owners of property on the opposite side of the road, notifying them of the

proposed development by certified mail, return receipts requested, a minimum of ten (10) days prior to presenting the application before the Planning Board. Copies of the proof of mailing and return receipt must be supplied for the file.

g. A written statement from the Fire Chief verifying his review of the plans, showing provisions for fire protection services, to include the accessibility of the road for fire and emergency equipment.

h. If applicable: A statement from the Andover Water District indicating that the Water District will permit connection to water district system.

i. An estimate of the date when construction will start and when the development will be completed.

j. Verification that development meets all applicable state and federal requirements for fire protection and handicapped accessibility.

k. An on-site soils investigation report by a Department of Human Services licensed site-evaluator shall be provided, indicating the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site.

l. Total floor area and ground coverage of each proposed building, and structure and percentage of lot covered by each building or structure.

m. Erosion and sedimentation control plan with particular attention to disturbed areas with a slope of twenty percent (20%) or greater. The plan will address both erosion during the construction process and long term stabilization of the site and will be prepared in accordance with currently acceptable best management practices such as "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices."

n. If applicable: A written statement from the Road Commissioner that the proposed road or street construction will meet town specifications as formulated in Andover's Road Ordinance. If the road is not proposed for acceptance by the Town, a statement from the developer that the proposed road or street is intended to remain private.

o. Storm water management plan that accounts for the 2, 10, and 25-year storm events. The plan will be prepared in accordance with currently acceptable best management practices such as "Stormwater Management for Maine: Best Management Practices."

p. A maintenance plan indicating how permanent erosion control measures stormwater systems, and road network will be maintained.

q. An access management plan in accordance sound engineering principles and the Andover Road Ordinance.

r. Traffic impact study and Maine Department of Transportation (MDOT) traffic permit, as required by MDOT.

s. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and commitment in financing the project.

t. Assessment of the condition and adequacy of existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles abutting roads that may serve the development.

u. The location of open drainage courses, wetlands, , stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers and a statement on how the resources will be protected or the impacts mitigated.

v. The location of historic and/or archaeological resources including structures and prehistoric sites, stonewalls, graveyards, and historic fences, together with a description of such features. For any proposed land use activity involving structural development or soil disturbance on sites listed on the National Register of Historic Places, the applicant shall provide evidence that they have submitted their proposal to the Maine Historic Preservation Commission for review and comment. The Planning Board may require a written statement from the Maine Historic Preservation Commission indicating the proposed development will not adversely impact archaeological or historic resources or recommending how the proposed development might be modified to minimize any adverse impact on archaeological or historic resources.

w. The location, front view, dimensions, and lighting of existing signs.

x. The location of the nearest fire hydrants, dry hydrant or other water supply for for fire protection.

y. If applicable, a reclamation plan.

z. Any additional pertinent information that the Planning Board deems necessary to make a positive finding on the standards set forth in this ordinance or other town ordinances.

C. Municipal Facilities Impact Analysis

After receiving comments from the Board of Selectmen, Water District, Road Commissioner, and others, the Planning Board may require the Applicant to conduct an analysis of the impact of the proposed development upon public or municipal facilities and services. This analysis shall include, but not be limited to, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space such as parks, recreation programs and facilities, and other municipal services and facilities. The analysis shall include all estimated costs for upgrading services and facilities to compensate for the demands created by the development. Once completed, the analysis shall be submitted to the appropriate public agency or municipal board or department for review and comment. Depending upon the degree to which the development will strain the capacity of municipal facilities and reduce the level of services provided, the Planning Board may require the Applicant to upgrade, or pay for the upgrade of, the services expected to be deficient, or to provide for acceptable equivalent improvements as a condition of plan approval.

D. Outside Professional Services

Should the application and plans for the development necessitate retaining the services of outside professional expertise by the Planning Board to review the application and plans for the development, the cost shall be borne by the Applicant. The cost of such services shall be paid prior to the issuing of any building permit or the start of construction. The initiation of any construction without payment for the services shall constitute a violation of this Ordinance.

E. Planning Board Action on Application

1. Applications must be submitted to the Planning Board Chairman fourteen (14) days prior to the scheduled meeting of the Planning Board unless otherwise specified.
2. Upon receipt of an application, the Planning Board shall acknowledge receipt thereof and shall notify the Applicant that in his/her opinion either that the application has been found to be complete or, if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board has determined that there is a valid application, the Planning Board shall begin its review of the proposed development.

3. The Planning Board may hold public hearings as it deems necessary during the review of the application. The Planning Board shall publish the time, date and place of the hearing at least ten (10) days prior to the hearing in a newspaper of area-wide circulation. The developer shall send notice of the hearing by certified mail, a minimum of ten (10) days in advance to abutting landowners, including owners of property on the opposite side of the road. A quorum of Planning Board members is required to be present at a public hearing. The Planning Board Chairman shall set forth the procedure for the hearing at the opening of the hearing.
4. Within thirty (30) days of the public hearing or if no public hearing is held within sixty (60) days after the Planning Board has found that the application is complete, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the Applicant.
5. Within fourteen (14) days of reaching a negative decision, the Planning Board shall notify the Applicant in writing of its action and the reason(s) for taking such action.

## SECTION V PERFORMANCE STANDARDS

The following standards are to be used by the Planning Board in judging the application for site plan review and shall serve as a minimum requirement for approval of the site plan. The site plan shall be approved, unless in the judgment of the Planning Board the Applicant is not able to reasonably meet one (1) 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 for the Board to make a positive finding.

A. Preserve and Enhance the Landscape: 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.

1. 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. Where natural vegetation cannot be used, landscaping will be designed, planted or installed to accomplish these objectives.

2. 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 75 feet shall be maintained along all perennial streams.

3. Development shall not disturb the natural line of ridges. Natural vegetation, including adequate trees to withstand the force of winds and other natural events shall be left along ridgelines so that the aesthetics and views are not disturbed. Buildings and other structures, unless addressed in other sections of this Ordinance, shall be situated so that the ridgeline as viewed from a distance is maintained in its natural state. Long term plans for the maintenance of ridgeline vegetation shall be submitted where development encroaches on ridgelines.

4. Landscaping plans shall be approved by the Planning Board during its review of the project, planted within one year of start of construction, and shall be maintained for the life of the project. The proposed development shall not adversely affect the adjoining neighborhood nor change its historic character.

B. Relationship of the Proposed Development to the Environment: Proposed structures and other features of the site shall be related harmoniously to the terrain and to existing buildings and uses in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the buildings and such natural features as slope, soil type and drainage ways.

C. Vehicular Access: The proposed site layout shall consider existing traffic flow and safe vehicular access to and from state or local roads. The conceptual Access Management submittal shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site.

1. Vehicular access to the site shall be on roads which have capacity to accommodate the additional traffic generated by the project. The Applicant shall assume financial responsibility for the improvements, if necessary, to accommodate traffic. Road improvements shall be completed before the use is operational.
2. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction.

| POSTED SPEED LIMIT | SIGHT DISTANCE |
|---|---|
| 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 sight distance shall be increased by fifty percent (50%) of that required in the table above.

