



TOWN OF GRAY
GRAY TOWN COUNCIL WORKSHOP
AGENDA • JANUARY 4, 2022

**Gray Town
Council Workshop**

Online via Zoom
<https://us06web.zoom.us/j/84684524591>

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00-6:55 PM

- Agritourism Ordinance - Krista
- Dark Skies Ordinance - Dan

ADJOURNMENT

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

CHAPTER 402
ZONING ORDINANCE
TOWN OF GRAY MAINE

Adopted November 10, 2008 / Effective December 10, 2008

Amended January 19, 2010 / Effective February 18, 2010

Amended June 21, 2011 / Effective July 21, 2011

Amended September 6, 2011 / Effective October 6, 2011 (Medical Marijuana)

Amended November 15, 2011 / Effective December 15, 2011 (Contract Zoning)

Amended December 6, 2011 / Effective January 5, 2012 (Agritourism Center)

Amended June 5, 2012 / Effective July 5, 2012 (Gravel Pits / Art. 11)

Amended February 5, 2013 / Effective March 7, 2013 (Gravel Pits / Art. 11)

Amended October 20, 2015 / Effective November 19, 2015

Amended March 15, 2016 / Effective April 14, 2016

Amended September 6, 2016 / Effective October 5, 2016

Amended January 3, 2017 / Effective February 2, 2017

Amended March 21, 2017 / Effective April 20, 2017

Amended May 16, 2017 / Effective June 15, 2017

Amended September 19, 2017 / Effective October 19, 2017

Amended October 17, 2017 / Effective November 16, 2017

Amended January 2, 2018 / Effective February 1, 2018

Amended January 22, 2019, Effective March 1, 2019

Amended June 18, 2019 / Effective date is July 18, 2019

Amended January 19, 2021 / Effective Date February 18, 2021

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ARTICLE 1 - AUTHORITY AND PURPOSES

402.1.1 Authority

This ordinance has been prepared in accordance with the provisions of Title 30-A, Chapter 187 of the Maine Revised Statutes Annotated, as amended.

402.1.2 Short Title

This ordinance and the accompanying Official Zoning Maps shall be known as and may be cited as the "Zoning Ordinance, Town of Gray, Maine."

402.1.3 Purposes

The purpose of this ordinance is to:

- A. Protect the health, safety, and general welfare of the residents of the town of Gray;
- B. To encourage appropriate use of land throughout the municipality;
- C. To promote traffic safety;
- D. To provide safety from fire and other elements;
- E. To provide adequate light and air; to prevent overcrowding of real estate;
- F. To prevent housing development in unsuitable areas;
- G. To provide an allotment of land area in new developments sufficient for all the requirements of community life;
- H. To conserve natural resources, open space, and visual character;
- I. To prevent and control water pollution;
- J. To protect buildings and lands from flooding and accelerated erosion;
- K. To protect archaeological and historic resources;
- L. To protect freshwater wetlands; and,
- M. To provide for adequate public services, as an integral part of a Comprehensive Plan for municipal development.

402.1.4 Jurisdiction

The provisions of this ordinance shall govern all land and all structures within the boundaries of the Town of Gray.

ARTICLE 2 - DEFINITIONS

402.2.1 Construction of Language

In the interpretation and enforcement of this ordinance, all words other than those specifically defined in the ordinance shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this ordinance and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The word "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" means the Town of Gray, Maine.

The words "governing authority" means the Gray Town Council.

402.2.2 Definitions

In this ordinance the following terms shall have the following meanings:

Abutter: The owner(s) of a property sharing a common boundary with or within 250 feet of a given parcel of property, whether or not these properties are separated by a public or private way. For the purposes of this Ordinance, the owner(s) of properties shall be considered to be parties listed by the Tax Assessor as the ones whom taxes are assessed.

Accessory Apartment: A subordinate residential use that requires approval from the Code Enforcement Officer that conforms to the performance standards in this Ordinance including being owner-occupied, a maximum of 660 sq. ft., and is incorporated within a single-family dwelling. An accessory apartment shall not be considered a separate dwelling unit when calculating lot area per dwelling unit for this Ordinance, but must comply with all other applicable requirements of law including the State Minimum Lot Size statute and the State of Maine Subsurface Wastewater Disposal rules.

Accessory Use or Structure: A use or structure which is customarily and in fact both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. Accessory use shall include the use of any portion of a lot pursuant to an easement for Commercial Recreation, Outdoor, but shall not include the use of any portion of a lot for purposes related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Adult Business: Any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or services of any

kind which appeal to prurient interests and which depict or describe specified sexual activities. As applied to a business which sells, rents or leases such materials or devices, “substantial or significant portion” means that 25% or more of the floor area of the unit of occupancy in which the business is located is used to display, shelve or store such materials or devices. As applied to a business which exhibits or displays, films, videos or similar visual reproductions for viewing by patrons on the premises, “substantial or significant portion” means that, in any single day, 50% or more of the total display or exhibition time is devoted to such materials.

Adult Use: The acquisition, possession, cultivation, consumption, transfer or transportation of marijuana or paraphernalia relating to the consumption of marijuana by persons 21 years of age or older.

Adult Use Marijuana Cultivation Facility: A facility licensed under Maine law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to adult use marijuana stores and to other adult use marijuana cultivation facilities; and to sell marijuana plants and seeds to other adult use marijuana cultivation facilities and immature marijuana plants and seedlings to adult use marijuana stores.

Adult Use Marijuana: Marijuana that is cultivated, manufactured, distributed or sold by an adult use marijuana establishment.

Adult Use Marijuana Establishment: An adult use marijuana cultivation facility, an adult use marijuana products manufacturing facility, an adult use marijuana testing facility or an adult use marijuana store licensed under Maine law.

Adult Use Marijuana Product: A marijuana product that is manufactured, distributed or sold by an adult use marijuana establishment.

Adult Use Marijuana Products Manufacturing Facility: A facility licensed under Maine law to purchase adult use marijuana from a cultivation facility or another adult use marijuana products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to adult use marijuana stores and to other adult use marijuana products manufacturing facilities.

Adult Use Marijuana Store: A facility licensed under Maine law to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use marijuana cultivation facility, to purchase adult use marijuana and adult use marijuana products from an adult use marijuana products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility: A facility licensed under Maine law to develop, research and test adult use marijuana, adult use marijuana products and other substances.

Aggrieved Person or 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, General: Includes the cultivation of the soil for food products or other useful or valuable growth of the field, garden, nursery or greenhouse, but does not include dairying, raising of livestock, breeding or keeping of animals, fowl or birds as a business or gainful occupation, or cultivation of marijuana for medical use or adult use.

Agritourism Center: A campus containing Agritourism Facilities along with facilities for educational, cultural, and outdoor recreation programs that may serve larger community purposes. One office building not exceeding fifteen thousand (15,000) square feet may be included to manage and support the mission and operation of the Agritourism Center. An Agritourism Center shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Agritourism Facility: A building, or group of buildings operated in conjunction with each other, in which there is provided overnight lodging facilities, which may include private or other assembly facilities and/or restaurant facilities, to paying or non-paying guests, provided that: The operations of such facilities complement or support the agricultural, silvicultural, animal husbandry, or forest management use of land, or the educational and/or outdoor recreational programs on land so used, which uses or programs are otherwise permitted in the Rural Residential and Agricultural (RRA) District. The buildings or group of buildings may include private or common facilities, such as bathrooms, living areas, dining areas, gathering areas and kitchen facilities. The private or other assembly facilities and restaurant facilities may be open to the public generally in addition to guests of the lodging facilities. A facility meeting the foregoing definition of “Agritourism Facility” shall not be considered a “Bed and Breakfast Establishment” or a “Hotel/Motel.” An Agritourism Facility shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Alteration: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as baring walls, columns, beams, or girders.

Animal Husbandry: Dairying or raising of livestock, breeding or keeping of animals, horses, llamas, deer, alpacas and other fur bearing animals, emus, fowls or birds as a business or gainful occupation, which are considered commercial and come under other State laws.

Applicant for Excavation: Anyone who applies for a permit to create or operate an excavation to obtain gravel, rock, sand, fill, borrow, or clay.

Aquifer: Geologic unit composed of rock or sand and gravel, which unit contains sufficient saturated permeable materials to conduct groundwater and to also yield economically significant quantities of groundwater to wells and springs. For purposes of this Ordinance, economically significant quantities of ground water shall be taken to be any unit capable of yielding ten (10) gallons or more per minute of water to a single well or spring.

Arterial Street: A major thoroughfare which serves as a major traffic way for travel to other communities and through the Town. The following roadways shall be considered arterial streets:

West Gray Road (Route 202)	Shaker Road (Route 26)
Lewiston Road (Route 100)	Wildlife Park Way (Route 26A)
Portland Road (Route 100/26)	

Auction Houses: A place where the public sale of property to the highest bidder is held by one licensed and authorized for that purpose.

Auctions: The sale of household goods by competitive bid conducted on the premises. Civic or nonprofit organizations are exempt from the above but must obtain a permit from the Town Council.

Authorized Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Auto Body Shop: A place where collision services, such as body, frame, or fender straightening and repair, overall painting and undercoating of vehicles are performed.

Auto Intensive: Retail, office or restaurant uses which have a drive-through facility.

Auto Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles.

Auto Service Station: A place where gasoline or any other automobile engine fuel (stored in tanks), kerosene, motor oil, lubricants or grease (for operation of motor vehicles) is retailed directly to the public on the premises. This includes the sale of minor accessories and the servicing and minor repair of automobiles, but does not include storage of unlicensed vehicles nor does it include body, frame, or fender straightening and repair.

Bed & Breakfast: A single family dwelling in which lodging and meals are offered to the general public for compensation, offering no more than three bedrooms for lodging purposes.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated natural formation.

Blazed Tree: A tree from which a section of bark has been removed to display a visible spot that can be easily recognized

Buffer: A strip of land with the purpose to separate and protect one type of land use from another or screen a land use from public view.

Building: Any structure having a roof supported by columns or walls used for shelter or protection of persons, animals or personal property.

Building Height: Vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the average height between eaves and ridge for other types of roofs.

Building Trade Occupation-1: An accessory residential use of a dwelling unit carried on by one (1) self-employed or other craftsperson in a construction-related trade who resides in the dwelling unit or Accessory Apartment. This use is subject to performance standards.

Campground: A parcel or parcels of land providing temporary accommodation for recreational vehicles, tenting areas, and other forms of temporary shelter.

Caregiver: A person or an assistant of that person that provides care for a qualifying patient to receive Medical Marijuana pursuant to Maine law.

Caregiver Retail Store: A retail store in which a Caregiver sells harvested marijuana to qualifying patients for the patients' medical use.

Cemetery: A property used for the interment of the dead.

Church: A building or structure or group of buildings or structures and grounds primarily intended or used for the conduct of religious services of any religious group faith, denomination or sect and for accessory uses associated therewith.

Class A Excavations: Class A excavations are those of five (5) acres or more in area that are required to have a permit from the Maine Department of Environmental Protection in accordance with 38 MRSA §§ 490-D Performance Standards For Excavations For Borrow, Clay, Topsoil, Or Silt, 490-Z Performance Standards for Quarries, Excavations that have a Site Location of Development permit issued under 38 MRSA Section 481, or excavations that have filed a notice of intent to comply pursuant to 38 MRSA § Section 484-A of the Site Location of Development Law and have adhered with the compliance schedule as required by that Section.

Class B Excavations: Class B excavations are those of less than five (5) acres in area that are not required to have a permit from the Maine Department of Environmental Protection, but are required to have a permit from the Town of Gray.

Client: A person dependent on another for protection or patronage.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Code Enforcement Officer: A person appointed by the Town Manager to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

Commercial Recreation, Indoor: Any indoor recreational use such as bowling alleys, roller or ice skating rinks, swimming pools or tennis courts operated primarily for profit.

Commercial Recreation, Outdoor: Any outdoor recreational use such as golf courses, tennis courts, riding stables, swimming pools or ice skating rinks operated primarily for profit.

Community Living Arrangement: A housing facility for eight (8) or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home, or intermediate care facility

Conditional Permitted Use: A use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without public review and restrictions, but which is permitted provided that all performance standards and other requirements of this ordinance are met.

Conditional Use Permit: A permit authorized by the Planning Board for a Conditional Permitted Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this ordinance.

Conforming Use: A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered as part of construction.

Construction Services: Uses such as plumbing, painting, building, well drilling, carpentry or electrical installation and excavating.

Cultivation: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of adult use marijuana for personal use, but not including manufacturing, testing, or marijuana extraction.

Day Care Facility: Day care facility shall mean a house or other place in which a person, or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for three (3) or more clients.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback from property lines, lot area, shore frontage and height.

Disability: A physical or mental impairment which substantially limits one or more of a person's major life activities, a record of having such and impairment, or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Domestic Animals: These include but are not limited to dogs, cats, birds and reptiles that are raised within the confines of the household. They are not raised in multiple numbers for breeding, sale or exchange for other goods or services and do not meet the requirements for kennels, agriculture operations, or feed lots. This definition and restriction excludes service animals, which may include animals that have been certified and trained to assist in aiding a person with a specific physical or emotional disability.

Driveway: A vehicular access-way serving no more than two dwelling units or lots or a vehicular access way serving an institutional or commercial site.

Drive Through and Drive-In Facility: A commercial/retail facility or operation which provides a service directly to the occupants of a motor vehicle or where the customer can drive a motor vehicle onto the premises and to a location, person or device through which an order may be placed and the customer would be served with their order without exiting the vehicle.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. **Single-Family Dwelling:** a building containing only one dwelling unit for occupation by not more than one family.
2. **Two-Family Dwelling:** a building containing only two dwelling units, for occupation by not more than two families.
3. **Multi-Family Dwelling:** a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles or motel units.

Edible Marijuana Product: A marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana, marijuana or marijuana concentrate.

Excavation: Any digging, mining, or removal of borrow, topsoil, loam, rock, sand, gravel, clay, silt, or other similar non-metallic earth materials whether alone or in combination.

Existing Excavated Area (Earth-Moving Operations): The area in which actual excavation has occurred preceding 7/4/85. Stripping of vegetation shall not be considered to be excavation. The boundaries of the existing excavated area shall be documented by photographs and site plans drawn to scale and submitted to the CEO.

Existing Parcel (Earth Moving Operations): The total parcel which includes the existing excavated area and may include areas where expansion of existing pit operations will occur. The parcel shall be in single ownership or lease for at least a one-year period preceding 7/4/85 and which is intended to continue. The Code Enforcement Officer shall require evidence which may include cash receipts, affidavits, verbal testimony, photographs or other information to be presented on which to grant status as an existing pit operation.

Existing Pit Operation: An excavation activity which is located on an existing parcel and for which operation for remuneration has taken place in the existing excavated area during the one-year period immediately preceding 7/4/85 and which is intended to continue. The code Enforcement Officer shall require evidence which may include cash receipts, affidavits, verbal testimony, photographs or other information to be presented on which to grant status as an existing pit operation.

Expansion of Existing Pit Operations: Any proposed earth moving, excavating, processing or storage of earth materials operation which is expanded beyond the boundaries of the existing excavated area as defined in this Ordinance. When an existing operation is expanded more than five (5) acres, the operator shall file a copy of the DEP permit with the Planning Board. Expansions of existing pit operations are subject to limited rehabilitation requirements as specified in this Ordinance.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of Use: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage unless the group can demonstrate that it:

1. Shares the entire house;
2. Lives and cooks together as a single housekeeping unit;
3. Shares expenses for food, rent, utilities or other household expenses; and,
4. Is permanent and stable.

Farm and Food Products: Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products,

fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

Farmer: A person who produces farm products.

Farmers' Market: A seasonal public market at which two (2) or more local farmers have raised and/or prepared farm and food products for direct sale to consumers.

Farm Stand: A roadside stand not exceeding 200 square feet in floor area selling only farm, garden, greenhouse, or nursery products, and between Labor Day and Christmas, cut Christmas trees, garlands, wreaths and wreath material. A Farm Stand may not sell marijuana in any form for medical use or adult use.

Filling: Depositions or dumping any matter on or into the ground water.

Flea Market – Open Air Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. There are no long-term leases (over 6 months) between the sellers and operators. Flea markets are not considered retail trade or commercial sales and service.

Flood: A temporary rise in stream flow that results in water overtopping its banks and inundating adjacent areas.

Flood Insurance Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Flood Plain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Floor Area, Net: The total of all floor areas of a building, excluding the following: stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and floors below the first or ground floor, except when used for human habitation or service to the public.

Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line, except in the case of a curved lot line, where the frontage shall be considered the length of the curve.

Frontage, Street: That lot property line abutting on a street or private way, and ordinarily regarded as the front of the lot. On any lot bounded on more than one property line by a street or private way, the street frontage shall be that property line of the lot designated as "street frontage" in any building permit application for such lot. All lots are required to have the minimum street frontage on a single street or private way.

Gravel Pit: An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials whether alone or in combination.

Ground Water: All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the slowly moving subsurface water present in the aquifers and recharge areas.

Harvested Marijuana: The plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use, including marijuana concentrate and marijuana products.

Headquarters for Contracting Business: An establishment primarily engaged in the administration of a business, which renders services on a fee or contract basis. This use is similar to construction services, but generally is smaller in nature and usually includes the firm's offices with little additional storage.

Heliport: A heliport restricted to private and personal use.

Home Occupation: A home occupation is defined as an occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure. Home Occupations shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Hotels/Motels: A building or group of buildings designed for overnight accommodations for travelers and transients in rental guest rooms with or without cooking facilities but most accommodations having their own bathrooms. This definition includes Bed and Breakfasts with more than five (5) rooms, tourist courts, motor courts and motor lodges, but excludes lodging houses, boarding houses, rooming houses and dormitories.

Household Pets: Those pets normally considered as household companions, but not including horses, cattle, sheep, goats, swine, chickens, turkeys or any animals raised for sale or for the sale of their products which shall be deemed farm animals.

Impervious Surface/Cover: Structures and other man-made improvements to land, and materials covering the land, which substantially reduce the infiltration of water. Impervious surfaces shall include but not be limited to roofs, paved areas, and parking lots and driveways, regardless of the surface materials.

Kennel: Any place, building, tract of land, adobe, enclosure, or vehicle where three or more dogs or three or more cats, owned singly or jointly are kept for any purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dogs or other pets are kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of six months. Conditional Use and Site Plan Review approval by the Planning Board are required for this use to be established.

Leachable Wastes: Waste materials, including solid wastes, sludge, industrial uses and agricultural wastes capable of releasing contaminants to the surrounding environment.

Light Manufacturing: The fully enclosed assembly or fabrication of materials specifically excluding processes such as smelting, refining, distilling, forging, and similar uses that convert raw materials to a finished or semi-finished product(s). This use may involve warehousing directly associated with the light manufacturing but does not include more traffic-intensive use(s) such as a Trucking Terminal. This use is subject to performance standards in the Light Manufacturing Overlay District. Light

Manufacturing shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Lot: A parcel of land having distinct and defined boundaries and described in a deed, plot or similar legal document.

Lot Area: The total land surface area within the lot lines.

Lot, Back: Any lot without direct frontage on a street. Legal access for development purposes can be added to a back lot through the back lot easement provisions of this ordinance.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street and/or private way.

Lot, Coverage: The percentage of the lot covered by all buildings.

Lot Lines: The property lines bounding a lot and as further defined below:

1. **Front Lot Line:** Any line separating the lot from a street(s) or right(s) of way. On a corner lot, the line separating the lot from both streets or rights of way. In such cases, both lines abutting the street or private way are treated as front lot lines for the purposes of setbacks.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot lines, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

Lot Width: The distance between the side lot lines of the lot measured at the front setback line.

Manufactured Housing Unit: Structures, transportable in one or more sections, which were constructed in a manufacturing facility and transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Manufacturing/Processing: Uses such as a textile mill, shoe factory, metal fabrication, canning of foods, meat packing or grain mill, the preparation of finished products made from foodstuff, fabrics, leather, wood, paper, rubber, stone, clay, glass, plastics, manmade materials and other similar materials. Manufacturing and Processing shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Marijuana: The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. Marijuana includes marijuana concentrate, but does not include industrial hemp as defined by Maine law or a Marijuana Product.

Marijuana Concentrate: The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to,

hashish. In determining the weight of marijuana concentrate, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Extraction: The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Marijuana Food Establishment: A factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold, by a Registered Caregiver or Registered Dispensary that prepare food containing marijuana for medical use by a qualifying patient.

Marijuana Manufacturing or Manufacture: The production, blending, infusing, compounding or other preparation of marijuana, marijuana concentrate and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis, but not including cultivation or testing.

Marijuana Paraphernalia: Equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, smoking or otherwise introducing into the human body marijuana for medical use or recreational use as defined in this Chapter, including without limitation, water pipes, hashish pipes, glass pipes, bongs, vaporizers, scales, rolling papers, hydroponic equipment and grow lights, and general tobacco products in so-called smoke shops.

Marijuana Product: A product composed of marijuana, harvested marijuana or marijuana concentrate and other ingredients that is intended for medical use or consumption for adult use, including, but not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture, but not including marijuana concentrate.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mechanical Repair Garage: A place where general mechanical repairs to motor vehicles and related equipment that are predominantly not utilized on roads or highways may be performed. Collision services such as bodywork, frame or fender straightening and repairs such as repainting and undercoating are excluded. The storage or sale of engine fuels and kerosene or the storage of unlicensed vehicles is not permitted. The fabrication of parts for such motor vehicles and related equipment may be performed.

Medical Facilities: A facility, which contains establishment dispensing health services including clinics and/or groups of doctors in an office complex. Medical Facilities shall not include any primary or accessory uses associated with the cultivation, sale or dispensing of Medical Marijuana.

Medical Marijuana: Medical Marijuana means marijuana used for “medical use,” as that term is defined herein.

Medical Marijuana Registered Dispensary Cultivation Facility: A facility that is used solely for the purpose of cultivating marijuana by a medical marijuana registered dispensary.

Medical Marijuana Manufacturing Facility: A registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F of Title 22 of the Maine Revised Statutes, as amended.

Medical Marijuana Registered Dispensary: An entity registered by the State of Maine under Section 2425-A of Title 22 of the Maine Revised Statutes, as amended, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and caregivers of those patients. A Medical Marijuana Registered Dispensary shall not include a caregiver retail store or an adult use marijuana establishment as defined herein.

Medical Marijuana Testing Facility: A public or private laboratory that: a.) Is authorized in accordance with section 2423-A, subsection 10 of Title 22 of the Maine Revised Statutes, as amended, to analyze contaminants in and the potency and cannabinoid profile of samples; and b.) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization, as amended, by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the Department of Administrative and Financial Services.

Medical Use: The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under Maine law.

Mineral Exploration: Hand sampling, test boring or other methods of determining the nature or extent of mineral resources, which create minimal disturbance to the land.

Minimum Lot Area: The land area of a parcel, not including the area of any land which is: beneath roads or driveways serving more than two lots, and areas which are part of a right of way for a street or easement, such as but not limited to, surface drainage easements or traveled rights of way (but not including utility easements servicing that lot).

Mobile Home: A detached, single-family dwelling unit with the following characteristics:

1. Manufactured as a relocatable living unit without a permanent foundation, designed for long-term, year-round occupancy and containing sleeping accommodations, a toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported, after fabrication, on its own chassis, and connected to utilities upon being placed on a permanent foundation or mobile home stand.
3. Designed to be installed with only incidental unpacking and assembling operations.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more mobile homes.

Mobile Vendor: Mobile Vendor shall mean and include any food service establishment not more than eight (8) feet in width and eighteen (18) feet in length attached to wheels and which is capable of moving under its own power or being a self-contained unit to be readily moved and must have a wash basin and napkins if selling food, and which has all utilities and facilities contained within it or is

capable of hookup thereto, in order to serve persons present at its location. The term shall exclude any use which falls exclusively within the definition of “lunch wagon” under 30-A.M.R.S.A. Sec. 3931 as amended from time to time.

Municipal Uses: A municipally owned or operated facility performing any governmental function including but not limited to municipal buildings, structures and facilities, public parks, public recycling facilities, public recreation facilities and fire stations. This definition does not include public schools.

Multifamily Development: A lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units.

Net Residential Area: The net area of a parcel or site that is generally suitable for development in its natural state. Net residential area shall be determined by subtracting unsuitable and marginal areas from the gross land area as calculated in Section 401.13.18 of the Town of Gray Subdivision Ordinance.

Net Residential Density: Net residential density shall mean the number of dwelling units allowed on a parcel or site after unsuitable land is deducted and the minimum area per lot (or dwelling unit in the case of multi-family) for the District is applied to the remaining suitable land area.

New Pit Operations: Creation of new sand, fill or gravel pits. New pit operations are subject to rehabilitation requirements as specified in this Ordinance.

Non-Conforming Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of this ordinance or amendment which does not meet the area, frontage, width or depth requirements of the District in which it is located but which met all such requirements at the time it was created.

Non-Conforming Structure: A structure that does not meet all of the following dimensional requirements: set-backs, height, and lot coverage; but which met all such requirements at the time it was constructed.

Nonconforming Use: Use of land or structures that is not permitted in the district in which it is located or which does not meet the performance standards proscribed for it by this ordinance but which was permitted and did meet all standards at the time it was established.

Nursing Home: An institution that provides nursing or convalescent care to chronic or convalescent patients, but does not provide hospital services such as an operating room or x-ray facility unless incidental to the delivery of nursing or convalescent care.

Office, Business or Professional: The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors (including headquarters); and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other professional consultants. Personal services, medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, are not included in this definition.

Open Space: Land or water area not involving a structure, earth-moving activities, the removal or destruction of vegetative cover, spawning ground of fish and aquatic life or bird and other wildlife habitat.

Operator: The owner or operator of an excavation.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Patio: An uncovered floor, usually made on concrete, brick or other masonry material, which is not elevated above the surface of the ground in any matter.

Permitted Use: A use specifically allowed in a zoning district without the need for any review by a Town regulatory Board but subject to all zoning and building code requirements. Adult use marijuana establishments are expressly prohibited in all zoning districts within the Town.

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Service: Uses such as a laundromat, laundry, dry cleaning establishment, beauty shops, barber shops, shoe repair, photographic studio and similar businesses providing services of a personal nature.

Planned Unit Development: A commercial and retail land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, mixtures of commercial and retail types and land uses, usable open spaces, and the preservation of significant natural features.

Principal Building: The building in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist, provided however that use of any portion of a lot pursuant to an easement for Commercial Recreation, Outdoor shall not constitute a Principal Use or structure of said lot.

Private Assembly: A gathering of a number of people for meetings of a private nature such as social clubs, fraternal and service organizations, or cultural enrichment and primarily not for profit.

Private Landing Strip for Personal Aircraft: A landing strip restricted to private and personal use. Includes areas for landing helicopters subject to the provisions of the Ordinance.

Private Way: Any access way, designated for private or public use by a group of property owners, but not under public ownership and maintenance.

Prohibited Use: All uses not specifically allowed as Permitted Uses or Conditional Uses, except as provided by Section 402.5.2 D of this Ordinance.

Professional Offices: The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Protected Natural Resource: As defined in 38 MRSA Section 480-B Subsection 8.

Public Assembly – Indoor: Use such as theaters, playhouses, arenas, field houses or auditoriums.

Public Assembly – Outdoor: Use such as drive-in movies, race tracks, or stadium.

Public Building: A building owned, operated or funded in whole or in part by the Town of Gray which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to the Municipal Offices, Stimson Hall, the Gray Public Library, Newbegin Gym, the Public Safety Building, and the Fire Stations.

Public Utilities: The office, plant, generating facility, substation, or transmission lines of a person, firm or corporation, board or commission authorized to furnish gas, steam, electricity, communication facilities, transportation or water to the public.

Public Works Projects: A project for the Town of Gray, other municipal entity, or the State of Maine including, but not limited to, the Maine Department of Transportation, and the Maine Turnpike Authority.

Qualifying Patient: A person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with 22 M.R.S.A. 2423-B, as may be amended.

Quarry: An excavation for the extraction of rock.

Recharge Areas: Areas composed of porous sand and gravel, or other areas that collect precipitation or surface water and carry it to aquifers.

Reclamation: Reclamation means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for residential, commercial, recreational or industrial use.

Recreational Vehicle: A vehicle or vehicular attachment designed 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, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must possess a current registration sticker from any state Division of Motor Vehicles.

Recreational Use of Marijuana: Recreational use of marijuana means personal use of marijuana as permitted in 7 M.R.S.A. § 2452, as may be amended from time to time.

Redemption Center: A place of business which deals in acceptance of empty returnable beverage containers from either consumers or from dealers, or both, and which is licensed by the State of Maine as a redemption center.

Registered Patient: Registered patient means a “registered patient” as that term is defined in 22 M.R.S.A. § 2422(12), as may be amended from time to time.

Registered Caregiver: Registered caregiver means a caregiver who is registered by the Maine Department of Administrative and Financial Services pursuant to 22 M.R.S.A. § 2425-A, as may be amended from time to time.

Registered Caregiver Cultivation Areas: An indoor area used for cultivation in accordance with Chapter 558-C of Title 22 of the Maine Revised Statutes that is enclosed and equipped with locks or other security devices that permit access only by a person authorized under said law.

Repair Service: A business engaged in the servicing or repair of equipment and goods customarily associated with residential households rather than businesses. Such uses may include, but are not be limited to, the servicing or repair of: appliances, watches, jewelry, bicycles, computers and electronic equipment typically used in households. The servicing of any motorized vehicle, construction-related equipment, or recreational vehicle or accessory is specifically excluded from this definition. In no event

shall there be any retail sales or outdoor storage associated with the repair service unless otherwise allowed in the district and specifically approved under Site Plan Review.

Research Facilities: A building or buildings and/or structure or structures and any accessory equipment or use in directing scientific or other forms of human inquiry into phenomena including but not limited to nature, human nature, the physical environment, eco-systems, other systems and products and devices.

Residential Open Space Subdivision: A form of single-family residential development that provides flexibility in design and promotes creating open space by reducing lot area and bulk requirements for individually owned lots, provided that the allowed number of lots does not exceed the required zoning density standards for the respective district.

Restaurant: A business establishment where food and drink are prepared, served, and consumed primarily within the principal building. Providing food to patrons shall clearly be the primary use and the serving of alcoholic beverages shall be ancillary (see Tavern). Outdoor seating is permitted with Planning Board approval. Drive-Through facilities shall not be permitted unless it is a permitted/conditional use and specifically approved by the Planning Board. In no event shall a Restaurant be permitted to prepare, sell, serve or allow to be consumed on premises marijuana or marijuana products.

Retail Marijuana: Marijuana or Marijuana Concentrate that is cultivated, manufactured, distributed or sold by a licensed Retail Marijuana Establishment or Retail Marijuana Social Club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail Marijuana Establishment: A Retail Marijuana Store, a Retail Marijuana Cultivation Facility, a Retail Marijuana Products Manufacturing Facility or a Retail Marijuana Testing Facility.

Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of Retail Marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Products Manufacturing Facility: An entity licensed to purchase Retail Marijuana; manufacture, prepare and package Retail Marijuana Products; and sell Retail Marijuana and Retail Marijuana Products only to other Retail Marijuana Products Manufacturing Facilities, Retail Marijuana Stores and Retail Marijuana Social Clubs.

Retail Marijuana Social Club: An entity licensed to sell Retail Marijuana and Retail Marijuana Products to consumers for consumption on the licensed premises.

Retail Marijuana Store: An entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Products from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana products to consumers.

Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of Retail Marijuana and Retail Marijuana Products.

Retail Trade: Any business engaged in sales to the ultimate consumer for direct consumption and/or use, and not for resale. The term retail trade shall include such uses as stores for the sale of hardware, food, apparel, furniture, jewelry, drugs, general merchandise, photographic equipment, athletic

equipment, appliances, reading material, automobile sales and banks. Retail trade shall not include the sale of marijuana for medical use or adult use, or marijuana paraphernalia.

Rock: A hard non-metallic material that requires cutting, blasting, or similar methods of forced extraction.

Schools: An institution either public or private for education or instruction, including a college, university or school conducting classes pursuant to a program approved by the State Board of Education or similar governmental agency, but not including commercially operated schools, such as schools of beauty culture, business, dancing, driving, music or recreation which shall be deemed retail businesses.

Self-Storage Facility: A structure containing separate storage spaces of varying size, leased or rented on an individual basis.

Setback: The horizontal distance from a lot line to the nearest part of a structure, including any building overhangs.

Silt or Clay: A material that consists of particles of such size that forty-five (45) percent or more of the fraction of those particles able to pass through a three (3) inch sieve pass through the United States Standard Number 200 sieve, or a material that exhibits similar erosion potential, difficulty of stabilization, or runoff based upon gradation, plasticity, permeability, or other relevant criteria.

Similar Use: A use which is not specifically listed as a permitted or conditional permitted use in the Ordinance but is similar to and not more objectionable than those listed in the Ordinance as determined by the Planning Board under the conditional use criteria of Section 402.9.3. In no event shall medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein be deemed a similar use.

Site Plan Review: The process by which the Planning Board reviews and may attach conditions under the conditional use criteria and site plan review standards to uses that are of such a scale and nature that they may affect the physical and visual environment, the provision of public services, the value and rights of adjoining properties, and the health, safety and welfare of the citizens.

Sludge: Residual materials produced by water or sewage treatment processes and by domestic septic tanks.

Solid Waste: Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish garbage, scrap materials, junk and refuse.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stream, Year-Round: Any stream that is marked on a USGS map by a solid line.

Street: An existing state, county, or town way; a street shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds: or a street shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, carports, decks, and other building features, but not including signs, sidewalks, fences, patios, driveways, and parking lots.

Subdivision: This ordinance defines “Subdivision” as it is defined in 30-A M.R.S.A. Section 4401 to mean the division of a tract or parcel of land into three (3) or more lots within any five (5) year period that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five (5) year period. This definition and all other provisions in 30-A M.R.S.A. Section 4401 as may be amended from time to time is also incorporated into this definition.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

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

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tavern: A business establishment, serving either the general public or a private party, where beverages and/or food are prepared, served, and consumed predominantly within the principal building. Serving beverages shall clearly be the primary use and providing food shall be ancillary (see Restaurant). The retail sale of prepackaged beverages or food to be consumed off the premises is specifically prohibited. Approval by the Planning Board for Conditional Use and Site Plan Review is required for any food or beverage consumption outside the principal building. In no event shall a Tavern be permitted to prepare, sell, serve, or allow to be consumed on premises marijuana or marijuana products.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Topsoil: The top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

Travel Trailer: Any portable vehicle which is designed to be transported on its own wheels; which is temporarily living quarters for travel, recreational, vacation or construction purposes; and which may or may not contain one or all of the accommodations and facilities included in a mobile home.

