

Article 1: General Provisions

SECTION 1. TITLE

This Ordinance is known and cited as the Town of Canaan Site Review Ordinance and will be referred to as “this Ordinance.”

SECTION 2. AUTHORITY

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

SECTION 3. EFFECTIVE DATE

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

SECTION 4. RELATIONSHIP WITH OTHER ORDINANCES

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

SECTION 5. VALIDITY AND SEVERABILITY

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

SECTION 6. AMENDMENTS

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

SECTION 7. AVAILABILITY

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

Article 2: Purpose

SECTION 1. PURPOSE

The purpose of this Ordinance are as follows::

- A To establish an equitable procedure to review new development throughout the Town.
- B To establish a fair and reasonable set of standards for evaluating each development.
- C To mitigate potential nuisances associated with development from having a negative impact upon the community.

- D To address a wide range of environmental and planning issues associated with development including: noise, odors, stormwater, erosion, phosphorus, waterbody protection, traffic, parking, light and glare, scenic resources, groundwater, historic and archeological resources, significant wildlife and aquatic resources, and other natural resources.
- E To reduce off-site impacts from development from negatively affecting municipal services and infrastructure.
- F To protect the water quality of all the lakes, ponds, streams, brooks, and wetlands within the community.
- G To respect the unique character of the many different places throughout the Town.
- H To guide development in a manner that balances and respects the rights of individual land owners with those of the neighbors and the entire community.

Article 3: Applicability

SECTION 1. APPLICABILITY

Site Review is required for new construction and development and shall be classified as minor or major depending the type of development. The Code Enforcement Officer shall review minor developments and the Planning Board shall review major developments.

SECTION 2. MINOR DEVELOPMENT

Minor Developments shall include the following:

- A The construction or placement of any new residential building or structure including associated accessory structures.
- B High impact home occupations
- C Agricultural production facilities

SECTION 3. MAJOR DEVELOPMENT

Major developments shall include the following:

- A The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures.
- B The expansion of an existing nonresidential building or structure, including accessory buildings and structures.
- C The conversion of an existing building, in whole or in part, from a residential use to a commercial use.

- D The establishment of a nonresidential activity even if no buildings or structures are proposed including such uses as gravel pits, mining operations, cemeteries, parks ,golf courses, and other similar uses.
- E The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, roads, and parking lots. This shall not apply to repavement of existing paved or impervious surfaces..

SECTION 4. ACTIVITIES NOT REQUIRING SITE REVIEW

The following activities shall not require site review: projects reviewed under the Subdivision ordinance and activities that occur within the shoreland zone.

Article 4: Administration and Enforcement

SECTION 1. PLANNING BOARD

The Planning Board shall have the following powers and duties:

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

SECTION 2 CODE ENFORCEMENT OFFICER

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

- A To enforce the provisions of this Ordinance.
- B To hear and decide upon applications according to this Ordinance.
- C To issue stop work orders and other appropriate notices of violation.
- D To assist the Planning Board with the review process.
- E To issue permits.

SECTION 3 SITE REVIEW PERMITS

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

SECTION 4 PERMIT FEE

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

SECTION 5 PERMIT EXPIRATION

Permits are valid for 36 months after the date of issuance by the Code Enforcement Officer. Permits that have expired shall become null and void and the applicant shall obtain another permit as required by this Ordinance

by submitting another site review application.. A permit is transferable to subsequent owners of the property.

SECTION 6 DECISIONS

After a review of a complete application the Planning Board/Code Enforcement Officer shall determine whether the proposal meets the review criteria contained in Article 5 of this Ordinance. The Planning Board/Code Enforcement Officer shall make a written finding of fact to support its decision. The application may be approved, approved with conditions or denied.