3. 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.
4. The grade of any exit driveway or proposed street for a distance of seventy-five (75) feet from its intersection with any existing street shall be no more than three percent (3%).
5. If the intersection of any access drive or proposed street in the project will generate five hundred (500) or more vehicle trips per 24-hour period at busiest seasonal peak hours, it will be referred to a traffic engineer to design the intersection, the cost of which will be borne by the Applicant.
6. Projects which generate four hundred (400) or more vehicle trips per 24-hour period shall have a single access and egress with a throat.
7. Where possible, entrances and exits from the site shall be located only on minor or collector roads.
8. Curb cut:
   Low Volume driveways: Defined as driveways with less than fifty (50) vehicle trips/day shall:

   a. Have a single two-way operation.
   b. Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than sixty (60) degrees.
   c. Not require a median.
   d. Slope from the gutter line on a straight slope of three percent (3%) or less for at least seventy-five (75) feet.
      NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Medium-volume driveways: Defined as driveways with more than fifty (50) vehicle trips/day but fewer than two hundred (200) peak hour vehicle trips shall:

a. Have a single two-way operation.
b. Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than sixty (60) degrees.
c. Not require a median.
d. Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least seventy-five (75) feet and a slope of no more than six percent (6%) thereafter, with the preferred grade being four and one-half percent (4 ½%), depending on the site.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

High-volume driveways: Defined as a driveway with more than two hundred (200) peak hour vehicle trips shall:

a. Have two-way operations separated by a raised median of six (6) to ten (10) feet in width and a fifty (50) to one hundred (100) feet length depending upon necessary storage length for queued vehicles.
b. Intersect with the road at an angle as close to ninety (90) degrees as possible, but at no less than sixty (60) degrees.
c. Be striped for two (2) to four (4) lanes, with each lane twelve (12) feet wide.
d. Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least seventy-five (75) feet and a slope of no more than five percent (5%) thereafter.
e. Have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

9. Driveway Access: For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least twenty (20) feet of separation between low-volume driveways serving adjacent parcels, forty (40) feet of separation between medium-volume driveways, and one hundred fifty (150) feet of separation between high-volume driveways.
When the proposed project is to be located on the opposite side of the road from an existing development, the driveway shall be directly opposite the existing opposite driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

D. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement and uses of parking areas. Parking areas with more than two off-street parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

1. Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which are private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access. 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 other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Selectmen prior to final approval by the Planning Board.

2. 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 said 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.
3. The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.
4. When existing pedestrian facilities are adjacent to proposed development, the Planning Board may require the applicant to develop pedestrian facilities that connect the existing facilities.

E. Stormwater Management and Drainage: 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 or downstream 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.

1. 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.

2. There shall be no significant change in the quantity of stormwater. Particular attention shall be given to insure 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.

3. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

4. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

F. Existing Utilities: The development shall not impose an unacceptable burden on public utilities, as determined by the Andover Water District.

G. Advertising Features: The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall conform to State law.

H. Special Features of the Development: Exposed storage areas, exposed machinery installations, service areas, truck-loading areas, utility buildings, pad-mounted electric transformers and similar structures shall have setbacks, as outlined in Section VII, and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

I. Lighting:

1. Exterior lighting shall provide for security, safety and operational needs. Exterior lighting shall be non-flashing and designed to minimize glare that creates hazards to vehicle traffic, light trespass onto adjacent properties or night sky glow. Fully shielded or hooded exterior light fixtures shall be used.
2. There shall be lighting of all parking areas, walkways and other such areas as may be designed for use after dark, with a minimum 1.5 footcandles and a maximum of five footcandles for such areas. The maximum illumination at an abutting property line shall be one footcandle.

J Emergency Vehicle Access: Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures and open areas at all times.

K Municipal Services: The development shall not have an adverse impact on the municipal services including water supply, sewage disposal system, storm drainage system, road system, fire department, police department, emergency medial unit, solid waste disposal, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

L. Water Pollution, Surface Waters: Development shall not adversely impact surface waters including brooks, streams, wetlands, vernal pools, rivers, lakes or ponds. 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. Alteration means changes to the chemical or physical characteristics or the water including, but not limited to, suspended solids, turbidity, temperature, odor, foam, color, or odor.

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.

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.

M Air Pollution: The Applicant shall comply with applicable federal and state air quality laws and regulations, and shall furnish such evidence of compliance as the Planning Board may require. The development shall not create dust, fumes, vapors or gasses that would impact neighbors, the aesthetics of the area or wildlife including aquatic habitat during construction or upon completion and operation.

N Water Supply: The Applicant shall demonstrate that the development has sufficient water available to meet its foreseeable needs, and that the development will not cause an unacceptable burden on an existing water supply or firefighting capacity.

O Soil Erosion: Soil erosion shall be minimized to avoid sedimentation of watercourses and water bodies, and to avoid reduction in the capacity of the land to hold water. Particular attention will be given to disturbed areas with a slope of twenty percent (20%) or greater. Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices such as "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices."

P Sewage Waste Disposal: The Applicant shall make provision for adequate sewage waste disposal such that surface and ground water resources will not be adversely impacted. If sewage waste will be disposed of on-site by means of a subsurface waste disposal system, the system's site, design and construction shall conform to the "State of Maine Subsurface Wastewater Disposal Rules." No subsurface waste disposal system with an estimated daily effluent of two thousand (2,000) gallons or more shall be located closer than three hundred (300) feet to any existing well, municipal or private.

Q Safety Requirements: The development shall meet all applicable state and federal requirements for fire protection.

R ADA: Development shall provide for access by persons with disabilities. All projects will conform to the Americans with Disability Act as required.

S Visual and Direct Impact: The development shall minimize visual and direct impact on, and shall not have an adverse affect upon, historic or archaeological sites, rare or irreplaceable natural areas, significant wildlife habitat, or the scenic and natural beauty of the area.

T Shoreland: Whenever situated in whole or in part within the Shoreland Zone as shown on the Andover Shoreland Zoning Map, development shall comply with the Shoreland Zoning Ordinance of the Town of Andover.

U Floodplain: Whenever situate in whole or in part within the designated flood hazard area, the development shall comply with the Floodplain Management Ordinance of the Town of Andover.

V Comprehensive Plan: No application for development shall be approved by the Planning Board which is not in conformity with the Comprehensive Plan for the Town of Andover.

W Wetlands and Natural Resources:

1. Wetlands are important to wildlife and are necessary to maintain the aquatic ecosystem. They also provide important functions for flood control, surface water and groundwater recharge. Wetlands shall be protected to the greatest extent possible by limitation on activities that can occur within wetland areas and the creation of buffers and maintenance of drainage patterns which provide recharge for wetlands.
2. Other natural resources including those identified in the comprehensive plan or those identified by agencies of the State of Maine, including, but not limited to deer yards, waterfowl and wading bird habitat and natural areas.

3. The development shall conform to all applicable local, state and federal regulations regarding the protection of wetlands and other natural resources. If State and/or Federal permits are required, approval by the Planning Board shall be conditional upon receipt of such permits and permits will become a part of the application and will be enforceable by the Town, upon the Planning Board making a positive finding on the application.

X Noise:

1. 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 8 PM, and 50 decibels at other times. These levels specified may be exceeded by 10 dB for no more than 15 minutes per day.