Trailer, Utility: A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Trucking Terminal: A building or buildings and/or structure or structures and any other facilities for the loading and off-loading of goods from trucks, the temporary storage of said goods, spaces for the temporary overnight parking of trucks, facilities for the normal and routine maintenance of trucks, accessory uses thereto including but not limited to dispatcher's office or administrative or recordkeeping office.

Undue Hardship: Legal criteria established by State statute that must be met before a variance from the requirements of the Zoning Ordinance can be granted by the Board of Zoning Appeals:

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

Use: The purpose for which land or a structure is arranged, designed, intended, or for which land or a structure is or may be occupied.

Variance: A relaxation of the terms of this ordinance. Variances permissible under this ordinance are limited to dimensional and area requirements subject to the hardship criteria. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities of other buildings or uses in the immediate or adjacent areas.

Warehousing: A land area where goods, wares, and merchandise are stored in a warehouse facility and/or in outdoor areas. This use may involve light manufacturing directly associated with the warehousing but does not include more traffic-intensive use(s) such as a Trucking Terminal. This use is subject to performance standards in the Light Manufacturing Overlay District. Warehousing and associated light manufacturing shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Wholesale Trade shall not include the sale of marijuana or marijuana products.

Working Excavation: The area of extraction, including side slopes, of an excavation for borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials whether alone or in combination. The area of a "working excavation" does not include areas for stockpiles, permanent fixed structures such as an office building, permanent processing facility, or fixed fuel storage.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Zoning District: A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

ARTICLE 3 – OFFICIAL ZONING MAP

402.3.1 Official Zoning Map

Districts are located and bounded as shown on the Official Zoning Map which is made a part of this ordinance. The Shoreland Zoning District boundaries are determined by the terms of Chapter 403 the Shoreland Zoning Ordinance creating that district, and any delineation of them on the Official Zoning Map shall be for reference only and shall not supersede or modify such boundaries as created in that Ordinance.

402.3.2 Certification of Zoning Map

The Official Zoning Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Zoning Map referred to in Section 402.3.2 of the Zoning Ordinance of the Town of Gray," together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Clerk.

402.3.3 Changes of the Official Zoning Map

If changes are made in the district boundaries or other matter portrayed on the Official Zoning Map such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been adopted together with an entry on the Official Zoning Map as follows:

"On (insert date) by official action of the Town Council, the following change(s) was (were) made: (insert brief description of the nature of change)."

Immediately beneath the entry the Town Clerk shall place their signature.

402.3.4 Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map the following rules shall apply.

- A. Boundaries indicated as approximately following the center lines of streets, highways, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections A through E above, the Planning Board shall interpret the district boundaries.

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- G. The delineation of the Wellhead Protection Districts is shown on the official Zoning Map. In addition, delineation boundary markers, including coordinates are as follows: [To be provided by Sevee & Maher, consulting engineers to the Gray Water District].

ARTICLE 4 - ZONING DISTRICTS

402.4.1 Zoning Districts Established

For the purpose of this Ordinance, the Town of Gray is hereby divided into fifteen (15) Districts and two (2) Overlay Districts:

Districts & Overlay Districts created by the Zoning Ordinance

1. Rural Residential & Agriculture	“RRA”
2. Lake District	“LD”
3. Medium Density	“MD”
4. Business Development 1	“BD-1”
5. Business Development 2	“BD-2”
6. Commercial	“C”
7. Village Center	“VC”
8. Village Center Proper	“VCP”
9. Business Transitional 1	“BT-1”
10. Business Transitional 2	“BT-2”
11. Wellhead Protection 1	“WH-1”
12. Wellhead Protection 2	“WH-2”
13. Mobile Home Park Overlay District*	“MHP”
14. Light Manufacturing Overlay District	“LMOD”

* Mobile Home Park Overlay District created by separate Mobile Home Park Ordinance.

Districts created by the Shoreland Zoning Ordinance

15. Resource Protection	“RP”
16. Limited Residential	“LR”
17. Stream Protection	“SP”

For regulations affecting the Resource Protection and Limited Residential, and Stream Protection Districts, see the Town of Gray “Shoreland Zoning Ordinance” dated December 3, 1991 and as amended.

402.4.2 Zoning Districts Purposes

A. Purposes of the Rural Residential and Agricultural District:

The Rural Residential and Agricultural District is located in the most rural and sparsely populated sections of the Town, and extends beyond the areas of Gray that may reasonably be serviced by

public water and sewer. It is the intent of this district to encourage low density development which will enhance, reinforce and protect the rural/open space environment currently characterizing these areas of the Town and to promote Agritourism on agricultural, forested and open space land for the use and enjoyment of these lands by allowing owners or operators of land to develop and offer accommodations, food and hospitality services on lands within this zone.

B. Purposes of the Lake District

The Lake District contains the watershed areas of Gray's lakes, exclusive of the land within the boundaries of the Shoreland Zoning Districts. It is the intent of this district to help protect the sensitive lake watershed areas and to contribute to the protection of surface water quality by limiting the density of development.

C. Purposes of the Medium Density District

This district is located in areas, outside of the village center which are currently serviced by public water, with the exception of the area on Route 100 from Whitney Road, south to the Cumberland Town Line. Most of these areas are presently developed for predominantly residential uses. It is the intent of this district to recognize present relationships between land use and natural features by preserving the predominant residential character while allowing a somewhat denser development to occur than in other areas of the Town.

D. Purposes of the Business Development District

This district is located in areas of the community which are most suited for larger scale business activities such as business parks, warehouses, and manufacturing. The purpose of this district is to allow more intense business uses, while protecting the public health and safety, environmental quality and economic well-being of the Town of Gray. Businesses in this area must also maintain the rural character of the community. Community services and road access were important criteria for selecting such areas.

The Business Development District is further divided into two sub-districts as shown on the Gray Zoning Map. The uses allowed in Business Development 2 (BD-2) District are less restrictive than those in the Business Development 1 (BD-1) District and allow more flexibility reflecting the unique nature of the existing business and industrial campus.

E. Purposes of the Commercial District

This is a district designed to continue the Rural New England character by providing services and shopping opportunities to the residents of the community and to visitors. It is designed to encourage a pleasant, shopping environment. Commercial establishments may be more auto intensive than in the Village District.

F. Purposes of the Village Center and Village Center Proper Districts

The purpose of the Village Center District and the Village Center Proper District, which is contained within the center of the Village Center District and is its most densely developed portion, is to provide services and shopping opportunities to the residents of the community, and to visitors, in a pleasant, village type, shopping environment.

G. Purposes of the Business Transitional Districts

This is a district designed to provide services and shopping opportunities to the residents of the community and to visitors. It is designed to encourage a pleasant shopping environment that is

consistent with New England character and serves as a transitional zone between residential and rural areas to the north and the more densely developed Village area to the south. This area lies near the new Route 26A westerly bypass, and is proximate to the Wellhead Protection Zoning District, meriting limitations on development and prohibition of certain uses in order to protect groundwater quality and recharge potential for present and future use of this resource by individuals, industries, or public bodies. Commercial establishments may be more auto intensive than in the Village District.

The Business Transitional District is further divided into two sub-districts. Business Transitional 1, lies outside the wellhead capture zone of the Gray Water District as shown on the Gray Zoning Map. Business Transitional 2 lies within the capture zone and adds special requirements to protect groundwater quality and the Town's drinking water supply. The uses allowed within Business Transitional 1 are more restrictive due to the proximity to adjacent residential neighborhoods. The uses allowed in Business Transitional 2 are less restrictive reflecting its proximity to the Maine Turnpike, the downtown area, and its prior designation as Wellhead District 2.

H. Purposes of the Wellhead Districts

The intent of the Wellhead Protection Zoning Districts is to protect the ground water resources of the Gray Water District from harmful contaminants that can reasonably be expected to accompany certain uses of land. Wellhead Protection District 1 is the smaller and the more restrictive Wellhead Protection District with its dimensions based upon an estimated two hundred (200) day water travel time. Wellhead Protection District 2 is the larger and the less restrictive Wellhead Protection District with its dimensions based upon the location of the wellhead capture zone and estimated water travel times greater than two hundred (200) days.

I. Purposes of the Mobile Home Park Overlay District

See the Mobile Home Park Ordinance.

J. Purposes of Light Manufacturing Overlay District

The purpose of the Light Manufacturing Overlay District (LMOD) is to provide greater flexibility for businesses engaged in manufacturing, warehousing, and directly associated uses to conduct and expand operations in Gray. The performance standards and review criteria associated with the District are intended to minimize the adverse impacts of the use to abutting and neighboring properties.

K. Purposes of the Resource Protection, Limited Residential and Stream Protection Districts

See the Shoreland Zoning Ordinance.

402.4.3 Applicability of Zoning Provisions to Districts

All uses of land and development of property within the established Zoning Districts of the Town of Gray shall conform to the standards, criteria, and administrative procedures set forth in this Zoning Ordinance.

ARTICLE 5 - ZONING DISTRICT REGULATIONS

402.5.1 Basic Requirements for Compliance with Codes and Ordinances

Permitted Uses and Conditional Permitted Uses in all districts shall conform to all applicable specifications and requirements of this Zoning Ordinance. A Plumbing Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this ordinance and all other applicable codes, ordinances, and laws of the Town of Gray and the State of Maine.

402.5.2 Legal Rights and Responsibilities to Uses of Land and Property

The Uses listed in this Zoning Ordinance are divided into four categories:

- A. Permitted Uses are “by right” provisions that require no special review or approval other than standard building permits for most projects, and Planning Board site plan review when the proposed development falls within the thresholds for site plan review based on the type of use and/or the scale of development.
- B. Conditional Permitted Uses are permitted whenever the Planning Board determines upon review that the Conditional Use criteria have been met. The burden is on the applicant to demonstrate that proposed development meets the Conditional Use criteria, but upon satisfactory demonstration of compliance with the criteria, and subject to any conditions applied by the Planning Board to meet those specific criteria, Conditional Permitted Uses have the same inherent rights under the Zoning Ordinance as Permitted Uses.
- C. Prohibited Uses include any use not specifically listed as a Permitted Use or a Conditional Permitted Use. All unlisted land uses are prohibited on all lots and property in Gray unless specifically provided for by State law and regulated by the State (e.g., forestry).
- D. Similar Uses are uses that are variations of Permitted or Conditional Permitted Uses that develop over time through market and/or technological changes and do not fit precisely in the ordinance list of uses. This Zoning Ordinance grants to the Planning Board authority to determine that a use similar to but not specifically listed as a Permitted or Conditional Permitted Use can be approved by the Planning Board subject to the Conditional Use Criteria of Article 9.

402.5.3 District Regulations

Land uses permitted in each district, in conformance with the General Performance Standards in Articles 6 and where applicable, the Specific Performance Standards of Articles 7 and 8 are shown in the following table:

Key: P - Permitted Use

C - Conditional Permitted Use: requires Planning Board review under Article 9 if classified as a Major Development under Article 10 (Section 402.10.6). Minor Developments are treated as Permitted Uses.

‡ - Subject to Specific Performance Standards in Article 7.

* - Subject to Specific Performance Standards in Article 8.

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TABLE 402.5.3 TABLE OF PERMITTED USES AND CONDITIONAL PERMITTED USES

		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD
1.	Accessory Apartment ‡	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		P/C	
2.	Accessory Uses and Structures	P	P	P	P	P	P	P	P	P	P	P	P	
3.	Adult Business*						C							
4.	Agritourism Center*	C												
5.	Agritourism Facility*	C												
6.	Animal Husbandry	P	P		C	C	C				C		C	
7.	Auto Body Shop				C	C	C							
8.	Auto Repair Garage						C							
9.	Auto Service Station				C	C								
10.	Bed and Breakfast ‡	C	C	C	P	P	P	P	P	P	C		C	
11.	Building Trades Occupations – 1	P	P	P	P	P	P	P	P	P	P	C	P	
12.	Campground ‡	C	C											
13.	Cemetery	P					C							
14.	Church	P	P	P	P	P		C	C		C		C	
15.	Commercial Recreation - Indoor or Outdoor	C	C		C	C	C	C	C	C	C		C	
16.	Community Living Arrangement	P	P	P	P	P	P	P	P	P	P	P	P	
17.	Construction Services				P	P					C		C	
18.	Day Care Facility for Five (5) or fewer clients.	P	P	P	P	P	P	P	P	P	P		P	
19.	Day Care Facility for Six (6) or more	C	C	C	C	C	C			C	C		C	
20.	Drive Through and Drive in Facility					1C	C			C	C		C	
21.	Expansion of Nonconforming Uses	C	C	C	C	C	C	C	C	C	C	C	C	

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		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD
22.	Farm Stand ‡	P	P	P	P	P	P	P	P	P	P		P	
23.	Farmers' Market ++	P	P	P	P	P	P	P	P	P	P		P	
24.	Flea Market, Open Air Market ‡	C	C	C	C		C	P	P					
25.	Garage Sale	P	P	P	P	P	P	P	P	P	P	P	P	
26.	General Agriculture	P		P	P	P	P				C		C	
27.	Headquarters for a Contracting Business	C	C	C	P	P					C		C	
28.	Heliport	C	C		C	C								
29.	Home Occupation ‡	P	P	P	P	P	P	P	P	P	P	C	P	
30.	Hotel and Motel				C	C	C			C				
31.	In-Home Offices‡	P	P	P	P	P	P	P	P	P	P	P	P	
32.	Kennels	C	C				C						C	
33.	Light Manufacturing				P	P								P/C
34.	Manufacturing and Processing				C	C								
35.	Mechanical Repair Garages	C			P	P	C							
36.	Medical Facility	C	C	C		C	C	C	C	C				
37.	Mineral Excavation	P	P	P	P	P	P							
38.	Mineral Exploration	C			P	P		P	P		P	P	P	
39.	Mobile Vendor	P	P	P	P	P	P	P	P	P				
40.	Motel (< 11 rooms)	C	C			C								
41.	Multi-family Development			C	C	C	C	C	C	C				
42.	Municipal Uses	C	C		C	C	C	C	C	C	C		C	
43.	Nursing and Convalescent Home	C	C	C	C	C	C			C				
44.	Office			C	P	P	P	P	P	C	C		C	

++ Subject to performance standards in Article 7

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		RRA	LD *	MD	BD-1	BD-2	C	VC *	VCP *	BT-1 *	BT-2 *	WH-1 *	WH-2 *	LMOD
45.	Personal Services				C	C	C	C	C	C				
46.	Planned Unit Development ‡				C	C	C	C	C	C				
47.	Places for Public Assembly, Indoor and Outdoor	C	C		C	C		P	P					
48.	Private Assembly				C	C	C	C	C					
49.	Private Landing Strips for Personal Aircraft ‡	C			C	C								
50.	Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C	
51.	Redemption Center						C			C			P	
52.	Registered Caregiver*				C	C	C	C						
53.	Registered Caregiver Cultivation Area*				C	C	C	C						
54.	Repair Service				P	P	C	P	P		C		C	
55.	Research Facility				C	C		C	C					
56.	Residential Open Space Subdivisions	P	P	P										
57.	Restaurant				P	P	C	P	P	C	C			
58.	Retail Trade				P	P	C	P	P	C	C		C	
59.	School	P	P	P		C	C	C	C	C	C		C	
60.	Self-Storage Facility				C	C	C			C				
61.	Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	
62.	Similar Uses	C	C	C	C	C	C	C	C	C	C	C	C	
63.	Tavern					C	C	C	C					
64.	Trucking Terminal				C	C								
65.	Two-Family Dwelling	P	P	P	P	P	P	P	P	P	P		P	
66.	Warehousing				P	P								P/C
67.	Wholesale Trade				C	C		P	P					
68.														

1 Drive through and drive in facilities are allowed only as an accessory use to the permitted and conditional uses in the Business Development 2 District; see Section 402.8.8(A).

402.5.4 Districts Dimensional Requirements

Lots and structures in all districts shall meet or exceed the following minimum requirements.

TABLE 402.5.4 A - LOT DIMENSION & DENSITY STANDARDS					
ZONING DISTRICT	Minimum Lot Area	Minimum Street Frontage^C	Minimum Area Per Dwelling Unit (Town Water)	Minimum Area Per Dwelling Unit (Private Well)	Maximum Impervious Surface
RRA	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	N/A
LD	80,000 sq. ft.	200 ft.	N/A	80,000 sq. ft.	N/A
MD	40,000 sq. ft. ^A (80,000)	150 ft.	20,000 sq. ft.	40,000 sq. ft.	N/A
BD-1	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	50 %
BD-2	80,000 sq. ft.	200 ft.	40,000 sq. ft.	40,000 sq. ft.	85 %
C	40,000 sq. ft.	200 ft.	20,000 sq. ft.	40,000 sq. ft.	65 %
VC	20,000 sq. ft.	40 ft.	10,000 sq. ft.	10,000 sq. ft.	75 %
VCP	20,000 sq. ft.	40 ft.	10,000 sq. ft.	10,000 sq. ft.	75 %
BT-1	40,000 sq. ft.	150 ft.	20,000 sq. ft.	40,000 sq. ft.	50 %
BT-2	40,000 sq. ft.	150 ft.	20,000 sq. ft.	40,000 sq. ft.	^B 10 (30) %
WH-1	4 Acres	200 ft.	4 Acres	4 Acres	^B 10 (30) %
WH-2	4 Acres	200 ft.	4 Acres	4 Acres	^B 10 (30) %

^A Lots in MD District not served by public water require 80,000 square feet of lot area.

^B Impervious surface and lot coverage in BT-2, WH-1, & WH-2 Districts can be increased to 30% of lot with Planning Board approval subject to the requirements of Section 402.8.4 L for recharge protection.

^C In accordance with Tables 402.5.4.A & B of the Zoning Ordinance, the Planning Board shall have the authority to reduce the minimum street frontage to fifty (50) percent of the required frontage but in no case less than sixty (60) feet of street frontage, whichever is greater, for lots in a Planning Board approved residential subdivision for one or more lots having street frontage only on a cul-de-sac. In such instances, street frontage shall be measured along the outside radius of the cul-de-sac. Lots which have any street frontage not on a cul-de-sac radius as well as lots in a commercial subdivision shall not be eligible for reduced street frontage.

TABLE 402.5.4 B - BUILDING CONSTRUCTION SPATIAL STANDARDS

ZONING DISTRICT	Maximum Lot Coverage	Minimum Lot Line Setback Front	Minimum Lot Line Setback Side	Minimum Lot Line Setback Rear	^A Maximum Building Height
RRA	10 %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
LD	20 %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
MD	15 %	50 ft.	^B 20 (15) ft.	20 ft.	35 ft.
BD-1	50 %	50 ft.	^B 25 (15) ft.	50 ft.	^C 35 (53) ft.
BD-2	85 %	^E 25 ft.	^E 0 ft.	^E 15 ft.	^C 35 (53) ft.
C	50 %	10 ft.	15 ft.	20 ft.	^C 35 (53) ft.
VC	75 %	10 ft.	0 ft.	10 ft.	35 ft.
VCP	75 %	0 ft.	0 ft.	0 ft.	35 ft.
BT-1	50 %	25 ft.	^D 15 (10) ft.	20 ft.	35 ft.
BT-2	10 (30) %	25 ft.	^D 15 (10) ft.	20 ft.	35 ft.
WH-1	10 (30) %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.
WH-2	10 (30) %	50 ft.	^B 25 (15) ft.	50 ft.	35 ft.

^A Height requirements do not apply to flagpoles, chimneys, transmission towers, steeples, windmills or similar structures usually erected at a greater height than the principal building; however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

^B Side setback for non-conforming lots of record in RRA, LD, MD, BD-1, WH-1, & WH-2 Districts is 15 feet.

^C Maximum building height in BD-1, BD-2, and C is 53 feet if public water is available and at least two sides of the building are accessible by fire apparatus.

^D Side setback in BT Districts is 10 feet if not abutting a residential property.

^E For any lot in a BD-2 District, the setback for any property line(s) that abuts another district, including BD-1, shall meet the minimum setback(s) for either the abutting district or BD-1, whichever is less restrictive.

ARTICLE 6 – GENERAL PROVISIONS APPLICABLE IN ALL ZONING DISTRICTS

402.6.1 Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted that meets the legal requirements of the Ordinance and State law.

402.6.2 Lots

- A. Lots with Multiple Street Frontages
- B. Lots which abut on more than one street shall provide the required front setbacks along every street.
- C. Developable Areas
- D. No structure or other impervious surface may be constructed on land with sustained slopes of twenty-five (25%) percent or greater, nor in any wetland. Subsurface wastewater disposal systems may not be located where soils are unsuitable for septic systems according to the Maine State Plumbing code, as amended.
- E. Building Extensions to Meet Setbacks
- F. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any required minimum front, side or rear setback.
- G. Only One Principal Building per Lot
- H. No more than one (1) principal structure and its accessory buildings as regulated in this Ordinance may be located on any one lot, except in the case of a Planned Unit Development and Cluster Housing unless all applicable space and dimensional standards are met separately for each principal structure or use on the lot, subject to the following:
 - 1. Where a lot has more than one existing principal structure or use, any new principal structure or use proposed for the lot, or any proposed division of the lot, shall meet all applicable space and dimensional standards for the new lot or principal structure or use; provided, however, before creation of a new principal structure or use on the lot or division of the lot, the property owner shall provide the Code Enforcement Officer with a sketch plan, drawn to scale, in sufficient detail to satisfy the Code Enforcement Officer that it accurately represents the current conditions in the field; and
 - 2. The creation of a new lot or new principal use or structure must satisfy current space or dimensional standards established for the zone in which the lot is located. Where an existing principal structure is legally nonconforming as to any applicable space or dimensional standard, the creation of a new lot or principal use or structure shall not increase the degree of such nonconformity.
 - 3. For lots located in the Business Development 2 Zoning District, the number of uses per principal structure shall be determined by standards established in Section 402.8.8 of this Ordinance.
 - 4. No variances are allowed from the provisions of the preceding paragraphs of this section.

402.6.3 Net Residential Area

Repealed and moved to Chapter 401 Residential Subdivision Ordinance effective February 2, 2017.

402.6.4 Net Residential Density

Repealed and moved to Chapter 401 Residential Subdivision Ordinance effective February 2, 2017.

402.6.5 Non-Conformance with the Requirements of this Zoning Ordinance

A. Continuation, Maintenance, & Replacement of Non-Conforming Structures and Uses

1. **Continuance, Enlargement, Reconstruction:** Any legally existing non-conforming use or non-conforming structure may continue to exist but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
2. **Transfer of Ownership:** Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this ordinance.
3. **Restoration or Replacement:** This ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within one (1) year of the date of said damage or destruction, provided that:
 - a. The nonconforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
 - b. Any non-conforming structure shall not be enlarged except in conformity with this ordinance and the Maine State Subsurface Wastewater Disposal Rules; and
 - c. Any non-conforming use shall not be expanded in area.

B. Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

C. Discontinuance of Non-Conforming Uses

D. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

E. Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

F. Expansions & Changes Involving Non-Conforming Uses

1. **A Structure Non-Conforming as to Use:** A building or structure, non-conforming as to use, shall not be enlarged unless the non-conforming use is terminated or approved by the Planning Board under the Conditional Use criteria of Article 9. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those

parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this ordinance, or of any amendment making such use non-conforming or is approved by the Planning Board under the Conditional Use criteria of Article 9.

2. **Change of Use:** A legally existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Planning Board under the Conditional Use criteria. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The Conditional Use criteria in Article 9 of this ordinance shall apply to such requests to establish new non-conforming uses.
3. **Use of Land:** A non-conforming use of land may not be extended into any part of the remainder of a lot of land.

G. Expansions not Involving Non-Conforming Uses

H. (Pertaining solely to dimensional requirements of lots and structures. Applications regarding non-conforming uses shall be reviewed under the provisions above.)

1. **Enlargements Controlled:** A non-conforming structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the district in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws and local ordinance requirements must be adhered to. The following actions are not considered to be expansions of non-conforming structures:
 - a. The addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this ordinance.
 - b. The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased.
 - c. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the State Plumbing Laws (Title 30, Maine Revised Statutes Annotated, §3221, Subsection 4) requiring documentation of wastewater disposal capabilities.
2. **Lack of Required Parking or Loading Space:** A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.
 - a. The provision of required off-street parking for an existing non-conforming use that is not being enlarged, added to, or altered shall not be considered the expansion of the use.
3. **Disability Access Structures:** The Code Enforcement Officer may approve construction of access ramps not meeting setback requirements for the purpose of making that property

accessible to a person with a disability who is living on the property. The Code Officer shall restrict any approval granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The approval shall be only for the duration of the disability or the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, M.R.S.A. Section 4553.

I. Existing Lots of Record Grandfathered

A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, of the District in which it is located may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met. Variance of yard or other requirements not involving area or width shall be obtained only by action of the Board of Appeals. (Any lot of record, established on or before January 1, 1970 is a legally nonconforming lot.)

J. Required Combination of Substandard Sized Lots

If two (2) or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance.

Notwithstanding the preceding provisions of this subsection, lots depicted on a subdivision plan approved by the Planning Board, on or after 1977 shall be buildable, even if contiguous and in the same ownership, provided however, that any such lot must meet the minimum requirements set forth in 12 M.R.S.A., Subsection 4807-A for minimum lot size with septic systems.

K. Vested Rights when Ordinance is Amended

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures, or development of infrastructure improvements for town approved subdivisions, began prior to adoption or amendment of this Ordinance. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits. In the case of pending applications, vesting occurs when the substantive review process on an application has commenced. Substantive review occurs when a completed application demonstrating compliance with all Ordinance requirements has been submitted and reviewed by the Planning Board.

402.6.6 Special Permit Required for Temporary Events

A. Activities such as music festivals and car shows that are of a decidedly temporary nature or of short duration which will, because of unusual circumstances, be unable to meet the minimum requirements of the performance standards may be allowed under the provisions of a Special Permit issued by the Code Enforcement Officer. The conditions of issuance for this permit are:

1. The proposed activity or use will not continue beyond a maximum time period of one (1) week. If, in the judgment of the Code Enforcement Officer, additional time is necessary or desirable, extensions of the Permit may be granted for additional one week periods. Upon expiration of the

Special Permit the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be violation of this code.

2. The proposed activity will not create, cause, or increase any health, safety, or public nuisance problems. In making this determination, the Code Enforcement Officer shall seek input from the Fire Chief and Public Works Director.
 3. The proposed activity will not cause immediate or future damage to adjacent properties.
 4. Reasonable provisions are made to prevent or minimize harmful environmental impacts of the proposed activity.
- B. To assist the Code Enforcement Officer in making these determinations a public hearing may be required for the purpose of soliciting additional information or other municipal boards and commissions may be consulted. If an extension of a Special Permit beyond one (1) week is requested, the Code Enforcement Officer must obtain the concurrence of the Planning Board before such an extension is granted.

402.6.7 Regulation of Signs

All signs are required to meet the requirements of the Sign Ordinance, Chapter 406.

402.6.8 Regulation of Mobile Home Parks

Mobile Home Parks shall be subject to the provisions of the Mobile Home Park Ordinance, Chapter 402.A.

402.6.9 Parking Requirements

All uses of land and development of property shall be provided with parking and loading facilities meeting the standards of Section 402.10.11 B under Site Plan Review.

402.6.10 Townwide Erosion and Sedimentation Standard

- A. All activities, except those specifically exempted in this Section 402.6.10, which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions, whether or not a permit is required, are required to adhere to Maine Erosion and Sediment Control Best Management Practices (BMP's) as published by the Maine Department of Environmental Protection until the site is stabilized.
- B. The following activities, as defined by the State of Maine and/or this Ordinance, are exempt from following MeDEP's BMP's provided that all applicable State and local standards are met and maintained:
 1. Agriculture
 2. Forestry and/or Timber Harvesting
 3. Duly permitted Mineral Extraction/Gravel Pits

402.6.11 ADULT USE MARIJUANA

A. The following uses as defined by this Chapter and under the "Marijuana Legalization Act" (28-B M.R.S.A. §§ 102 – 1504, as may be amended and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:

(1) Adult Use Marijuana Establishments, including:

- (a) Adult Use Marijuana Cultivation Facility
- (b) Adult Use Marijuana Products Manufacturing Facility
- (c) Adult Use Marijuana Testing Facility
- (d) Adult Use Marijuana Store

(2) Any other use not included within the uses above, as defined herein, that includes the sale or manufacturing of Adult Use Marijuana or Adult Use Marijuana Products and Marijuana Extraction

B. This Section shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Adult Use Marijuana to the greatest extent permitted by the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended from time to time and successor provisions thereof). Further, this Section shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling Adult Use Marijuana by persons or transferring or furnishing Marijuana or Marijuana Concentrate without remuneration, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

C. Home cultivation of personal Adult Use Marijuana is permitted within the Town of Gray in all zones subject to the following restrictions:

- (1) Persons cultivating Adult Use Marijuana must be 21 years of age or older;
- (2) Cultivation of Adult Use Marijuana shall be limited to a total number of three (3) mature marijuana plants and twelve (12) immature marijuana plants on any one parcel or tract of land within the Town;
- (3) Cultivation is only permitted on a parcel or tract of land within the Town on which the person cultivating Adult Use Marijuana is domiciled;
- (4) Cultivation that occurs outdoors shall be sufficiently screened to ensure that plants are not visible from an abutting property or a public or private road or right of way; and
- (5) Cultivation that occurs outdoors must meet all applicable setbacks required for structures under this Ordinance, and in no event shall outdoor cultivation be less than ten (10) feet from any lot line.

The limitations in this section shall apply per person domiciled on a parcel or tract of land and shall not apply to seedlings.

D. Nothing in this Section shall be construed to prohibit any lawful use, possession or conduct pursuant to the “Maine Medical Use of Marijuana Act” (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time and successor provisions thereof).

ARTICLE 7 -STANDARDS APPLICABLE IN MOST ZONING DISTRICTS

402.7.1 Temporary Structures

- A. Temporary Structures in Conjunction with Construction Work
- B. Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period and may be renewed by the Code Enforcement Officer.
- C. Temporary Structures in Conjunction with Disasters
 - 1. Temporary structures including temporary living quarters used in conjunction with disasters such as fire, flood, lightening, hurricanes, and ice or snowstorms and other forces of nature shall be permitted only during the period that restoration work is in progress.
 - 2. Restoration work includes the repairing, rebuilding, and altering of a premise, land, or structure to a former, normal or unimpaired state or condition including but not limited to the cleaning and removal of debris, trash, and waste.
 - 3. Temporary structures shall not encroach any further upon the setback requirements of the structure destroyed. Any deviation from those setbacks must be approved by the Code Enforcement Officer.
 - 4. Temporary living quarters shall be connected to the existing septic system or to an alternate system which, in either case, must comply with the Plumbing Code and be approved by the Code Enforcement Officer.
 - 5. Permits for temporary structures shall be issued for a six (6) month period and may be renewed by the Code Enforcement Officer for a maximum of one extension provided a duly authorized building and plumbing permit has been issued for a permanent structure.

402.7.2 Home Occupations

- A. Intent and Purpose
- B. Home Occupations when managed conscientiously and with respect for the neighborhood in which they are situated can offer benefits to both the proprietors and the community, and a productive alternative to the formally structured traditional workplace. Consequently, it is the intent and purpose of this Ordinance to produce liberal, flexible standards for the establishment and maintenance of home occupations, while simultaneously providing the town with a mechanism in which to monitor and regulate their use.
- C. Home Occupation Requirements:
 - 1. A home occupation shall conform to the following requirements:
 - 2. The home occupation shall be carried on primarily within the principal structure or accessory structures.
 - 3. The home occupation shall be carried on by a member or members of the family residing in the dwelling unit. One employee, who is not part of the family residing in the dwelling unit, shall be permitted.

4. The home occupation is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
5. There shall be no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, except such signs as are permitted.
6. There shall be no more than two (2) commercial vehicles kept outside the garage overnight.
7. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, hazardous materials, odors, heat, or glare shall not be generated.
8. Hours of operation shall be reasonable and normal for residential areas.
9. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
10. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicle of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operation hours.
11. No more than fifty (50%) percent of the floor area of a residence and an accessory building shall be used for a home occupation.
12. Retail sales are limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not fabricated on the premises as defined above, but which are customarily incidental to the product created by the home occupation.
13. Retail businesses such as restaurants, new or used car sales, auto repair garages, auto body shops, and auto service stations shall not be considered home occupations.
14. The size and number of signs used in connection with a home occupation shall be determined by the sign ordinance.

402.7.3 Flea Markets & Open Air Markets

- A. Authorization to Use the Property
- B. Flea Markets and Open Air Markets must be held on land that is owned by the applicant or has written permission from the owners to use.
- C. Adequate Parking
- D. Before the permit is issued by the Code Enforcement Officer or approved by the Planning Board, whichever is appropriate, the applicant must prove adequate off street parking and provide means of insuring parking provided is used.
- E. Time Limit for Conduct
- F. The market can operate no more than three (3) days a week. All evidence of use must be removed from the premises for the balance of the week.
- G. Site Plan Review Required
- H. Markets are subject to the site plan review procedures of Article 10.

402.7.4 Keeping of Large Animals

A. Minimum Lot Size Required

Bovine, cloven hoofed animals, horses or other types of riding or laboring animals such as horses may be kept in any district except the Shoreland Zone and the WH1 Districts, provided that there is a minimum of 120,000 square feet of land owned, rented or leased or the first animal to be kept thereon and an additional 10,000 square feet for each additional animal to allow pasturing and disposal of animal waste.

B. Enclosures & Nutrient Plan

Animals must be kept in enclosures at least fifty (50) feet from both the front and rear lot line and twenty five (25) feet from any side lot lines and from the edge of any water body all in full compliance with the best management practices and a Nutrient Management Program per the then current State Law. Any increase in the number of animals kept on the minimum lot size shall first require the owner to have and implement a Nutrient Management Plan prepared and approved by a Nutrient Management Planning Specialist who has been certified by the Commissioner of Agriculture before local approval may be granted.

C. Complaints

Complaints will be referred to the State of Maine Department of Agriculture for review of compliance and resolution.