SECTION 7 BURDEN OF PROOF

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

SECTION 8 RIGHTS NOT VESTED

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

SECTION 9 SITE INSPECTION

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

SECTION 10 ADDITIONAL INFORMATION AND STUDIES

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

SECTION 11 WAIVERS

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

applicant to revise the application as necessary. The Planning Board may vote to suspend review of the application until the applicant supply all the necessary information. The applicant shall submit all required information to the Planning Board within 60 calendar days of the denial of the waiver request. Failure to submit the information within this time will require that a new application be submitted for review. In no case shall the Planning Board make a final decision on the application until the applicant supplies additional information to the satisfaction of the Board.

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

SECTION 12 CONDITIONS

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

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

SECTION 13 PUBLIC HEARING REQUIREMENTS

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

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

SECTION 14 APPEALS

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

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

SECTION 15 ENFORCEMENT AND PENALTIES

A The Code Enforcement Officers shall keep a record of all enforcement actions and shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance., including the use of administrative consent agreements.

B Any person, including but not limited to a landowner, landowner’s agent, or contractor, who is responsible for a violation of this Ordinance is liable for the penalties in Title 30-A , MRSA, Section 4452.

Article 5: Review Criteria

SECTION 1. REVIEW CRITERIA

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

- a The application is complete and applicable review fee has been paid.
- b The proposal conforms to all the applicable provisions of this Ordinance.
- c The proposed activity will not cause soil erosion.
- d The proposed activity will not have an adverse impact upon any waterbody including lake, ponds wetlands or streams.
- e The proposed activity will provide for adequate storm water management.
- f The proposed activity will provide for adequate sewage disposal.
- g The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Canaan Floodplain Management Ordinance.
- h The proposed activity has sufficient water available for the current and foreseeable needs of the development.
- i The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

- j The proposed activity will dispose of all solid waste in conformance with all local regulations
- k Any commercial activity will not have a significant detrimental effect on adjacent land uses or other properties, that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
- l The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.
- m The proposed activity to the maximum extent possible will not have an adverse affect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Canaan, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- n The proposed activity shall conform to all the applicable requirements of the Town's Shoreland Zoning Ordinance, and all other local Ordinances.
- o The proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond.
- q The Town has the capacity to provide fire and rescue services to the development..

Article 6: Application Procedure

SECTION 1. MINOR DEVELOPMENT APPLICATION PROCEDURE

- A The applicant shall submit an application including the appropriate fee to the Code Enforcement Officer.
- B A dated receipt shall be issued to the applicant.
- C Within 10 days of receiving the application, the Code Enforcement Officer shall make a determination whether the application is complete and notify the applicant of his/her decision. If the application is not complete the Code Enforcement Officer shall notify the applicant in writing of the specific materials needed to complete the application. The applicant shall submit the required materials.
- D The Code Enforcement Officer shall make a final decision on the application within 10 days after determining the application is complete. The Code Enforcement Officer shall approve, approve with conditions or deny the application based upon the Review Criteria contained in this Ordinance. A written decision shall be provided to the applicant.
- E Submission Requirements:

- 1 An application shall be made on forms provided and shall contain the following:
 - a A copy of the property deed or other document to show right, title or interest in the property.
 - b Receipt of application fee.
 - c A written description of the project including estimated cost.
 - d A schedule of construction including anticipated beginning and completion dates.
 - e A map drawn to scale showing the location, boundaries, dimensions, elevations, uses and size of the following: site, structures, setbacks, parking areas, driveways, and roads.
 - f The location of any waterbodies on the site.
 - g Any other information necessary to show that the proposal complies with all the applicable provisions in this Ordinance.