2. 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 four (4) feet above ground at the property boundary.
3. 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.
4. 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:
   a) 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.
   b) Written certification from an engineer or other appropriate professional that noise levels from the completed development will conform to the requirements of this section.
5. 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.

Y. Odors: When the Planning Board determines, based on the project's characteristics and location, that odors will be a concern, the Board shall find that the proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

Z. Historic and Archaeological Sites: Any proposed development activity involving structural development or soil disturbance on, or within 50 feet of, sites listed on or eligible to be listed on the National Register of Historic Places as defined by the Maine Historic Preservation Commission shall be submitted by the applicant to the Maine Historic Preservation Commission, if requested by the Planning Board, for review and comment at least twenty (20) days prior to final approval. The Board shall consider comments received from the Commission prior to rendering a decision on the application. The development shall protect and preserve historic and archaeological sites to the greatest extent practical so that they are not physically impacted. Development shall also be designed to fit harmoniously with existing historic structures and shall not impact structures by creating noise or, vibration or by undertaking such activities as may cause physical damage.

A A. Electromagnetic Interference: The development shall not produce electromagnetic interference with radio, television, internet, or wireless communication reception.

B B. Financial and Technical Capacity: The applicant shall have adequate financial and technical capacity to meet the requirements of this Ordinance. When, due to the nature of the development, lack of sufficient marketing information, or probability that the use may become obsolete, the Board may require the posting of a Surety Bond for removal or reclamation of the site to a condition approximating its predevelopment or natural condition. The Bond may be released upon a showing that the activity will not fail, be abandoned or become obsolete. This condition does not release the owner of communication towers, wind power generation facilities, or gravel or mineral extraction activities from the bonding requirements noted in sections of this ordinance specific to those activities.

C C. Hazardous, Special and Radioactive Materials: The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.
No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location which is in compliance with applicable rules and regulations of the Maine Department of Public Safety and other federal, state, and local regulations.

D D. 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.

1. The boundaries of the development shall be delineated on the Sand and Gravel Aquifer Map 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.

2. 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.

3. 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 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

4. Petroleum and other hazardous material storage and transfer. A Spill Prevention, 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 insure that the contents of the plan are familiar to all employees.

5. 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.

6. The transportation, handling, storage, use, and disposal of petroleum products and all materials and wastes identified by the standards of a federal or state agency as hazardous must be done in accordance with recognized management practices that will minimize any potential to contaminate public water supplies and guidelines of these agencies. (Agencies include the US Environmental Protection Agency, the Maine Department of Environmental Protection, the US Department of Transportation and the State of Maine Fire Marshal.)

E. Solid Waste: Solid Wastes generated by the development, either during construction or as part of on-gong operation shall be disposed in accordance with applicable federal, state and local laws and rules. Solid Waste disposal shall not adversely impact the operation of the Andover Transfer Station. The town has the right to prohibit from the transfer station such wastes that are difficult to handle due to the physical nature or quantity generated. (NOTE: Stumps are not accepted at the transfer station, and only small quantities of construction or demolition debris may be taken to the transfer station from a single project.)

## Section VI GENERAL PROVISIONS

A. The Planning Board may modify or waive any of the above application requirements or performance standards or special regulations in Section VII when the Planning Board documents that because of the special circumstances of the site such application requirements or standards would not be able or would be an unnecessary burden upon the Applicant and, if modified, would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

B. The Planning Board may require the Applicant to file with the Board at the time of submission of the application a performance guarantee in the form of a performance bond posted to the municipality and issued by a surety company acceptable to the municipality, a cashier's check payable to the Treasurer of the municipality, an irrevocable letter of credit issued to the municipality by a bank or other lending institution, or a guarantee secured by deposits issued by a banking or lending institution authorized to issue the same, or another acceptable performance guarantee which is agreed to by both the Applicant and the municipality. The conditions and amount of such performance guarantee shall be determined by the Board of Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading and paving for roads intended for public acceptance; storm drainage, sewer and water lines; public street openings; and other utilities or other improvements shown on the plat or site plan.

C. All construction performed within the scope of this Ordinance shall be in conformance with the approved site plan. Any approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed to by the Applicant. Any variation from the plans, proposals, and supporting documents which may affect approval standards are subject to the review of the Planning Board prior to implementation (see Section VI.D below).

D. Approved Site Plans may be amended for minor modifications to building size, location, use, or changes in utility layout with Planning Board approval. Changes of Use as described in Section III.B are not considered minor modifications. The Planning Board shall be the final authority regarding what constitutes minor modification. The Fire Chief will review all

amendments.

E. Approval granted under this Ordinance shall expire, if the work or change is not commenced within twenty-four (24) months from the date approval is granted, or if the work or change is not substantially completed within three (3) years from the date approval is granted, unless other development scheduling is agreed to at the time of approval. The Planning Board shall review requests for renewals of expired approvals according to the following standards:

1. An extension of approval shall be granted, if the Planning Board determines that no significant changes to the site and/or surrounding environment have occurred since the original approval was granted. Environmental considerations include, but are not limited to, traffic, floodplain, shoreland zoning, fire protection, infrastructure requirements, and any other applicable local, state, or federal regulations.
2. If changes have occurred to the development site and/or surrounding environment, the request for renewal shall be evaluated by the Planning Board to determine if a new application is necessary. Conditional extensions of approval may be granted if the Planning Board determines that changes do not necessitate a new application.

F. If a single building has multiple uses, such building shall comply with cumulative restrictions for parking and the more stringent regulations of its other uses.

## SECTION VII SPECIAL REGULATIONS

The following regulations shall be complied with, in addition to the Performance Standards contained in Section V of this Ordinance. Please note that setback and open-space requirements may not be applicable to changes of use of existing structures.

A. Multi-family Dwelling Requirements

1. Lot Requirement and Use:
   a. A minimum of forty percent (40%) of the land area shall be held and utilized as open space.
   b. The maximum number of dwelling units per acre shall be determined by the "Minimum Lot Size Law" - Title 12 MRSA Section 4807-A and the sanitary regulations embodied in the "State of Maine Subsurface Wastewater Disposal Rules", but in no event shall the number of dwelling units exceed four (4) per acre.
   c. Setback requirements:
      1) Front - Minimum requirement will reflect the setbacks of adjacent structures, or thirty (30) feet from the boundary of the public or private right-of-way, whichever is smaller.
      2) Side and Rear - Minimum requirement may reflect the existing adjacent setback with the written approval of the Fire Department, otherwise a minimum of fifteen (15) feet from boundary lines for lots served by town water and forty (40) feet for all other lots.

2. Parking Requirements

   a. General - Two (2) spaces per unit, plus one (1) additional space per three (3) units.
   b. Elderly/Affordable - One (1) space per unit, plus one (1) additional space per three (3) units.

3. Building Heights

No multifamily dwelling shall exceed two and one-half (2 ½) stories or thirty-five (35) feet above the average finished grade unless the applicant can demonstrate that the structure(s) will fit into the natural and existing manmade environment and that the structure(s) will not adversely impact the aesthetics of the natural environment, identified views, or the context of the existing architecture. The applicant must also demonstrate that the building provides for the safety of its residents and further demonstrate that fire safety and suppression is adequate.