402.7.5 Back Lot Access Easements

Back lots used for single family purposes shall be permitted, provided they meet the following standards:

A. Access Requirements

1. A fifty (50 ft.) foot wide access shall be provided for back lots.
2. Said access shall be owned either in fee or by permanent easement and maintained by the back lot users.
3. Record of said access way shall be recorded as part of the deed of each back lot and shall be filed with the County Register of Deeds.
4. The access way entrance to a street shall conform to standards of the Subdivision Ordinance and shall be approved by the Code Enforcement Officer.
5. The issuance of a building permit for a single family dwelling on a back lot shall in no way be construed to imply the acceptance of any access way for the purpose of maintenance, improvements or snow removal by the Town of Gray.
6. Creation of a subdivision requires compliance with the provisions of the Gray Subdivision Ordinance.

B. Lot Frontage Requirements

Frontage equal to the street frontage required for the zoning district shall be required along the access way.

C. Lot Size Requirements

1. Any back lot shall be equal to or greater than the minimum lot size required for the zoning district. Computation of minimum lot size area shall not include any portion of the area devoted to an access way for the lot across which the easement crosses and for the lot served by the easement.
2. The side lot line nearest and generally parallel to the road to which the back lot access way leads shall be equal to the street frontage required for the zoning district.

402.7.6 Residential Open Space Subdivisions and Multi-family housing development

- A. Purposes of Residential Open Space Subdivision: The purpose of Residential Open Space Subdivision standards is to encourage greater flexibility and more creative design for the development of single-family projects. It is intended to encourage a pattern of residential development which will result in the following attributes:
1. Preservation of Gray's rural character by retention of open space and its natural resource values as determined by the Planning Board with input from appropriate organizations, other Town staff, and State departments.
 2. To the greatest practical extent, preservation of existing landscape features and the utilization of such features in a harmonious fashion.
 3. Protection of environmentally sensitive areas.
 4. Economical and efficient building arrangement, traffic circulation, and utility construction.
 5. Outdoor recreational facilities that may be better utilized and located than would otherwise be provided under more conventional land development.
- B. Residential Open Space Subdivisions standards are contained in the Town of Gray Subdivision Ordinance, Chapter 401, in Section 401.13.13.
- C. Section 401.13.13.I establishes the purposes of locating individually owned lots in relation to the configuration of the open space. Parties must pay particular attention to this section to ensure that the overall layout of land development is consistent with these standards.
- D. Space, bulk, and dimensional standards for Residential Open Space Subdivisions shall be subject to the following:
1. The Planning Board shall have the authority to reduce setbacks to those stated in Table 401.13.13.B.1 of the Town of Gray Subdivision Ordinance.
 2. Neither the Planning Board nor the Zoning Board of Appeals shall have the authority to further reduce the setbacks for the entirety of a project.
 3. The Planning Board's ability to change setbacks within the project as detailed in Table 401.13.13.B.1 of the Subdivision Ordinance shall not be construed as granting variances to relieve hardship, and the action of the Zoning Board of Appeals shall not be required.
 4. All other space standards except those specifically allowed in Table 401.13.13.B.1 of the Subdivision Ordinance for the respective district shall apply to the Residential Open Space Subdivision.

- E. Provisions for Multi-Family Development: Provisions for multi-family development are contained in Section 402.10.14 of Site Plan Review. For the purposes of this Ordinance, multi-family development is not considered to be a Residential Open Space subdivision.

402.7.7 Planned Unit Development for Commercial Subdivisions

A. Purposes of Planned Unit Development

1. The purpose of the Planned Unit Development shall be to encourage a commercial development which will result in:
2. A choice in the types of environment, a mixture of commercial and retail uses and quality in land use so that development will be a permanent and long-term asset to the Town.
3. An aesthetically-pleasing development, innovative design standards, open space and ample off-street parking and traffic circulation.
4. A pattern of development which reserves trees, outstanding natural topography and geologic features and prevents soil erosion.
5. An efficient use of land resulting in smaller networks of streets and utilities, encouraging the use of underground utilities.
6. An environment in harmony with surrounding development.
7. A more desirable environment than would be possible through the strict application of other sections of this Ordinance.
8. Encouragement of central water and sewer systems.

B. Provisions for Planned Unit Development

The Planning Board, in reviewing and approving proposed commercial and retail developments located in the Town, may modify provisions related to minimum lot size, lot frontage, number of structures, and setback size to permit innovative approaches to commercial and retail development and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

1. The Planning Board may reduce lot frontage requirements by up to fifty (50%) subject to the conditional use and site plan criteria and standards.
2. The Planning Board may reduce front setback requirements by up to fifty (50%) subject to the conditional use and site plan criteria and standards.
3. The Planning Board may reduce the minimum lot area by up to fifty (50%) percent subject to the conditional use and site plan review criteria.

402.7.8 Mobile Homes, Motor Homes and Travel Trailers

A. Use of a Mobile Home as Temporary Living Quarters While Building a Home

A mobile home may be used as a temporary single-family dwelling subject to the following requirements:

1. No person, firm or corporation shall move or cause to be moved into the Town of Gray a mobile home to be located otherwise than in a duly-licensed mobile home park without first securing a temporary permit from the Code Enforcement Officer to do so.
2. The application for such permit shall state the name of the owner of the mobile home, its make, serial number, length, width, color and any other identification information that the Code Enforcement Officer may require.
3. The applicant shall also state the proposed location in the Town where the mobile home is to be placed. The owner of the mobile home must own the lot upon which the mobile home is to be placed.
4. The applicant shall also furnish the Code Enforcement Officer with a plot plan showing the boundary lines of the lot proposed for the location of the mobile home, and also showing the sewage disposal area.
5. The applicant shall also furnish the Code Enforcement Officer with reliable information relating to soil tests conducted on the sewage disposal area in accordance with any applicable state law, code or regulation and must demonstrate that soil conditions are suitable for the absorption of waste materials from septic tanks.

B. Issuance of a Temporary Mobile Home Permit

1. The temporary mobile home permit shall expire six (6) months after its issuance and if not replaced by the permanent permit, as hereinafter provided. Within said period, any mobile home moved or caused to be moved into the Town shall either be moved to a duly licensed mobile home park or removed from the limits of the Town.
2. A temporary permit may be granted by the Code Enforcement Officer to reside in a mobile home during the construction of a permanent home on the same lot as long as a valid building permit is held by the applicant. The permit shall be subject to semi-annual review by the Code Enforcement Officer and may be renewed if, in his/her judgment, reasonable progress is being made and nuisance conditions do not exist.

C. Use of a Mobile Home as Permanent Living Quarters on a Single Lot

The Code Enforcement Officer may grant a permanent permit for the location of the mobile home on the lot referred to in the temporary permit provided that the following additional requirements are met:

1. The applicant shall have constructed a permanent and continuous masonry foundation for the mobile home and located and securely fastened the mobile home upon said foundation.
2. Said foundation shall be around the entire perimeter of the mobile home and shall be on concrete or building blocks bounded together on an 8" x 16" footing extending at least four (4) feet below grade. Said foundation may contain suitable openings for ventilation not to exceed 32" x 16" in area except that opening for windows or doors in said foundation may be of a larger size.
3. The ground floor area of said mobile home shall be at least four hundred (400) square feet.
4. The lot upon which said mobile home is located shall meet the space regulations set forth in this Ordinance and shall have a minimum lot area required by the applicable zoning district.

D. Uses of Travel Trailers and Motor Homes

1. Temporary Occupancy: A householder may permit bona fide guests to park not more than two (2) travel trailers or motor homes in the yard adjacent to such house for a period not exceeding thirty (30) days per calendar year, provided that the travel trailer or motor home is used only for sleeping purposes during said period and also provided that the householder shall have granted permission to the travel trailer or motor home occupant to use the householder's toilet facilities.
2. Storage: An unoccupied travel trailer or motor home may be stored on any lot subject to all regulations concerning setbacks for buildings provided that it shall not be used for living or sleeping purposes during said period of storage.
3. Construction Offices: No travel trailer or motor or mobile home shall be used as a permanent office, but may be used for a temporary demonstration and sale of such articles or services as may be readily transported or displayed in a trailer or mobile home by a distributor or salesperson if situated in the applicable zoning district for a period not to exceed fifteen (15) days; provided, further, that such a travel trailer or motor, or mobile home may be used as temporary office headquarters (including electricity and phone) for a bona fide charitable organization for a period not to exceed one year. During such period such a trailer or motor or mobile home shall not be used for living or sleeping purposes. The Town Council may extend said sixty (60) day period in the case of trailers or mobile homes used as offices on construction work, renewable by the Code Enforcement Officer, until construction is completed.

E. Existing Mobile Homes and Travel Trailers

A travel trailer or mobile home lawfully established at the time of adoption of this section shall not be affected by this Section and such travel trailer or mobile home may be replaced with another travel trailer or mobile home, but not later than ninety (90) days after its destruction, removal, or abandonment.

402.7.9 Accessory Apartments

A. General Standards:

1. Accessory Apartments shall only be located within a single-family dwelling (SFD) or a structure permanently attached to the SFD by common walls and a permanent roof meeting the aesthetic standards below in Section 402.7.9.C.
2. Accessory Apartments are specifically prohibited in, on, or within any of the following:
 - a. any detached accessory structure such as a separate garage;
 - b. any structure or parcel located in the Shoreland Zone;
 - c. any duplex or multi-family dwelling;
 - d. any SFD located on a back-lot that utilizes a right-of-way less than fifty (50) feet wide;
 - e. any individually owned lot in a Cluster/Open Space subdivision that contains less than 75% of the minimum lot size for the zoning district in which the property is located;
 - f. any lot that contains less than 75% of the minimum lot size for the zoning district in which the property is located, existing non-conforming lots of record;
 - g. any lot that contains one or more principal commercial use(s) either on the parcel or in any structure located on such lot; or

- h. any lot than contains less than 20,000 square feet.
 3. Only one accessory apartment is allowed per lot, and only on a lot that the CEO has determined the primary use to be a SFD.
 4. Accessory Apartments are permitted uses, on lots which meet the minimum required lot area and street frontage for the zoning district in which the lot is located. For lots in Cluster/Open Space subdivisions with commonly owned area, only the lot that is individually owned may be used for the purposes of this determination; fractional ownership of Open Space or other land may not be counted for this purpose.
 5. Accessory Apartments are conditionally allowed, subject to Planning Board approval, on lawfully existing non-conforming lots of record provided that the lot size is at least 75% of the minimum lot size for the zoning district in which the lot is located. For example, a lot in a zoning district that requires 80,000 square feet for the minimum lot size must contain at least 60,000 sq. ft. For lots in Cluster/Open Space subdivisions with commonly owned area, only the lot that is individually owned shall be used for the purposes of this determination; fractional ownership of Open Space or other land may not be counted for this purpose.
 6. The maximum square footage of finished living area for accessory apartments is six-hundred and sixty (660) square feet. The Zoning Board of Appeals shall not have the authority to increase this maximum finished living area by variance or otherwise.
 7. Although an existing single-family dwelling may be expanded or utilized for the purposes of creating an Accessory Apartment, no portion of an Accessory Apartment shall be located within minimum lot line setbacks, including non-conforming structures of record.
 8. In addition to any off-street parking required for the SFD, there must be at least one year-round off-street parking space for use by the Accessory Apartment occupant(s). There must also be sufficient space on the site for vehicular turn-arounds without having to back out onto the street.
 9. One Home Occupation use may be conducted, as otherwise allowed under the Ordinance, as an accessory use to either an Accessory Apartment or an existing SFD, but not both. Solely for the purposes of this paragraph 9, In-Home offices are not considered a Home Occupation.
 10. Accessory Apartments must comply with applicable building and fire safety codes.
 11. Accessory Apartments must have shared common utilities, such as water, electricity, etc.
- B. Ownership Standards:
1. Ownership of the existing SFD and the Accessory Apartment must be held by the same person(s).
 2. Either the existing SFD or the Accessory Apartment must be owner-occupied. "Owner-occupied" means that either the existing SFD or the Accessory Apartment must be occupied by a person(s) who has a legal ownership and bears risk of decline in value of the property and who receives any payment from the lease or rental of the property.
- C. Aesthetics:
1. Accessory Apartments shall retain and respect the existing streetscape, character of the neighborhood, and preserve the SFD appearance, architectural style, and character of the dwelling.

2. Any exterior modifications to the SFD associated with the construction or installation of the Accessory Apartment must be consistent with architectural style and character of the SFD in terms of exterior materials, roof pitch/form, and window type/spacing.
3. Any exterior alteration of the SFD must preserve the formal, front entrance of the building in order to maintain the SFD appearance and architectural style of the building.
4. Exterior stairs more than five (5) feet above final finished grade shall be enclosed and are restricted to the rear and sides of the SFD wherever practicable provided that that they are integrated into and consistent with the architecture of the building.
5. Accessory Apartments shall have a full common wall with the principal dwelling.
6. In the event that the Code Enforcement Officer and the applicant for the Accessory Apartment cannot agree on the aesthetic standards contained in this Section 402.7.9.C, the applicant may appeal to the Planning Board within thirty (30) days of the CEO's written decision.

D. Wastewater Disposal:

1. An Accessory Apartment may be served by one of the following subsurface wastewater disposal (SSWD) systems: (a) an existing SSWD system, (b) an upgraded SSWD system, or (c) a new SSWD system, all as otherwise allowed by law.
2. In all cases, the SSWD system serving the Accessory Apartment must meet First Time System criteria as established in the Maine SSWD Rules. Utilizing Replacement System or Expanded System criteria per 10-144 CMR 241 is prohibited.
3. If an existing SSWD system is proposed to serve the Accessory Apartment without being upgraded, the LPI shall require the applicant to submit sufficient documentation from a Maine licensed site evaluator showing the SSWD system meets First Time System criteria.
4. If a new SSWD system is proposed to serve the Accessory Apartment, the LPI shall have the authority to require the design be recorded at the CCRD if it does not need to be installed as may be allowed in the Maine SSWD Rules.

E. Discontinuance:

1. If any of the applicable ordinance standards are no longer being met, use of the Accessory Apartment must be discontinued, and the SFD must revert to single-family use by removing the eating and cooking facilities/equipment support system(s) from the Accessory Apartment as established in the definition of "Dwelling Unit" contained in the version of the International Residential Building Code most recently in effect.

402.7.10 Private Landing Strips for Personal Aircraft & Helicopters

Private landing strips for personal aircraft and helicopters, as defined herein, shall be allowed in districts where permitted by this Ordinance, subject to approval by the Planning Board under the Conditional Use and Site Plan Review criteria and standards. Any and all necessary Federal and State approvals must be obtained by the applicant prior to final Planning Board Private landing strips for personal aircraft and helicopters shall be further subjected to the following provisions:

- A. No commercial operations or activities shall be permitted on or from the private landing strip for personal aircraft and helicopters.

- B. No more than six (6) aircraft shall be permitted at the private landing strip for personal aircraft and helicopters at any one time.
- C. The minimum runway length of the airstrip shall meet established manufacturers' safety standards. Maximum runway length shall not exceed 2,500 feet.
- D. Operations at the private landing strip for personal aircraft and helicopters shall be restricted to aircraft of gross weights not exceeding 3,500 pounds and rotor craft of gross weights not exceeding 3,500 pounds.
- E. The minimum setbacks required for parcels containing a private landing strip for personal aircraft shall be one hundred fifty (150) feet minimum setbacks to either side of the center line of the runway, and a four hundred (400) foot minimum setback from either end of the runway.
- F. Heliports shall require designated landing areas of fifty feet (50') by fifty feet (50'), with setbacks from all sides of the designated landing area of no less than one hundred fifty (150) feet from the property perimeter.
- G. Temporary landing areas for aircraft in use for three (3) days or less in any calendar year are exempt from the provision of this Ordinance.
- H. The Planning Board may request an evaluation of the air safety aspects of the site plan from the Division of Aeronautics of the Maine Department of Transportation.

402.7.11 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

A. General

- 1. A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any residence (except residences belonging to the campground owners).
- 2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the locations described above.
- 3. No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.
- 4. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

	Non-Shoreland	Shoreland Zones
Tent Sites	14 per acre	8 per acre

RV Sites

11 per acre

7 per acre

5. The minimum frontage of a campsite along any shoreline shall be 100 feet. Minimum setback from the normal high water elevation shall be 100 feet for all recreational vehicles, tents, or other vehicles and temporary or permanent structures.
6. No campsite shall be located within a Resource Protection District or within the 100 year flood plain.

B. Parking and Circulation

1. A minimum of three hundred square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:
 - a. there shall be a minimum of 50 feet between vehicles; and
 - b. there shall be a minimum of 75 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the campground.
2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. Grades and sight distances specified in the town's subdivision standards shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank-run gravel (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two applications of liquid asphalt (1/2 gallon per sq. yd. each application). The minimum width of roadways shall be twelve feet for one way roads and 22' for two-way roads. No vehicle parking shall be permitted on the roadway.

C. Health and Safety

1. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three days.
2. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups, connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24 hour emergency communication service (e.g. telephones) shall be provided.
4. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Fire Chief.

D. Planning and Review

1. Roads, parking, campsites and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Permitted Use:

- a. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields or shoreline.
 - b. Campsites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.
 - c. Footpaths and roads should follow "desire lines" of pedestrian and vehicular movement between campsites and all jointly used facilities. Parking areas may be grassed provided there is a dry and stable subbase.
 - d. Access roads shall be laid out as loops to the greatest extent that is practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty campsites.
2. A soil erosion and sedimentation control approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:
- a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).
 - b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
 - c. All vegetative clearing should avoid creating straight-line edges between open land and surviving stands.
 - d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

402.7.12 Fire and Explosive Hazards

All above ground and underground fuel storage tanks shall meet the requirements of the Maine Department of Environmental Protection (Chapter 691 & 692) and the Maine Department of Public Safety (Chapter 34).

402.7.13 Lighting

- A. No lights shall be placed or maintained upon or in view of any public roadway or street so that its beams or rays are directed at any portion of the road when the light is of such brilliance and so positioned as to blind, dazzle or otherwise impair the vision of the driver of any motor vehicle upon said roadway.
- B. No rotating or flashing light or signals except safety-signaling devices are required by law is permitted.
- C. Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.

402.7.14 Storage of Materials

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by placing containers in enclosures, storing

materials above ground, separation of material, elimination of stagnant water, extermination procedures and other means that would provide for decent, safe, and sanitary living conditions.

402.7.15 Farm Stands

- A. Farm Stands for the sale of farm, garden, greenhouse and nursery products shall conform to the following standards:
1. They shall be used exclusively for the sale of farm, garden, greenhouse, and nursery products.
 2. No farm stand shall be permitted unless such use is allowed in the underlying zoning district.
 3. They shall be located on land owned or leased by the producer or the operator of the farm stand, and not within or on any public ways
 4. The licensee must demonstrate to the Code Enforcement Officer that there is sufficient access, parking and maneuvering space, that the location and adequacy of approached are sufficient, and that there is suitable and safe access for pedestrians, and that customer parking is away from the travel way and in close proximity to the farm stand.
 5. Front, rear and side setbacks shall conform to those of the underlying zoning district.
 6. No farm stand shall operate within 200 feet of any fixed base retail establishment or other farm stand offering the same or substantially similar goods or services.
 7. Farm Stand Signs: Farm Stands must conform with the Town of Gray Sign Ordinance.
 8. The hours of operation shall be from sunrise to sunset.
 9. Noise Level: No loud speakers or any unnecessary noise will be allowed on the site. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. The average d.b.a. count resulting shall not exceed 60 d.b.a. at any point on or beyond the site.
 10. A sufficient number of covered, metal rubbish containers shall be provided at each site immediately adjacent to the farm stand to hold material. The licensee shall keep sidewalks, roadways, and other public and private spaces adjacent to the site free from refuel and dust which may be generated by the operation of the business.
- B. Fees: The annual fee to operate a farm stand shall be as established in the Town Fee Schedule and will cover the period of January 1st of the calendar year to December 31st. Fees will not be prorated.
- C. Insurance: The licensee shall provide written evidence of insurance coverage for the period of the license and executed by an insurance company authorized to issue such policy in the State, in the usual form of liability insurance policies in this State for injuries to persons and property resulting from the use and operation of the farm stand to be licensed.

Such policy of insurance shall be issued for the principal sum, no less than \$300,000 for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Clerk. Such certificate shall state that the issuing agent will notify the Clerk in writing no less than thirty (30) days prior to the cancellation thereof.

402.7.16 Bed and Breakfast Establishments

- A. The only meal served in a bed and breakfast shall be breakfast and food service shall be limited to overnight guests.
- B. A bed and breakfast with three (3) guest rooms or less shall be considered a home occupation accessory to principal use of the dwelling and shall be allowed under the standards applicable to home occupations.
- C. The average occupancy is not to exceed three (3) persons per guest room per night.
- D. A structure shall not be used or occupied as a bed and breakfast establishment until all necessary State approvals have been received and a certificate of use and occupancy has been issued by the local Code Enforcement Officer.

402.7.17 In-Home Offices

- A. In any district, the Code Enforcement Officer may issue a permit for the operation of an in-home office by one or more residents of a dwelling unit as an accessory use to the dwelling unit. An in-home office shall not be considered a home occupation if the following conditions are met:
 - 1. Customers or clients do not come to the dwelling to receive goods or services;
 - 2. Communication with customers, clients, and business associates is primarily by mail, electronic mail, telephone, or other telecommunication device, and deliveries or pick-ups by truck, if any, occur at an average frequency not substantially greater than the ordinary frequency of delivery truck traffic at a single family residence;
 - 3. There are no signs or any other exterior indications of the in-home office activity;
 - 4. The activities conducted within the in-home office are limited to processes, such as data processing, word processing, desktop publishing, and electronic research, which do not create noise, pollution, or nuisance conditions detectable outside the dwelling;
 - 5. The in-home office does not employ any persons who are not residents of the dwelling unit; and
 - 6. There are no signs (other than a name on a mail box which complies with U.S. Postal Service regulations), exterior exhibits, exterior storage of materials, or any other exterior indications of the in-home office.

402.7.18 Boat Storage

No vessel exceeding twenty-four (24) feet in length shall be stored or parked on any residential property unless the vessel is stored or parked so as to not violate the minimum front, rear, or side yards for structures. For the purposes of measuring vessel length, any permanently attached element of the vessel shall be included specifically including a bowsprit and/or stern step(s).

402.7.19 Building Trades Occupation-1

- A. The person conducting the contracted services must reside on the property where the Building Trade Occupation accessory residential use occurs.
- B. The occupation or profession shall not alter the existing character of the surrounding area or the zoning district to the extent that it becomes a nuisance.

- C. The occupation or profession shall not utilize more than ten (10) percent of the finished floor area of the dwelling unit nor more than five hundred (500) square feet of indoor storage or materials, supplies or equipment.
- D. Any sign must meet applicable standards contained Gray's Sign Ordinance (Chapter 406).
- E. No outdoor storage of any vehicle associated with the occupation or profession shall be allowed except for a maximum of one (1) vehicle less than 16,000 gross vehicle weight and one (1) trailer less than twenty (20) feet in total length at any time. For the purposes of this use, an additional trailer or other registered, over the road implement utilized for the occupation of profession shall constitute a vehicle.
- F. Adequate off-street parking and turn-around area shall be provided on the property where the Building Trades Occupation use is occurring to avoid the necessity to back out onto a publicly maintained roadway.
- G. There shall be no exterior display, no exterior storage of materials, supplies, or equipment and no exterior indication of the occupation or profession or variation of the residential character other than a duly authorized sign.
- H. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances shall be generated by the occupation or profession.
- I. Traffic in excess of that customarily occurring in a residential neighborhood shall not be generated by the occupation or profession. Residential traffic shall be measured according to the current edition of the Institute of Traffic Engineers handbook.
- J. The CEO approval is only valid for the applicant. In the event that the applicant/ owner of the property changes, a new approval is required to operate the Building Trades Occupation-1 use.

402.7.20 RETAIL MARIJUANA

- A. The following uses as defined by this Chapter and under the “Marijuana Legalization Act” (7 M.R.S.A. §§ 2441 – 2454, as may be amended and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:
 - 1. Retail Marijuana Cultivation Facility
 - 2. Retail Marijuana Establishment
 - 3. Retail Marijuana Products Manufacturing Facility
 - 4. Retail Marijuana Social Club
 - 5. Retail Marijuana Store
 - 6. Retail Marijuana Testing Facility
- B. This Section shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Retail Marijuana to the greatest extent permitted by the Marijuana Legalization Act (7 M.R.S.A. §§ 2441 – 2454, as may be amended from time to time). Further, this ordinance shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling retail marijuana by persons or firms giving it away, nominally without charge, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

- C. Nothing in this Section shall be construed to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S.A. 2421 – 2430-B, as may be amended from time to time).

402.7.21 FARMERS' MARKET

- A. The purpose of this ordinance is to regulate the temporary use of land for the establishment of farmers' markets as defined by 7 M.R.S. §415, where the primary purpose of the market is to make local farm and food products available to the public.
- B. Administration and Enforcement: This ordinance shall be administered by the Community Development Department and enforced by the Code Enforcement Officer.
- C. Farmers' Market on Town Property: The Town Council may authorize the Town Manager to enter into a lease or license agreement for the use of Town property for the purpose of operating a Farmers' Market. No license for the sale at a Farmers' Market of any items shall be issued by the Town Clerk until the applicant has filed with the Town Clerk a certificate evidencing liability coverage at the minimum amount recommended by Maine Municipal Association at the time of the event and naming the Town as an additional insured. The licensee shall maintain such insurance at all times while engaged in sales at a farmers' market, and the licensee shall provide the Town Clerk with not less than ten (10) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.
- D. Farmers' Market on Private Property: Farmers' Markets may take place on private property, where allowed as a permitted or conditional use under Chapter 402 with written consent of the property owner.
- E. Prohibitions
1. A person may not use the terms "Farm and Food Products", "Farmer", or "Farmers' Market" to describe a market or other sales that does not meet the terms of the definitions set forth in 402.2.2.
 2. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 50% of the farm products offered by that person were grown, processed, or prepared by that person or under that person's direction.
 3. A product not grown, processed, or prepared by the farmer or under that farmer's direction must have been grown, processed, or prepared by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.
 4. Invasive terrestrial plants, weapons, fireworks, tobacco or tobacco products, and marijuana, marijuana products or tobacco/marijuana paraphernalia are prohibited. Hemp-based Cannabidiol (CBD) products are allowed if locally sourced and prepared by the farmer.
 5. Live animals offered for sale are prohibited.
- F. Additional Conditions for Farmers' Markets
1. Sufficient off-street parking, not within a public way, must be provided for both the Farmers' Market vendors and their patrons. One space per 400 sf of stalls/tables is required.

2. The items to be sold at the Farmers' Market are intended to be local farm products. Craft items made by the farmers/vendors are allowed but limited to 25% of the products offered for sale by the market.
3. Mobile, temporary, and non-permanent stationary food vending units, and mobile ice cream vendors, are prohibited from participating in duly approved Farmers' Market locations without a Mobile Vendor or Food Truck license issued by the Town of Gray.
4. The term of a license shall not extend beyond a 12-month period. Annual renewals may be permitted in the same manner as an initial license agreement.
5. Farmers' Markets that exceed 20 farmers and/or tables/stalls require Staff Review Committee or Planning Board approval as applicable.
6. Farmers' Markets are limited to two days a week between the hours of 8:00 am and 6:00 pm.
7. All Farmers' Markets must adhere to State standards including Title 7, Part 2, Chapter 101, Subchapter 1-A, subsection 415 which specifies produce and products eligible to be sold.
8. All Farmers' Markets must adhere to applicable Town standards, specifically including the Local Food Ordinance and Zoning Ordinance provisions.
9. This section does not prohibit a market from imposing more stringent requirements on its sellers than those imposed by the Town.
10. This section does not prohibit individual Farmers' Markets to charge their own table/stall fees in addition to the fees the Town charges pursuant to the Town Council approved Fee Schedule.
11. Signage for Farmers' Markets must comply to Chapter 406 Town of Gray Sign Ordinance.

G. Permitting Procedure

1. Application Submittal: Applicants shall submit an application packet in a manner specified by the Town and shall include such fees as established by the Town Council.
2. Staff Review: The Community Development Department shall circulate the application to Gray Fire Rescue and Public Works Department within 3 business days of receipt of a complete application. The Community Development Department shall submit any written comments within 5 business days to the Town Manager.
3. Farmers' Market with \leq 20 farmers and/or tables/stalls: Subsequent to the receipt by the Town Manager of the staff recommendation and prior to the issuance of a license agreement, the Town Council shall hold a Public Hearing at the first available Town Council Meeting. In addition to general notice, notice of the public hearing shall be mailed to immediate abutters no later than 7 days prior to the hearing.
4. Farmers' Markets with $>$ 20 farmers and/or tables/stalls: Subsequent to receipt of staff recommendations and all applicable materials for Site Plan Review are received by the Town Planner, the application shall be placed on the next available Staff Review Committee or Planning Board agenda as applicable for Site Plan Review and a Public Hearing. In addition to general notice, notice of the public hearing shall be mailed to abutters within 250' of the parcel on which the Farmers' Market is to be located no later than 7 days prior to the hearing.

ARTICLE 8 -STANDARDS ONLY APPLICABLE IN SPECIFIC DISTRICTS

402.8.1 Adult Businesses

A. Location of Adult Businesses Restricted

B. No adult business shall be located:

1. In any zoning district other the Commercial District “C.”
2. In any location where the customer entrance to the adult business would be closer than one thousand (1,000 ft.) feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:
 - a. Occupied by a residence, school, park, playground, church or public building; or,
 - b. Occupied by another adult business.
3. In any location closer than seven-hundred and fifty (750) feet of a residential zoning district, measured in a straight line without regard to intervening structures or objects.

C. Outside Displays Prohibited

No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the adult business is located.

402.8.2 Business Transitional District Standards

A. Design Guidelines: All development in Business Transitional Districts 1 and 2 shall conform to the Town’s Business Transitional District Design Guidelines, adopted November 13, 2007.

B. Vehicle Access and Parking: Vehicle access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development, as demonstrated by a traffic impact study conducted by a Maine licensed professional engineer. The use may not cause unreasonable safety hazards for pedestrians, cyclists, and operators of motor vehicles and may not result in a decrease in overall level of service below LOS D at study area intersections or the project driveway during the design hour. (Levels of service are defined by the latest edition of the Highway Capacity Manual, 30th highest hour of the year for the intersection.)

C. Layout and Parking: The layout of the site must provide for the safe movement of pedestrians, and passenger, service and emergency vehicles through the site. Parking layout and design are specifically exempted from the site plan review standards of Section 402.10.11 B.5 but must instead conform to the parking standards contained in the Town’s Business Transitional District Design Guidelines, adopted November 13, 2007.

D. Stormwater Design: Adequate provision must be made for the collection and disposal of all stormwater that runs off from proposed streets, parking areas, roofs, and other surfaces, through a stormwater management and maintenance plan certified by a Maine licensed professional engineer as conforming to the Maine Department of Environmental Protection’s Chapter 500 standards, as amended from time to time, such that groundwater quality is protected and there are no unreasonable impacts to abutting and downstream properties.

E. Stormwater Standard: Stormwater runoff from unusually severe storm events shall not cause erosion of man-made drainage features. Culverts and drainage ditches shall be designed to accommodate the twenty-four (24) hour, fifty (50) year storm.

- F. Stormwater Maintenance: Provisions shall be made to ensure the long-term operation and repair of drainage facilities on the site. A maintenance plan shall document the maintenance requirements and the parties responsible for maintenance of the storm water control system.
- G. Wellhead District Aquifer Protection: All portions of the Business Transitional District-2 are located within the recharge zone of the Gray Water District wells located on Shaker Road, and all uses and activities within that sub-district are therefore subject to all provisions and requirements of Section 402.8.4.
- H. Signs: Signage in the Business Transitional District is specifically exempt from the standards of Chapter 406, the Sign Ordinance, but shall instead conform to the signage standards contained in the Town's Business Transitional District Design Guidelines, adopted November 13, 2007.
- I. Noise: The development must satisfy the following noise standards:
 - 1. Sound From Routine Operation of Developments: Hourly sound levels resulting from routine operation of the development shall not exceed the following limits:
 - a. 75 dBA at any time of day, at any property line of the development or contiguous property owned by the developer, whichever is farther from the proposed development's regulated sound sources.
 - b. At any protected location in an area outside the Business Transitional zoning districts:
 - (i) 60 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
 - (ii) 50 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit").
 - c. At any protected location also located within a Business Transitional zoning district:
 - (i) 70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
 - (ii) 60 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit").
 - d. When a proposed development is to be located in an area where the daytime pre-development ambient hourly sound level at a protected location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a protected location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the development shall not exceed the following limits at that protected location:
 - (i) 55 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and
 - (ii) 45 dBA between 7:00 p.m. and 7:00 a.m. (the "nighttime hourly limit").
 - e. Notwithstanding the above, the developer need not measure or estimate the pre-development ambient hourly sound levels at a protected location if he demonstrates, by estimate or example, that the hourly sound levels at the property line resulting from routine operation of the development will not exceed 50 dBA in the daytime or 40 dBA at night.
 - f. Except as specifically approved by the Planning Board, non-residential uses in the Business Transitional zoning district shall not be open to the public between the hours of 12:00 a.m. and 5:00 a.m. Deliveries and other external loading and unloading operations, including dumpster servicing, shall not be conducted between the hours of 7 p.m. and 7 a.m.
 - 2. Sound from Construction of Developments

- a. Construction is prohibited between the hours of 7:00 p.m. and 7:00 a.m., provided that the Code Enforcement Officer may approve construction between these hours where an applicant demonstrates short-term circumstances of special need during the construction process.
- b. Sound from construction activities between 7:00 a.m. and 7:00 p.m. shall not exceed the following limits at any protected location:

Duration of Activity	Sound Level Limit
12 hours	87 dBA
8 hours	90 dBA
6 hours	92 dBA
4 hours	95 dBA
3 hours	97 dBA
2 hours	100 dBA
1 hour or less	105 dBA

- 3. Exemptions from Noise Standards:
 - a. Sound from registered and inspected vehicles, when such vehicles are operating on public ways, or enter the development to make a delivery or pickup, when such vehicles are moving, starting or stopping, but not when they are parked for over 60 minutes in the development.
 - b. Snow removal, landscaping and street sweeping activities.
 - c. Warning signals and alarms.
- 4. For purposes of this subsection, a “protected location” is defined as any location, accessible by foot, on a parcel of land containing a residence or fully approved and permitted residence or fully approved residential subdivision.

402.8.3 Village Center District Standards

A. Replacement of Existing Buildings and Structures

Existing buildings or other structures in the Village Center District are allowed to be rebuilt or replaced with new construction provided that the existing “footprint” is not exceeded unless in conformance with the standards in Section 402. 5.4 for the Village Center District and the Village Center Design Guidelines in Section 402.8.3. B below.