SECTION 2. MAJOR DEVELOPMENT APPLICATION PROCEDURE

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

SECTION 3. MAJOR DEVELOPMENT SUBMISSION REQUIREMENTS

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

- A Site Review Application
- B Site Review Application fee.
- C Waiver Request Form if Applicable.
- D General information including the following:
 - 1 Name, address and telephone number of the applicant and applicant's agent if applicable.
 - 2 Property location, including address, map and lot number.
 - 3 Verification of the applicant's right, title or interest in the property.
 - 4 Estimated cost of the proposal.
 - 5 Schedule of construction including anticipated beginning and completion dates.
 - 6 A description of the project.
- E General location information including the following:
 - 1 A copy of the tax map showing the property and surrounding parcels.
 - 2 A copy of the Kennebec County soil map showing the property.
 - 3 A copy of the USGS Topographic map showing the property
 - 4 A copy of the Town Shoreland Zoning Map showing the property if located in a Shoreland District.
 - 5 A copy of the FIRM Map showing the property if located in a designated floodplain.
 - 6 A copy of the National Wetlands Inventory Map showing the property.
 - 7 A map drawn to scale showing the location, boundaries, elevations, uses and square footage size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, waterbodies and wetlands number of acres within the development, size of all impervious areas, all other significant natural and physical features and true north.
- F The location of all proposed subsurface waste water disposal systems.
- G Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs of the proposal including fire suppression. (please note: the fire chief should be consulted to determine whether or not appropriate structures are required to supply a water source to handle a fire threat)
- H Evidence that all other local permits have been obtained including but not limited to: Shoreland Zoning, and Floodplain Management.
- I An erosion control plan as per the requirements of this Ordinance.
- J A storm water control plan as per the requirements of this Ordinance.
- K A phosphorus control plan as per the requirements of this Ordinance.
- L The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Commission.
- M The location of any significant wildlife resources or natural areas.
- N The Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.
- O Any proposed areas or structures to be dedicated for public use.

- P Scaled drawings showing the location and construction specifications for all proposed roads including drainage features such as ditches and culverts, access points, driveways parking areas and other traffic management and control features.
- Q Any other material to show that the applicable performance standards or other requirements of this Ordinance are followed.
- R The estimated quantities of flammable or hazardous materials to be stored or handled on site.

Article 7: Special Area Standards

SECTION 1 General Provisions

All minor and major developments shall conform to the standards established for the area in which they are located. Appendix A of this Ordinance contains a map which shows the location of the special areas. A full size map is located in the Town office.

SECTION 2 Village Area

A Description

The village is the historic center of the community and a mix of new development will be encouraged. The area can accommodate new commercial ventures and housing. While the village will continue to be dependent upon private water and septic disposal it can nevertheless still attract well planned housing and commercial projects. Development proposed within the village should be designed so as to respect and mirror the existing traditional design patterns of the area.

B Standards

- All subdivisions shall be designed using the open space development option contained in the Subdivision Ordinance.
- Structure setbacks shall conform to the patterns already established within the village.
- Parking areas shall be located at the side and rear of the building.
- All structures shall relate to the road in at least two of the following ways:
 - The building shall be set back no more than 50 feet from the road.
 - The main entrance shall be accessible from the building front (side of the building facing the road)
 - The building shall incorporate a front or side porch.

SECTION 3 Rural Residential Neighborhoods

A Description

These areas contain housing clusters of both individual homes and subdivisions that market forces have grouped together over the years. The clusters vary in size and are all able to support additional growth.

new housing will be encouraged to locate in these areas due to available land and a strong housing market preference.

B Standards

- New housing shall meet the following requirements:
 - On forested sites a 25 foot forested buffer shall be preserved along the road.
 - On open sites (fields, meadows, pasture) structures shall be setback at least 150 feet from the road. Planting a vegetated buffer along the road way may be used instead of the road setback.
- Commercial activities that generate more than 50 vehicle trips per day are not permitted,
- All non-residential activities shall designed and located so as to minimize any negative impacts from affecting homes.

SECTION 4 Scenic Elevation Areas

A Description

These areas contain land in the highest elevations within the community and are important scenic views. Development within this area must be sensitive to how it impacts the scenic character of the area. These areas are intended for low density development.

B Standards

- A. Cleared openings in the forest canopy are limited.
- A. To the extent necessary for development, however, it shall not exceed more than 5,000 square feet.
 - Canopy may be thinned as follows:
 - All exterior lighting must be shielded.