4. Utilities

a. For all multifamily dwelling developments, lines for electricity, telephone and cable television shall be put underground.
b. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

B. Motel, Hotel and Inn Requirements

1. Lot Requirements and Use

a. A minimum of thirty percent (30%) of the land area shall be held and utilized as open space.
b. Setback requirements:
   1) Front - a minimum of thirty (30) feet from the boundary of the public or private right-of-way.
   2) Side and rear - a minimum of forty (40) feet from boundary lines.

2. Parking Requirements

There shall be a minimum of one (1) parking space for each guestroom, plus one (1) parking space for each employee expected per shift provided either on-site or in a shared parking arrangement that must be approved by the Planning Board. Handicapped parking shall be provided in accordance with the Americans with Disability Act requirements.

3. Building Heights

No new structure for a Motel, Hotel or Inn shall exceed two and one-half (2 ½) stories or thirty-five (35) feet above the average finished grade unless the applicant can demonstrate that the structure(s) will fit into the natural and existing manmade environment and that the structure(s) will not adversely impact the aesthetics of the natural environment, identified views, or the context of the existing architecture. The applicant must also demonstrate that the building provides for the safety of its residents and further demonstrate that fire safety and suppression is adequate.

C. Bed and Breakfast and Tourist Home Requirements

1. Size: Lodging facilities shall not exceed six (6) guest rooms.
2. Parking Requirements:

a. There shall be a minimum of one (1) parking space per guest room, two (2) parking spaces for the residents and one (1) parking space for each employee expected per shift provided either on-site or in a shared parking arrangement that must be approved by the Planning Board. Handicapped parking shall be provided in accordance with the Americans with Disabilities Act requirements.

b. Lodging facilities with dormitory rooms shall allow one (1) parking space for every four (4) sleeping spaces provided within each dormitory room provided either on-site or in a shared parking arrangement that must be approved by the Planning Board. This is in addition to the other parking requirements of C.2.a. above.

D. Commercial Establishment Requirements

1. Parking Requirements: Handicapped parking will be provided in accordance with the Americans with Disability Act requirements. The Planning Board shall also consider tour bus parking, if applicable. The following minimum parking areas shall be provided:

   a. Retail/Office/Service (ROS) establishments: One (1) space per employee expected per shift, plus one (1) space per three-hundred (300) square feet of ROS space for customers shall be provided either on-site or in a shared parking arrangement that must be approved by the Planning Board. For ROS development in areas with town-maintained, on-street parking the first two-thousand (2,000) square feet do not count in determining the number of customer spaces necessary. The square footage of the entire floor area of the portion of a structure used for ROS space is considered when determining whether or not the two thousand (2,000) square foot limit is exceeded.
   b. Restaurants and drinking establishments: One (1) parking space for each three (3) seats, plus one (1) space per employee expected per shift shall be provided either on-site or in a shared parking arrangement that must be approved by the Planning Board. For restaurants and drinking establishments with town-maintained, on-street parking, the first twelve (12) seats do not count in determining the number of spaces required.
   c. Commercial health facilities, commercial recreational facilities, conference buildings: One (1) parking space for every three (3) customers or expected users, with a minimum of five (5) spaces, plus one (1) space per employee expected per shift shall be provided either on-site or in a shared parking arrangement that must be approved by the Planning Board.
   d. Churches: One (1) space per four (4) seats.

2. Trash: In any commercial establishment with a dumpster or other external facility for trash storage, such storage shall be visually screened from abutting properties and public areas including streets. The waste facility shall be accessible from an off-street location.

3. Setback Requirements:
   a. Front: Thirty (30) feet as measured from the property line.
   b. Rear and side: Twenty (20) feet as measured from the property line.

4. Height: Any newly constructed commercial establishment or structure converted to commercial use shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet above the average finished grade unless the applicant can demonstrate that the structure(s) will fit into the natural and existing manmade environment and that the structure(s) will not adversely impact the aesthetics of the natural environment, identified views, or the context of the existing architecture. The applicant must also demonstrate that the building provides for the safety of its residents and further demonstrate that fire safety and suppression is adequate.

5. Lot Requirements: A minimum of ten percent (10%) of the land area shall be held and utilized as open space.

6. Loading Berths:
   a. All facilities requiring loading and unloading of supplies or equipment shall provide off-street loading areas adequate to accommodate the expected traffic and types of vehicles.
   b. Any commercial building with an area of five-thousand (5,000) square feet or more shall have a minimum of one (1) off-street loading berth twelve feet (12') by fifty feet (50') by fourteen feet (14').

7. Utilities: Utilities shall be underground and installed prior to the installation of the final gravel base.

8. Ground Water Protection:. The proposed use must not adversely impact the quality of groundwater available to abutting properties or to public water supplies. Applicants whose projects involve on-site sewage disposal systems with a capacity of two-thousand (2,000) gallons per day (gpd) or greater must demonstrate that their development will not cause the groundwater at the property line to fail compliance with the Primary and Secondary Standards for Drinking Water as established by the Maine Department of Human Services.

E. Industrial Establishment Requirements

1. Light Industrial
   a. Parking: One (1) parking space per employee expected per shift. Handicapped parking in accordance with the Americans with Disability Act requirements.
   b. Trash: In any light industrial establishment with a dumpster or other external facility for trash storage, such facility shall be visually screened from abutting properties and public areas including streets.
   c. Setbacks for new construction or additions to existing buildings as measured from property lines: Front: Thirty (30) feet; Rear and side: Twenty (20) feet.
   d. Height: Any newly constructed light industrial establishment or structure converted to a light industrial use shall not exceed thirty-five (35) feet from the average finished grade to the average height of the building unless the applicant can demonstrate that the structure(s) will fit into the natural and existing manmade environment and that the structure(s) will not adversely impact the aesthetics of the natural environment, identified views, or the context of the existing architecture. The applicant must also demonstrate that the building provides for the safety of its residents and further demonstrate that fire safety and suppression is adequate.
   e. Lot Requirements: A minimum of ten percent (10%) of the land area shall be held and utilized as open space.
   f. Loading Berths:
      1) All facilities requiring loading and unloading of supplies or equipment shall provide off-street loading areas adequate to accommodate the expected traffic and types of vehicles.
      2) Where applicable, any light industrial building with an area of five-thousand (5,000) square feet or more shall have a minimum of one (1) off-street loading berth fourteen feet (14') in width by fifty feet (50') in length.. Every building of less than five-thousand (5,000) square feet shall have a minimum of one (1) off-street loading berth of twelve feet (12') in width by twenty-five feet (25') in length.

2. Heavy Industrial
   a. Parking: One (1) parking space per employee expected per shift. Handicapped parking as required by the Americans with Disability Act.
   b. Setbacks
      1). Height restrictions. Any newly constructed light industrial establishment or structure converted to a light industrial use shall not exceed thirty-five (35) feet

from the average finished grade to the average height of the building unless the applicant can demonstrate that the structure(s) will fit into the natural and existing manmade environment and that the structure(s) will not adversely impact the aesthetics of the natural environment, identified views, or the context of the existing architecture. The applicant must also demonstrate that the building provides for the safety of its residents and further demonstrate that fire safety and suppression is adequate.