- 1. Replacement of Destroyed or Damaged Building: The owner of a building or structure in the Village Center District that is destroyed or damaged by any means beyond the control of the owner shall have the option of rebuilding or restoring the building or structure either on the same “footprint” or in accordance with the space standards of Section 402.5.4 within a period of one (1) year from the date of destruction or damage. The Code Enforcement Officer may issue a

permit for one additional one (1) year period if reasonable progress is being made and is nuisance conditions do not exist.

2. Voluntary Replacement: A building or structure in the Village Center District may be voluntarily replaced provided that the existing “footprint” is not exceeded. The construction of the replacement building or structure must be completed in accordance with a building permit drawn within one (1) year of the demolition of the prior building or structure and construction must be completed within a period of two (2) years from the date of the building permit. The building permit shall expire if the work or change involved is not commenced within one (1) year of the date on which the permit is issued, and if the work or change is not substantially completed within the two (2) years. The Code Enforcement Officer may issue a permit for one additional one (1) year period if reasonable progress is being made and if nuisance conditions do not exist. Before a building or structure is voluntarily replaced to the existing “footprint” under this paragraph, the owner must provide the Code Enforcement Officer with a Class D survey, conducted before demolition of the building or structure showing its exact location on the lot unless the replacement building or structure is proposed to be in accordance with the space standards of Section 402.5.4.

B. Special Performance Standards:

The following standards apply in the Village Center District to those uses requiring site plan review by the Planning Board:

1. All development shall conform to the Town’s Village Center District Design Guidelines, adopted December 18, 2007.

402.8.4 Wellhead District Standards

Commercial and agricultural chemical and petroleum products use, storage, and handling activities within the Wellhead Protection Districts shall be subject to the requirements of this section. Normal home activities such as gardening, lawn care, and landscaping are exempt from the requirements of this Section.

A. Chemicals of Special Concern in Wellhead Districts

1. The principal chemicals of concern regarding groundwater contamination include agricultural chemicals, petroleum products, various solvents, road salt, manure, and various waste products:
 - a. Agricultural chemicals include nutrients, fertilizers, and various pesticides (including fungicides, herbicides, and insecticides).
 - b. Petroleum products include gasoline and jet fuels that have low viscosity and soluble components such as MTBE and benzene as well as home heating oil.
 - c. Harmful solvents include a variety of cleaners and degreasers such as trichloroethylene (TCE), perchloroethylene (PCE), and methylene chloride.
 - d. Harmful waste products include unused paints, paint scrapings or sandings, spent solvents, and wash water.
2. Major potential sources of groundwater contamination include:
 - a. Leakage of liquid chemicals, petroleum products, and solvents from tanks or drums.
 - b. Leaching of solid chemicals in bulk if exposed to precipitation.

- c. Spills during transport and delivery.
 - d. Leaching of chemicals by water during fire-fighting emergencies.
3. The lists of materials of the National Primary Drinking Water Standards, National Secondary Drinking Water Standards, State Primary Drinking Water Standards, and State Secondary Drinking Water Standards, as amended from time to time, shall be utilized to identify chemicals subject to the provisions of this Ordinance.
- B. Specific Prohibition of Certain Activities in Wellhead Districts due to the Risk to the Public Water Supply

Due to the inherent risks to the public water supply system of certain activities, the following uses and activities area specifically prohibited in the Wellhead Protection Districts:

1. Disposal of solid wastes (except brush and stumps), leachable wastes (except subsurface disposal of domestic sewage), and sludge.
2. Storage of leachable wastes or solid wastes.
3. Mining or Excavation in excess of ten (10) cubic yards other than excavation for permitted uses or approved special exceptions.
4. Application of de-icing chemicals with a salt content of more than ten (10) percent unless the entity responsible for such activities submits an agreement satisfactory in all respects to the Town Council that will assure adequate protection of the potable water supply wells, together with a non-binding recommendation from the Gray Water District. Homeowners undertaking normal residential activities are exempt from this provision.
5. Large and medium Concentrated Animal Feed Operations (CAFOs) as defined by the U.S. Environmental Protection Agency (EPA) under the Clean Water Act (CWA) as amended from time to time.
6. Manure application to land other than in accordance with an approved State of Maine Nutrient Management Plan.
7. Application of sludge to land.
8. Storage of Petroleum or Gasoline in excess of one-hundred (100) gallons except for such storage necessary for petroleum use on site as a fuel. In accordance with Maine law, installation of new or replacement underground storage tanks is prohibited in the Wellhead Protection Districts.
9. Vehicles transporting petroleum or gasoline, other than the vehicle propulsion fuel, are not permitted to be stored in Wellhead Protection 1 District. Vehicles transporting petroleum or gasoline in excess of one-hundred (100) gallons, other than the vehicle propulsion fuel, are not permitted to be stored in Wellhead Protection 2 District or Business Transitional 2 District. Vehicles transporting petroleum or gasoline in excess of one-hundred (100) gallons are permitted to routinely pass through the Wellhead Protection Districts and to make deliveries, but are not permitted to be stopped or parked for a time longer than that needed for making deliveries.
10. For any proposed use or activity, not specifically listed above, deemed by either the Code Enforcement Officer or the Planning Board “likely to be detrimental” to the quality of the groundwater, the proponent of the proposed use or activity shall have the burden of proving to the Planning Board, after notice to the Gray Water District, that the use or activity will not be

detrimental. The Planning Board shall seek comments on the same from the Gray Water District before making a determination.

C. Submission Requirements for Applications in Wellhead Districts involving Chemical and Petroleum Products

Where commercial and agricultural chemical and petroleum products use, storage, and handling activities occur within the Wellhead Protection Districts, the following information, where applicable, shall be submitted for review and approval by the Code Enforcement Officer in consultation with the Gray Water District:

1. Type and volume of chemical compounds and petroleum products handled and/or stored.
2. Intended uses of chemical compounds and petroleum products.
3. Site plan showing all storage, handling, and use areas for raw materials and wastes.
4. For inside areas, plans to contain spills including the:
 - a. Location of control dikes.
 - b. Location of floor drains and floor drain outlets.
 - c. Location of separators, holding tanks, and/or drain outlets.
 - d. Location and design of piping systems for wash water discharge to appropriate sewers or treatment systems.
5. For outside areas, plans to contain spills including:
 - a. Information to demonstrate the prevention of the flow of natural runoff from entering the storage area and keeping leaks or spills from flowing off site.
 - b. Plans to control chemical, petroleum product, and solvent spills.
 - c. Provisions to segregate underground systems to ensure that there are no cross connections.
 - d. Provisions to prevent accidental containment breach due to vehicle or equipment collisions.
 - e. A plan for emergency measures which can be implemented for surface drainage systems.
6. A Spill Prevention Control and Countermeasures (SPCC) plan detailing:
 - a. Materials and equipment to be available.
 - b. A training plan and schedule of training.
 - c. A list of contacts (EPA/DEP/local fire officials) with phone numbers.
 - d. An inspection schedule.
 - e. A Pre-Plan tailored to the chemicals and materials on site. The Pre-Plan should address the procedures the fire department can utilize to minimize leaching of chemicals by water in order to limit groundwater contamination in case of a fire.
7. An Integrated Pest Management Plan in accordance with guidance from the Maine Board of Pesticide Control.
8. An on-site soils evaluation to assess nutrient holding capacity and permeability of the soils.
9. Plans for control of surface water run-off and erosion in areas where chemicals will be applied.

D. Performance Standards in Wellhead Districts involving Chemical and Petroleum Products

Performance Standards for commercial and agricultural chemical and petroleum products use, storage, and handling, where applicable include:

1. All chemical and petroleum products shall be stored under cover and on an impervious surface, without floor drains.
2. Secondary containment of liquids shall be provided to contain at least 110% of the stored product.
3. Tanks for liquid chemical and petroleum products storage shall be equipped with automatic shut-off valves and high level alarms.
4. Above-ground piping shall be designed to prevent line breakage due to collision.
5. Containers and piping shall be constructed of corrosion resistant materials.
6. Containers shall be clearly labeled with the contents name and date of purchase.
7. When a Spill Prevention Control and Countermeasures (SPCC) plan is required by the Maine DEP, a copy shall be provided to the Code Enforcement Officer, the Gray Fire Department, and the Gray Water District with a statement of procedures the fire department can utilize to minimize leaching of chemicals by water in order to limit groundwater contamination in case of a fire.
8. All agricultural restricted use pesticides and herbicides shall be in accordance with current Maine Board of Pesticide Control rules and regulations, as amended from time to time, for application, storage, and disposal.
9. The use of chemicals and petroleum products or residuals shall not cause or contribute to the cumulative, calculated, or actual levels of any contaminants in the groundwater within the Wellhead Protection Districts for the Gray Water District Wells to exceed fifty (50) percent of the Maximum Contaminant Level (MCL) as published in the National and State Primary and Secondary Drinking Water Standards, as amended.
10. Only pesticides with low leachability applied by Maine licensed applicators are allowed.
11. Provisions shall be made to control surface run-off and erosion in areas where pesticides are being applied.
12. Pesticide logs and reports maintained as required by the Maine Board of Pesticide Control shall be made available on request by the Code Enforcement Officer.

E. Submission Requirements for Applications in Wellhead Districts involving Agricultural Manure and Fertilizers

Where agricultural manure and fertilizer use, storage, and handling activities occur within the Wellhead Protection Districts occur, the following information, where applicable, shall be submitted to the Code Enforcement Officer for review and approval in consultation with the Gray Water District:

1. A nutrient management plan for agricultural activities within the Wellhead Protection Districts.
2. Type and volume of manure and fertilizer handled and/or stored.
3. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.

4. Plans for control of surface water run-off and erosion in areas where manure and fertilizer will be applied.
5. Site plan showing all storage, handling, and use areas for manure and fertilizer.

F. Performance Standards in Wellhead Districts involving Agricultural Manure and Fertilizers

Performance Standards for agricultural manure and fertilizer storage and application, where applicable:

1. Sludge shall not be applied to any land within the Wellhead Protection Districts
2. All agricultural fertilizers shall be applied in accordance with label directions and shall be applied in accordance with an approved Nutrient Management Plan.
3. Fertilizer applications shall be tailored to the specific needs of the crop, as determined by soil suitability analyses.
4. Use of slow-release fertilizer is preferred.
5. Irrigation schedules shall be coordinated with nutrient application to minimize leaching potential.
6. Manure may be used within the Wellhead Protection Districts in accordance with a nutrient management plan.
7. Applications of approved residuals, not including sludge, and manures shall be tailored to the specific needs of the crop, as determined by a soil suitability analyses.
8. Residuals and manures shall not be applied over very shallow soils of less than one (1) foot or over exposed bedrock.
9. Residuals and manure shall not be applied on frozen ground or immediately before storm events.

G. Submission Requirements in Wellhead Districts involving Commercial Vehicle Storage and Maintenance

Where commercial vehicle maintenance and storage activities occur within the Wellhead Protection Districts, the following information shall be provided to the Code Enforcement Officer for review and approval in consultation with the Gray Water District:

1. The number and types of commercial vehicles to be maintained or stored.
2. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

H. Performance Standards in Wellhead Districts involving Commercial Vehicle Storage and Maintenance

Performance Standards for vehicular maintenance and storage:

1. Precautionary measures such as portable drip pans shall be taken to ensure that no spills occur when draining oils or fluids from vehicles.
2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants shall have secondary containment of at least one-hundred-ten (110) percent of the liquid volume stored.
3. Washing of vehicles in the Wellhead Protection Districts shall be in accordance with Best Management Practices.

4. Refueling of commercial vehicles :

- a. A portable drip catch pan shall be in place beneath the fill tube at all times during the refueling operation.
- b. Refueling shall be done on a concrete pad or other impermeable surface.

I. Submission Requirements in Wellhead Districts involving Subsurface Wastewater Disposal

All applications for a wastewater disposal system permit in Wellhead Districts shall include the following information submitted for review and approval by the Code Enforcement Officer in consultation with the Gray Water District:

1. A hydrogeologic analysis of nitrate concentrations at the property line for systems using a tank greater than one-thousand (1,000) gallons,
2. Design plans for all floor drains, grease traps, and holding tanks.

J. Performance Standards in Wellhead Districts involving Wastewater Disposal Systems

1. Nitrate and nitrite concentrations shall not exceed five (5) mg/L at the property line for systems using a tank greater than one-thousand (1,000) gallons.
2. Floor drains, grease traps, and holding tanks that are not connected to a subsurface waste disposal system designed and installed in accordance with the Maine Subsurface Wastewater Disposal Rules of the Department of Human Services are prohibited.
3. The Code Enforcement Officer shall notify the Gray Water District in writing of any installation, expansion, or replacement of any waste water disposal system within the Wellhead Protection Districts.

K. Submission Requirements and Performance Standards in Wellhead Districts involving Stormwater Management

New construction and stormwater management activities shall be in accordance with the following requirements within the Wellhead Protection Districts:

1. Calculations and plans which provide following information, where applicable, shall be included in Site Plan Application submissions for new construction and new stormwater management activities within the Wellhead Protection Districts:
 - a. Design of dry wells, storage, retention, or detention facilities and other surface water Impoundments.
 - b. Stormwater system outlets.
 - c. Delineation of post development drainage areas.
 - d. Plans for snow removal, ice control, and use of road salt.
2. Performance Standards for Stormwater Management:

Stormwater shall be directed to an appropriate vegetated buffer, detention, or treatment system.

L. Submission Requirements and Criteria for Increasing Lot Coverage and Impervious Surfaces in the Wellhead Protection Districts

The Planning Board may authorize an increase in the allowable lot coverage and/or impervious surfaces as indicated in Tables 402.5.4 A and B for proposed development in the Wellhead and Business Transitional-2 Districts (except for areas within four-hundred (400) feet from the springs and well site controlled by the Gray Water District), provided that the Board finds that criteria established in subsections 1. through 6. below have been met. Evidence as to whether the criteria below have been met shall be submitted by the applicant in the form of a stormwater management plan prepared by a qualified registered professional engineer and a hydrogeologic analysis prepared by a certified geologist. The Planning Board shall, when deemed necessary to determine compliance with the criteria contained in this section, retain the peer review services of the Town Engineer and hydrologist; the cost of such services to be covered by the applicant:

1. Recharge to the aquifer shall not be significantly impaired. To avoid reduction in recharge, the ground surface of the site in question shall be modified so as to create recharge swales and/or recharge dry wells. Swales and dry wells shall be designed to accept stormwater from a twenty-four (24) hour, ten (10) year storm, falling on the total area of impervious surface and the area of the swale itself.
2. Stormwater runoff shall be satisfactorily infiltrated into the aquifer. Wetland conditions shall not be created in recharge swales. Test pit logs, water level readings from wells or piezometer or other climatological data shall determine that the bottom of recharge swales and/or dry wells will not intersect the seasonal-high water level.
3. For the purposes of encouraging recharge, evaporation of impounded stormwater shall be minimized. Surface and subsurface soil permeabilities shall be sufficient to drain runoff generated by the twenty-four (24), ten (10) year storm within a period of seven (7) days.
4. The hydrogeologic analysis shall provide evidence that the resultant water quality of the runoff due to the increased impervious cover will not be degraded over existing, predevelopment conditions.
5. Stormwater runoff from unusually severe storm events shall not cause erosion of man-made drainage features. Culverts and drainage ditches shall be designed to accommodate the twenty-four (24) hour, fifty (50) year storm.
6. Provisions shall be made to ensure the long-term operation and repair of drainage facilities on the site. A maintenance plan shall document the maintenance requirements and the parties responsible for maintenance of the stormwater control system.

M. Control of Existing Threats in the Wellhead Protection Districts

1. Inspection
 - a. The Code Enforcement Officer shall have the right to inspect any property or building located in a Wellhead Protection District at reasonable hours, with owner or occupant permission, as provided in 30-A MRSA section 4452, for the purpose of determining compliance with this Ordinance or any permit issued hereunder.
 - b. The Code Enforcement Officer may be accompanied by a representative of the Gray Water District, or its designee.
 - c. In the event the landowner denies or prevents access for this purpose, the Code Enforcement Officer shall be authorized to apply for an administrative inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

2. Monitoring

Whenever the Code Enforcement Officer finds, or becomes aware of from any source, that any use commencing on or after the date of adoption of this Ordinance on February 6, 2006, including but not limited to uses of the types identified in Section 402.8.4 of this Ordinance, is located within a Wellhead Protection District designated by this Ordinance and poses an actual or potential threat to the safety or quality of the public groundwater supply, the Code Enforcement Officer, with the concurrence of the Gray Water District, may:

- a. Order the property owner to grant permission for installation of groundwater monitoring wells and testing at reasonable hours and at the sole cost of the Gray Water District.
- b. In the event the owner of the property refuses to comply with an order to grant permission for installation of groundwater monitoring wells and testing at reasonable hours at the sole cost of the Gray Water District the Town of Gray may apply to the Maine District Court for an order to permit such monitoring.
- c. If testing indicates that the groundwater has been contaminated to fifty (50) percent or greater of the Maximum Contaminant Level (MCL) as published in the National and State Primary and Secondary Drinking Water Standards, as amended, then the source of that contamination shall be determined by further testing at the sole cost of the Gray Water District.
- d. If it is determined by further testing that the current owner or occupant of the property is responsible for all of the contamination of the groundwater to fifty (50) percent or greater of the Maximum Contaminant Level (MCL) as published in the National and State Primary and Secondary Drinking Water Standards, as amended, then the owner or occupant shall reimburse the Town or the Water District, as appropriate, for expenses incurred in testing and remediation.
- e. The owner or occupant of the property shall not be required to pay for the expense of testing, prevention, or remediation of contamination that originates on another property.

3. Enforcement

If any use causes or contributes to groundwater contamination of fifty (50) percent or greater of the Maximum Contaminant Level (MCL) as published in the National and State Primary and Secondary Drinking Water Standards, as amended, within, or at the boundary line of, a Wellhead Protection District designated by this Ordinance, the Code Enforcement Officer may require the owner or occupant of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.

402.8.5 Agritourism

A. Agritourism Center

1. The minimum lot size for an Agritourism Center in the RRA District shall be one hundred (100) acres. Development shall follow a master plan approved by the Planning Board that includes:

A minimum of:

- a. 30 percent dedicated to passive open space and trails
- b. 20 percent dedicated to agriculture

And a maximum of:

- c. 25 percent dedicated to active recreational fields & facilities
- d. 25 percent dedicated to Agritourism Facility & office development
2. A minimum buffer of one hundred (100) feet shall be maintained along any public roadway. A minimum buffer of fifty (50) feet shall be maintained along a property line in the location of an abutting residence and yard. If existing vegetation does not provide adequate screening as determined by the Planning Board, additional plantings may be required.
3. An Agritourism Center may be built in phases subject to a schedule approved by the Planning Board.

N. Agritourism Facility

The minimum lot size for an Agritourism Facility in the RRA District shall be fifty (50) acres. An existing residential building as of January 1, 2006 on a parcel of land that meets the minimum lot size for an Agritourism Facility may be converted to an Agritourism Facility and maintained, repaired and replaced notwithstanding that it does not meet the street frontage, height, and setback standards set forth in this ordinance, provided that such structure shall not be expanded in a manner that increases the non-conformity.

402.8.6 Watershed Protection Measures in the Lake District (LD)

A. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features in the Lake District.

1. Roads and driveways shall be set back at least seventy-five (75) feet from the normal high-water line of tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Code Enforcement Officer. If no other reasonable alternative exists, the Code Enforcement Officer may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection P.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

O. Stormwater Runoff

9. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
10. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

P. Erosion and Sedimentation Controls

11. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
12. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
13. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
14. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
15. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

Q. Erosion and Sedimentation Controls

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion,

mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

402.8.7 Medical Marijuana

A. The following uses as defined by this Chapter and under the “Maine Medical Use of Marijuana Act” (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time and successor provisions thereof) are hereby expressly prohibited in all Zoning Districts within the Town of Gray:

- (1) Medical Marijuana Registered Dispensary
- (2) Medical Marijuana Registered Dispensary Cultivation Facility
- (3) Medical Marijuana Testing Facility
- (4) Caregiver Retail Store
- (5) Marijuana Food Establishment
- (6) Medical Marijuana Manufacturing Facility
- (7) Any other use not included within the uses above, as defined herein, that includes the harvesting, production, manufacturing, testing, or sale of medical marijuana.

B. Location Criteria

1. Registered Caregivers and Registered Caregiver Cultivation Areas shall only be located consistent with Table 402.5.3 of this Ordinance. Registered Caregivers and Registered Caregiver Cultivation Areas shall be conditional permitted uses in the zoning districts identified in Table 402.5.3 and shall be subject to Planning Board review and approval subject to the provisions of this Section 402.8.7 and Section 402.9.3 of this Ordinance.

2. In addition, no Registered Caregivers or Registered Caregiver Cultivation Areas, where permitted, shall be sited within one thousand feet (1,000') of any of the following preexisting uses:

- a. A church, synagogue, or other house of religious worship;
- b. A public, private or charter school;
- c. An athletic field, park, playground, or recreational facility owned and/or operated by a public entity such as the Town or a school as defined in subsection B(2)(b) of this Section;
- d. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation treatment center;
- e. A licensed day care home or facility licensed by the State of Maine; or

f. A lot on which another Registered Caregiver or Registered Caregiver Cultivation Area is sited; provided, however, that this subsection shall not preclude two Registered Caregivers who are members of the same household from sharing a cultivation area on the same lot. The 1,000-foot minimum separation distance between properties utilized for Registered Caregiver purposes shall be measured at their closest point between their lot lines.

3. The 1,000 foot minimum separation distance for uses cited in Section 402.8.7.B.2, subsections a through e, shall be measured from the closest lot line where any such use(s) is occurring to any of the following:

- a. Closest vehicular access to the property where the Registered Caregiver is located; and
- b. Any area on the property utilized for Registered Caregiver or Registered Caregiver Cultivation Area purposes.

4. In addition, no Registered Caregivers or Registered Caregiver Cultivation Areas, where permitted, shall be sited within five hundred (500') of a lot located in any of the following Zoning Districts:

- (a) Village Center Proper (VCP);
- (b) Rural Residential & Agriculture (RRA);
- (c) Lake District (LD);
- (d) Medium Density (MD);
- (e) Business Transitional 1 (BT-1);
- (f) Business Transitional 2 (BT-2);
- (g) Wellhead Protection 1 (WH-1);
- (h) Wellhead Protection 2 (WH-2);
- (i) Limited Residential Shoreland Zone (LR);
- (j) Limited Commercial Shoreland Zone (LC);
- (k) Stream Protection Shoreland Zone (SP); and
- (l) Resource Protection Shoreland Zone (RP).

5. The 500-foot minimum separation distance cited in Section 402.8.7.B.4 above shall be measured from the closest lot line of any parcel located in any Zoning District listed in subsections "a" through "l" to any of the following:

- a. Closest vehicular access to a property where a Registered Caregiver is located; and
- b. Any area on the property utilized for Registered Caregiver or Registered Caregiver Cultivation Area purposes.

C. Hours of Operation

Registered Caregivers and Registered Caregiver Cultivation Areas may be open for business only between the hours of 8:00 AM and 8:00 PM, local prevailing time.

D. Signage and Advertising

All signage and advertising for Registered Caregivers and Registered Caregiver Cultivation Areas shall comply with the standards of Chapter 406, the Sign Ordinance. In addition, no signage or advertising shall use the word “marijuana”, “cannabis”, or any other word, phrase, or symbol commonly used or understood to refer to marijuana unless such word, phrase, or symbol is immediately preceded by the word “medical” in type and font that is at least as readily discernable as all other words, phrases, or symbols on the sign. Such signage and advertising must clearly indicate that the products and services are offered only for registered medical marijuana patients and registered primary caregivers. Signs, advertising and marketing used by a Registered Caregiver for any purpose shall comply with all requirements of 22 M.R.S.A. 2429-B and any rules adopted by the Department of Administrative and Financial Services, and shall not be located within 1,000 feet of the property line of any of the uses outlined in Subsection B.2 above, nor within 500 feet of any lot located in the Zoning Districts outlined in Section B.4 above.

E. Security Measures

Security measures at Registered Caregivers and Registered Caregiver Cultivation Areas shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, and the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts, loitering and nuisance activities occurring at the premises;
2. Door and window intrusion robbery and burglary alarm systems with audible and law enforcement notification components that are professionally monitored and maintained in good working condition;
3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the premises;
4. Exterior lighting that illuminates the exterior walls of the premises and complies with applicable ordinances of the Town;
5. Deadbolt locks on all exterior doors and locks or bars on any other access points (e.g. windows); and
6. All security recordings shall be preserved for at least seventy-two (72) hours by the Registered Caregiver. The Registered Caregiver shall provide local law enforcement or its designee with the name and functioning telephone number of a 24-hour on-call person to whom the Town or local law enforcement may provide notice of any operating problems associated with the Registered Caregiver or Registered Caregiver Cultivation Area.

F. Caregivers and Patients

Cultivation, processing and/or sales of Medical Marijuana in any zoning district other than a zoning district that allows Registered Caregivers and Registered Caregiver Cultivation Areas shall be limited to Qualifying Patients and Caregivers who are not required to register with the Maine Department of Administrative and Financial Services pursuant to 22 M.R.S.A. 2423-A(3)(C), as may be amended.

F. On-site Consumption of Medical Marijuana

The consumption, ingestion, or inhalation of Medical Marijuana on the premises of a Registered Caregiver must occur indoors.

G. Visibility of Activities; Control of Emissions; and Disposal Plan

1. All activities of Registered Caregivers and Registered Caregiver Cultivation Areas , including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
2. No marijuana or paraphernalia shall be displayed or kept in a Registered Caregiver or Registered Caregiver Cultivation Area so as to be visible from outside the premises.
3. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the premises of a Registered Caregiver or Registered Caregiver Cultivation Area must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
4. Odor management. For all Registered Caregivers and Registered Caregiver Cultivation Areas, the odor of marijuana must not be perceptible at the exterior of the building at the premises of the Registered Caregiver or Registered Caregiver Cultivation Area, or at any adjoining use of the property. Registered Caregivers and Registered Caregiver Cultivation Areas must utilize and properly maintain appropriate ventilation and filtration systems to satisfy the odor standards contained herein. While these standards do not mandate any particular equipment specifications with regard to filtration, Registered Caregivers and Registered Caregiver Cultivation Areas are strongly encouraged to adopt best management practices with regard to implementing state-of-the art technologies in mitigating marijuana odor, such as air scrubbers and carbon filtration systems.
5. All Registered Caregivers and Registered Caregiver Cultivation Areas shall have in place an operational plan for proper disposal of marijuana and related byproducts.

H. Quiet Enjoyment

The cultivation, processing or sale of Marijuana by Registered Caregivers shall not adversely affect the health or safety of residences or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or create a hazardous condition due to the use or storage of material, processes, products or waste.

I. Code Compliance

Registered Caregivers and Registered Caregiver Cultivation Areas must be in compliance with all State adopted codes applicable to municipalities, including, without limitation, National Electrical Code, Uniform Plumbing Code, National Fire Prevention Association (NFPA) Codes and Standards, and Maine Uniform Building and Energy Code.

J. Sale of Edible Products

No Edible Marijuana Products shall be sold, prepared, produced or assembled by a Registered Caregiver, except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing Marijuana for human consumption shall be stored in a secure area, and all Marijuana must be labeled with a list of all chemical additives, such as non-organic pesticides, herbicides, and fertilizers used in the cultivation and production.

K. Other Laws Remain Applicable

Registered Caregivers and Registered Caregiver Cultivation Areas shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Registered Caregivers, the stricter law or regulation shall control. Nothing in this Section 402.8.7 is intended to prohibit any lawful use, possession or conduct pursuant to the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended from time to time and successor provisions thereof), unless otherwise prohibited by this Chapter.

402.8.8 Business Development District 2 Standards

- A. Accessory Uses. Drive through and drive-in facilities are allowed as an accessory use to the permitted and conditional uses in the Business Development 2 District.
- B. Uses per Principal Structure. Notwithstanding Section 402.6.2(D), no more than five permitted or conditional uses are allowed in any principal structure in the Business Development 2 District. No more than one (1) principal structure and its accessory buildings may be located on any one lot unless all applicable space and dimensional standards are met separately for each principal structure on the lot, subject to the conditions that apply to new principal structures in Section 402.6.2(D).
- C. Sign Standards. Signage in the Business Development 2 District is subject to the standards in Chapter 406, the Sign Ordinance, except that: (i) the maximum aggregate sign area may not exceed two percent (2%) of the area of the building footprint per lot; and (ii) one freestanding sign and one freestanding directory sign are permitted per frontage, with up to 100 square feet maximum sign area allowed per sign; and (iii) the maximum sign area for wall, projecting and roof signs is 10% of the wall area or roof area on which they are located and/or attached.

402.8.9 Light Manufacturing Overlay District Standards (LMOD)

A. Applicability

- 1. All uses that are either Permitted or Conditionally Permitted in the Light Manufacturing Overlay District (LMOD) shall conform to applicable standards in this section 402.8.9 including any referenced standards such as Design Standards.
- 2. Article 10 of this Ordinance contains the applicable Site Plan Review (SPR) thresholds, the reviewing authority, and standards.
- 3. Subject to SPR thresholds and standards, LMOD uses for buildings up to 10,000 sq. ft. of footprint area and/or total sq. ft. area shall be "Permitted" uses.

4. Subject to SPR thresholds and standards, LMOD uses for buildings from 10,000 sq. ft. to 20,000 sq. ft. of footprint area and/or total sq. ft. area shall be "Conditionally Permitted" uses.
5. Individual buildings larger than 20,000 sq. ft. of footprint area and/or total sq. ft. for uses allowed in the LMOD are not permitted in the LMOD.
6. In addition to applicable SPR and Conditional Permitted use review(s), the applicant shall submit written documentation detailing how each applicable LMOD standard will be met and maintained.
7. The reviewing authority and CEO shall ensure that all LMOD uses meet and maintain the review criteria and applicable standards.
8. All uses and standards that are applicable in the underlying Commercial Zoning District shall be applicable except those specifically stated in the Ordinance to be applicable in the LMOD.

B. Review Criteria: In addition to other applicable review standards, the reviewing authority shall ensure that uses on the property are consistent with this Ordinance and that the following criteria are addressed:

1. Applicable standards established in Sections 402.8.9.C through 402.8.9.E of this Ordinance.
2. The applicant shall submit a detailed description of all proposed uses on the property including the timing of such uses.
3. Proposed hours of operation shall be submitted by the applicant.
4. All areas proposed for outdoor storage, including temporary storage, shall be shown on the submitted plan. The applicant shall submit written documentation of the proposed uses, the proposed frequency for each area of the site, and how these uses meet the Outdoor Performance Standards in Section 402.8.9.E of this Ordinance.
5. All areas proposed to be utilized for any outdoor manufacturing, fabrication, or processing that is/are clearly ancillary to other allowed uses on the property shall be submitted as well as a detailed description of the maximum frequency of such uses.
6. The applicant shall submit the maximum anticipated traffic generation with specific attention to volumes during non-traditional business hours, the type of vehicular traffic (i.e. GVWR), and the sources of these estimates. The reviewing authority may require a peer review of these estimates at the applicant's expense.
7. The applicant shall submit documentation regarding the maximum estimated emissions and noise generated on the property for all proposed uses. The reviewing authority may require a peer review of these estimates at the applicant's expense.

C. Design Standard Applicability

1. All uses and/or structures, or change of use for uses that are either Permitted or Conditionally Permitted in the LMOD that are within two hundred and fifty (250) feet of the edge of a publicly maintained road or right-of-way shall conform to Gray's Business Transitional District Standards & Design Guidelines as determined by the reviewing authority.
2. Parking for all vehicles:
 - a. Strongly encouraged to be located behind building(s)

- b. Discouraged close to the edge of a publicly maintained road
 - c. Discouraged to be visible from a publicly maintained road to avoid the prominence of impervious surfaces.
 - d. Shared parking is encouraged
3. The internal layout of the site should anticipate possible future use(s) and/or other building(s) or improvement(s) on the site.
 4. The property should be designed from the initial development forward to be able to be served by one (1) curb cut on a publicly maintained road even when future use(s) or building(s) are added over time.
 5. The property should be designed from the initial development forward to provide vehicular accessways to adjacent properties.

D. District Performance Standards

1. Noise inherently and recurrently generated shall not exceed 65 Dba between the hours of 7:00 AM and 7:00 PM and 55 Dba between 7:00 PM and 7:00 AM as measured at the property line using a frequency weighting network and fast response on a sound level meter manufactured according to standards prescribed by the American Standards Association.
2. No use(s) shall occur on the property that constitute a high-hazard storage or occupancy as determined by the 2015 International Building Code as determined by the CEO.
3. Trucking Terminals are specifically prohibited.
4. Only one curb cut on a publicly maintained road shall be permitted for each property. For properties that contain more than four hundred (400) feet of frontage, the reviewing authority may permit one curb cut for each 400 feet provided that the applicant demonstrates the practical need.
5. All building, improvements, and parking areas for uses allowed in the LMOD shall be subject to outdoor performance and design standards in this Ordinance.
6. For all uses allowed in the LMOD, a buffer at least fifty (50) feet in width is required from the front lot line or edge of a publicly maintained right-of-way and any property located in a residential Zoning District.
7. Where no natural buffering can be maintained, landscaping for the purposes of these standards including tree plantings, hedges, fencing, walling, and combinations thereof may be required by the reviewing authority.
8. The 20,000 sq. ft. maximum footprint area and/or total sq. ft. established in Section 402.8.9.A.5 shall not allow multiple LMOD uses on the same parcel or immediately adjacent when the aggregate footprint and/or total sq. ft. area exceeds the 20,000 sq. ft. The objective is to encourage multiple uses and/or structures on the same parcel utilizing the same shared access in accordance with applicable standards.
9. The proposed use(s) shall not create unsafe traffic conditions nor excessive traffic. Traffic generation during non-traditional business hours shall be kept to a minimum to avoid unnecessary adverse impacts to abutting properties.

10. All vibrations, smoke, heat or glare, fumes, dust, or odors noticeable at the property line shall be kept to a minimum and not be objectionable as determined by the Reviewing Authority.