SECTION 5 Route 2 Corridor

A Description

The land areas along Route 2 extending in an easterly and westerly direction away the village are to be included in this area. The land along the corridor is valuable for commercial development due to high traffic counts. Development along the corridor needs to be designed so as to portray the rural character of the community and make wise use of landscaping and other commercial design standards dealing with parking, lighting, signs and noise.

B Standards

- Side and rear parking
- Streetscape/buffer planing along the road

SECTION 6 Route 23 Corridor

A Description

The corridor is an important gateway into the community and it is important that the remaining rural road landscape be protected. The existing rural mix of fields and forest should be enhanced. Development along the corridor should accent its rural character and avoid a suburban type of a look.

B Standards

- Encourage rear lot development
- Increased road frontage requirement to face along the road

SECTION 7 Rural Forestry Areas

A Description

The rural forestry area encompasses most of the northern part of the town and much of the land is owned by paper companies. The area is designed primarily for forestry and other low intensity uses.

B Standards

- Development may not exceed more than 1 principal structure per 20 acres.
- Any non-forestry related or resource production activity that exceeds more than 50 vehicle trips per day must be located on a road meeting the collector road standard as described in the Subdivision Ordinance.

SECTION 8 Rural Areas

A Description

This area contains most of the land within the Town and consist of open land, agricultural uses, forest and low density housing. Development within the rural area must respect the existing character of the land.

B Standards

- Development may not exceed more than 1 principal structure per 10 acres.
- Dwellings shall be situated in a manner that minimizes conflicts with rural resource activities such as farming and forestry. Dwelling units should be set back a minimum of 100 feet from any farm land.
- Any non rural resource commercial activity that generates more than 50 vehicle trips per day shall meet the following requirements:
 - The activity shall fully screened form the road and property lines.
 - The activity shall be set-back a minimum of 150 feet from the road.
 - The activity shall be located on a paved town road.
 - Signs shall be externally lighted and shall not exceed 32 square feet.

Article 8: Standards for Minor Developments

SECTION 1 Erosion

- 1 All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Erosion must be prevented from entering watercourses, waterbodies, and wetlands. Development must employ best management practices (BMPs) for temporary and permanent erosion control. All temporary and permanent (BMPs) shall conform to “Maine Erosion and Sediment Control handbook for Construction-Best Management practices”, Cumberland County SWCD & MDEP- March 1991.

SECTION 2 Stormwater

- 1 All new development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of stormwater.

SECTION 3 Driveway Access Standards

- 1 All driveways that access onto roads shall be located and designed to provide adequate sight distance as specified in Article 9, Section 1 B of this Ordinance.
- 2 All driveways shall be designed with sufficient vehicle turn-around area to enable a driver to exit the premises without backing onto the road,

SECTION 4 Parking

- 1 Off street parking shall be provided for each development. Each residential dwelling shall provide space for at least two vehicles and other activities shall provide enough parking spaces to meet their anticipated peak demand.

Article 9: Standards for Major Developments

SECTION 1. ACCESS TO PUBLIC STREETS

A. General Provisions.

1. The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. As a general rule, no more than two access points onto any single road will be allowed. Where more than one road abuts the development site, the Planning Board may require the developer to access the site from the road with less potential for congestion and traffic hazard.
2. Access points shall be of a design and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the street. Where necessary to ensure safety of drivers and pedestrians and to avoid congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the *Manual on Uniform Traffic Control Devices* published by the American Traffic Safety Services Association.
3. The Planning Board may require the developer to plan or install direct access to adjoining properties where it will serve to reduce demand for vehicular movement on public roads.
6. In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

B. Location and Design of Access Points

1. **Sight Distances:** All access points shall be located to provide minimum sight distance of ten (10) feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point ten (10) feet behind the edge of the traveled way, with the height of the eye at 3.5 feet, to the top of an object 4.5 feet above the street surface.
2. Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:
 - Low Volume:* Peak hour volume of six (6) or fewer vehicles.
 - Medium Volume:* Any access that is not a low volume or high volume.
 - High Volume:* Peak hour volume of one hundred (100) or more vehicles.

a. Design Criteria.