2). Front setback: In no case shall a building be nearer than thirty (30) feet to the edge of the public right-of-way.

3). Rear and side: There shall be no industrial structure within twenty-five (25) feet of a property line, except that there shall be no required setback from the railroad property lines.

c. Trash: In any heavy industrial establishment with a dumpster or other external facility for trash storage, such facility shall be visually screened from abutting properties and public areas including streets.

d. Lot Requirements: A minimum of ten percent (10%) of the land area shall be held and utilized as open space.

e. Loading Berths:

1) All facilities requiring loading and unloading of supplies or equipment shall provide off-street loading areas adequate to accommodate the expected traffic and types of vehicles.

2) Where applicable, every heavy industrial building with an area of five-thousand (5,000) square feet or more shall have a minimum of one (1) off-street loading berth of fifty feet (50') in length by fourteen feet (14') in width. Any building of less than five-thousand (5,000) square feet shall have a minimum of one (1) off-street loading berth of twelve feet (12') in width by twenty-five feet (25') in length.

E. Telecommunications Towers and Related Facilities

1. Findings: The Town of Andover finds that the regulation of the placement, spacing, installation, location and number of both wireless and conventional telecommunications towers and related facilities, consistent with federal and state policies and law, is in the public interest in order to:

a. Reduce the potential adverse impacts of such towers and related facilities upon the unique natural assets of the Town of Andover, including the scenic mountain views and its rural environmental according to the Andover Comprehensive Plan;

b. Minimize the number and height of towers, avoid congestion in their location and lessen their intrusive effect;

c. Conserve and enhance property values; and

d. Ensure the optimum location of telecommunications towers and related facilities.

2. Intent: In compliance with federal regulations and Subsection F.3. of this section, the Town of Andover hereby states that it does not intend to create barriers to the ability to provide interstate or intrastate telecommunications services, and the Town of Andover hereby states its intent not to discriminate against or favor providers of telecommunications facilities and services.

3. Purposes: The purposes of this Subsection , which shall serve as standards for guiding and its administration, are as follows:

a. To preserve the authority of the Town of Andover to regulate the siting of telecommunications towers and related facilities and to determine the optimum location for such towers and facilities in order to provide telecommunications services to the Town of Andover effectively and efficiently;

b. To enable the Town to take such steps as may be needed to reduce any adverse impacts such facilities may create, including but not limited to impacts upon aesthetics, scenic resources, environmentally sensitive areas, recreational uses, safety, property values, and areas or sites of historic significance;

c. To encourage the use of innovative siting and configuration options, including siting possibilities beyond the municipal jurisdiction of the Town;

d. To require cooperation and collocation between competitors and the exhaustion of all other reasonable alternatives before the construction of new towers is permitted;

e. To ensure that there is an adequate assumption of responsibility for maintenance, repair, and safety inspections of operational facilities, for the prompt and safe removal of abandoned telecommunications towers and related facilities, and for the removal and upgrade of facilities that are technologically outdated; and

f. To encourage personal wireless telecommunications services to provide a blanket of coverage for the Town of Andover, not just nearby corridors, incorporating the goals listed above to ensure that the facilities constructed will provide the best possible service and benefits to the community.

4. Regulations

a. Except to the extent of any inconsistency with federal or state law, and subject to the standards contained in this Ordinance, this Ordinance shall operate with regard to telecommunications structures, equipment and facilities as it does with regard to any other use to which it applies. The location, siting, establishment, erection, installation or operation of a telecommunications tower facility within the Town of Andover is hereby declared to be a use, either a primary or accessory use, subject to this Ordinance.

b. Telecommunications towers and related facilities shall not be considered infrastructure, essential services or public utilities, and the siting of such facilities shall constitute a use of the land to be regulated by this Ordinance.

c. The Andover Planning Board may take and adopt special provisions of this Ordinance for the governing of such structures, equipment, or facilities.

d. Unless such special provisions of this Ordinance explicitly provide otherwise:

1) Towers, antennas or other telecommunications facilities shall be located and designed so as to preserve the ability of the public to enjoy the mountain scenery of the Town of Andover according to the Andover Comprehensive Plan and other sections of this Ordinance;

2) Use of alternative technologies and of co-location shall be thoroughly studied and determined to be unfeasible before the construction of any new towers is approved;

3) No telecommunications towers, including antennas, shall extend more than 60 feet above surrounding vegetation; in addition, it is preferable that no tower extend above the ridgeline of the adjacent viewscape;

4) Telecommunications towers, antennas, and other electrical and mechanical equipment shall be made with a neutral finish or color or otherwise be treated so as to reduce visual impact;

5) Towers shall only be lighted if required by the FAA, and such lighting shall be designed so as to cause the least impact upon the surrounding properties or abutting communities;

6) Attendant utility lines shall be underground;

7) Towers shall be located on sites where the topography and tree cover of the surrounding land shall be utilized to minimize any adverse visual impact;

8) Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible;

9) Towers shall not contain any permanent or temporary signs, writing, symbols or other graphic representation of any kind, except as may be

allowed or required by the Andover Planning Board in the interest of public safety;

10) The minimum distance from a telecommunications tower to any property line, road structure, dwelling, or recreational or institution use shall be 125% of the height of the facility, including any antennas or other appurtenances;

11) Towers, guys, accessory structures and other telecommunications facilities and equipment shall comply with the Town's lot setback requirements;

12) Towers shall be enclosed by security chain link, vinyl-clad fencing a minimum of six feet in height and shall be equipped with appropriate anti-climbing devices;

13) Access for motorized vehicles to the tower compound shall reflect the access performance standards of this Ordinance and the Andover Road Ordinance and minimize the impact upon the surrounding environment; and

14) The tower compound shall be landscaped and maintained with a vegetative buffer that effectively screens the view of the tower base and support facilities.

e. The installation or operation of telecommunications equipment or facilities shall not be considered, or permitted, as an extension of a nonconforming use.

5. Performance Standards and Abandonment

a. All towers, antennas and other telecommunications facilities and equipment shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state government having controlling regulatory authority. If such standards or regulations are changed, the owners or operators of such facilities or equipment shall ensure that it complies with the revised standards or regulations within six months of the effective date of any revisions unless the controlling authority mandates a more stringent compliance schedule. Failure to comply in accordance with the applicable schedule shall constitute abandonment and shall be grounds for the removal of such facilities or equipment at the owner's expense through the execution of the posted security.

b. The owner of a tower, antenna, or other telecommunications-related facilities and equipment shall be responsible for insuring that such facilities and equipment at all times conform to applicable industry standards, as such standards may be amended from time to time. If upon inspection the Town determines that such regulations or standards are not being met or that the facilities or equipment pose a danger to persons, property, or the community, it shall notify the owner of the facility in writing and the owner shall, within thirty (30) days, remedy such defects. Failure to do so shall constitute abandonment and shall be grounds for the removal of the facilities and equipment at the owner's expense through the execution of the posted security.

c. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, and such antenna or tower shall be removed in accordance with the following procedure:

1) The Planning Board shall hold a public hearing after due notice to abutters and to the last known owner/operator of the antenna or tower.

2) If at such hearing the Planning Board determines that the antenna or tower is, in fact, abandoned, it shall issue a declaration of abandonment to the owner/operator.