E. Outdoor Performance Standards

1. Outdoor manufacturing, fabrication, or processing shall not occur regularly and shall only be permitted when, in aggregate, it is clearly ancillary to the principal use(s) occurring on the property and shall only be allowed to occur intermittently. The reviewing authority shall review detailed documentation submitted by the applicant to ensure this standard is met and that sufficient measures have been taken to provide sufficient screening, buffering to minimize adverse impacts to abutting properties and/or a publicly maintained road.
2. No outdoor storage of any type is permitted within any minimum zoning setback applicable for structures.
3. All outdoor storage areas shall be adequately fenced or screened as determined by the reviewing authority. The reviewing authority shall have the ability to require sufficient landscaping in addition to fencing when the storage area is located in a location that is visually prominent from a publicly maintained road or an adjacent property.

402.8.10 Commercial Solar Energy Systems Overlay District

A. Applicability

1. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the requirements of this Article shall apply to all solar energy systems modified or installed after February 21, 2020.
2. Medium & large-scale ground-mounted solar energy systems are permitted in the Commercial Solar Energy Systems Overlay District per Article 4-Zoning Districts, Article 5-Zoning District Regulations and Article 8-Standards Only Applicable in Specific Districts. Such solar energy systems shall obtain a building permit through the Code Enforcement Department following Planning Board site plan approval.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable federal, state and local codes, regulations and standards.
4. Any modification, upgrade, or structural change that materially alters the size placement or output of an existing solar energy system shall comply with this section and 402.10.17.F

B. Dimensional Requirements

1. Height

All components of ground-mounted solar energy system installations shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

C. Setback for Ground- Mounted Solar Energy Systems

1. Notwithstanding any contrary provisions of Table 402.5.4.B, setbacks for ground- mounted solar panels and arrays less than 15 feet in height shall be: twenty-five (25) feet from any lot line. Setbacks for all other structures associated with the use shall be those established by Table 402.5.4.B for the underlying zoning district.

D. Lot Coverage-Calculating Medium or Large-Scale Solar Energy System Installation Surface Area and Maximum Disturbed Area

1. Lot coverage and surface area square footage for medium or large-scale ground-mounted solar energy systems shall be calculated by measuring the total area of the solar array/collector at maximum tilt to the vertical that occupies a given space or mounting surface as depicted in Figure 402.8.10.D.1 below:

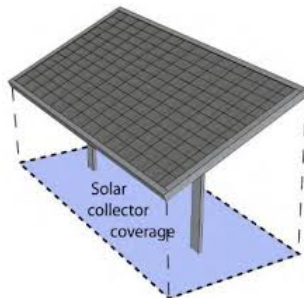


Figure 402.8.10.D.1

2. The developed area for medium and large-scale ground-mounted solar energy system installations shall be at least ten (10) acres and shall not exceed twenty (20) acres.

E. Impervious Surface – Calculating Impervious Surfaces for Medium or Large-Scale Solar Energy System Installations.

1. Calculations relating to the impervious surface shall include only the foundation or base supporting the solar panel arrays of the solar energy installation as established in footnote D in Table 402.5.4.A in this ordinance.

F. Standards for Medium and Large-Scale Ground-Mounted Solar Energy Systems.

1. All solar energy system installations shall be installed in compliance with the photovoltaic standards of the latest edition of the National Fire Protection Association Fire Prevention Code (NFPA) and National Electric Code (NEC), and International Building Code (IBC).
2. Prior to operation, electrical connections must be inspected and approved by the Code Enforcement Officer or his/her designee, or the State electrical inspector as applicable. The applicant shall be responsible for Town-incurred costs to hire qualified professionals for a third-party inspection for any and all components

- deemed necessary by the Town CEO.
3. Any connection to the public utility grid must be inspected and approved by the appropriate public utility unless waived by the public utility.
 4. A solar energy system shall be maintained as necessary to ensure that it is operating safely and as designed and approved until decommissioned.
 5. Utility Connections - Reasonable efforts, as determined by the Planning Board with input from qualified professionals at the applicant's expense, shall be made to place all utility lines from the solar energy system underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
 6. Safety -The applicant for Site Plan Review of the solar energy system shall provide a copy of the site plan review application to the Fire Chief or his/her designee, and the Fire Chief shall provide written comment on the fire safety of the proposed system to the Planning Board.
 7. Visual Impact - Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening of abutting properties, and protecting scenic resources.
 8. Glare - Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
 9. Natural Resources – Reasonable efforts, as determined by the Planning Board, shall be made to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%) as well as High Value Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat Program.
 10. Operations and Maintenance Plan - The Site Plan applicant shall provide (and maintain upon Site Plan approval) an operations and maintenance plan, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
 11. Signage- Signs in the Commercial Solar Energy Systems Overlay District shall comply with all applicable standards in this section and Chapter 406 Sign Ordinance except that the Planning Board shall have the authority to allow one freestanding sign per frontage up to 60 square feet per sign identifying the nature of the project. A minimum of one sign shall be required to identify the owner and provide a 24-hour emergency contact phone number in a location approved by the Planning Board with input from Public Safety.

12. Emergency Services- The owner or operator of a solar energy system shall provide a copy of the project summary, electrical schematic, and Site Plan to the Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation and shall promptly notify the Town when such contact information changes.
13. Installation Conditions - The owner or operator of a solar energy system shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetation control, and the integrity of security measures including Knox box and keys. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining any private access road or driveway to the site and to the system.
14. Performance Guarantee – The solar energy system Site Plan applicant shall demonstrate compliance with the performance guarantee requirements of 402.8.10 and 402.10.17.
15. In the event of a change of ownership and/or operator of the Commercial Solar Energy System, the new owner/operator is required to obtain approval of the Staff Review Committee or appropriate entity before commencing operations to ensure they are apprised of the applicable standards under which the use is permitted.

G. Removal of Medium and Large-Scale Solar Energy Systems.

1. Any medium or large-scale solar energy system that has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than one hundred and eighty (180) days after the date of the discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
2. Decommissioning shall consist of:
 - a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer shall have the authority to allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation provided compliance to all applicable codes and ordinances.

F. Abandonment Guarantee of Medium and Large-Scale Solar Energy Systems.

1. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a medium or large-scale solar energy system shall be considered abandoned if it fails to generate electricity for more than one (1) year without first obtaining the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
2. At the time of approval, the applicant for a medium or large-scale ground-mounted solar energy system shall submit to the Town a performance guarantee to be approved by the Town, in the amount of 150% of the estimated demolition cost of the system, such cost to be determined by the Town Planner or duly designated person with input as needed from the Town Engineer, at the applicant's expense. The performance guarantee must be kept in effect throughout the lifetime of the system; any proposed replacements must be reviewed and approved by the Town. The owner may apply to the Town Planner for the release of the guarantee at such time that it or its assigns remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer, in consultation with the Town Planner.
3. If the owner or operator of the medium or large-scale solar energy system fails to remove the installation in accordance with the requirements of this section within one hundred and eighty (180) days of the abandonment of the proposed date of decommissioning, the Town shall use reasonable effort to notify the party that the Town intends to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned solar energy system to be removed.

G. Site Plan Review Authority

1. Any application to install a medium or large-scale ground-mounted solar energy systems shall be subject to review by the Planning Board under the Conditional Use, Site Plan, and Subdivision regulations as applicable.

ARTICLE 9 - ADMINISTRATION AND ENFORCEMENT

402.9.1 Duties and Authority of the Code Enforcement Officer

- A. Code Enforcement Officer: It shall be the duty of the Code Enforcement Officer of the Town of Gray to enforce the provision of this Ordinance. If the code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, building, or structures, removal of illegal building or structures or of additions, alternations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions. The Code Enforcement Officer may employ such independent, recognized consultant necessary, at the expense

of the applicant, to assure compliance with performance standards of this code and abatement of nuisances.

- B. **Legal Action and Violation:** When any violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer shall notify the Town Council who shall then initiate any and all actions to be brought in the name of the Town.
- C. **Fines:** Any person, firm or corporation being the owner of or having contact or use of any building or premises who violates any of the provisions hereof, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five (25) dollars nor more than one-hundred (100) dollars. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense. All fine collected hereunder shall insure to the Town of Gray.
- D. **Building Permits:** No building or other structure shall be erected, moved, added to or structurally altered without a permit thereof issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within six (6) months of the date on which the permit is granted, and if the work or change is not substantially completed within one (1) year of the date on which the permit is granted. All building permits heretofore issued shall be subject to the provisions of this paragraph.
- E. **Application for Building Permit:** All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Ordinance.
- F. **Certificate of Occupancy:**
 - 1. **New Buildings:** No building hereafter erected shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Code Enforcement Officer.
 - 2. **Building hereafter altered:** No building hereafter enlarged, extended or altered to change from one use group to another, in whole or in part, and no building hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall be occupied or used until the certificate shall have been issued by the building inspector, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the Code Enforcement Officer.
 - 3. **Existing Buildings:** Upon written request from the owner of an existing building, the Code Enforcement Officer shall issue a certificate of use and occupancy provided there are no violations of law or orders of the building officials pending, and it is established after inspection and investigation that the alleged use of the building has heretofore existed. Nothing in the Zoning Ordinance shall require the removal, alteration or abandonment of, or prevent the continuance of the use and occupancy of a lawfully existing building, unless such use is deemed to endanger public safety and welfare.
 - 4. **Changes in Use and Occupancy:** After a change of use has been made in a building, the reestablishment of a prior use that would not have been legal in a new building of the same type

of construction is prohibited unless all the applicable provisions of the Basic Code are complied with. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of the Zoning Ordinance

- G. Plumbing Permit: Must be obtained prior to issuance of a building permit. The State of Maine Plumbing Code standards will be used. The application shall also furnish the Code Enforcement Officer with reliable information relating to soils tests conducted in the sewage disposal area, in accordance with any applicable state or Local law, code, or regulation and must demonstrate that soil conditions are suitable for the absorption of waste materials from septic tanks. The results of the soil tests shall be submitted on the HHE 200 form or Maine Department of Environmental Protection, whichever is applicable.

402.9.2 Duties and Authority of the Board of Zoning Appeals

A. Appointment and Composition:

1. The Zoning Board of Appeals shall be appointed by the Town Council of the Town of Gray, and shall consist of five (5) members and two (2) associates, all of whom shall be legal residents of the Town of Gray. Terms of members shall be for three (3) years except that initial appointments shall be such that the terms of office of no more than two (2) members shall expire in any single year. The board shall elect annually a chair and vice-chair from its membership. A recorder shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three (3) members.
2. Town Council members and/or their spouses may not serve as members or associate members of the Board.
3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
4. A member of the Board may be dismissed for cause by the Town Council upon written charges and after public hearing.

B. Powers and Duties:

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provision of Maine Revised Statutes. The Board of Appeals shall have the following powers and duties:

1. Administrative Appeals: To hear and decide where it is alleged there is an error in any order, required, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The actions of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least three (3) members of the Board. Decisions of the Code Enforcement Officer may be reversed only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.
2. Variance Appeals: To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A variance may be granted by the Board only where strict application of the Ordinance, or a provision thereof,

to the petitioner and his/her property would cause undue hardship. The words “undue hardship” mean:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the applicant or a prior owner.

Establishment or expansion of a use or structure otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least three (3) members and in so doing may prescribe conditions and safeguards as are appropriate under this Ordinance.

3. **Practical Difficulty Variance:** The Board may grant a variance from the dimensional standards of the Zoning Ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:
 - a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
 - d. No other feasible alternative to a variance is available to the petitioner;
 - e. The granting of a variance will not unreasonably adversely affect the natural environment; and
 - f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

4. **Variance Review Criteria:** In hearing variance appeals under this section, the Board of Appeals shall determine that the applicant has demonstrated that all of the undue hardship or practical difficulty criteria in sub-Sections 2 and 3 above have been met. Additionally, the Board shall consider the following criteria in its decision to grant any variances or impose conditions:
 - a. What effect will be proposed variance have on the prevailing character of the area?
 - b. Does the proposed variance require special screening or fencing to separate or protect the property of abutting owners?

- c. Will the proposed variance create drainage, erosion or flooding problems?
- d. Will the proposed variance increase water pollution?
- e. Will the proposed variance generate vehicular traffic, access circulation or parking conditions which create hazardous situations?
- f. Will granting of the variance violate any of the performance standards of this Ordinance apart from the specific relief authorized by this Section?
- g. Will the proposed variance create to any degree nuisances to abutting property owners?
- h. Is the variance request the least modification of the Zoning Regulations necessary to afford relief?
- i. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

C. Appeal Procedure:

1. In all cases, persons aggrieved by decision of the Code Enforcement Officer shall commence their appeal within thirty (30) days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board and aggrieved person shall specifically set forth on the form the grounds for the appeal
2. In appeals involving variances, the applicant shall include as part of the appeal application, information demonstrating that the criteria listed in Section 402.9.2 B above are met for the applicant's situation.
3. The fee to cover the administrative costs of an appeal shall be set by the Council annually.
4. Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within thirty (30) days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least twenty (20) days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation in the area.
5. In the case of administrative or variance appeals, the Board of Appeals shall notify by mail the appellant and only the owners of property abutting that property for which an appeal is taken at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include property directly across the street from the property for which the variance is requested.
6. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing nor invalidate any action by the Board of Appeals.
7. At any hearing, a party may be represented by agent or attorney. Hearing shall not be continued to other times except for good cause.
8. The Code Enforcement Officer or his/her designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he or she deems appropriate for an understanding of the appeal.
9. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. All parties shall have

- the right to present their case of defense by oral or documentary evidence, to submit rebuttal evidence and to conduct cross-examination as may be required for a full and true disclosure of the fact.
10. The transcript of testimony, if any, and exhibits, together with all papers, and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed to the petitioner or his/her representative or agent within seven (7) days of their decision.
 11. In reviewing appeals involving variances the Board of Appeals shall follow the criteria outlined under “Variance Review Criteria” of this section before reaching a decision. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
 12. If the Board grants a variance under this Section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.
 13. Upon submission of a recorded certificate of variance approval, the Code Enforcement Officer may issue a Building Permit in accordance with the conditions of the approval.
 14. A right of appeal under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six (6) months of the date of which the appeal is granted and if the work or change is not substantially completed within one (1) year of the date on which such appeal is granted.
 15. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one (1) year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be put forward or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of fact shall have been made.
 16. Any party may take an appeal within forty five (45) days of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with Maine Rules of Civil Procedure, Article 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury.
 17. The Board of Appeals may reconsider any decision reached under this section within forty-five (45) days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

402.9.3 Duties and Authority of the Planning Board for Approval of Conditional Permitted Uses and Site Plan Review Permits

A. Authorization: The Planning Board is hereby authorized to hear and decide upon applications for Conditional Permitted Use Permits and Site Plan Review Permits, in accordance with the provisions of this ordinance. The Planning Board shall approve, approve with modifications or conditions, or disapprove an application for a Conditional Permitted Use Permit in accordance with the criteria of this Section 402.9.3. No Conditional Permitted Use Permit shall be authorized unless specific provision for such Conditional Permitted Use is made in this Ordinance. The Planning Board shall also approve, approve with modifications or conditions, or disapprove an application for a Site Plan Review Permit in accordance with the criteria of Section 402.10.

B. Existing Conditional Permitted Use or Structure: A Conditional Permitted Use which existed prior to the effective date of this ordinance may not be changed to another Conditional Permitted Use nor substantially expanded or altered except in conformity with all regulations of this ordinance pertaining to Conditional Permitted Uses. Substantial expansion shall be defined as:

1. Floor space increase of twenty-five (25%) percent; or,
2. New materials or processes not previously associated with the existing use.

No changes shall be made in any approved Conditional Permitted Use without approval of the change by the Planning Board.

C. Application Procedure: A person informed by the Code Enforcement Officer that a proposed use requires a Conditional Permitted Use permit shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs. All plans for Conditional Permitted Uses presented for approval under this section shall be drawn at a scale of not smaller than one (1) inch equals fifty (50) feet and show the following information unless the Planning Board waives these requirements:

1. The name and address of the applicant (or his authorized agent) plus the name of the proposed development, and a copy of the deed or record of ownership, the assessor's map and lot number.
2. Total floor area, ground coverage, and location of each proposed building, structure, or addition.
3. Accurate depiction of the property in question. In most cases a mortgage survey will be adequate, but the Board may request a perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine, relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage.
4. The appropriate fees as established by the Town Council.

D. Public Hearing: Within ten (10) days of the filing of an application, the Planner shall determine whether the application is complete. If the application is not complete, the Planner shall notify the applicant in writing of the information needed to make the application complete. The Planning Board shall hold a public hearing on the application within thirty (30) days of determining that the application is complete.

1. The Planner shall notify by regular U.S. mail, first class, postage prepaid, the applicant and the owners of all abutting property involved at least ten (10) days in advance of the hearing, of the

nature of the application and of the time and place of the public hearing. Notice shall also be advertised at least seven (7) days in advance in a newspaper of general circulation in the area

2. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
3. The Planner, Code Enforcement Officer, or a designated assistant shall attend all hearings and may present to the Planning Board all plans, photographs or other material deemed appropriate for an understanding of the application.
4. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

E. Decision

1. Within thirty (30) days of the public hearing the Planning Board shall reach a decision on the Conditional Permitted Use application and shall inform, in writing, the applicant and the Code Enforcement Officer of its decision and shall prepare detailed finding and conclusions. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Board, or deny a Building Permit.
2. A Conditional Permitted Use Permit secured under the provisions of this ordinance by vote of the Planning Board shall expire if the work or change involved is not substantially started within two (2) years of the date on which the Conditional Permitted Use is authorized.
3. Any party may take an appeal within forty five (45) days of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with Maine Rules of Civil Procedure, Article 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury.
4. The Planning Board may reconsider any decision reached under this section within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

F. Standards Applicable to Conditional Permitted Uses: It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

1. Will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures;
2. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.
3. Will not have a significant adverse effect on adjacent or nearby property values;
4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;
5. Will not result in significant fire danger;

6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;
7. Will be served adequately by, but will not overburden, existing public services and facilities, including fire protection services, roads, water and storm drainage systems.

Upon a showing that a proposed use is a Conditional Permitted Use in the district where it is to be located, a Conditional Permitted Use permit shall be granted unless the Board determines that the proposed use will not meet one of the standards set forth in paragraphs 1. through 7. of this subsection, due to unique or distinctive characteristics or effects associated with the proposed use or its location which differ substantially from the characteristics or effects which would normally occur from such a use in that district. In order to have “significant” impacts adequate to deny a permit, a proposed Conditional Permitted Use must have impacts that are measurable by objective standards and are readily apparent to disinterested parties.

G. Conditions Attached to Conditional Permitted Uses: Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those specifically required in this Ordinance that it finds necessary to further the purposes of this ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to specifications for:

1. Type of vegetation used for buffering;
2. Increased setbacks and yards;
3. Specified sewage disposal and water supply facilities;
4. Landscaping and planting screens;
5. Period of operation;
6. Operational controls;
7. Professional inspection and maintenance;
8. Deed restrictions, restrictive covenants;
9. Locations of parking and signs; type of construction; or
10. Any other conditions necessary to fulfill the purposes of this ordinance.

In evaluating each application the Board may request the assistance of the County Soil and Water Conservation District, a State or Federal agency, or consultant which can provide technical assistance.

H. Projects needing Site Plan Review

When an applicant needs Site Plan Approval from the Planning Board due to the scale of the project, the Conditional Permitted Use review shall be conducted and completed prior to commencing deliberations and determination of compliance with the Site Plan Review criteria and standards. In such cases, the time frames and procedures of Article 10 for Site Plan Review shall apply to both applications, which shall be combined into a single, two-step proceeding (conditional use review & site plan review). The applicant may, however, choose to submit a separate application for Conditional Permitted Use review in order to get a preliminary determination on the Conditional Use criteria prior to fully designing the project.

- I. Review Fees & Consultant Escrows: The Town Council shall annually set the amount of all fees required by this Ordinance. The fee structure shall include for Conditional Permitted Use applications the following fees for the Planning Board to use in hiring independent consulting services to review the application.
 1. The applicant shall pay into a special account the cost to the Town of hiring independent consulting services according to the schedule set by the Town Council. If the balance in the special account is drawn down by seventy-five (75%) percent of the required escrow fund, the Board shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.
 2. In the event that an application involves both Conditional Permitted Use Review and Site Plan Review, the applicant shall establish a single review escrow account sufficient to cover review costs.

402.9.4 Severability of Individual Ordinance Sections and Provisions

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

402.9.5 Conflicts with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures the provision of this Ordinance shall control.

402.9.6 Planning Board Rules of Procedure

In order to provide for the efficient management of its duties and the fair hearing of items coming before it, the Planning Board may adopt and amend written rules governing the conduct of its meetings, provided such rules shall not conflict with this Ordinance or the provisions of any other Ordinance or Charter requirement. Such rules may include a provision that the Town Planner, in conjunction with the Planning Board Chair, may refuse to schedule an item for the Planning Board agenda unless and until the application in question is complete, including all Town staff reports. The Planning Board has the right to postpone a decision on an application to the Board if a significant amendment or additional information is proposed after the initial completed submission.

402.9.7 Effects of New Ordinance Enactment

The Zoning Ordinance of the Town of Gray originally adopted March 1, 1958, and as subsequently amended through January of 2008, is hereby repealed as of the effective date of this new Zoning Ordinance. The Town of Gray Shoreland Zoning Ordinance shall remain unaffected by the adoption of the Ordinance.

402.9.8 Amendments to the Zoning Ordinance and Zoning Map

All amendments to the Town of Gray Zoning Ordinance and Map must be in conformance with the Comprehensive Plan. Amendments which affect the Wellhead Protection or Business Transitional 2 Districts must be reviewed by the Gray Water District.

402.9.9 Conditional or Contract Zoning

Addition of 402.9.9 adopted: November 15, 2011 / Effective December 15, 2011 (Note: Refer to Policy adopted by Town Council October 16, 2012 for process)

Pursuant to 30-A M.R.S.A. § 4352.8 conditional or contract zoning is hereby authorized where, for reasons such as the unusual nature or unique location of the development proposed, the Town Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions not generally applicable to other properties similarly zoned. All rezoning under this section shall establish rezoned areas which are consistent with the existing and permitted uses within the original zones. Nothing in this section shall authorize a rezoning, or an agreement to change or retain a zone, which is inconsistent with the Town's Comprehensive Plan.

- A. The Planning Board shall conduct a public hearing prior to any property being rezoned under this section. Notice of this hearing shall be posted in the town clerk's office at least thirteen (13) days prior to the public hearing and shall be published in a newspaper of general circulation within the town at least two (2) times, the date of the first publication must be at least twelve (12) days prior to the hearing and the second notice at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last-known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.
- B. Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:
 - 1. Limitations on the number and types of permitted uses;
 - 2. Restrictions on the scale and density of development;
 - 3. Specifications for the design and layout of building and other improvements;
 - 4. Schedules for commencement and completion of construction;
 - 5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 - 6. Preservation of open space and buffers, and protection of natural areas and historic sites;
 - 7. Contributions toward the provision of municipal services required by the development; and,
 - 8. Provisions for enforcement and remedies for breach of any condition restriction.

ARTICLE 10 – SITE PLAN REVIEW

402.10.1 Purposes of Site Plan Review

The site plan review provisions set forth in this Section are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that nonresidential and multi-family construction is designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, and unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community.

402.10.2 Applicability of Site Plan Review

A person who has right, title, or interest in a parcel of land must obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

- A. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, if such buildings or structures have a total area for all floors of one thousand (1,000) square feet or more.
- B. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than twenty (20%) percent of the existing total floor area or one thousand (1,000 sq. ft.) square feet, whichever is greater.
- C. The conversion of an existing building in which one thousand (1,000 sq. ft.) or more square feet of total floor area are converted from residential to nonresidential use.
- D. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as, cemeteries, golf courses, and other nonstructural nonresidential uses.
- E. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review.
- F. The construction of a residential building containing three (3) or more dwelling units.
- G. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.
- H. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.
- I. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500 sq. ft.) square feet within any three (3) year period.

402.10.3 Exempt Activities

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

- A. The construction, alteration, or enlargement of a single family or two-family dwelling, including accessory buildings and structures.
- B. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.
- C. Agricultural activities, including agricultural buildings and structures, unless located in a Wellhead District or the Business Transitional 2 District.
- D. Timber harvesting and forest management activities.

402.10.4 Review and Approval Authority

The review and approval authority for site plans shall depend on the classification of the project:

A. Major Developments

The Planning Board is authorized to review and act on all site plans for major developments. In considering site plans under this section, the Planning Board may act to approve, disapprove, or approve the project with such conditions as are authorized by this Section.

B. Minor Developments

The Staff Review Committee is authorized to review all site plans for minor developments and may approve, disapprove, or approve the project with such conditions as are authorized by this Section. In addition, the Committee may reclassify a minor development as a major development and forward it to the Planning Board with its recommendations for Planning Board action.

402.10.5 Staff Review Committee

A. Staff Review Committee Established

There is hereby created a Staff Review Committee. The Staff Review Committee shall consist of the Planner, Code Enforcement Officer, and Planning Board Chairman or his/her designee.

B. Operation of the Staff Review Committee

The Planner shall serve as Chair of the Staff Review Committee and shall be responsible for calling meetings of the Committee, presiding at its meetings, and maintaining the records of the Committee. The Staff Review Committee shall meet biweekly or on an as-needed basis.

C. Authority of the Staff Review Committee:

1. In addition to reviewing Minor Developments for Site Plan Review projects as authorized in Section 402.10.4, the Staff Review Committee is also authorized to review the establishment of or expanding a new use(s) that requires Staff Review Committee approval as expressly stated in this Ordinance within the thresholds for a minor development.
2. In addition to the powers granted to the Committee under the Zoning Ordinance, it shall have the authority to conduct business and make such recommendations as shall be expressly delegated to it by any other ordinance or Town Council order.

402.10.6 Classification of Projects

The Planner shall classify each project as a major or minor development. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the

Town's interests. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

A. Minor Developments

Projects meeting one or more of the thresholds listed below shall be considered a Minor Development. For calculation purposes, the baseline for meeting these threshold standards shall consider all changes during the five (5) year period prior to the date of application for Site Plan Review:

1. Construction or addition of 2,500 square feet or fewer of gross non-residential floor area.
2. Converting the use of an existing structure and/or property from one (1) lawfully existing non-residential use to another single non-residential use provided that a building permit is not required for 50% or more of the structure.
3. Addition of one (1) non-residential use to a structure that is currently utilized for one (1) lawfully existing non-residential use.
4. Adding less than 10,000 square feet of impervious surface and associated infrastructure, such as drainage, to one parcel. Existing impervious surfaces shall be counted to determine the 10,000 sq. ft. calculation. Any increase in impervious cover that exceeds 10,000 sq. ft. constitutes a Major Development for Site Plan Review purposes.
5. Establishing or expanding a municipal use on one (1) Town-owned parcel within the thresholds stated above for a Minor Development.
6. Components of a Major Development for Site Plan Review specifically delegated by the Planning Board subject to Planning Board appear per 402.10.7.D.
7. Establishing or expanding a new use(s) that requires Staff Review Committee approval as expressly provided in this Ordinance within the thresholds for a minor development.

B. Major Developments

Projects meeting any one of the following require Site Plan Review approval by the Planning Board:

1. Construction or addition of more than 2,500 square feet of gross non-residential floor area in the previous five years including square footage duly approved by the Staff Review Committee as a minor development.
2. Change of use of a structure and/or property principally used for residential purposes to one (1) or more non-residential uses
3. Addition of two (2) or more non-residential uses within the previous five years
4. Construction of impervious surfaces exceeding 10,000 square feet. Existing impervious surfaces shall be counted to determine the 10,000 sq. ft. calculation.
5. Projects than involve two (2) or more parcels/properties.
6. Projects that trigger Conditional Use review in addition to Site Plan Review.
7. Any Site Plan Review project(s) which is/are not classified as Minor Developments

402.10.7 Site Plan Review Procedure for Minor Developments

A. Preapplication Conference

Applicants for site plan review of a minor development are encouraged to schedule a preapplication conference with the Planner. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and approval criteria, and to familiarize the Planner with the nature of the project. Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decisions relative to the plan may be made at this meeting.

In connection with the preapplication review, the Planner may determine that an on-site inspection be held to familiarize the Staff Review Committee with the project site. The on-site inspection shall be scheduled by the Planner and shall be attended by the applicant and/or the applicant's representative and members of the Staff Review Committee. All abutters to the property shall be notified, in writing, of the time and date of the site inspection.

B. Application Process for Minor Developments

The property owner or his/her representative must submit a formal minor development application for review and approval to the Planner.

1. Receipt of Application and Review for Completeness

Upon receipt of the application, the Planning Office shall provide the applicant with a dated receipt showing the nature of the application and the fees paid. Within five (5) working days of receipt of an application for a minor development, the Planner shall review the application and determine if the application meets the submission requirements. The Planner shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application. If the application is incomplete, the Planner shall notify the applicant in writing of this determination, specify what additional materials or information are required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted.

2. Notifications of Pending Application

Once the application is deemed to be complete, the Planner shall notify the applicant and the Chair of the Planning Board in writing of this determination and the action on any waivers and shall provide copies of the application to the Code Enforcement Officer, and Department Heads. The Planner shall notify all abutters to the site as shown on the assessor's records, by first-class mail that an application has been filed. This notice shall contain a brief description of the proposed activity and the name of the applicant. It shall advise the party that a copy of the application is available for inspection and that written comments on the application will be received and considered by the Staff Review Committee, and provide the date, time, and place of the Committee meeting at which the application will be considered. Failure of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

C. Staff Review Committee Meetings

Within ten (10) working days of the application being determined to be complete, the Staff Review Committee shall consider the application at a regular meeting of the Committee. The Planner shall notify the applicant, Chair of the Planning Board, and abutters, in writing of the date, time, and place of the meeting.

The Staff Review Committee shall consider if the application complies with the Site Plan Review standards and criteria and any specific Ordinance requirements for the use proposed. If the Committee finds that the application conforms to these requirements, it shall make written findings of fact and it shall vote to approve, approve with conditions, or deny the application. Approval by the Committee shall require the affirmative vote of a majority of the members of the Committee. The applicant, Chair of the Planning Board, and abutters shall be notified in writing of the Committee's action.

For uses listed in Table 402.5.3 as Conditional Permitted Uses, compliance with Site Plan Review Criteria and approval by the Staff Review Committee as a minor development shall be considered satisfactory demonstration of compliance with the Conditional Use Criteria of Section 402.9.3.G.

D. Appeal of Staff Review Committee Decisions to the Planning Board

Any party aggrieved by a decision of the Staff Review Committee, including the applicant, may seek an appellate review by the Planning Board. The appellant shall have ten (10) working days in which to file such an appeal with the Chair of the Planning Board. The appeal must be in writing and must specify why the appellant believes the action of the Staff Review Committee was in error.

If an appeal is filed, the application shall be placed on the agenda of the next regular meeting of the Planning Board subject to notification requirements. The appellant, applicant, and abutters shall be notified in writing of the Board meeting on the appeal. The Planner shall provide members of the Board with copies of the application, supporting material, staff review comments and decision of the Committee.

The Board shall review the existing record of materials on an appellate basis and shall determine if the application conforms to the approval criteria and standards. If the Board finds that the application conforms to the standards, it shall approve the application; otherwise it shall deny the same.

The Planner shall notify the appellant, applicant, and abutters who participated in the review of the action of the Planning Board.

E. Application Fees for Review of Minor Developments

Application fees and technical review fees shall be the same as for major developments and shall be set by the Town Council.

F. Submission Requirements for Review of Minor Developments

Site Plan applications for Minor Developments shall contain the submissions indicated in Sections 402.10.10 A (Site Inventory) and 402.10.10 C (Site Plan Submissions) unless waived by the Planner and/or Site Plan Review Committee.

402.10.8 Site Plan Review Procedure for Major Developments

A. Pre-application Conference

Applicants for site plan review of a major development are required to schedule a pre-application conference with the Planning Board. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, and approval criteria, and to familiarize the Planning Board with the nature of the project. Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decisions relative to the plan may be made at this meeting.

B. Procedure and Information Required for Pre-Application Conferences

Applicants for site plan review of a major development are required to provide fourteen (14) copies of a packet ready for distribution to the Planning Board containing the submittals detailed in this section. The Town Planner shall have the authority to determine if the pre-application submittal is complete to place the item on the next Planning Board agenda.

The applicant's oral presentation and submitted materials regarding the present conditions and scope and nature of the project must provide adequate information to allow the Planning Board to understand the project, identify possible concerns, and provide meaningful input and to determine whether the approval standards have been met.

The submittal shall consist of following three components:

1. Narrative and site photographs

The applicant shall provide an accurate narrative outlining the present on-site conditions as well as the nature of the proposed development. In addition to aerial and/or on-site photographs (color 11" x 17") that accurately depict present on-site conditions, the narrative must include the following:

- a. Description of existing development constraints and implications on the proposed development;
- b. The proposed use of the parcel including conceptual zoning use classification(s);
- c. Initial estimate of the traffic generation for the proposed use;
- d. Estimates of water use and wastewater generation;
- e. Initial input, as appropriate, from State of Maine regulatory agencies, such as the DEP, DOT and the Department of Public Safety;
- f. List of ordinance waivers (as opposed to Zoning Ordinance variances) requested;
- g. Any unusual or hidden site characteristics that relate to the approval standards; and
- h. Any other matters with regard to which the applicant seeks comments from the Planning Board.

2. Initial Site Inventory Plan

The applicant shall provide one or more scaled plans containing readily available information including the following:

- a. Basic parcel information, i.e., boundaries, size, zoning district(s), north arrow, etc.;
- b. Surrounding land uses and accesses to street;
- c. Significant site features, both natural and developed, including significant trees, rock outcroppings, any developed portions;
- d. Estimated sight distance in both directions entering the street;
- e. Readily available soils information, such as the 1974 Cumberland County Medium Intensity Soils maps and soil descriptions for the requisite site;
- f. Topographic information, such as USGS maps delineating site;

- g. Wetland information that is readily apparent on-site or available through National Wetland Inventory Maps;
- h. Location and size/extent of any stormwater measures on site, such as culverts; and
- i. Location and features on site that may be subject to State regulatory agency review.

3. Conceptual Site Development Plan

The applicant shall provide a plan, to a readable scale, containing the following information:

- a. Overall site layout including access in, out, and within the parcel;
- b. Approximate location of water supply and wastewater disposal;
- c. Estimate of the size, extent, and location of impervious surfaces;
- d. Anticipated stormwater measures and their location;
- e. Buffering and screening that is proposed to be retained and/or added;
- f. Site elements to be retained; and
- g. Location and size of anticipated structures.