All portions of an access point within the right-of-way of the street shall be paved with a bituminous concrete pavement. Paving shall consist of a minimum thickness of three (3) inches of bituminous concrete over a compacted subbase of gravel of at least 24 inches in thickness.

All access points entering a curbed street shall be curbed to the full radius of the access point to a minimum distance of fifty (50) feet back from the edge of the existing curbline

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

The curb radius for two-way access points shall be at least 20 feet. The curb radius for one-way access points or access points with median islands shall be between five and 10 feet on the inside corner and at least 30 feet on the outside corner.

The width of a low volume driveway shall be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; For driveways with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual, "right turn only" channels shall be no more than 20 feet.

From the edge of the traveled way, the access point should not exceed a grade of 2 percent for a minimum of 40 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

b. Median and Channelization Islands

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

c. Spacing Standards

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

The minimum separation distance between two low volume access points or a low- and a medium-volume access point is fifty (50) feet. The minimum separation distance between two medium volume access points or a high- and a medium-volume access point is seventy-five (75) feet. The minimum separation distance between two high volume access points is one hundred fifty (150) feet.

- Any access point which intersects an existing or planned sidewalks shall incorporate ramped access curbing in accordance with the Americans with Disabilities Act.

SECTION 3. EROSION CONTROL

- All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Erosion must be prevented from entering watercourses, waterbodies and wetlands. Development must employ best management practices (BMPs) for temporary and permanent erosion control. Erosion of soil and sedimentation shall be avoided by employing BMP's as established in "Maine Erosion & Sediment Control Handbook for Construction-Best Management Practices" Cumberland County SWCD & MDEP-March 1991.

- Temporary erosion control measures shall be in place before any soil disturbance occurs on the site. Permanent measures shall be installed upon completion of the project. The applicant shall maintain all the erosion control measures during construction. Appropriate measures shall be used whenever the site is closed for construction for any reason including winter conditions, or other types of delays..

SECTION 4. HISTORIC AND ARCHEOLOGICAL RESOURCES

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

SECTION 5. MATERIALS STORAGE

- A. All outdoor storage areas, including areas used for the storage or collection of solid waste, automobiles, auto parts, building materials, machinery, or other such items, shall have screening sufficient to minimize impact on roads, and neighboring and other properties in the area. Walls, fencing, dense plant material, or a combination of techniques can be used to achieve this intent. .

SECTION 6. NATURAL RESOURCE PROTECTION

A. Habitat Protection

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

B. Groundwater Protection

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

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

SECTION 7. NOISE

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

SECTION 8. OUTDOOR LIGHTING

A development may employ outdoor lighting which serves security, safety, and operational needs to the extent that it does not impair the vision of vehicle operators on adjacent streets or infringe on the enjoyment of neighboring properties. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Intensity should not exceed one (1) footcandle at the property line, and under no circumstances be located or directed so as to create a nuisance to abutting residential properties.

SECTION 9. PARKING

- A. General
No new or expanded development shall be permitted unless off street parking is provided in accordance with the following provisions.
- B. Parking Lot Design Criteria
 - 1. Location
All parking spaces and aisles shall be at least five (5) feet from any side or rear lot line. Aisles and parking spaces will not be located within the right-of-way of the public road.
 - 2. Interior Circulation
 - a. The entry lane(s) should be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. The entry lane shall not provide direct access to parking spaces.
 - b. Islands containing guardrails, curbs, fences, walls, or landscaping should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not impede views of

pedestrians and vehicles.

- c. No parking spaces shall be directly accessible from the public road, nor shall motorists be required to use the public road to enter or exit a space. All spaces shall be accessible from an aisle without the necessity of moving other vehicles.
- d. Any layout that utilizes vehicular access service (“drive-up”) windows shall provide a minimum of five car lengths of queuing space on the incoming side of the first window. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

- a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.
- b. Painted stripes to delineate parking stalls are required whenever the parking lot is paved. Stripes should be a minimum of four (4) inches in width.
- c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.
- d. Bumpers or wheel stops shall be provided where improperly parked cars might restrict traffic flow or pedestrian movement on adjacent walkways, or damage landscape materials.