3) Within ninety (90) days after issuance of such declaration, the owner shall remove the abandoned structure and, if the owner/operator shall not, the Town may execute the security and have the tower removed at the owner's expense.

4) Upon removal of a tower, all facilities related to the tower including roads shall be removed and the area returned to a natural state in keeping with the environment prior to installation or in keeping with the surrounding environment.

6. Security Bonds

a. Before, and as a condition of, the approval of a site plan filed in connection with the installation of any telecommunications tower and related facilities, the Planning Board shall require the developer or installer to file with the Town a bond in an amount adequate to cover the costs of removing the facility, together with any structures or equipment appurtenant thereto, and of returning the site to its condition prior to such installation. This performance bond shall remain on file with the Town and shall not be released unless the installation has been decommissioned, dismantled, and removed.

b. The Planning Board shall require the owner/operator of any antenna or tower to provide annually the Town Office proof that it is maintaining a certificate of liability insurance covering accident or damage.

F. Wind Power and Related Facilities

1. Findings: The Town of Andover finds that the regulation of the placement, spacing, installation, location and number of wind power generators, also referred to as windmills and including and related facilities, consistent with federal and state policies and law, is in the public interest in order to:

a. Reduce the potential adverse impacts of such facilities upon the unique natural assets of the Town of Andover, including the scenic mountain views and its rural environment according to the Andover Comprehensive Plan;

b. Conserve and enhance property values; and

d. Ensure the optimum location of such facilities.

2. Purposes: The purposes of this Subsection , which shall serve as standards for guiding and its administration, are as follows:

a. To preserve the authority of the Town of Andover to regulate the siting of wind power facilities

b. To enable the Town to take such steps as may be needed to reduce any adverse impacts such facilities may create, including but not limited to impacts upon aesthetics, scenic resources, environmentally sensitive areas, recreational uses, safety, property values, and areas or sites of historic or archaeological significance;

c. To encourage the use of innovative site and configuration options, including siting possibilities beyond the municipal jurisdiction of the Town;

d. To ensure that there is an adequate assumption of responsibility for maintenance, repair, and safety inspections of operational facilities, for the prompt and safe removal of abandoned facilities and associated improvements, and for the removal and upgrade of facilities that are technologically outdated; and

4. Regulations

a. This Ordinance shall operate with regard to wind power generation facilities as it does with regard to any other use to which it applies. The location, siting, establishment, erection, installation or operation of a facility within the Town of Andover is hereby declared to be a use, either a primary or accessory use, subject to this Ordinance.

b. Windmills and related facilities and improvements shall not be considered infrastructure, essential services or public utilities, and the siting of such facilities shall constitute a use of the land to be regulated by this Ordinance including this Section and all other sections.

c. Unless such special provisions of this Ordinance explicitly provide otherwise:

1) Windmills and related facilities shall be located and designed so as to preserve the ability of the public to enjoy the mountain scenery of the

Town of Andover according to the Andover Comprehensive Plan and other sections of this Ordinance;

2) Windmills shall extend to the minimum height practical for their operation above surrounding vegetation; in addition, it is preferable that no windmill tower should extend above the ridgeline of the adjacent viewscape;

4) Windmills and related facilities shall be made with a neutral finish or color or otherwise be treated so as to reduce visual impact unless otherwise deemed in the best interest of the Town;

5) Lighting shall only be allowed if required by the FAA, and such lighting shall be designed so as to cause the least impact upon the surrounding properties or abutting communities;

6) Where ever practicable, attendant utility lines shall be underground, and if not, shall conform to the requirements of this Subsection and this Ordinance.

7) Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible;

9) Facilities shall not contain any permanent or temporary signs, writing, symbols or other graphic representation of any kind, except as may be allowed or required by the Andover Planning Board in the interest of public safety;

10) Windmills shall be located such that the distance to any property line, road, structure, dwelling, or recreational or institution is adequate to provide for the safe use of the adjacent property at all times including in the case of a failure of the windmill or related facilities including power lines;

11) All windmills and related facilities and equipment shall, at a minimum, comply with the Town's lot setback requirements;

12) Access for motorized vehicles to the facilities shall reflect the access performance standards of this Ordinance and the Andover Road Ordinance and minimize the impact upon the surrounding environment; and

14) The facilities shall be landscaped and maintained with a vegetative buffer that effectively screens the view of the windmill base and related facilities.

d. The installation or operation of wind power generation facilities shall not be considered, or permitted, as an extension of a nonconforming use.

5. Performance Standards and Abandonment

a. The owner of a wind power generation facilities and equipment shall be responsible for insuring that such facilities and equipment at all times conform to applicable industry standards, as such standards may be amended from time to time. If upon inspection, the Town determines that such regulations or standards are not being met or that the facilities or equipment pose a danger to persons, property, or the community, it shall notify the owner of the facility in writing and the owner shall, within thirty (30) days, remedy such defects. Failure to do so shall constitute abandonment and shall be grounds for the removal of the facilities and equipment at the owner's expense through the execution of the posted security.

c. Any windmill or facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, and such facility shall be removed in accordance with the following procedure:

1) The Planning Board shall hold a public hearing after due notice to abutters and to the last known owner/operator of the facility.

2) If at such hearing the Planning Board determines that the facility is, in

fact, abandoned, it shall issue a declaration of abandonment to the owner/operator.

3) Within ninety (90) days after issuance of such declaration, the owner shall remove the abandoned structure and, if the owner/operator shall not, the Town may execute the security and have the tower removed at the owner's expense.

6. Security Bonds

a. Before, and as a condition of, the approval of a site plan filed in connection with the installation of any wind power generation or related facilities, the Planning Board shall require the developer or installer to file with the Town a bond in an amount adequate to cover the costs of removing the facility, together with any structures or equipment appurtenant thereto, and of returning the site to its condition prior to such installation. This performance bond shall remain on file with the Town and shall not be released unless the installation has been decommissioned, dismantled, and removed.

b. The Planning Board shall require the owner/operator of any facility to provide annually to the Town Office, proof that it is maintaining a certificate of liability insurance covering accident or damage.

G. Exterior Lighting

There shall be lighting of all parking areas, walkways and such other areas as may be designed for use after dark, with a minimum of one and five tenths (1.5) foot-candles and a maximum of five (5) foot-candles for such areas. The maximum illumination at an abutting property line shall be one (1) footcandle.

H. Roads

Roads shall be constructed in accordance with the following:

1. Those roads and streets constructed with the intent of being accepted as a public road and to be maintained by the Town of Andover shall be constructed in accordance with all applicable Town Road Ordinance, and
2. Roads constructed with the intent to remain in private ownership shall be designated as such on the Site Plan. Developments served by private ownership are required to have an association to maintain these roads. These roads will remain private until such time as the road meets the requirements of the Town Road Ordinance and is accepted at Town Meeting. Private roads must conform to applicable standards in the Town Road Ordinance.

I. Gravel Pits, Mineral Extraction and Exploration, Topsoil and Earth Removal:

1. Any gravel pit or mineral extraction activity which will remove more than 5,000 cubic yards of product in 12 successive months or which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall require a permit from the Planning Board. If the activity requires a permit from the Maine Department of Environmental Protection, the applicant shall obtain written approval from the Department of Environmental Protection and present such approval to the Planning Board along with the DEP application material. In addition to the submissions requirements contained in other sections of this Ordinance, the application and development plan shall include the items below.