C. Application Process for Major Developments

1. Receipt of Application

Upon receipt of a formal site plan review application, the Planner shall give a dated receipt to the applicant.

2. Determination of Completeness

Within ten (10) working days of the receipt of a formal development review application, the Planner shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planner shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

3. Placement on the Planning Board Agenda

When the Planner determines that the application is complete, the Planner shall notify the applicant in writing of this finding, and place the item on the agenda of the Planning Board for substantive review at the next available meeting subject to the notification requirements of subsection 4 below.

4. Meeting Notice Requirements

The Planner shall give written notice of the date, time, and place of the meeting at which the application will be considered by the Planning Board to the applicant and all abutters of the property involved at least ten (10) days in advance of the meeting. For major developments, a notice of the hearing shall be published in a newspaper of general circulation in the community at least once; the date of publication shall be at least seven (7) days prior to the hearing (Note: This generally requires that an application be submitted a minimum of twenty-one (21) days before the meeting).

5. Planning Board Site Inspection

The Board may hold an on-site inspection of the site to field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the public hearing. The Board may decide not to hold an on-site inspection when the site is snow covered. If an application is pending during a period when there is snow cover, the Board will request that the applicant agree to extend the review period to allow an on-site inspection. The inability of the Board to hold a site inspection due to snow cover shall be sufficient grounds for denial of an application. If the Board decides to hold a site walk, the Board shall establish the day and time of the site inspection at its duly advertised meeting during their review of the application or written notice of the site inspection shall be provided to all abutters receiving notice of the pending application.

D. Public Hearing on Major Development Applications

1. Conduct of the Public Hearing

The Chairman or Vice Chairman of the Planning Board shall chair the public hearing. The Chairman shall open the public hearing by identifying the application and explaining the purpose of the hearing and the procedures to be followed.

2. Purpose of the Public Hearing

The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this Ordinance or other municipal ordinances. The Planning Board is not a policy-making body and must apply the Ordinance as it has been enacted.

3. Process of Public Hearing Input

The Chairman shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Planner shall then present any comments or recommendations from the staff and Department Heads. The Chairman shall then allow the members of the Board to ask questions of the applicant and/or the Planner. Following Board questions, the Chairman shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chairman shall afford the applicant an opportunity to answer any questions raised by the public and rebut any statements or information submitted. The Chairman may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

4. Final Action on the Application

The Planning Board shall take final action on said application within thirty (30) days of the public hearing. The Board shall act to deny, to approve, or to approve the application with conditions. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this Ordinance for Zoning Districts, Conditional Permitted Uses, and for projects requiring Site Plan Review. In

issuing its decision, the Board shall make written findings of fact that establish whether the proposed development does or does not meet the requirements of this Ordinance.

The Board shall notify the applicant and abutters who requested to be notified of the action of the Board including the findings of fact and any conditions of approval.

5. Extension of Time Limits

All time limits provided for in this section may be extended by mutual agreement of the applicant and Board.

6. Final Approval and Filing

Upon completion of the requirements of this Article and an approval vote by the majority of the Planning Board members, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Board and must be filed by the applicant with the Code Enforcement Officer. Any plan not so filed within thirty (30) days of the date upon which such plan is approved and signed by the Board as herein provided shall become null and void. The Planning Board may by vote extend the filing period for good cause.

402.10.9 Application and Technical Review Fees for Site Plan Review

A. Application Fee

An application for site plan review must be accompanied by an application fee. This fee is intended to cover the cost of administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. This application fee must be paid to the municipality, and evidence of payment of the fee must be included with the application.

B. Technical Review Fees

In addition to the application fee, the applicant for site plan review must also pay a technical review fee to defray the technical costs of the application review. This fee must be paid to the Town and must be deposited in the Development Review Account, which shall be separate and distinct from all other municipal accounts. The application will be considered incomplete until this fee is paid. The Board may reduce the amount of the technical review fee or waive it if it determines that the scale or nature of the project will require little or no outside review.

The technical review fees may be used by the Board to pay for reasonable costs incurred by the Board, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, planning consultant reviews, consulting engineering or other professional fees.

The applicant shall pay into a special account the cost to the Town of hiring independent consulting services according to the schedule set by the Town Council. If the balance in the special account is drawn down by seventy-five (75%) percent of the required escrow fund, the Board shall notify the applicant and require an additional amount.

The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application.

C. Establishment of Fees

The Town Council may, from time to time and after consultation with the Board, establish the appropriate fees following posting of the proposed schedule of fees and conducting a public hearing.

402.10.10 Required Submissions for Site Plan Review

Site Inventory and Analysis: The site inventory and analysis is intended to provide both the applicant and the Planning Board with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. This analysis will result in a development plan that reflects the conditions of the site; ensuring that those areas most suitable for the proposed use will be utilized, while those that are not suitable or present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the site and an analysis of that information.

A. Site Inventory Plan

The site inventory must contain, at a minimum, the following information:

1. The names, addresses, and phone numbers of the record owner and the applicant.
2. The names and addresses of all consultants working on the project.
3. Evidence of right, title, or interest in the property.
4. Three (3) copies of an accurate scale inventory plan of the parcel at a scale of not more than one hundred (100) feet to the inch, one universally accessible digital format e.g. PDF, and twelve (12) 11 x 17 inch copies showing as a minimum:
 - a. The name of the development, north arrow, date and scale.
 - b. The boundaries of the parcel and existing zoning.
 - c. The relationship of the site to the surrounding area (i.e., access roads and abutting uses).
 - d. The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site (in many instances, submittal of the U.S.G.S. contours will be adequate);
 - e. The major natural features of the site and within five hundred (500) feet of the site, including wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats and fisheries or other important natural features (if none, so state).
 - f. Existing buildings, structures, or other improvements on the site (if none, so state).
 - g. Existing restrictions or easements on the site (if none, so state).
 - h. The location and size of existing utilities or improvements servicing the site (if none, so state).
 - i. Mapping of all wetlands and/or potential vernal pools on site regardless of size.
 - j. A Class B high intensity soil survey if any portion of the site is located in a resource protection district or has wetlands covering more than ten (10%) percent of the site.
 - k. A Class D medium intensity soil survey if vernal pools and/or significant wetlands are not present.

B. Site Analysis Plan

The site analysis must contain, at a minimum, the following information:

1. Twelve (12) copies of a site analysis plan at the same quantity, size, and scale as the inventory plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to identify:
 - a. Portions of the site that are unsuitable for development or use;
 - b. Portions of the site that are unsuitable for on- site sewage disposal;
 - c. Areas of the site that have environmental limitations (steep slopes, flat poorly drained areas, wetlands, vernal pools, aquifers, wildlife habitat, floodplains, drainage, etc.) that must be addressed in the development plan;
 - d. Areas that may be subject to off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.); and which areas are well suited to the proposed use.
2. Twelve (12) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
3. Any requests for waivers from the submission requirements for the site plan review application.

C. Site Plan Review Application Submission Requirements

Applications for site plan review must be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Planner. In addition to the site inventory and analysis, the submission must contain at least the following exhibits and information, unless specifically waived in writing:

1. A fully executed and signed copy of the application for development review.
2. Evidence of payment of the application and technical review fees.
3. Twelve (12) copies of written materials plus twelve (12) sets of maps or drawings containing the information listed below. The written materials must be contained in a bound report. The maps or drawings must be at a scale sufficient to allow review of the items listed under approval criteria. Three (3) full sets of plans or drawings shall be submitted that are not more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development. The remaining nine (9) full sets shall be 11 x 17 inch copies. One (1) universally accessible digital format e.g. PDF of all plans shall also be submitted.
4. The bound report and maps or drawings shall contain the following general information (Note: asterisks (*) following an item indicate information to be included on the approved Site Plan):
 - a. Record owner's name, address, and phone number and applicant's name, address and phone number, if different.*
 - b. The location of all required building setbacks, yards, and buffers.*
 - c. Names and addresses of all property owners within five hundred (500 ft.) feet of any and all property boundaries.

- d. Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
 - e. Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
 - f. The tax map and lot number of the parcel or parcels on which the project is to be located.*
 - g. A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
 - h. The name, registration number and seal of the person who prepared the plan, if applicable.*
 - i. Evidence of the applicant's technical and financial capability to carry out the project as proposed.
5. The bound report and maps and drawings shall contain the following information pertaining to existing conditions of the site:
- a. Zoning classification(s), including overlay and/or sub-districts, of the property and the location of zoning district boundaries if the property is located in two (2) or more zoning districts or sub-districts or abuts a different district.*
 - b. The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.*
 - c. Location and size of any 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 on the property to be developed and on abutting streets or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.
 - d. Location, names, and present widths of existing public and/or private streets and rights-of-way within or adjacent to the proposed development.*
 - e. The location and dimensions and photographs of all existing buildings on the site.
 - f. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
 - g. Location of intersecting roads or driveways within two hundred (200) feet of the site.
 - h. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, 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, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
 - i. The direction of existing surface water drainage across the site.
 - j. The location, front view, dimensions, and lighting of existing signs.

- k. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
 - l. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.
6. The bound report and maps and drawings shall contain the following information pertaining to proposed development of the site:
- a. Estimated demand for water supply and sewage disposal, together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data for on-site sewage disposal.
 - b. The direction of proposed surface water drainage across the site, and from the site, with an assessment of impacts on downstream properties.
 - c. Provisions for handling all solid wastes, including hazardous and special wastes, and the location and proposed screening of any on-site collection or storage facilities.*
 - d. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.*
 - e. Proposed landscaping and buffering.
 - f. The location, dimensions, ground floor plan, and architectural elevations of all proposed buildings or building expansion proposed on the site.*
 - g. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign(s).
 - h. Location and type of exterior lighting.*
 - i. The location of all utilities, including fire protection systems.
 - j. A general description of the proposed use or activity.
 - k. An estimate of the peak hour and daily traffic to be generated by the project.
 - l. Stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a stormwater permit from the Maine Department of Environmental Protection, if the project is located in the Wellhead Protection or Business Transitional 2 Districts, or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.
7. One drawing of the plan set shall be labeled as the Site Plan and shall contain the following information:
- a. All mapping information contained in subsections 4, 5, and 6 above that are followed by an asterisk (*).
 - b. Space provided on the plan drawing for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Gray Planning Board."

D. Additional Engineering Information Required for Major Developments

In addition to the information required for all applicants, an application for a major development must contain the following additional information:

1. A narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis.
2. A grading plan showing the existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
3. A stormwater drainage and erosion control program showing:
 - a. The existing and proposed method of handling stormwater runoff.
 - b. The direction of flow of the runoff, through the use of arrows.
 - c. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - d. Engineering calculations used to determine drainage requirements based upon the twenty-five (25) year twenty-four (24) hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - e. Methods of controlling erosion and sedimentation during and after construction.
4. A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
5. The name, registration number, and seal of the architect, engineer, landscape architect and/or similar professional who prepared the plan.
6. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.
7. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.
8. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the a.m. or p.m. peak hour based upon the latest edition of the trip generator manual of the Institution of Traffic Engineers.
9. A written statement from the Gray Water District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, if public water will be utilized.
10. Estimated cost of the proposed development and evidence of the applicant's 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 or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.

E. Waiver of Submission Requirements

The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the standards and criteria. Provisions for waivers of the performance standards of the following Sections 402.10.11 through 402.10.14 are contained in Section 402.10.15.

402.10.11 Site Development Standards for Site Plan Review

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

B. Traffic Access and Parking

1. Adequacy of Road System - Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one hundred (100) or more peak hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development.

Levels of service rankings are similar to the academic ranking system where an ‘A’ represents little control delay and an ‘F’ represents extensive delay. A level of service ‘D’ and higher is desirable for a signalized intersection, although in urban areas, specific movements often operate at a level of service ‘E’ or ‘F’. [Adopted 1/19/10]

The following tables summarize the relationship between control delay and level of service: [Adopted 1/19/10]

Table 1A - Level of Service Criteria for Signalized Intersections	
Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0

B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0
Table 1B - Level of Service Criteria for Unsignalized Intersections	
Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

A development not meeting this requirement may be approved if the applicant demonstrates that:

A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

2. Access into the Site - Vehicular access to and from the development must be safe and convenient.
 - a. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible and per the following requirements:
 - (i) Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the third column in Table 1C shall apply:

Table 1C – Required Access Safe Sight Distances		
Posted Speed (MPH)	Sight Distance (Feet)	Mobility Site Distance ¹ (Feet)
20	155	225
25	200	300
30	250	380
35	305	480
40	360	580
45	425	710
50	495	840
55 & over	570	990

¹ Mobility or Retrograde Arterials are critical travel corridors identified by MDOT. In Gray, the only such designated corridor is Route 26 from Cumberland through to New Gloucester.

- (ii) The measurement of sight line distances shall be from a point at a distance of ten (10) feet from the edge of the travel way at a height of three and one half (3.5) feet above the level of the surface of the travel way to the top of an object four and one quarter (4.25) feet above the surface of the travel way in the center of the approach lane.
 - (iii) Where sight line distances cannot be met at proposed new intersections, portions of the right of way as well as portions of abutting lots under the control of the applicant may be cleared of all growth (except isolated trees) and obstructions to achieve required sight distances. The applicant shall provide documentation that areas cleared to improve sight distances will be maintained in that condition. If approved by the Town Engineer and Public Works Director, the grade of the approach road may be modified to achieve improved visibility.
- b. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
 - c. The grade of any proposed drive or street must be not more than $\pm 3\%$ for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.
 - d. The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

- e. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.
 - f. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
 - g. Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
 - h. The following criteria must be used to limit the number of driveways serving a proposed project:
 - (i) No use which generates less than one hundred (100) peak hour vehicle trips shall have more than a single two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.
 - (ii) No use which generates one hundred (100) or more peak hour vehicle trips shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.
3. Accessway Width - Accessways must meet the following width standards:
- a. The dimensions of driveways shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily to the development for which a site plan is prepared. The required minimum dimensions for driveways are indicated below. Driveway entrances and exits serving traffic of over fifteen percent (15%) truck traffic shall be designed with adequate width to avoid a turning vehicle from tracking into the opposing travel lane. [Adopted 6/21/11]

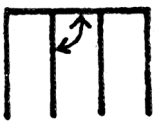



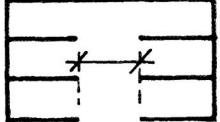
TABLE 1D – REQUIRED MINIMUM ACCESS DRIVE WIDTHS		
	One-Way Operation Driveways * Width (feet)	Two-Way Operation Driveways* Width (feet)
3 to 10 dwelling units	10	18
10 dwelling units or over	12	20
Commercial, Industrial, and Institutional	16	24
*All driveways shall be five (5) feet wider at the curblin, and this additional width shall be maintained for a distance of twenty (20) feet into the site.		

4. Accessway Construction Standards: [Adopted 6/21/11]

- a. Apart from the traffic access provisions of Sections 402.10.11 B.1 to 4. above, all access roads and drives for commercial, industrial, institutional, and multi-family development shall meet the standards of the Subdivision Ordinance for stormwater design (Section 401.13.16 B.3), closed drainage systems (Section 401.13.16 B.4), curbing (Section 401.13.16 B.5), construction Section 401.13.16 C), and sidewalks Section 401.13.16 E),
 - b. Internal roads for commercial, industrial, institutional, and multi-family development are not required to have a defined right of way if the project is a condominium and/or has no individual lots that require street frontage on the access drive.
5. Accessway Location and Spacing - Accessways must meet the following standards:
- a. Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
 - b. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.
6. Internal Vehicular Circulation - The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
- a. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.
 - b. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
 - c. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
 - d. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.
7. Parking Layout and Design - The goals of the parking standards are to provide safe and adequate parking while avoiding construction of excess parking that is expensive to build and maintain. Applicants are encouraged to consider shared parking arrangements (Subsection 7. a below), off-site parking (Subsection 7. b), and reserve parking areas (Subsection 7.e) in meeting these goals. Off-street parking must conform to the following standards:
- a. Parking areas with more than two parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
 - b. All parking spaces, access drives, and impervious surfaces must be located at least five (5 ft.) feet from any side or rear lot line, except where standards for buffer yards require a greater

distance. No parking spaces or asphalt type surface shall be located within the required front setback unless a visual barrier to screen views of vehicle tire wells is approved by the Planning Board. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24 ft.) feet in width.

c. Parking stalls and aisle layout must conform to the following standards:

Table 2 – Minimum Parking Space & Aisle Standards				
Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
				
90 degrees	9'-0"		18'-0"	24'-0" two way
60 degrees	8'-6"	10'-6"	18'-0"	16'-0" one way
45 degrees	8'-6"	12'-9"	17'-6"	12'-0" one way
30 degrees	8'-6"	17'-0"	17'-0"	12'-0" one way

- d. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
 - e. Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit and in non-residential uses for designated employee parking.
 - f. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
 - g. Except as provided in Subsection 7.b. below, off-street parking spaces shall be provided on the same lot occupied by the use. [Adopted 1/19/10]
 - h. The closest boundary of the parking area shall be within 300 ft. of the principle use for which the spaces are required. [Adopted 1/19/10]
8. Calculation of Required Number of Parking Spaces [Adopted 1/19/10]
- a. All areas pertinent to the use, except those listed in Subsection 6. b. below shall be included in the calculation of gross floor area.
 - b. Floor area of rooms occupied by mechanical, electrical, communications, and security equipment shall be deducted from the floor area for the purpose of calculating parking

requirements.

TABLE 3 – MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential	
Dwelling: Single Family, Duplex	2 per dwelling unit
Multifamily:	
Studio	1.25 per dwelling unit
One Bedroom	1.5 per dwelling unit
Two or More Bedrooms	2 per dwelling unit
Accessory/In-Law Dwelling Unit	1 per dwelling unit
Hotel/Motel	1.25 per guest room, plus 10 per 1000 sq. ft. restaurant/lounge, plus 30 per 1000 sq. ft. meeting/banquet room.
Senior Citizen Housing, Independent Living	0.6 per dwelling unit
Senior Citizen Housing, Assisted Living	0.4 per dwelling unit
Boarding Homes for Sheltered Care and Nursing Homes	1 per room
Rooming House:	
Single-Occupancy Unit	1 per dwelling unit
Double-Occupancy Unit	2 per dwelling unit
Employees	1 per employee
Visitors	As needed
Day Care, Facility (any type)	.35 per client of licensed capacity plus staff
Hospital/Medical Center	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient visits, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Retail/Service	
Retail Sales (not in shopping center)	3.5 per 1000 sq. ft. of gross floor area (GFA)
Supermarket (Freestanding)	4.5 per 1000 sq. ft. of GFA
Discount Superstore/Clubs	3.5 per 1000 sq. ft. of GFA
Home Improvement Superstore	2.5 per 1000 sq. ft. of GFA
Other Heavy/Hard Goods (Furniture, Appliances, Buildings Materials, etc.)	3.0 per 1000 sq. ft. of GFA
Shopping Centers	4.0 per 1000 sq. ft. of GFA,
Service Business, Personal	
Beauty Shops/Barber Shops	2 per treatment station, but not less than 4.3 per 1000 sq. ft. customer service area.

Coin-Operated Laundry/Dry Cleaning Services	3.5 per 1000 sq. ft. of GFA
Other	3.5 per 1000 sq. ft. of GFA
Fitness Center/Health Club	1 per 3 persons of permitted capacity
Retail Sales, Automobile Sales	2.7 per 1000 sq. ft. of interior sales area GFA, plus 1.5 per 1000 sq. ft. of interior area
Automobile Repair Services, Major or Minor	4 per service bay
Convenience Store	.25 per pump plus 1 per employee plus 4 per 1000 sq. ft.
Food and Beverage	
Restaurant	1 per 3 seats
Office and Business Services	
Business and Professional Office	4.5 per 1000 sq. ft. of GFA
Service Business, Commercial	4 per 1000 sq. ft. of GFA
Medical Office Building	5.5 per 1000 sq. ft. of GFA
Bank	5.5 per 1000 sq. ft. of GFA
Industry, Heavy	2 per 1000 sq. ft. of GFA
Industry, Light	1.5 per 1000 sq. ft.
Warehouse	0.7 per 1000 sq. ft. of GFA
Other Retail, Commercial or Business	4 per 1000 sq. ft. of GFA
Education	
Preschool/Nursery Schools	.35 per student plus 1 per employee
Elementary and Middle Schools	Per parking study specific to institution
High Schools	Per parking study specific to institution
College and University	Per parking study specific to institution
Cultural/Recreational/Entertainment	
Convention Center	0.25 per person of permitted capacity
Library	4.5 per 1000 sq. ft. of GFA
Place of Worship	1 for every 3 seats
Theater	1 for every 3 seats

9. Special Parking Conditions [Adopted 1/19/10]

- a. Shared Parking. Where multiple uses occur on a single site, the required number of off-street parking spaces shall be provided for each use. The Planning Board or Staff Review Committee may reduce the required number of parking spaces where the applicant can show, through a parking study performed by a Maine Licensed Professional Engineer, that the peak period parking demand of the uses is non-conflicting.
- b. Off-Site Parking. Parking spaces may be located off-site if the spaces will adequately serve the principal use for which the spaces are required. In making this determination the Planning Board, Staff Review Committee, or Code Enforcement Officer, as applicable, shall consider the following factors:
 - (i) Proximity of the off-street parking,
 - (ii) Ease of pedestrian access to the off-site parking,

- (iii) Provision of sidewalks or paths between the off-site parking and the principle use,
 - (iv) The applicant has sufficient legal interest in the land on which the off-site parking is provided to establish control as long as the use exists.
 - (v) Adequate lighting shall be installed to provide for safe pedestrian movement.
- c. Storage of Automobiles. The minimum off-street parking space requirements of Subsection 6. above do not apply to the storage of automobiles for repair or sale where the operator of the use has control over the movement of all stored vehicles on the property.
- (i) The applicant shall demonstrate that adequate area is provided for the storage of all automobiles on the property within any applicable yard setbacks.
 - (ii) The aisle width requirements in Table 2 above shall apply to the storage of automobiles.
 - (iii) The applicable parking requirements in Table 3 apply to all other cars on the property (e.g. customers and employees).
- d. Similar Uses. For any structure or use not specifically provided for, the Planning Board shall base the required number of parking spaces by selecting the use(s) most similar in the ordinance or by requiring a parking study to determine the appropriate number to be provided based on projected use.
- e. Waiver of Parking and Loading Requirements. If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the operation or use, the parking and/or loading and unloading requirements of this ordinance are unnecessary or excessive, the Planning Board shall have the power to approve a site plan showing less paved parking or unloading area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking or unloading requirements in the event that a change of use of the premises shall make such additional off-street facilities necessary.
- f. Handicapped Accessible Spaces. All parking shall be designed in compliance with the requirements of the Americans with Disabilities Act and shall provide for accessible spaces in accordance with Table 4 below:

TABLE 4 – ACCESSIBLE PARKING REQUIREMENTS	
Total Parking in Area/Lot or Structure	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000
In addition, one in every eight accessible parking spaces (but not less than one) must be served by an access aisle at least 96 inches wide and must be designated "van accessible."	

10. Off-Street Loading. [Adopted 1/19/10]

- a. The minimum off-street loading standards of Table 5 in this Subsection shall be met:

TABLE 5 – REQUIRED OFF-STREET LOADING BAYS				
Type of Use	Gross Floor Area in Thousands of Square Feet			
	12-24	25-100	101-250	Each 250+
Retail or Industrial	2	3	4	1
Business and Professional Offices, Hotels	1	1	3	1
Distribution Facilities, Warehousing 15 bays per 100,000 s.f. of gross floor area				

- b. Size of loading areas.
- c. Each loading bay shall be between 12 and 14 feet wide depending on conditions of ingress and egress.
- d. Access to the bay shall include a minimum maneuvering area of 125 feet in length, or more where required.
- e. The bay area shall be long enough to accommodate standing trucks so as to remove them from the flow of traffic.
- f. Areas shall be provided for trucks to park when waiting for loading activities.
- g. All loading bays and waiting areas shall be screened.

C. Pedestrian Access

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the

neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

D. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
2. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
3. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
4. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
5. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
6. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.
7. Except in Wellhead Districts and Business Transitional-2, submission of a MDEP stormwater permit shall constitute prima facie evidence of compliance with the stormwater standards of this Ordinance. The Board may, however, require additional documentation to address any existing or potential concerns for flooding problems.
8. Surficial or subsurface stormwater control and/or treatment infrastructure shall be located in appropriate locations on the project site. Stormwater measures shall not adversely affect required buffering and screening. In the event that buffering/screening will be materially compromised due to the placement of surficial infiltration areas, the Planning Board shall have the authority to require alternative measures including subsurface infrastructure for the purpose of ensuring the integrity of applicable buffering and screening.

E. Erosion Control

All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991 or the latest version.

F. Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water.

If the project is to be served by the Gray Water District, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

G. Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage which is in compliance with the Maine State Plumbing Code.

When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

Cluster septic systems shall be constructed with dual filtration beds to provide for continuing operation while service or rejuvenation is being conducted. Cluster systems shall also be provided with an area for expansion and/or replacement of the system.

H. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

I. Natural Features

The landscape must be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

J. Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

K. Water Quality Protection

All aspects of the project must be designed so that:

1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness,

toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.
3. If the project is located within the direct watershed of a 'body of water most at risk from development' or 'a sensitive or threatened region or watershed' as identified by the Maine Department of Environmental Protection (DEP), and is of such magnitude as to require a stormwater permit from the DEP, the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the DEP, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

L. 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 appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

M. Technical and Financial Capacity of the Applicant

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

N. Solid Waste Management

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

O. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

P. Critical Areas Program

For all uses requiring Town site plan approval, the CEO or Planner will submit, where applicable, the site plan to the State's Critical Areas Program for review. Comments from the State regarding Critical Areas Program shall be submitted to the Planning Board for their consideration.

Q. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

402.10.12 Good Neighbor Standards for Site Plan Review

A. Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during periods of darkness when the site is utilized.

1. Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.
2. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period with Planning Board approval.
3. Wiring to light poles and standards must be underground.

B. Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for screening of mechanical equipment and service and storage areas.

1. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.
2. A development must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:
 - a. Shield neighboring properties from any adverse external effects of the development, or
 - b. Shield the development from the negative impacts of adjacent uses.
3. The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width. In suburban and rural settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

C. Noise

1. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

2. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4- 1961) 'American Standards Specification for General Purpose Sound Level Meters.'
3. No person shall engage in construction activities, on a site abutting any residential use between the hours of 10 p.m. and 6 a.m.

D. Storage of Materials

1. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.
2. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.
3. Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

402.10.13 Site Design Standards for Site Plan Review

A. Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.

B. Building Placement

1. The site design should avoid creating a building surrounded by a parking lot. In built-up areas and in villages, buildings should be placed close to the street, in conformance with existing, adjacent setbacks. Parking should be to the side or preferably in the back.
2. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.
3. Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site.
4. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

C. Building Illumination

1. Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.
2. Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

D. Building Entrances

1. The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and/or signage.
2. At building entrance areas and drop-off areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged. Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

E. Setback and Alignment of Buildings

Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of 'empty corners' should be avoided through the placement of the building and other site features.

F. Sidewalks

Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site.

G. Location of Off-Street Parking

1. Within built-up areas, parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street. The use of shared parking, shared driveways and the cross-connection of parking lots is encouraged.
2. In suburban and rural areas, smaller uses that may need public visibility from the street should be sited as close to the street as possible. In this case, not more than one row of parking shall be allowed between the building and the street, with the balance of the parking located at the side and/or rear of the building. Larger scale uses and uses which do not require visibility from the road may be located further from the road with a landscaped buffer between the building and the street.

H. Landscaped Roadside Buffers

Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of

access to and egress from the site. The width of the buffer strip must increase with the setback of the building as follows:

Table 5 – Required Off-Street Loading Bays				
Type of Use	Gross Floor Area in Thousands of Square Feet			
	12-24	25-100	101-250	Each 250 add.
Retail or Industrial	2	3	4	1
Business and Professional Offices, Hotels	1	1	3	1
Distribution Facilities, Warehousing 15 bays per 100,000 s.f. of gross floor area				

I. Landscaping of Parking Lots

Landscaping around and within parking lots shades hot surfaces and visually "softens" the hard surface look of parking areas. Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. Any parking lot containing twenty (20) or more parking spaces must include one or more landscaped islands within the interior of the lot. There must be at least one island for every forty (40) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.

J. Building Orientation

New buildings within a built-up area should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street.

K. Building Scale

When large new buildings or structures are proposed in built-up areas where their scale (size) and other features may be significantly different from that which already exists in the immediate neighborhood, care must be taken to design the new building or structure so that it is compatible with its neighbors. This may include making the building appear smaller, using additions and/or vertical and horizontal building extensions, traditional materials, styles and/or proportions.

L. Design of Drive-Through Facilities

Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent properties in residential use. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street,

within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path. Only one drive-through is permitted per building, although banks can have multiple lanes.

402.10.14 Standards for Multi-Family Housing

In addition to the prior provisions of Section 10 for Site Plan Review, multi-family housing in all Districts shall meet the following standards:

A. Perimeter Buffer Strip

A buffer strip of at least fifty (50) feet in width shall be required around the perimeter of the land area for which the multi-family project is proposed. The required buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

B. Driveways and Parking

The scale and surface area of parking areas, driveways and paved areas shall be compatible with adjacent structures, must be properly screened and must provide for parking in accordance with the requirements of Section 402.10.11. B.

C. Internal Road Access to all Units

Access to all housing units within the multi-family development shall be located on the new interior road system constructed as part of the development.

D. Orientation and Scale of Buildings

Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development. Buildings shall be compatible in terms of physical size, visual impact, intensity of use, proximity to other structures and density of development with other permitted uses within the District. In addition:

1. Individual lots, buildings, streets and parking areas shall be designed and situated:
 - a. To minimize alterations of the natural site;
 - b. To avoid the adverse effects of shadows, noise and traffic on the residents of the site;
 - c. To relate to surrounding properties, to improve the view from and of a building;
 - d. So that all dwelling units may take advantage of points of solar access.
2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.

E. Number of Units per Building

The maximum number of attached dwelling units per structure shall be six (6) and the average number of attached dwelling units per structure shall be four (4). The distance between the foundations of any two principal structures shall be no less than the height of the taller of the two buildings, but in no event shall a building separation of less than thirty (30) feet be permitted.

F. Utilities

All dwelling units in the development shall be connected to a common water supply and distribution system (either public or private) in accordance with any policies of the Gray Water District, unless the developer shall clearly demonstrate to the Planning Board that such a system is not feasible and, in addition:

1. That the costs of providing a common water supply and distribution system are prohibitive;
2. That adequate ground water is available at all locations proposed for individual water systems;
3. That the ground water source(s) proposed for individual water systems is safe from both on-site contamination; and
4. That the source proposed is adequate for installation of life-safety sprinkler systems for the entire development.

402.10.15 Planning Board Waivers of Site Plan Review Performance Standards

- A. Unless otherwise specifically indicated, the Planning Board may grant waivers from the performance standards contained in this Article 10, Sections 402.10.11 through 402.10.14. In granting any waivers, the Planning Board shall make findings that:
1. The need for a waiver is based on unique circumstances relating to the specific site and development application and that these conditions would not be expected to be encountered elsewhere;
 2. The application of the standards is not requisite to public health, safety, and general welfare;
 3. The waiver would not qualify for relief granted by the Board of Appeals under Article 9.
 4. The granting of the waiver in other situations would not have the effect of amending the ordinance requirements; and,
 5. Appropriate conditions are applied.

402.10.16 Negotiated Exactions

- A. Purpose: Negotiated Exactions are intended to serve the following purposes:
1. Ensure that publicly owned facilities and infrastructure are not adversely affected by new residential and/or commercial development
 2. Provide the administrative steps to establish a process to quantify the cumulative effects of a development proposal
 3. Establish mechanisms to minimize and ideally eliminate the necessity to expend public funds to address implications of private development on public infrastructure
 4. Ensure that new private development provided the same level of service available to existing development
 5. Establish a fair process to ensure that adequate public facilities are available to serve new growth and development
 6. Provide new growth and development that bears a proportional share of the cost new public facilities needed to serve them
 7. Accommodate orderly growth and development in a safe and fair manner

8. Protect the public health, safety, and welfare of the citizens of Gray and those who utilize public infrastructure in the Town

B. Authority:

1. In accordance with 30-A, M.R.S.A. Section 4352 (Zoning), 30-A, M.R.S.A. Sections 1911 to 1916 (Home Rule), and 30-A M.R.S.A. 4354 (Fees), the Town of Gray Planning Board shall have the authority to administer and require Negotiated Exactions as established in this Section 402.10.16 of the Town's Zoning Ordinance.
2. The Planning Board shall have the authority to require the owner or applicant of a development proposal meeting one or more of the thresholds established in Section 402.10.16.D to complete one or more of the following as part and/or all of the Negotiated Exaction:
 - a. Roadway and/or intersection improvements to maintain existing capacity and/or retain the current level of service
 - b. In order to maintain existing capacity and/or retain the current level of service, make necessary improvements to public infrastructure or provide the necessary surety for such improvements to occur
 - c. Donate land to the Town of Gray and/or State of Maine as necessary to complete public infrastructure such as currently proposed and/or future road widening, intersection improvements, or similar improvements
 - d. Acquire and/or purchase land or easement rights to be transferred to the Town of Gray and/or State of Maine necessary to complete public infrastructure
 - e. Posting a bond, cash, or other financial sureties as established in this Section 402.10.16.
3. As established in Section 402.10.16.G.1, the fair value of any land area donated, acquired, or purchased shall be duly considered by the Planning Board, Town Council and the Town as an integral component in determining the Negotiated Exaction.

C. Administrative Procedure:

1. As an integral part of the Planning Board's review of a development proposal, prior to final approval, the Board shall have the authority to require the applicant to submit a written summary of the cumulative anticipated implications of the proposed development upon public infrastructure as established in this Section 402.10.16.D and F. The purpose of providing this summary for the Board's review is to ensure that the Planning Board has sufficient information upon which to make an informed decision to require a full assessment as detailed in Section 402.10.16.F below.
2. The Planning Board shall review the summary and determine if any aspects warrant obtaining further information and/or if elements need to be verified by a duly qualified independent third party chosen by the Board with input from Town Staff at the applicant's expense.
3. After the summary and necessary information is received, the Planning Board shall have the authority to determine if a full assessment will be required.
4. In the event that the Planning Board determines that a full assessment is warranted based on the standards in this Section 402.10.16, the applicant shall compile and submit this for the Board's

consideration using the requirements detailed in Section 402.10.16.F below and in accordance with professionally accepted practices.