C. Standards for Number of Parking Spaces

1. Basic Requirements for Parking Space

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

# of Spaces	Land Use Activity
<i>Places of Residence or Accommodation</i> -- spaces per room or dwelling unit	
1/3	Dedicated Retirement Home, Nursing Care Facility
1	Overnight accommodations
2	Multifamily buildings
<i>Places of Public Assembly</i> -- spaces per seat based on maximum seating capacity	
1/4	Theater, with fixed seating
1/3	Church
1/2	Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club
<i>Places of Commerce and Industry</i> -- spaces per 1,000 sq.ft. of gross floor area.	
1	Warehousing, Inside sales of motor vehicles
1 1/2	Industrial and Manufacturing Facilities, wholesaling
3	Grocery Stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
4	Retail Sales except as noted
5	Banks, Medical and Dental Offices, Fitness Clubs, Child Care
<i>Public and Institutional Facilities</i> -- spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School, Community Center, Municipal Office.
6	College, Hospital
<i>Miscellaneous</i> -- criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Fitness, etc.) -- no spectators
1 per 4 seats, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and other Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales and Service

2. Flexibility in Standards: The planning board is permitted to modify these standards as minimum requirements, under the following circumstances:
 - a. By up to 25 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.
 - b. The following specified uses, because their peak hour/day varies from conventional parking

demand, may meet up to 50 percent of their parking requirement through a shared-use agreement with another use: churches, clubs, restaurants, theaters, sports facilities.

3. Mixed Uses: Any portion of a building or lot with a use that is distinct from a principal use identified on the table above shall be considered as a separate use for the purpose of calculating spaces, if it exceeds in area or seating capacity 25 percent of the overall extent of the development. If a mixed use consists of any residential use combined with any commercial use, the planning board may waive or modify space requirements for the residential use unless it consists of more than 67 percent of the total floor space.
4. Loading bays shall be provided as necessary. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

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

A. Screening for Structures and Parking Lots.

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

- All buffer areas shall maximize the retention and use of naturally occurring woodland and shrubs, with minimal clearing, unless required by the planning board to be replaced or augmented with plantings to achieve reasonable visual screening from public ways.
- Buffers shall be a minimum of 20 feet in depth and extend along the entire frontage of the lot on public ways, except for access points or driveway lanes.

B. Screening of Adjacent Properties

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

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

may approve a screen consisting of fences, walls, berms, or combinations thereof.

SECTION 11. SIGNS

A. Purpose

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

B. Abandoned Signs

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

C. Illuminated Signs

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

D. Sign Area and Placement

No more than three signs, projecting or free-standing, which in combination are not more than 64 square feet in size, shall be permitted per premise.

A sign may be placed in the front setback area but may not protrude beyond the property line. All signs must be mounted on buildings or secured to the ground in such a manner as to prevent them being dislodged by strong winds. Signs in the vicinity of an access point shall be placed so as not to obstruct driver vision.

SECTION 12. STORMWATER MANAGEMENT

A. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity, and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or the public drainage system. Where possible, existing natural features, such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.

B. Storm water drainage systems shall be designed to minimize the volume and rate of outflow from the development, including engineered measures and off-site improvements such that the downstream system can accommodate any additional runoff. The storm water management system shall be designed to accommodate the peak discharge of two (2) year, ten(10) year, and twenty-five (25) year frequency, twenty-four (24) hour duration storms.

1. Stormwater practices shall be as described in *Stormwater Management for Maine, Best Management Practices*, Maine DEP, 1995 or most recent edition.

2. A stormwater control plan prepared according to the requirements of DEP Regulation chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Waterbodies most at Risk From New Development" shall be deemed suitable to meet these standards.

SECTION 13. WASTES

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

At the time of application, the developer shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the development, and a plan to discharge such wastes only and in such quantities and/or quality as to be able to be accepted into the disposal system or shipped to an approved facility off site. All such plans shall be in conformance with applicable State and Federal regulations.