2. Submission Requirements
   a. The existing and proposed limits of excavation clearly delineated.
   b. Location, function and ground area of all structures, facilities, parking lots, roads, and mud runoff areas.
   c. Entrance and exit layout.
   d. The location and description of gates or other means for controlling access.
   e. Pre- and post-development topography using contours interval as requested by the Planning Board.
   f. Location of topsoil stockpile areas.
   g. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
   h. Slopes and vegetation for protecting adjacent structures.
   i. Location of any test pits or borings and observation well documenting the seasonal high water table.
   j. Proposed disposal method of stumps and grubbings.
   k. Plans and schedule for reclamation.
   l. A spill prevention, control and countermeasure plan to control spills of petroleum products and other hazardous materials.
   m. The phase of excavation and reclamation.
   n. Surface drainage and watersheds on parcels for pre and post excavation.
   o. For pits of five (5) acres or more, at least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.

3. Review Criteria and Standards
   a. A buffer strip of not less than 50 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners. The Planning Board may reduce the front setback to twenty five feet from the right-of-way of a public road, if in the opinion of the Planning Board, suitable buffers and fencing are provided.

   b. Buffers may be eliminated between abutting properties containing pits provided the Planning Board is shown proof of written permission of the abutting pit owners.

   c. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection and a spill prevention, control and countermeasure plan is provided.

   d. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products

   e. No oiling of access and haul roads is permitted.

   f. No gravel shall be excavated below an elevation that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Planning Board.

   g. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions unless a plan for such activities has been approved by the Maine Department of Environmental Protection and the Planning Board.

h. Access to the pit shall be strictly controlled.

i. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.

j. Reclamation of the pit shall not be made with any substance that could either have a harmful leachate or create an impermeable base.

k. Stumps and grubbings shall be disposed of in a manner approved by the Planning Board and in conformance with all applicable State of Maine regulations.

l. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets When direct access is not possible to a collector or arterial street, the Planning Board shall designate a suitable route to such a street.

m. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.

n. There shall be natural buffers left in place between the pit and natural resources including wetlands, streams, rivers and ponds. Such buffers shall be adequate to protect the resource and shall comply with the Andover Shoreland Zoning Ordinance and all applicable state laws and rules.

The Planning Board may require a Surety Bond in an amount adequate to cover the costs of reclaiming the pit and associated improvements, such as roads, and returning such roads to approximate the natural condition prior to such installation. This performance bond shall remain on file with the Town and shall not be released until the pit and associated improvements have been reclaimed. The Planning Board shall require the owner/operator of any facility to provide annually, to the Town Office, proof that it is maintaining a certificate of liability insurance covering accident or damage.

## SECTION VIII ENFORCEMENT

A. Violations and Enforcement: The Code Enforcement Officer, upon finding that any provision of this Ordinance or any condition of approval issued under this Ordinance is being violated, and following consultation with the Planning Board, is authorized to institute legal proceedings to enjoin violations of this Ordinance.

B. Fines: A person who violates the provisions of this Ordinance or the conditions of a permit shall be guilty of a civil violation and, on conviction, shall be fined not less than one-hundred dollars ($100) nor more than twenty-five-hundred dollars ($2,500) as required by Title 30A MRSA S4452 (as amended). Each day such violation continues shall constitute a separate violation. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the municipality.

## 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 regulation, Ordinance, code or statute, the more restrictive requirements shall apply.

## SECTION X. APPEALS

A. A Site Plan application shall be presented to the Planning Board or a formal request for an advisory opinion regarding the applicability of the Ordinance shall be made to the Planning Board before an Applicant, abutting landowner, or aggrieved party can appeal to the Board of Appeals. If the Planning Board disapproves an application, or grants approval with conditions that are objectionable to the Applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the Applicant, abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision.

B. The Board of Appeals shall hold a public hearing within thirty (30) days of receipt of the written request for an appeal. The Board of Appeals shall publish the time, date, and place of the hearing in a newspaper of area-wide circulation a minimum of ten (10) days prior to the hearing. The Chairman of the Board of Appeals or the Planning Assistant shall send notice of the hearing by certified mail to all interested parties, including abutting landowners a minimum of ten (10) days prior to the hearing.

C. The Board of Appeals, after holding the public hearing, may reverse the Planning Board's decision, if it clearly contrary to the Ordinance or not supported by substantial evidence in the record or, if the requirements of Paragraph D below are met, may grant a variance. The Board of Appeals shall render its decision within twenty-one (21) days of the hearing. Time limits may be extended by mutual agreement between the Board of Appeals and the aggrieved parties in the case.

D. A variance may be granted by the Board of Appeals where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where a strict enforcement of this Ordinance would result in undue hardship as defined in Title 30-A MRSA S4353.

## SECTION XI AMENDMENTS

A. This Ordinance may be amended by a majority vote at a 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 to the Board of Selectmen by voters numbering no fewer than 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 amendments.

## SECTION XII DEFINITIONS

A. Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have in common usage and shall be construed to give this Ordinance its most reasonable application. Words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory, not discretionary.

1. **Accessory Use of Structure**: A subordinate use of a building, other structure or land, or a subordinate building or other structure;
   a. Whose use is customary in connection with the principal building, other structure or land.
   b. Whose use is incidental to the use of the principal building, other structure or use of land.
   c. 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.
2. **Agriculture**: Production of crops and livestock.
3. **Basement**: That space of a building that is partly below grade which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished

grade of the ground adjoining the building.

4. **Bed and Breakfast Establishment**: A private home in which one to six (1-6) rooms are rented and a meal is provided.
5. **Building**: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind.
6. **Campground**: An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots for which a charge is made, either on a short-term or a long-term basis by sale, rent or lease or by means of condominium-type financing. This term does not include campgrounds which qualify as subdivisions under Title 30 MRSA S4956 or the town's Subdivision Regulations.
7. **Cellar**: See basement above.
8. **Change of Use**: Change of use shall be considered when the proposed project is in conflict with the Performance Standards.
9. **Commercial**: Connected with the buying or selling of goods or services or the provision of facilities for a fee. Commercial uses shall include, but not be limited to: professional and business offices; retail outlets, services such as barber or beauty shops; tailors; laundromats; dry cleaners; restaurants; parking lots; service stations or repair garages; hotels; motels or inns; storage and selling of farm, dairy, orchard, or forest products; horticultural activities; and athletic or recreational facilities for hire.
10. **Condominium**: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to "The Maine Condominium Act" (MRSA Chapter 31). Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single-family residences is not a condominium unless so designated in the declaration.
11. **Congregate Housing**: Residential housing consisting of private apartments and central dining facilities within which a congregate housing supportive services program serves functionally impaired and/or elderly occupants who are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing includes only those facilities certified by the State of Maine as meeting the standards and guidelines for congregate housing by the Department of Human Services.
12. **Development**: Any alteration of existing land or structures.
13. **Dormitory**: A room, building, or part of a building with more than four (4) single sleeping spaces in one room.
14. **Driveway Volume**: Low-volume driveway: fifty (50) or less peak hour trips/day; medium-volume driveway: more than fifty (50) but less than two-hundred (200) peak hour trips/day; high-volume driveway: over two-hundred (200) peak hour trips/day.
15. **Dwelling Unit**: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, cooking, eating and sleeping.
16. **Family Unit**: One or more persons occupying a premise and living as a single housekeeping unit.
17. **Footprint**: The outside measurements of the first floor area of a structure which is enclosed and/or sit on a foundation or concrete pad, but not including open porches or walkways.
18. **Forest Management Activities**: 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 similar associated activities, and the construction, creation or maintenance of land management roads.
19. **Forestry**: Growing and harvesting trees.
20. **Handicapped Parking Space**: One for every twenty-five (25) public spaces to be fourteen feet (14') wide by eighteen feet (18') long.
21. **Height of Building**: The vertical distance measured from average grade level to the highest level of a flat or mansard roof, or to the average height of a pitched, gabled, hip or gambrel roof, excluding bulkheads, towers, and similar constructions not intended for human