5. Once the Town Planner has determined that the assessment is sufficiently complete, the Planning Board shall review the assessment and determine if further information and/or if elements need to be verified by a duly qualified independent third party chosen by the Board with input from Town Staff at the applicant's expense.
 6. With input as necessary from duly qualified professionals to quantify the implications of the proposed development, the Planning Board shall determine the cumulative responsibilities of the applicant/developer in accordance with the options established in Section 402.10.16.G below.
 7. Upon establishing a negotiated exactions agreement for an infrastructure improvement project, the Planning Board shall describe an improvement benefit area(s) within which subsequent development is likely to benefit from the required improvements. The proposed benefit area(s) and the methodology to be used in assessing future allocation cost sharing and carrying cost reallocation shall then be referred to the Town Council for enactment. Benefit area(s) enacted by the Town Council shall be effective for the agreed upon period, not to exceed three (3) years from the date of enactment.
 8. Within each negotiated exactions benefit area enacted by the Town Council, all subsequent development applications for site plan and/or subdivision approval shall be required to participate in cost sharing and/or carrying costs for the infrastructure improvement project unless the Planning Board determines that no benefit has been derived from the prior improvement project.
 9. If the improvement is not completed within the agreed upon period, the fee, plus interest, must be returned to the applicant. If the improvement is made at a cost less than was anticipated, the remaining portion shall be returned to the applicant(s) at amounts equal to their fair share of the improvement.
 10. The Town shall segregate the funds received from exaction agreements from the general revenue fund and shall expend those funds solely for the purpose that was intended.
 11. Prior to final approval for the project, the Planning Board and/or Town Staff shall solicit input from the Town's Counsel to ensure that the necessary legal assurances have been established and formally executed to ensure the completion of the improvements, payments, etc. as finally determined by the Planning Board in accordance with this Section 402.10.16.
- D. Applicability: Except as specifically exempted in Section 402.10.16.E, development proposals that adversely effects existing public infrastructure by creating demand(s) upon, or the need for, public facilities causing one or more of the following, as determined by the Planning Board, are required to comply with this Section 402.10.16:
1. Project(s) that lower the level of service (LOS) nearby intersection(s) including but not limited to the following:
 - a. Adjusting signal timing and/or upgraded signals
 - b. Adding turn lane(s)
 - c. Widening portions of the intersection

- d. Constructing roadway portions adjacent to intersections for proper alignment i.e. taper lanes, etc.
 - e. Adding length to existing turn lane(s)
2. Project(s) that reduce the capacity of a roadway segment
 3. Project(s) that place additional demand upon publicly owned stormwater facilities
 4. Project(s) that create additional stormwater that adversely affects publicly owned land or facilities
 5. Project(s) that require extending, upgrading, or increasing the water main size of a public water supply
 6. Project(s) that add additional wastewater to a publicly owned and/or operated treatment facility
 7. Project(s) that place special demands upon the Gray Public Safety Department such as a requirement for special equipment to serve the project
 8. Project(s) that increase the workload on the Gray Public Works Department excepting winter maintenance as established in the Gray Street Ordinance (Chapter 400)
 9. Project(s) that increase the demand for police or law enforcement
 10. Project(s) that place additional demands on publicly owned recreational facilities
 11. Project(s) that place demands on publicly owned bicycle and/or pedestrian infrastructure specifically including sidewalks and bicycle lanes
 12. Project(s) that involve a new use, change of use, or expansion of an existing use
- E. Exemptions: The following developments are specifically exempt from this Section 402.10.16:
1. Existing, proposed, or expanded public facility(ies) owned by the Town of Gray
 2. Reconstruction of a building or structure located on property which was damaged or destroyed by fire or other casualty or which was voluntarily demolished during the past year provided that all of the following are met:
 - a. No additional dwelling unit(s) are created.
 - b. The use is not changed.
 - c. The use is not expanded.
 3. Alteration, remodeling rehabilitation, and/or reconstruction of any existing legal nonresidential structure where none of the following are associated with the proposed development:
 - a. No net increase in square footage of the structure
 - b. The use is not changed
 - c. There is not an expansion of an existing use
 - d. No new use(s) are proposed
- F. Conducting the Assessment:
1. The Planning Board may require the applicant to participate in municipally or state-owned, off-site capital improvements. In accordance with 402.10.16.D where it appears that the proposed

development will result in a negative impact or decline in the level of service of any existing off-site capital improvement, the Planning Board shall assess and establish the applicant's level of participation in the off-site capital improvement.

2. In conducting the assessment, the Planning Board shall consider the following:
 - a. The status of the system and service as a result of the analysis and any potential relationship to items noted and scheduled in the comprehensive plan and capital improvement program.
 - b. The net effect of the proposed development on the capacity of the capital improvement, indicating the percentage share caused by the development.
 - c. A cost estimate for this capital improvement so as to meet the increased demand, a breakdown of the applicant's share of that cost, and an estimate of the remaining capacity and post improvement capacity available to developments other than the applicant.

G. Improvement Responsibilities:

1. The fair value of any land area donated, acquired, or purchased by the owner/applicant shall be duly considered by the Planning Board, Town Council and the Town as an integral component in determining the Negotiated Exaction.
2. Once the applicant's share of capital improvement impact has been established by the Planning Board, the Board shall select the method in which the applicant must participate in the capital improvement. The following alternatives are available:
 - a. The applicant makes the improvement:
 - (i) The applicant must agree to make the necessary infrastructure improvements, providing all initial financial carrying costs, establish a construction schedule, and post a performance guarantee to cover all associated costs. The applicant may recover the improvement costs (including engineering and design, construction, and financing expenses) within ten (10) years after improvements are made and in accordance with a specified level of service range associated with the improvement.
 - (ii) For the applicant to recover these costs, subsequent developments must realize a benefit by using the infrastructure improvements financed by the applicant. Cost reimbursement for the applicant shall be established as subsequent developments go through the subdivision or site plan review process.
 - (iii) Calculations shall include adjustments for time-price differentials using the coupon issue yield equivalent of 52-week United States Treasury Bills (1-year Treasury Rate) as an index. Payments shall be made prior to the release of the signed final plan for recording purposes or the building permit where no recording mylar is involved.
 - b. Cost Sharing for Subsequent Development:
 - (i) Allocation Cost Sharing for Subsequent Development(s). In arriving at the appropriate cost share for subsequent development, applicants shall use the same methodology as that utilized by the initial applicant. In applying the methodology, subsequent applicants shall establish their cost based on the percentage utilization of the improvements in terms of post-construction level of service.

- (ii) Reallocation of Carrying Costs. At the request of the developer and at the discretion of the Planning Board, the Town may also require subsequent developments to share in the initial financial carrying costs of the necessary infrastructure improvements. If so determined, the carrying costs shall be shared between the initial and subsequent development(s) in direct proportion to their relative impact on the capital improvement. Once apportioned, the initial and subsequent development(s) are eligible for cost reimbursement from subsequent development(s) as described above.
- c. Town makes improvements: The Town may agree to complete the improvements. The applicant shall pay the required share of the cost to the Town prior to the release of the signed final plan or building permit, said payment to be held in a reserve fund until the improvement is completed. Subsequent developments that realize a benefit by using the infrastructure improvements financed by the Town shall also pay a fair share contribution.
- d. Cost Sharing agreement between Applicant and/or Town and/or MDOT to complete infrastructure improvements and/or partial contribution toward future Town infrastructure Improvement related to development application and/or land acquisition.

402.10.17 Post Site Plan Approval Activities

A. Time Limit on Approval

Substantial construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months and substantially completed within twenty-four (24) months of the date upon which the approval was granted. If construction has not been substantially commenced within the specified period, the approval shall be null and void. If construction has not been substantially commenced within the specified period substantially completed the project shall be in violation of the Ordinance.

The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two, one-year extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

B. Improvement Guarantees

1. The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection C below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
2. Upon substantial completion of all required improvements, the developer must notify the Planner and Code Enforcement Officer of the completion or substantial completion of improvements. The staff shall inspect or seek qualified professionals to conduct inspections to verify the proper construction of all required improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
3. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

C. Form of Guarantee

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Attorney:

1. Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state. The bond must be issued in the name of the developer receiving site plan approval and not any contractors working for the developer.
2. Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
3. Escrow Account. The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the Town, or in escrow in the name of the Town with a bank. A written agreement will be entered between the developer and the Town indicating the release of funds as work is completed and the return of all remaining funds with any interest accrued to the developer upon successful completion of the project.

D. Submission of As-Built Plans

Any project involving the construction of more than twenty thousand (20,000 sq. ft.) square feet of gross floor area or fifty thousand (50,000 sq. ft.) square feet of impervious surface, must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans must be submitted prior to the issuance of a certificate of occupancy for the project or occupancy of the building.

E. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Planner.

F. Other Changes to Approved Plans

Approvals of site plans are 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, except minor changes that do not affect approval standards, is subject to review and approval by the Planning Board or Staff Review Committee.

G. Appeals

1. Appeal of any actions taken by the Staff Review Committee shall be taken to the Planning Board in accordance with the provisions of Section 402.10.7 D.
2. Any party may take an appeal within thirty (30) days of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with Maine Rules of Civil Procedure, Article 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court must be without a jury.
3. The Planning Board may reconsider any decision reached under this section within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

ARTICLE 11 – GRAVEL PITS AND QUARRIES

Revision of Article 11 adopted by Town Council on: February 5th 2013

402.11.1 Purpose

The purpose of the standards in this Article 11 are the following:

- A. Regulate in an environmentally sound manner the extraction, removal, processing, and storage of topsoil, loam, rock, sand, gravel, clay, and other similar non-metallic earth materials in order to create an excavation for the purpose of obtaining gravel, rock, sand, fill, or clay.
- B. Protect the quantity and quality of the groundwater and other water bodies.
- C. Prevent a lowering of the average water table.
- D. Control erosion.
- E. Regulate access to excavations to and from public and private streets or roads.
- F. Provide for the safety of the public.

402.11.2 Applicability

- A. After the effective date of this revision of this Ordinance, March 7th 2013, all excavations within the Town of Gray shall be operated and maintained in accordance with the requirements of this Article 11 and this Ordinance except for those excavations with previously issued valid permits that specifically allow otherwise. Examples of exceptions include, but are not limited to, previously issued site location of development permits or other arrangements that have been approved by the State of Maine Department of Environmental Protection.
- B. Definitions: Terms for standards included in and associated with this Article 11 are located in Article 2 (Definitions) of this Ordinance. Terminology utilized by the Maine Department of Environmental Protection for the purposes of regulating Gravel Pits, Quarries, and Extractive Operations shall be applicable for the purposes of standards in this Article 11.
- C. Reclamation Requirements: Any area that has not been disturbed or modified since July 4, 1985 is not subject to reclamation requirements specified in Excavation Regulations in this Article (Section 402.11.7) of this Ordinance.
- D. This Ordinance does not apply to the following types of excavations or activities (formerly identified as Class C excavations):
 1. Any excavation with the sole purpose to determine the nature or extent of mineral resources accomplished by hand sampling, test boring, or other methods which create minimal disturbance with test holes filled in immediately after use.
 2. The removal of less than two hundred (200) cubic yards of material (except topsoil) in any one (1) year, provided that such removal does not disturb more than one (1) acre of land. The removal of any amount of topsoil or loam from a site is not an exempt activity unless it is undertaken as part of an approved construction project, is part of normal farm operations, or the topsoil or loam is being moved to a contiguous site having the same ownership.
 3. Any excavation or grading which is undertaken as part of and subordinate to an approved construction project such as a subdivision, permitted structure, or road.

4. Any excavation that has not expanded the limits of extraction beyond those that existed on the site prior to the initial adoption of this Ordinance on July 4, 1985.

402.11.3 Permitted Zoning Districts

- A. Excavation and earth-moving activities requiring a permit in accordance with this Ordinance shall be considered allowed uses in the RRA, BD-1, BD-2, MD, C, LD, and MH Zoning Districts.
- B. Excavation and earth-moving activities which require a permit but which were not in operation as of July 4, 1985 shall be prohibited in the, WH-1, WH-2 and BT-2 Zoning Districts.
- C. Excavation and earth-moving activities in RP, SP and LR Zoning Districts are covered separately under the Shoreland Zoning Ordinance.

402.11.4 Permit Requirements

- A. Regulations for permits distinguish between seven classifications as specified below in Section 402.11.5 (Classification). In addition to standards required for the respective classification, all operations shall comply with the standards in Permit Requirements in this Article (Section 402.11.4).
- B. For all classifications that require a Town permit, the owner or operator shall pay a fee to the Town of Gray as set forth in the Schedule of Fees adopted by the Town Council upon filing an application for an excavation under this Ordinance.
- C. For classifications that do not require a Town permit, the standards established in this Ordinance, including Administrative Requirements (Section 402.11.8) and Excavation Regulations (Section 402.11.7) in this Article are applicable unless specifically exempted.
- D. The reviewing authority's scope of review is limited to the permit requirements for the respective classifications. The applicant shall be responsible for ensuring that necessary provisions have been established to meet and maintain Excavation Regulations specified in Excavation Regulations (Section 402.11.7) and Administrative Requirements (Section 402.11.8) of this Article including but not limited to reclamation standards, an acceptable form of surety for reclamation when applicable, expansions of non-conforming uses, inspections, annual reports, and change in owner/operator.
- E. Renewal of an excavation permit shall not be required while the operation of an excavation remains within the boundaries of the existing permit, provided that the owner or operator complies with all the requirements of this Ordinance.

402.11.5 Classification

There shall be seven (7) classifications of excavations:

- A. New Class A Excavations. Class A excavations are those of five (5) acres or more in area that are required to have a permit from the Maine Department of Environmental Protection. See 402.11.6.A below.
- B. Expansion of a Class A excavation beyond the permitted excavation area and within the perimeter of the property which includes the proposed expansion without any change in access. See 402.11.6.B below.
- C. Expansion of a Class A excavation beyond the permitted excavation area and within the perimeter of the property which includes the proposed expansion, with a proposed change in access. See 402.11.6.C below.

- D. Expansion of a Class A excavation beyond the permitted excavation area and beyond the perimeter of the property which includes the existing excavation without any change in access. See 402.11.6.D below.
- E. Expansion of a Class A excavation beyond the permitted excavation area and beyond the perimeter of the property which includes the existing excavation and which also includes a change in access. See 402.11.6.E below.
- F. New Class B excavations and expansions of Class B excavations beyond the permitted excavation area that will have a proposed total working excavation area of less than five (5) acres. Class B excavations are those of less than five (5) acres in area that are not required to have a permit from the Maine Department of Environmental Protection, but are required to have a permit from the Town of Gray. See 402.11.6.F below.
- G. Expansion of a Class B excavation that will have a proposed total working excavation area of five (5) acres or more. See 402.11.6.G below.

402.11.6 Requirements for Classifications

In addition to Permit Requirements specified in 402.11.4 above, the following standards are applicable for the respective type of classification:

A. New Class A excavations

1. Any proposed new Class A excavation that is entirely within the Town of Gray is required to obtain a permit from the Town of Gray in accordance with the requirements of this Ordinance. For any proposed new Class A excavation that crosses municipal boundaries, this requirement for a permit applies only to that portion that lies within the Town of Gray.
2. The applicant is required to file a notice of intent to comply with the Maine Department of Environmental Protection and to file an application for a new excavation permit with the Town of Gray.
3. Planning Board approval is required before a permit is issued by the Town of Gray. A public hearing shall be held by the Planning Board within thirty (30) days of the date that the Code Enforcement Officer determines that an application is complete.
4. An application for a proposed new Class A excavation permit shall be submitted to the Code Enforcement Officer. The following information shall be included with the application for a new permit:
 - a. Name, address, telephone number, fax, and email address of current owner of the property.
 - b. Name, address, telephone number, fax, and email address of operator if different from owner.
 - c. If the applicant for an excavation has received a Maine Department of Environmental Protection permit or any other State or Federal permits that may be required, then copies of those permits shall be included with the application.
 - d. Assessor's Tax Map and lot number(s), a copy of the most recently recorded deed for the parcel and, if the applicant is not the owner, verification of right, title, or interest in the property by purchase and sales agreement, option to purchase the property, or some other proof of interest.
 - e. A site plan that includes the following information:

- (i) A boundary survey of the parcel proposed for excavation, or if a portion of the parcel is proposed for excavation, a survey of the portion of property proposed for excavation shall be submitted.
 - (ii) Date, North arrow, legend, and scale.
 - (iii) Owner of record name and address.
 - (iv) All consultants working on the project.
 - (v) Location of structures, wells, streams, springs, intermittent streams, wetlands, and test borings on the parcel or within one hundred (100) feet of the parcel.
 - (vi) Contours of the parcel around the area of proposed excavation and within one hundred (100) feet of the parcel at five (5) foot intervals.
 - (vii) Existing and proposed buffering of the parcel or the excavation site from surrounding properties.
 - (viii) Location of any proposed material storage sites including proximity to abutters.
 - (ix) Location of all proposed accesses to and from public or private streets with plans for controlling access to the excavation site such as fencing, gates, or signs.
 - (x) Rehabilitation plans for closing out the site.
 - (xi) If a site plan has been accepted by the Maine Department of Environmental Protection, then a copy of that site plan shall be included with the application.
- f. The depth to groundwater at the site of the proposed excavation as determined by test boring to substantiate that the groundwater will not be disturbed.
 - g. A description of any existing or planned security provisions which might include warning signs, fencing, and lighting.
 - h. A narrative description of the operations including methods of extraction, uses of on-site processing equipment, type and location of any structures, stockpiled materials, disposition of stumps, brush, or other materials, and on-site storage of any hazardous materials.
 - i. Present uses of abutting and nearby properties.
 - j. A statement clearly specifying any known easements that could potentially affect the property to be excavated or the rights of the owners of the easements. If no such easements exist, a statement to this effect shall be submitted.
 - k. Sufficient information for the Planning Board to make a determination that the standards contained in Section 402.11.6.A.7 below will be met and maintained.
 - l. A signed statement attesting that, to the best of the knowledge of the applicant for an excavation, the information contained in the application is true, accurate, and complete.
5. When the Code Enforcement Officer has verified that the application is complete, the Code Enforcement Officer shall notify the Planning Board that an application for a new Class A excavation has been received and that the Planning Board is required to hold a Public hearing within thirty (30) days.

6. No permit shall be issued for any new Class A excavation until the abutting property owners have been notified as specified in this Section.
 - a. Within seven (7) days of the receipt of an application for a new excavation permit, the Code Enforcement Officer, or designee, shall notify in writing by First Class Mail all owners of abutting property that an application for an excavation permit has been received.
 - b. For purposes of this section, abutting property owners shall be owners of property within five hundred (500) feet of the nearest boundary of the property which includes the proposed excavation.
 - c. For purposes of this section, the owners of abutting property shall be considered to be the parties listed by the tax assessor for the Town of Gray as those against whom taxes are assessed.
 - d. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board.
 - e. The letter notifying the abutting property owners shall state that an application has been received, where/how to view additional information, the specifics of the next step in the Town's review of the application (date, place, time), and the options available to ask questions, raise concerns, and provide input to the Town's review process.
7. The Planning Board shall have jurisdiction over the following matters that may have effects outside of the perimeter of the property and shall determine that adverse impacts to the public are minimized:
 - a. Provisions to deal with any noise, dust, runoff, or other environmental considerations that may affect the public.
 - b. Appropriate mitigation measures to minimize negative impacts of the project on surrounding or nearby properties or public facilities including, but not limited to public roads.
 - c. Appropriate security provisions which might include warning signs, fencing, and lighting.
 - d. Safe entrances and exits in accordance with the provisions of the Traffic Access and Parking section of Site Development Standards for Site Plan Review of this Ordinance.
 - e. Appropriate buffer strips in accordance with the requirements of the Excavation Regulations of this Ordinance.
 - f. Proximity of proposed material storage sites to abutters.
- B. Expansion of a Class A excavation beyond the permitted excavation area and within the perimeter of the property which includes the proposed expansion without any change in access.
 1. The applicant is required to file the appropriate documents with the Maine Department of Environmental Protection and to supply two (2) complete copies of those documents to the Code Enforcement Officer of the Town of Gray.
- C. Expansion of a Class A excavation beyond the permitted excavation area and within the perimeter of the property which includes the proposed expansion, with a proposed change in access
 1. The applicant is required to file the appropriate documents with the Maine Department of Environmental Protection and to include copies of those documents with an application for an expansion of an excavation permit with the Code Enforcement Officer of the Town of Gray

2. Planning Board approval is required before a permit is issued by the Town of Gray. The Planning Board shall hold a public hearing within thirty (30) days of the date that the Code Enforcement Officer determines that the application is complete.
3. The following information shall be included with the application for a permit:
 - a. Name, address, telephone number, fax, and email address of current owner of the new property.
 - b. Name, address, telephone number, fax, and email address of operator if different from owner of the new property.
 - c. A sketch of the area proposed for expansion of an excavation. The sketch shall include, at a minimum:
 - (i) Date, North arrow, legend, and scale.
 - (ii) Owner of record name and address.
 - (iii) All consultants working on the project.
 - (iv) Locations of structures, wells, streams, springs, intermittent streams, wetlands, and test borings on the area proposed for expansion or within one hundred (100) feet of the area proposed for expansion.
 - (v) Existing and proposed buffering of the area proposed for expansion from surrounding properties.
 - (vi) Any proposed material storage sites, including proximity to abutters, in the area proposed for expansion.
 - (vii) Detailed drawings of the proposed change in access including contours.
 - d. A description of any existing or planned security provisions which might include warning signs, fencing, and lighting.
 - e. A narrative description of the operations including methods of extraction, uses of on-site processing equipment, type and location of any structures, stockpiled materials, disposition of stumps, brush, or other materials, and on-site storage of any hazardous materials.
 - f. Present uses of abutting and nearby properties.
 - g. A statement clearly specifying any known easements that could potentially affect an excavation. If no such easements exist, a statement to this effect shall be submitted.
 - h. Sufficient information for the Planning Board to make a determination that the standards contained in Section 402.11.6.C.6 below will be met and maintained.
 - i. A signed statement attesting that, to the best of the knowledge of the applicant for an expansion of an excavation, the information contained in the application is true, accurate, and complete.
4. When the Code Enforcement Officer has verified that the application is complete, the Code Enforcement Officer shall notify the Planning Board that an application for an expansion of an excavation with a change of access has been received and a Public hearing is required to be held within thirty (30) days.

5. No permit shall be issued for expansion of a Class A excavation that includes a change in access until the property owners abutting the property which includes the expansion have been notified as specified in this Section that an application for an expansion of an excavation with a change of access has been received.
 - a. Within seven (7) days of the receipt of an application for a permit for the expansion of the excavation, the Code Enforcement Officer, or designee, shall notify in writing by First Class Mail all owners of abutting property that an application for an expansion of an excavation permit has been submitted.
 - b. For purposes of this section, abutting property owners shall be owner(s) of property within five hundred (500) feet of the nearest boundary of the area to be permitted for the proposed expansion of an excavation.
 - c. Owners of abutting property shall be those listed in the most recent tax records of the Town of Gray.
 - d. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Board.
 - e. The letter notifying the abutting property owners shall state that an application for an expansion of an excavation beyond the permitted excavation area, but within the perimeter of the property which includes the proposed expansion, with a proposed change in access has been received, where/how to view additional information, the specifics of the next step in the Town's review of the application (date, place, time), and the options available to ask questions, raise concerns, and provide input to the Town's review process.
 6. The Planning Board shall have jurisdiction over the following matters that may have effects outside of the perimeter of the property and shall determine that adverse impacts to the public are minimized:
 - a. Provisions to deal with any noise, dust, runoff, or other environmental considerations that may affect the public.
 - b. Appropriate mitigation measures to minimize negative impacts of the project on surrounding or nearby properties or public facilities including, but not limited to public roads.
 - c. Safe entrances and exits in accordance with the provisions of the Traffic Access and Parking section of Site Development Standards for Site Plan Review of this Ordinance.
 7. All requirements of the existing permit shall remain in effect unless specifically altered in the permit for an expansion.
- D. Expansion of a Class A excavation beyond the permitted excavation area and beyond the perimeter of the property which includes the existing excavation without any change in access.
1. The applicant is required to file the appropriate documents with the Maine Department of Environmental Protection and to include copies of those documents with an application for an expansion of an excavation permit with the Code Enforcement Officer of the Town of Gray.
 2. The following information shall be included with the application for a permit:
 - a. Name, address, telephone number, fax, and email address of current owner of the new property.

- b. Name, address, telephone number, fax, and email address of operator if different from owner of the new property.
 - c. A sketch of the area proposed for expansion of an excavation. The sketch shall include, at a minimum:
 - (i) Date, North arrow, legend, and scale.
 - (ii) Owner of record name and address.
 - (iii) All consultants working on the project.
 - (iv) Location of structures, wells, streams, springs, intermittent streams, wetlands, and test borings on the area proposed for expansion or within one hundred (100) feet of the area proposed for expansion.
 - (v) Existing and proposed buffering of the area proposed for expansion from surrounding properties.
 - (vi) Any proposed material storage sites, including proximity to abutters, in the area proposed for expansion
 - d. A description of any existing or planned security provisions which might include warning signs, fencing, and lighting.
 - e. A narrative description of the operations including methods of extraction, uses of on-site processing equipment, type and location of any structures, stockpiled materials, disposition of stumps, brush, or other materials, and on-site storage of any hazardous materials.
 - f. Present uses of abutting and nearby properties.
 - g. A statement clearly specifying any known easements that could potentially affect the property to be excavated or the rights of the owners of the easements. If no such easements exist, a statement to this effect shall be submitted.
 - h. A signed statement attesting that, to the best of the knowledge of the applicant for an expansion of an excavation, the information contained in the application is true, accurate, and complete.
3. When the Code Enforcement Officer has verified that the application is complete, the Code Enforcement Officer shall issue a permit for the expansion.
 4. Within seven (7) days of the verification by the Code Enforcement Officer that the application is complete, the Code Enforcement Officer, or designee, shall notify in writing by First Class Mail the abutting property owners of the new property which includes the expansion that a permit for an expansion of an excavation without any change in access has been issued.
 - a. For purposes of this section, abutting property owners shall be owner(s) of property within five hundred (500) feet of the nearest boundary of the area to be permitted for the proposed expansion of an excavation.
 - b. Owners of abutting property shall be those listed in the most recent tax records of the Town of Gray.
 - c. Failure of any property owner to receive a notice shall not necessitate any review or invalidate any action of the Code Enforcement Officer.

- d. The letter notifying the abutting property owners shall state that a permit for an expansion of an excavation that proposes to extend beyond the perimeter of the property which includes the existing excavation without any change in access has been received, where/how to view additional information, and the options available to ask questions, and raise concerns regarding applicable standards.
5. All requirements of the existing permit shall remain in effect unless specifically altered in the permit for an expansion.
- E. Expansion of a Class A excavation beyond the permitted excavation area and beyond the perimeter of the property which includes the existing excavation and which also includes a change in access
 1. The applicant is required to file the appropriate documents with the Maine Department of Environmental Protection and to include two (2) complete copies of those documents with an application for an expansion of an excavation permit with the Code Enforcement Officer of the Town of Gray.
 2. Planning Board approval is required before a permit is issued by the Town of Gray. The Planning Board shall hold a public hearing within thirty (30) days of the date that the Code Enforcement Officer determines that the application is complete.
 3. The following information shall be included with the application for a permit:
 - a. Name, address, telephone number, fax, and email address of current owner of the new property.
 - b. Name, address, telephone number, fax, and email address of operator if different from owner of the new property.
 - c. A sketch of the area proposed for expansion of the excavation. The sketch shall include, at a minimum:
 - (i) Date, North arrow, legend, and scale.
 - (ii) Owner of record name and address.
 - (iii) All consultants working on the project.
 - (iv) Locations of structures, wells, streams, springs, intermittent streams, wetlands, and test borings on the area proposed for expansion or within one hundred (100) feet of the area proposed for expansion.
 - (v) Existing and proposed buffering of the area proposed for expansion from surrounding properties.
 - (vi) Any proposed material storage sites including proximity to abutters.
 - (vii) Detailed drawings of the proposed change in access including contours.
 - d. The depth to groundwater at the site of the proposed expansion of the excavation as determined by test boring to substantiate that the groundwater will not be disturbed.
 - e. A narrative description of the operations including methods of extraction, uses of on-site processing equipment, type and location of any structures, stockpiled materials, disposition of stumps, brush, or other materials, and on-site storage of any hazardous materials.
 - f. Present uses of abutting and nearby properties.

- g. A statement clearly specifying any known easements that could potentially affect the property to be excavated or the rights of the owners of the easements. If no such easements exist, a statement to this effect shall be submitted.
 - h. Sufficient information for the Planning Board to make a determination that the standards in Sections 402.11.6.E.6 and 7 below will be met and maintained.
 - i. A signed statement attesting that, to the best of the knowledge of the applicant for an expansion of an excavation, the information contained in the application is true, accurate, and complete.
4. When the Code Enforcement Officer has verified that the application is complete, the Code Enforcement Officer shall notify the Planning Board that an application for an expansion of an excavation with a change of access has been received and a Public hearing is required to be held within thirty (30) days.
5. No permit shall be issued for expansion of a Class A excavation that includes a change in access until the property owners abutting the property which includes the expansion have been notified as specified in this Section.
- a. Within seven (7) days of the receipt of an application for a permit for the expansion of the excavation, the Code Enforcement Officer, or designee, shall notify in writing by First Class Mail all owners of abutting property that an application for a permit for an expansion of an excavation with a change of access has been received.
 - b. For purposes of this section, abutting property owners shall be owner(s) of property within five hundred (500) feet of the nearest boundary of the area to be permitted for the proposed expansion of an excavation.
 - c. Owners of abutting property shall be those listed in the most recent tax records of the Town of Gray.
 - d. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Board.
 - e. The letter notifying the abutting property owners shall state that an application for an expansion of an excavation that proposes to extend beyond the perimeter of the property which includes the existing excavation and also includes a change in access has been received, where/how to view additional information, the specifics of the next step in the Town's review of the application (date, place, time), and the options available to ask questions, raise concerns, and provide input to the Town's review process.
6. The Planning Board shall have jurisdiction over the following matters that may have effects outside of the perimeter of the property and shall determine that adverse impacts to the public are minimized:
- a. Provisions to deal with any noise, dust, runoff, or other environmental considerations that may affect the public.
 - b. Appropriate mitigation measures to minimize negative impacts of the project on surrounding or nearby properties or public facilities including, but not limited to public roads.
 - c. Safe entrances and exits in accordance with the provisions of the Traffic Access and Parking section of Site Development Standards for Site Plan Review of this Ordinance.

- d. Appropriate buffer strips in accordance with the requirements of the Excavation Regulations of this Ordinance.
 - e. Proximity of proposed material storage sites to abutters.
7. The Planning Board shall determine that the following issues are met that are not more than fifty (50) feet inside of the perimeter of the property which includes the proposed expansion:
 - a. Appropriate buffer strips in accordance with the requirements of the Excavation Regulations of this Ordinance.
 - b. Proximity of proposed material storage sites to abutters.
 8. All requirements of the existing permit shall remain in effect unless specifically altered in the permit for an expansion.
- F. New Class B Excavations and Expansion of a Class B Excavation.
1. Any proposed new Class B excavation or expansion of a Class B excavation that is entirely within the Town of Gray is required to obtain a permit from the Town of Gray in accordance with the requirements of this Ordinance. For any proposed new Class B excavation or expansion of a Class B excavation that crosses municipal boundaries, this requirement for a permit applies only to that portion that lies within the Town of Gray.
 2. The Planning Board shall have jurisdiction over all permitting matters related to the excavation.
 3. Planning Board approval is required before a permit is issued by the Town of Gray. A public hearing shall be held by the Planning Board within thirty (30) days of the date that the Code Enforcement Officer determines that an application is complete.
 4. For a proposed new Class B excavation or expansion of a Class B excavation, the applicant is required to file an application for an excavation permit with Gray's Code Enforcement Officer. The following information shall be included with the application for a permit:
 - a. Name, address, telephone number, fax, and email address of current owner of the property.
 - b. Name, address, telephone number, fax, and email address of operator if different from owner.
 - c. For a Class B excavation, if the applicant for an excavation has received a Maine Department of Environmental Protection permit or any other State or Federal permits that may be required, then copies of those permits shall be included with the application.
 - d. Assessor's Tax Map and lot number(s), a copy of the most recently recorded deed for the parcel and, if the applicant is not the owner, verification of right, title, or interest in the property by purchase and sales agreement, option to purchase the property, or some other proof of interest.
 - e. A site plan that includes the following information:
 - (i) A boundary survey of the parcel proposed for excavation, or if a portion of the parcel is proposed for excavation, a survey of the portion of property proposed for excavation shall be submitted.
 - (ii) Date, North arrow, legend, and scale.
 - (iii) Owner of record name and address.

- (iv) All consultants working on the project.
 - (v) Location of structures, wells, streams, springs, intermittent streams, wetlands, and test borings on the parcel or within one hundred (100) feet of the parcel.
 - (vi) Contours of the parcel around the area of proposed excavation and within one hundred (100) feet of the parcel at five (5) foot intervals.
 - (vii) Existing and proposed buffering of the parcel or the excavation site from surrounding properties.
 - (viii) Location of any proposed material storage sites including proximity to abutters.
 - (ix) Location of all proposed accesses to and from public or private streets with plans for controlling access to the excavation site such as fencing, gates, or signs.
 - (x) Rehabilitation plans for closing out the site.
- f. The depth to groundwater at the site of the proposed excavation as determined by test boring to substantiate that the groundwater will not be disturbed.
- g. A description of any existing or planned security provisions which might include warning signs, fencing, and lighting.
- h. A narrative description of the operations including methods of extraction, uses of on-site processing equipment, type and location of any structures, stockpiled materials, disposition of stumps, brush, or other materials, and on-site storage of any hazardous materials.
- i. Present uses of abutting and nearby properties.
- j. A statement clearly specifying any known easements that could potentially affect an excavation. If no such easements exist, a statement to this effect shall be submitted.
- k. Sufficient information for the Planning Board to make a determination that the standards in Section 402.11.6.F.7 below will be met and maintained.
- l. A signed statement attesting that, to the best of the knowledge of the applicant for an excavation, the information contained in the application is true, accurate, and complete.
5. When the Code Enforcement Officer has verified that the application is complete, the Code Enforcement Officer shall notify the Planning Board that an application for a new Class B excavation or expansion of a Class B excavation has been received and that a Public hearing is required to be held within thirty (30) days.
6. No permit shall be issued for any new Class B excavations or expansion of a Class B excavation until the abutting property owners have been notified as specified in this Section.
- a. Within seven (7) days of the receipt of an application for an excavation permit, the Code Enforcement Officer, or designee, shall notify in writing by First Class Mail all owners of abutting property that an application for an excavation permit has been received.
 - b. For purposes of this section, abutting property owners shall be owners of property within five hundred (500) feet of the nearest boundary of the property which includes the proposed excavation.