SECTION 14: WATER QUALITY

A. General Standard

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, toxicity, or temperature that run into or mix with surface or ground waters so as to contaminate, pollute, or degrade such waters with objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

B. Impact on Lake Water Quality

Any new or expanded development within the watershed of a great pond shall be designed to limit the post development phosphorus export consistent with the following standards and practices.

1. Unless otherwise noted, methods and standards for review under this section will be the DEP manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, 1992 (hereinafter referred to as "Phosphorus Control Method").
2. Projects which have received approval for phosphorus and stormwater control under the state Maine Stormwater Management Law (38 MRSA § 420-D) and its accompanying regulations (DEP Chapter 500) shall be considered to comply with the phosphorus control portion of this ordinance:

SPECIAL ACTIVITY STANDARDS

SECTION 1 Home Occupation

SECTION 2. MATERIAL EXTRACTION OPERATIONS

A. Special Permit Requirements

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

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

B. Development Standards

1. No part of any extraction operation shall be permitted within fifty (50) feet of any property or street line, except
 - a. drainage ways to reduce run-off into or from the extraction area may be allowed provided suitable erosion control measures are in place. Natural vegetation shall be left and maintained on the undisturbed land.
 - b. As agreed to by abutting property owners.
2. No slopes steeper than 2 feet horizontal to 1 foot vertical (2:1) shall be permitted at any extraction site unless provisions are made to limit access to such locations.
3. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to accepted Best Management Practices.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The

developer shall obtain written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable.

5. The hours of operation at any extraction site shall be limited, if necessary to ensure operational compatibility with neighboring residences.
6. All access points from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
7. The five-year reclamation plan shall show that within twelve (12) months following the completion of extraction operations at a site, ground levels and grades shall be established so that the restored drainage exits the site resembling pre-development volumes and locations. "Completion" means when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period. Debris, stumps, boulders, and similar materials shall be removed and disposed of on the property in an approved location or, in the case of inorganic material, buried and covered with a minimum of two (2) feet of soil. Only materials generated on-site may be buried or covered.

Final slopes shall not exceed two feet horizontal to one vertical (2:1). All areas shall be properly restored to a stable condition adequate to meet the provisions of the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District, 1991, or most recent edition. Any temporary shelters or structures erected for operations and equipment shall be removed within thirty (30) days following completion of extraction operations.

C. Existing Operations not Grandfathered

Any mineral extraction process in lawful operation as of the effective date of this Ordinance, must comply with the provisions for a permit within five (5) years. Within ninety (90) days of the enactment of this Ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his or her knowledge, contain existing operations, informing them of the requirements of this Section.

Discontinuation of any existing operation for a period of more than two (2) years shall result in the loss of grandfathered status for that operation. Discontinuation is defined as the excavation, processing, or movement of less than two hundred (200) cubic yards of material within any two (2) year period.

Article 9: Definitions

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

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

Accessory building, accessory structure or use: A detached, subordinate building or structure, the use of which is

clearly incidental and related to that of the principal building or structure and which is located on the same lot as that of the principal building, structure or use.

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

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

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

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

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

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

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

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

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

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

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

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic

preservation Commission as having significant value as an historic or archeological resource as well as areas identified in the Town of Belgrade Comprehensive Plan.

Home Occupation: An occupation or profession which is carried on in an dwelling unit or accessory building, which is clearly incidental and secondary to the residential use of the dwelling; carried on by a member of the family residing in the dwelling unit; includes no more than 2 outside employees not residing in the dwelling unit; and, which does not alter the residential character of the neighborhood.

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

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

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

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

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

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 ½ feet above the driveway at a point ten (10) feet behind the street line, to an object 4 ½ feet above the street.

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

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

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

Sign, canopy or projecting: A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or

structure protective cover over a door, entrance, window or outdoor service area. It also means a sign that is attached to the building wall and extends more than 6 inches from the face of such wall.

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

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

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

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

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