occupancy, or necessary mechanical equipment carried above roof level.

22. **Home Occupation**: An occupation incidental to and subordinate to residential use, carried on in what is customarily a dwelling unit or in a structure accessory to a dwelling unit. Home occupations shall employ only residents of the dwelling unit.
23. **Hotel/Motel/Inn**: A structure consisting of more than three (3) guest rooms or suites of rooms providing lodging facilities for a fee. Accessory uses may include restaurants, meeting rooms, function halls, and associated recreation facilities.
24. **Impervious Surface**: A surface which does not absorb water including, but not limited to buildings, parking areas, driveways, roadways, sidewalks, and any areas of concrete, masonry, brick, title or asphalt.
25. **Industrial**: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.
    a. Light industrial shall include, but not be limited to: laboratory and research; printing; warehousing, wholesale and storage; general contractors' offices and associated equipment storage; trade shops such as cabinetry, plumbing, electrical, and finish work; and fabric assembling.
    b. Heavy industrial shall include, but not be limited to: reprocessing of petroleum products, asphalt preparations, cement manufacture or processing, rock crushing, lumber and sawmills, paper manufacturing, chemical processing, tanning, rendering, and slaughtering and/or butchering of cattle or other beasts for market.
26. **Inn**: See Hotel.
27. **Institutional**: A building devoted to some public, governmental, educational, charitable, religious, medical or similar purpose.
28. **Mobile Home Park**: An area designed, planned or developed for the placement of two (2) or more mobile homes. This term does not include mobile home parks which qualify as subdivision under Title 30 MRSA Section 4956 or the Town of Andover Subdivision Regulations.
29. **Motel**: See Hotel.
30. **Multifamily Dwelling**: A building consisting of three (3) or attached dwelling units.
31. **Open Space**: Area not covered by an impervious surface including, but not limited to grass, shrubs, mulch, trees or other comparable surface covers and existing vegetative land; and which is reserved for lawn, gardens, recreation or conservation.
32. **Parking Space**: An off-street area of eighteen feet (18') by nine feet (9') for parking of motor vehicles exclusive of roadways and driveways (see Handicapped Parking).
33. **Person**: Any individual, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity.
34. **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.
35. **Restaurant**: A structure in which the principal business is the sale (to the public) of food and beverages ready to consume.
36. **Retail**: Connected with the sale of goods and/or services to the ultimate consumer for direct use and consumption, and not for trade.
37. **Screening**: Fences or any manmade structure, vegetation, earth works or combination thereof.
38. **Setback**: The area between the property line or boundary line of a public right-of-way and any building or structure located on the premises. Setbacks are measured from the property line.
39. **Shared Parking**: A parking arrangement among property and/or business owners in close proximity that allows for safer pedestrian access.
40. **Solid Waste**: Useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, including by way of example, and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but not including septic tank sludge or agricultural wastes.
41. **Story**: That portion of a building between one (1) floor level and the next higher floor level or the roof. If a mezzanine/loft floor area exceeds one-third (1/3) of the area of the floor

immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is six (6) or more feet above the finished grade. An attic shall not be deemed to be a story if unfinished and without human occupancy.

42. **Structure**: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structures include, but are not limited to, buildings, mobile homes, recreational vehicles, piers and floats, storage, and processing facilities. Boundary walls, fences, roads, driveways, parking areas, and flagpoles are not considered structures.
43. **Subdivision**: The division of a tract or parcel of land into three (3) or more lots as defined in the Town of Andover Subdivision Regulations and applicable State Statutes.
44. **Throat**: A means of controlling traffic entering and exiting a project which allows for queued vehicles.
45. **Tourist Home/Boarding House/Rooming House**: See Bed and Breakfast.
46. **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.
47. **Variance**: A relaxation of terms as defined in Title 30-A MRSA Section 4353 and requiring satisfaction of the test for undue hardship.
48 **Waiver**: A relaxation of the terms of this Ordinance, granted by the Planning Board o by the Board of Appeals.
49. **Waste, Liquid**: Any liquid or water-borne sewage, garbage, sewage sludge, chemical, biological materials, human body wastes, or any refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free-flowing and wastes generated from agricultural activities or annual husbandry.
50. **Well**: A potable water supply used for drinking purposes including but not limited to: drilled well, dug well or spring.
51. **Yard**: A space which may be occupied by steps into or out of a principal structure; a fence, wall or other yard accessories; landscaping for screening or recreational purposes and a drive-way not to be used for parking.
52. **Yard or Garage Sale**: A noncommercial operation held briefly. A yard sale or garage sale shall be considered a commercial operation unless such sales are limited to three (3) out of thirty (30) consecutive days.

## SECTION XIII FEES

The Application Fee shall be paid at the time of the submission of the application and site plan. The fee shall be one-hundred twenty-five dollars ($125) for all projects under two-thousand square feet (2,000 sq.ft.) and an additional fifty dollars ($50) per one-thousand square feet (1,000 sq.ft.) or portion thereof over two-thousand square feet (2,000 sq.ft.). However, the fee shall not exceed one-thousand dollars ($1,000) per building. Square footage shall include floor areas of all portions of new structures, and portions of existing structures subject to change of use, substantial enlargement, or substantial alteration. This fee covers the first three (3) meetings at which the Applicant is on the agenda within any one (1) year period. Public hearings do not count toward the total.

There will be an additional twenty-five dollars ($25) per meeting fee for each meeting over the first three (3) at which the Applicant is on the agenda. A project will appear on the agenda only at the Applicant's request. Advisory opinions and sketch presentations shall not be included in determining the total number of meetings at which the Applicant has appeared on the agenda.

Amendment to the plan will be reviewed at no fee for two (2) years from the date of approval. Amendment review after two (2) years from the date of approval will pay a fee of fifty dollars ($50) for each amendment thereafter.

Given unto our hands at said Andover this 29th day of November, 2005, A.D.

Gertrude L. Akers, Selectman

David S. Percival, Selectman

Hope J. Peterson, Selectman

A True Copy: Attest: Elaine Morton
Town of Clerk of Andover

The Site Plan Review Ordinance was accepted at the Special Town Meeting on November 22, 2005 by the majority of the voters at the meeting.