- c. For purposes of this section, the owners of abutting property shall be considered to be the parties listed by the tax assessor for the Town of Gray as those against whom taxes are assessed.
 - d. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Board.
 - e. The letter notifying the abutting property owners shall state that an application has been received, where/how to view additional information, the specifics of the next step in the Town's review of the application (date, place, time), and the options available to ask questions, raise concerns, and provide input to the Town's review process.
7. The Planning Board shall determine that the following issues that may affect the public are met by the proposed Class B excavation operation:
- a. Provisions to deal with any noise, dust, runoff, or other environmental considerations associated with the excavation operation.
 - b. Appropriate mitigation measures to minimize negative impacts of the project on surrounding or nearby properties or public facilities including, but not limited to public roads.
 - c. Appropriate security provisions which might include warning signs, fencing, and lighting.
 - d. Safe entrances and exits in accordance with the provisions of the Traffic Access and Parking section of Site Development Standards for Site Plan Review of this Ordinance.
 - e. Appropriate buffer strips in accordance with the requirements of the Excavation Regulations of this Ordinance.
 - f. Proximity of proposed material storage sites to abutters.
8. For applications involving expansions, all requirements of the existing permit shall remain in effect unless specifically altered in the permit for an expansion.
- G. Expansion of a Class B excavation that will have a proposed total working excavation area of five (5) acres or more will be subject to the requirements for expansion of Class A excavations.

402.11.7 Excavation Regulations

- A. In addition to Maine Department of Environmental Protection regulations, the standards in these Excavation Regulations (Section 402.11.7) are applicable for all operations in the Town of Gray.
- B. All excavation operations shall be in accordance with the excavation and reclamation requirements of the most current version of the Maine Department of Environmental Protection 38 MRSA Sections 490-D Performance Standards, 38 MRSA Sections 490-Z Performance Standards for Quarries, or excavations that have a Site Location of Development permit issued under 38 MRSA Section 481, and the requirements of the applicable Sections of this Ordinance except that any areas that have not been disturbed or modified since July 4, 1985 are not subject to reclamation requirements.
- C. Stockpiles: A minimum distance of one-hundred (100) feet shall be maintained between product stockpiles and any residence on an abutting property.

D. Buffers: If the owner or operator has permission from an abutter to reduce the width of a buffer in accordance with DEP regulations, then the written permission must be recorded in association with the deed of the affected abutting property at the Cumberland County Registry of Deeds.

E. Reclamation:

1. In addition to performing reclamation in accordance with DEP regulations, at the option of the owner reclamation may include, but is not limited to:
 - a. Stabilization of slopes.
 - b. Creation of safety benches.
 - c. Planting of forests.
 - d. Seeding of grasses and legumes.
 - e. Seeding for grazing purposes.
 - f. Planting of crops for harvest.
 - g. Enhancement of wildlife and aquatic habitat.
 - h. Enhancement of aquatic resources.
 - i. Enhancement of recreational resources.
2. An owner or operator may apply to the Maine Department of Environmental Protection for approval of plans for alternative forms of reclamation provided that any such activity is in accordance with the Zoning Ordinance of the Town of Gray.
3. When applicable, the site must be returned to its pre-construction natural condition as much as may be feasible. All above ground structures, equipment, foundations, utilities, and access roads or driveways shall be removed unless specifically designated for new or continuing use by the owner in writing to the Code Enforcement Officer.

F. Surety for Reclamation

The Town may require an acceptable form of surety to cover the estimated cost to complete the reclamation of excavations with a working pit larger than ten (10) acres in size, excluding any reclaimed areas, unless the operator demonstrates that a bond or similar financial assurance has been secured for the Maine Department of Environmental Protection pursuant to 38 MRSA Section 490-D or 490-Z. The estimated cost to complete the reclamation shall be determined on the basis of usual, customary, and reasonable costs for similar reclamation and shall be calculated by the same rules as used by DEP. The applicant for excavation shall provide surety in the form of cash, certified bank checks, insurance bonds, or irrevocable letters of credit all payable to the Town of Gray. Any such surety shall be satisfactory to the Town Council and to the Town Attorney as to sufficiency, manner of execution, and amount.

G. Expansions of Non-Conforming Excavations

No nonconforming mineral exploration, excavation, or removal of lands for the purpose of creating a sand, fill, or gravel pit shall be extended to other land or parts of land unless the other land or parts of land were designated for such use prior to July 4, 1985. On any land or parts of land that were not designated for such use prior to July 4, 1985, excavation shall be permitted only upon the submittal

and approval of an entirely new and separate application in accordance with the requirements of this Ordinance.

402.11.8 Administrative Requirements

A. Inspections

1. Inspections are required for all Class A and Class B excavations. The purpose of inspections is to determine or reaffirm that the excavation is in full compliance with the Excavation Regulations of this Ordinance.
2. Inspections of Class A excavations by the Maine Department of Environmental Protection shall be deemed sufficient provided that the owner or operator forwards a copy of the inspection report to the Code Enforcement Officer within thirty (30) days of receipt with payment of a fee as set forth in the Schedule of Fees adopted by the Town Council.
3. Annual inspections of Class B excavations shall be performed by persons who are qualified to determine the degree of compliance of the excavation with the requirements of this Ordinance. By submitting an application for a permit, or by submitting an Annual Report, the applicant for excavation agrees to authorize a properly escorted designated representative of the Town to enter the property including buildings, structures, or conveyances on the property at reasonable hours to determine compliance with the terms and conditions of a permit for a Class B excavation.
 - a. As set forth in the Schedule of Fees adopted by the Town Council, a fee for the inspection shall be paid by the owner or operator of the excavation.
 - b. The person performing the inspection shall be provided with an escort in accordance with the rules and regulations of the Federal Mining Safety and Health Administration (MSHA). Upon appropriate notice, the operator or a designee shall be the escort for inspection of the excavation.
 - c. The person performing the inspection shall determine the extent of the compliance of the excavation with the requirements of this Ordinance. If there are any instances of non-compliance, those instances shall be noted on the inspection form in accordance with subsection B. 4 of this Section.
 - d. The person performing the inspection shall complete the proper inspection form “Annual Inspection for Class B excavations”, with any appropriate comments, and deliver the completed form to the owner or operator.
 - e. The owner or operator shall forward a copy of the completed inspection report to the Code Enforcement Officer within thirty (30) days of receipt with payment of a fee as set forth in the Schedule of Fees adopted by the Town Council for the recording of the report.
4. If any additional inspection reports related to an excavation are received from any State or Federal Agency, the owner or operator shall forward a copy of the inspection report to the Code Enforcement Officer within thirty (30) days of receipt with payment of a fee of twenty-five (25) dollars for the recording of the report.

B. Annual Report required

The owner or operator of each Class A or Class B excavation shall submit a report for each separately permitted excavation to the Code Enforcement Officer of the Town of Gray no later than

March 15 of each year on a form specified by the Town of Gray. The report shall include the following information:

1. Name, address, telephone number, fax, and email address of owner.
2. Name, address, telephone number, fax, and email address of operator if different from owner.
3. Location of excavation with street address or directions to the excavation and Town of Gray Lot and Map designation.
4. Area in acres of working excavation.
5. Total area in acres that is currently permitted for excavation.
6. Total area in acres that is “grandfathered” in accordance with the provisions of this Ordinance.
7. Total area in acres that has been excavated.
8. Total area in acres that has been reclaimed.
9. An estimate of when the total area that is expected to be excavated will reach the limits of the area that has been permitted for excavation.
10. A statement of whether or not the Department of Environmental Protection has conducted an on-site inspection since the last report.
11. A signed statement attesting that the information submitted in the report is truthful, accurate, and correct to the best of the knowledge of the owner or operator and reaffirming that the excavation is in full compliance with the permit issued under this Ordinance.
12. A fee as set forth in the Schedule of Fees adopted by the Town Council shall be paid.

C. Change of Owner or Operator

Notice of a change of owner or operator shall be submitted to the Code Enforcement Officer of the Town of Gray in accordance with the following requirements:

1. For Class A excavations, the new owner or operator shall submit evidence to the Town that the excavation has either a valid Site Location of Development License or a valid borrow pit or rock quarry registration from the Maine Department of Environmental Protection.
2. For Class B excavations, the new owner or operator shall submit a notice of intent to comply with the requirements of this ordinance and any existing valid permit.
3. Where there is a change in ownership of an excavation operation for which a surety has been provided, the new owner shall be responsible for providing a new surety in accordance with the requirements of this Ordinance. Such surety shall be provided before the Town releases the original surety.

402.11.9 Waivers of Provisions

The Town of Gray shall accept waivers or variances granted by the Department of Environmental Protection as provided in the most current version of DEP Rules Chapter 378 Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products provided that such waivers or variances are in accordance with the provisions of the Town of Gray Zoning Ordinance and provided that the operator submits copies of the waivers or

variances to the Code Enforcement Officer prior to commencing activities requiring the waivers or variances.

402.11.10 Enforcement

Failure to comply with any of the terms of the excavation permit granted under this Ordinance shall constitute sufficient cause for the Town of Gray to terminate that permit or to undertake any other appropriate enforcement action or penalties.

If the Gray Code Enforcement Officer (CEO) becomes aware of an apparent violation of a Maine Department of Environmental Protection (Maine DEP) regulation(s), the CEO shall ensure that the Town's file contains sufficient documentation and shall notify the appropriate person(s) at Maine DEP. In the event that the CEO determines that Maine DEP's response is unreasonable, such as untimely action(s) or not sufficiently thorough, the CEO shall have the authority, but not the obligation, to enforce Maine DEP regulations regarding excavation operations and associated adverse impacts.

Failure to comply with any approval granted under this Ordinance or any other requirement of this Ordinance shall be considered a violation, which may be subject to enforcement under the provisions of 30-A M.R.S.A. § 4452.

Failure to file the required Annual Report with payment of the required Annual Fee by March 15 of each year shall instigate a penalty fee as set forth in the schedule of fees adopted by the Town Council.



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Lighting for Policy Makers



Why Should Your Municipality be Concerned about Light Pollution?

Energy Waste and Carbon Emissions

In an average year in the U.S. alone, outdoor lighting uses about 120 terawatt-hours of energy, mostly to illuminate streets and parking lots. That's enough energy to meet New

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IDA estimates that at least 30 percent of all outdoor lighting in the U.S. alone is wasted, mostly by lights that aren't shielded. That adds up to \$3.3 billion and the release of 21 million tons of carbon dioxide per year! To offset all that carbon dioxide, we'd have to plant 875 million trees annually ([see our Light Pollution and Energy Waste page](#)).

Negative Effects on Wildlife

Numerous studies have shown that artificial light at night has numerous negative and deadly effects on many types of [wildlife](#) including birds, amphibians, insects and mammals.

What about Crime and Safety?

There is no clear scientific evidence showing that increased outdoor lighting deters crime. While brighter lighting may make us feel safer, poor outdoor lighting can actually [reduce our personal safety](#). A [study conducted by the city of Chicago](#) found a correlation between increased crime and brightly lit alleyways. A [study prepared by the U.S. National Institute of Justice](#) concluded: "We can have very little confidence that improved lighting prevents crime."

In fact, glare from bright lights creates shadows where criminals can hide. Some crimes like vandalism and graffiti thrive on lighting.

Glare can also be dangerous to pedestrians and drivers. It shines into our eyes, constricting our pupils, which diminishes our ability to adapt to low-light conditions.

A Problem that has Simple Solutions

The good news is that your municipality can have it all – environmentally responsible lighting that helps keep citizens safe. When lighting is shielded, it's directed down on the ground where it's needed, which minimizes glare, light pollution and carbon emissions, and saves money.

Why Outdoor Lighting Ordinances Matter

[Outdoor lighting ordinances](#) or codes are a great tool for ensuring that municipalities implement good, safe outdoor lighting. A well-written ordinance, with proper lighting installed, will save the public money and increase safety. IDA, in collaboration with the Illuminating Engineering Society (IES), created the [Model Lighting Ordinance](#) (MLO) to make it easier for municipalities to adopt good lighting plans.

Many municipalities are replacing older, conventional, lighting systems with new, energy efficient, light emitting diodes (LEDs). However, energy efficiency is just one piece of the puzzle in improving outdoor lighting at night.

IDA has developed a set of recommendations for municipalities considering the installation of [LED lighting systems](#). These recommendations take into account a number of important considerations and provide guidance for selecting outdoor lighting that increases energy and cost savings, enhances safety and security, protects wildlife, and preserves the nighttime environment.

We strongly encourage municipalities to give serious consideration to these recommendations before converting to a LED outdoor lighting system.

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Don't miss out! Renew your membership now to ensure you keep getting timely updates on IDA and night sky protection.

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Your support of IDA's work puts you at the center of critical night sky conservation initiatives underway across the globe and close to home.

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Join the IDA Monthly Moonrise Club to help provide the sustained resources needed for IDA to fight light pollution and keep the stars shining bright.

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By becoming a Brand Partner, your company is helping to advocate for responsible lighting and natural night skies.

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- Fixture Seal of Approval
- Parks and Protected Areas
- Sea Turtle Conservation
- Education and Outreach
- Outdoor Sports

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- Light Pollution
- Find Dark Sky Lighting
- Lighting Basics
- Outdoor Lighting Basics
- My Neighbor's Lighting
- Lighting Ordinances
- LED Practical Guide

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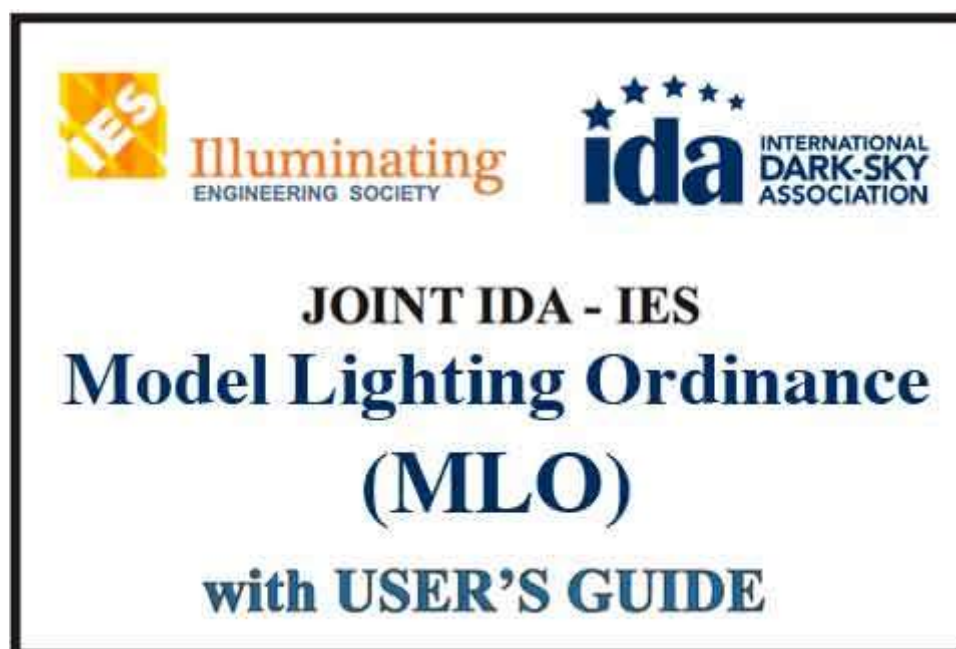
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Model Lighting Ordinance



Model Lighting Ordinance

IDA and the Illuminating Engineering Society of North America (IESNA) have developed a Model Lighting Ordinance to address the need for strong, consistent outdoor lighting regulation in North America.

Developed jointly over a period of seven years, the MLO encourages communities to adopt comprehensive outdoor lighting ordinances without devoting extensive staff time and resources to their development.

The MLO outdoor lighting template is designed to help municipalities develop outdoor lighting standards that reduce glare, light trespass, and skyglow. The MLO offers several

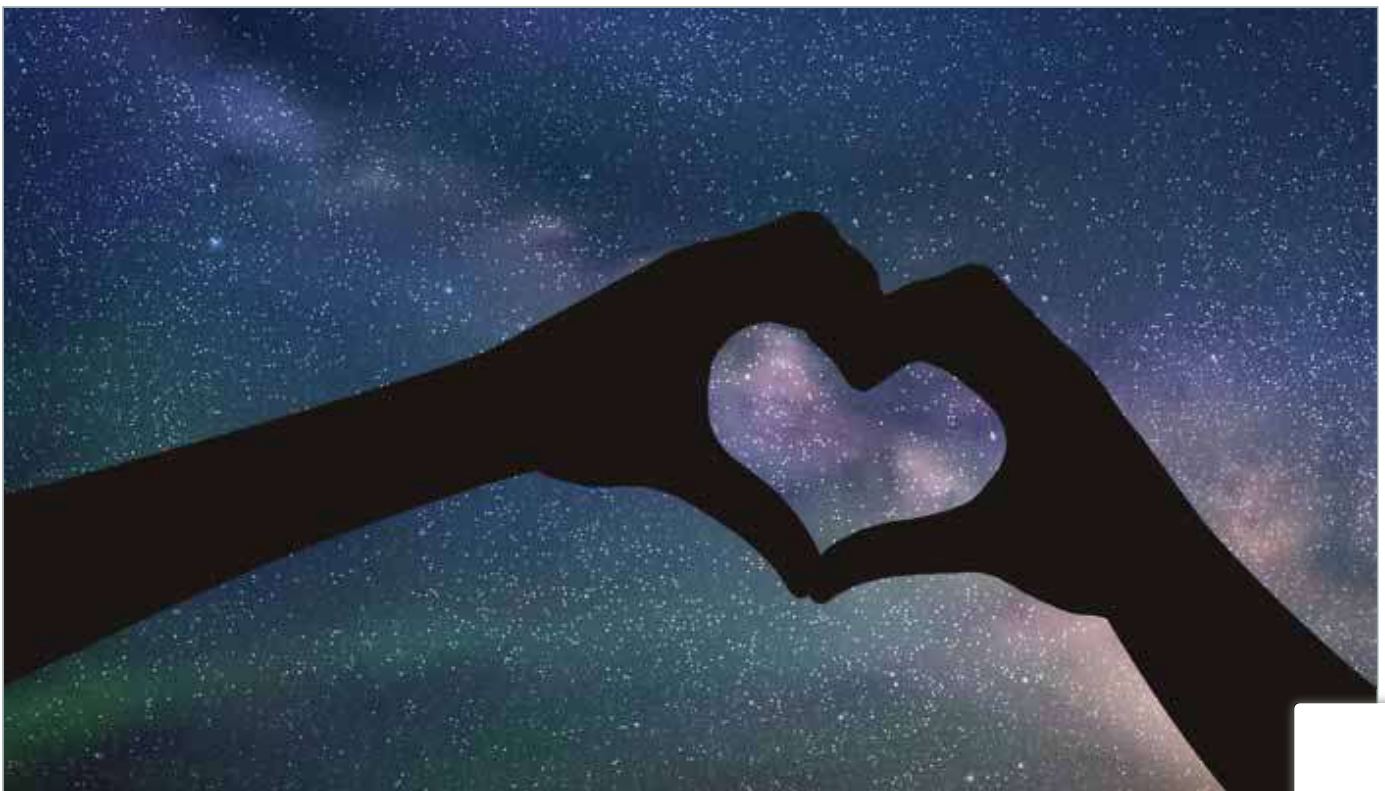
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- The use of five lighting zones to classify land use with appropriate lighting levels for each. Zones range from LZ0, designed for pristine natural environments and limited outdoor lighting, to LZ4, for limited application in areas of extensive development in the largest cities
- Limits on the amount of light used for each property
- Use of the IES's TM-15-11 "BUG" (Backlight, Uplight, and Glare) classification of outdoor lighting fixtures to ensure that only well-shielded fixtures are used. No uplight for area and street lighting is allowed in any zone

The MLO will be revised periodically to include new information, feedback from municipalities, and changes to IES standards. IDA is currently working with IESNA to provide an updated document that reflects current policies and practices, such as the [Five Lighting Principles](#) and [Values-Centered Approach](#).

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Ways To Support IDA



From protecting night skies to promoting eco-friendly lighting, all of IDA's successes start with the dedication and passion of members like you.

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Illuminating
ENGINEERING SOCIETY



JOINT IDA - IES

MODEL

LIGHTING

ORDINANCE

(MLO)

with USER'S GUIDE

June 15, 2011

The User Notes

The User Notes are intended to clarify the sections of the MLO for the various audiences who will use it: lighting designers, city officials, engineers, citizen groups, and others. Every effort has been made to keep the language technically accurate and clear, but since different disciplines may use the same term in different ways, or have different interpretations, some guidance may be helpful. While these Notes can not be a full tutorial on modern lighting design, it is hoped that the Notes will help facilitate the dialogue necessary to adopt the MLO.

Background

The problems of light pollution first became an issue in the 1970s when astronomers identified the degradation of the night sky due to the increase in lighting associated with development and growth. As more impacts to the environment by lighting have been identified, an international “dark sky” movement is advocating for the precautionary approach to outdoor lighting design.

Many communities have passed anti-light-pollution laws and ordinances. However, there is little or no agreement among these laws, and they vary considerably in language, technical quality, and stringency. This is confusing for designers, engineers, and code officials. The lack of a common basis prevents the development of standards, educational programs, and other means of achieving the goal of effective lighting control.

This MLO will allow communities to drastically reduce light pollution and glare and lower excessive light levels. The recommended practices of the IES can be met using readily available, reasonably priced lighting equipment. However, many conventional lighting practices will no longer be permitted, or will require special permits.

This Model Lighting Ordinance (MLO) is the result of extensive efforts by the International Dark Sky Association (IDA) and the Illuminating

Engineering Society of North America (IES). Among its features is the use of lighting zones (LZ0-4) which allow each governing body to vary the stringency of lighting restrictions according to the sensitivity of the area as well as accommodating community intent. In this way, communities can fine-tune the impact of the MLO without having to customize the MLO. The MLO also incorporates the Backlight-Uplight-Glare (BUG) rating system for luminaires, which provides more effective control of unwanted light.

Joint IDA-IESNA
Model Outdoor Lighting
Ordinance (MLO)

June 15, 2011

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General Notes in Adopting this Model Ordinance

Adoption of this ordinance should follow the established development, review, and approval processes of the adopting authority. If no such processes are in place, this ordinance may be adopted as a new independent section of the Municipal Code.

The MLO is probably best adopted as an “overlay zoning” ordinance. This means that it overlays, but is different from, land-use zoning. It can be added to or integrated into existing ordinances or codes and cross-referenced to other applicable codes and ordinances such as the electrical code, the sign code, planning ordinances, etc.

The MLO may best be managed by assigning it to planning officials and using existing administrative structures.

Because of the diverse community and lighting needs across large areas, this MLO is not intended for adoption as a state, provincial or national ordinance. Regional coordination is encouraged. Light pollution knows no boundaries, and the effects of polluting light persist as far as 200 kilometers (about 120 miles) from the source. One large city could adopt the MLO and dramatically affect a region, but adoption in suburbs and small towns must be part of a regional effort to achieve significant improvements in the overall quality of the night sky.

Adopting agencies should also consider that the MLO, like all other modern codes, is designed to evolve over time. Lighting technology will change, and MLO changes will be needed every few years. On-going renewal cycles are strongly recommended as any part of an adopting ordinance.

MLO Development and Task Force Members

This Model Lighting Ordinance has been developed as a joint undertaking by the Illuminating Engineering Society and the International Dark-Sky Association.

The Joint Task Force responsible for developing the MLO include

IDA
Co-Chair: Jim Benya
Co-Chair: Nancy Clanton
Leslie Lipstein
Leo Smith
Michael Mutmansky

IES
Naomi Miller
Cheryl English
Denis Lavoie
Eric Gibson

John Walter representing the electric utility industry also contributed as a member of the Joint Task Force.

I. PREAMBLE - User's Guide

In general, the preamble is part of the ordinance but is typically not part of the code. It establishes the reasons why the municipality is undertaking these regulations.

Local governments may add other purposes to the Preamble including established local government environmental or energy goals that support the model lighting ordinance. The environmental impacts of outdoor lighting fall into two categories: carbon footprint (energy used in the life of a lighting product) and obtrusive light.

CARBON FOOTPRINT	OBTRUSIVE LIGHT
Cost & Impact of Mining the Materials Used	Impact on Humans
Energy Used in Production	Impact on the Environment
Energy Used during Product Life	
Disposal/Recycling Costs	

II. LIGHTING ZONES - User's Guide

Lighting zones reflect the base (or ambient) light levels desired by a community. The use of lighting zones (LZ) was originally developed by the International Commission on Illumination (CIE) and appeared first in the US in IES Recommended Practice for Exterior Environmental Lighting, RP-33-99.

It is recommended that lower lighting zone(s) be given preference when establishing zoning criteria. Selection of lighting zone or zones should be based not on existing conditions but rather on the type of lighting environments the jurisdiction seeks to achieve. For instance, new development on previously rural or undeveloped land may be zoned as LZ-1. Using lighting zones allows a great deal of flexibility and customization without the burden of excessive regulation. For example, a jurisdiction may choose to establish vertical lighting zones with the lighting zone at street level at a higher zone than the residential housing on upper levels.

I. PREAMBLE - Ordinance Text

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.
- b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- c. Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy.
- d. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- e. Conserve energy and resources to the greatest extent possible.

II. LIGHTING ZONES - Ordinance Text

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

II. LIGHTING ZONES (cont.) - User's Guide

II. LIGHTING ZONES (cont.) - Ordinance Text

However, if an adjacent use could be adversely impacted by allowable lighting, the adopting authority may require that a particular site meet the requirements for a lower lighting zone. For example, the authority could specify Lighting Zone 1 or 2 requirements if a commercial development were adjacent to a residence, hospital or open space, or to any land assigned to a lower zone.

LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Lighting zones are best implemented as an overlay to the established zoning especially in communities where a variety of zone districts exists within a defined area or along an arterial street. Where zone districts are cohesive, it may be possible to assign lighting zones to established land use zoning. It is recommended that the lighting zone includes churches, schools, parks, and other uses embedded within residential communities.

LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

LZ3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

LZ4: High ambient lighting

Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-0	Lighting Zone 0 should be applied to areas in which permanent lighting is not expected and when used, is limited in the amount of lighting and the period of operation. LZ-0 typically includes undeveloped areas of open space, wilderness parks and preserves, areas near astronomical observatories, or any other area where the protection of a dark environment is critical. Special review should be required for any permanent lighting in this zone. Some rural communities may choose to adopt LZ-0 for residential areas.	Recommended default zone for wilderness areas, parks and preserves, and undeveloped rural areas. Includes protected wildlife areas and corridors.
LZ-1	Lighting Zone 1 pertains to areas that desire low ambient lighting levels. These typically include single and two family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for rural and low density residential areas. Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.

II. LIGHTING ZONES (cont.) - User's Guide

Zone	Recommended Uses or Areas	Zoning Considerations
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	<p>Recommended default zone for light commercial business districts and high density or mixed use residential districts.</p> <p>Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.</p>
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high night time activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.	<p>Recommended default zone for large cities' business district.</p> <p>Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.</p>
LZ-4	Lighting zone 4 pertains to areas of very high ambient lighting levels. LZ-4 should only be used for special cases and is not appropriate for most cities. LZ-4 may be used for extremely unusual installations such as high density entertainment districts, and heavy industrial uses.	<p>Not a default zone.</p> <p>Includes high intensity business or industrial zone districts.</p>

III. GENERAL REQUIREMENTS - User's Guide

This Section sets out the requirements that apply to all lighting, both residential and non-residential.

Each adopting jurisdiction should incorporate their existing standards as to when compliance with new regulations is required, when repair or remodeling triggers compliance and if the new ordinance will be retroactive to existing development. The Applicability section of this model ordinance should serve as a guide if the adopting jurisdiction does not have standards or policies in place. Likewise, the adopting jurisdiction should use their existing policies and definitions of what constitutes public monuments, and temporary and/or emergency lighting. Community attitudes and precedents should be taken into account in deciding to regulate seasonal holiday lighting.

EXEMPTIONS - User's Guide

This is standard language intended to prevent conflict of laws and to give the community the ability to set specific lighting requirements in special plans and under use permits. It can be amended to conform to similar language in other ordinances. For example, while public monuments, statuary, and flags should be lighted, the lighting also should be limited to avoid excess.

Lighting for streets, roads, and highways is usually regulated by a street lighting ordinance, and is not covered by this model ordinance. However, since street lighting can affect nearby areas, some recognition of its effect is appropriate. (See Section XI)

SIGN LIGHTING - User's Guide

A sign lighting ordinance is strongly recommended if not already in place. It should carefully limit lighting to prevent over-lighted signs from being used to circumvent lighting ordinances.

III. GENERAL REQUIREMENTS - Ordinance Text

A. *Conformance with All Applicable Codes*

All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. *Applicability*

Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions from III.(B.) The following are not regulated by this Ordinance

- a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement, unless regulated with a streetlighting ordinance.

Note to adopting agency: if using the street lighting ordinance (Section XI), this exemption should read as follows:

Lighting within the public right-of-way or easement for the principal purpose of illuminating roads and highways. No exemption shall apply to any street lighting and to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside of the public right of way or easement.

- b. Lighting for public monuments and statuary.
- c. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).
- d. Repairs to existing luminaires not exceeding 25% of total installed luminaires.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

- e. Temporary lighting for theatrical, television, performance areas and construction sites;
- f. Underwater lighting in swimming pools and other water features
- g. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- h. Lighting that is only used under emergency conditions.
- i. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the authority.

Exceptions to III. (B.) All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

- a. Lighting specified or identified in a specific use permit.
- b. Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C. Lighting Control Requirements

- 1. Automatic Switching Requirements
 Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a program-mable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

LIGHTING CONTROLS - User's Guide

This section requires all outdoor lighting to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

III. GENERAL REQUIREMENTS (cont.) - Ordinance Text

CURFEW REQUIREMENTS - User's Guide

The intent is to reduce or eliminate lighting after a given time. Benefits include reduced environmental impact, longer hours of improved astronomy, energy savings, and improved sleeping conditions for residents. Additionally, some police departments have indicated that post-curfew light reductions make drive-by patrolling easier because it allows them to see further into and through a site.

The authority should determine the time of curfew and the amount of lighting reduction based on the character, norms and values of the community.

Typically, curfews go into effect one hour after the close of business. Restaurants, bars and major entertainment facilities such as sports stadiums, may require the curfew go into effect two hours after the close of business. The authority may elect to have no curfew for facilities with shift workers and 24 hour operations, or to extend the curfew time to meet specific needs. The MLO can be modified to address those concerns.

Areas without street lights or with very low ambient light levels should consider turning off all non-emergency lighting at curfew while commercial areas or urban areas may prefer a reduction in lighting levels. A reduction of at least 30% is recommended for most uses.

Exceptions to III.(C.) 1. Automatic lighting controls are not required for the following:

- a. Lighting under canopies.
- b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

2. Automatic Lighting Reduction Requirements
The Authority shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished.

Exceptions to III.(C.) 2. Lighting reductions are not required for any of the following:

- a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
- b. When the outdoor lighting consists of only one luminaire.
- c. Code required lighting for steps, stairs, walkways, and building entrances.
- d. When in the opinion of the Authority, lighting levels must be maintained.
- e. Motion activated lighting.
- f. Lighting governed by special use permit in which times of operation are specifically identified.
- g. Businesses that operate on a 24 hour basis.

IV. NON-RESIDENTIAL LIGHTING - User's Guide

This section addresses non-residential lighting and multiple-family residences having common spaces, such as lobbies, interior corridors or parking. Its intent is to:

- Limit the amount of light that can be used
- Minimize glare by controlling the amount of light that tends to create glare
- Minimize sky glow by controlling the amount of uplight
- Minimize the amount of off-site impacts or light trespass

This MLO provides two methods for determining compliance. The *prescriptive method* contains precise and easily verifiable requirements for luminaire light output and fixture design that limit glare, uplight, light trespass and the amount of light that can be used. The *performance method* allows greater flexibility and creativity in meeting the intent of the ordinance. Note that both the prescriptive and the performance method limit the *amount* of light that can be used, but do not control *how* the lighting is to be used.

Most outdoor lighting projects that do not involve a lighting professional will use the prescriptive method, because it is simple and does not require engineering expertise.

For the prescriptive method, the initial luminaire lumen allowances defined in Table A (Parking Space Method) or B (Hardscape Area Method) will provide basic lighting (parking lot and lighting at doors and/or sensitive security areas) that is consistent with the selected lighting zone. The prescriptive method is intended to provide a safe lighting environment while reducing sky glow and other adverse offsite impacts. The Per Parking Space Method is applicable in small rural towns and is a simple method for small retail “mom and pop” operations without drive lane access and where the parking lot is immediately adjacent to the road. A jurisdiction may

IV. NON-RESIDENTIAL LIGHTING - Ordinance Text

For all non-residential properties, and for multiple residential properties of seven domiciles or more and having common outdoor areas, all outdoor lighting shall comply either with Part A or Part B of this section.

PRESCRIPTIVE METHOD - User's Guide

also allow a prescriptive method for classes of sites, such as car dealerships, gas stations, or other common use areas.

Note that the values are for initial luminaire lumens, not footcandles on the target (parking lot, sidewalk, etc). Variables such as the efficiency of the luminaire, dispersion, and lamp wear can affect the actual amount of light so the lumens per square foot allowance is not equal to footcandles on the site. By specifying initial luminaire lumen values, it is easier for officials to verify that the requirement is being met. Initial luminaire lumens are available from photometric data. Each initial luminaire lumens calculation should be supplied on the submittal form.

Solid state luminaires, such as LEDs, do not have initial lamp lumens, only initial luminaire lumens (absolute photometry). Other luminaires tested with relative photometry will have initial luminaire lumens which can be calculated by multiplying initial lamp lumens by the luminaire efficiency. In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840.

The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies. Listed below is an example on a typical compliance worksheet for the Prescriptive Method.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text***A. Prescriptive Method***

An outdoor lighting installation complies with this section if it meets the requirements of subsections 1 and 2, below.

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method (Table A) or the Hardscape Area Method (Table B). Only one method shall be used per permit application, and for sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

In this example, three types of luminaires are used to light a parking area and building entry in a light commercial area. Two of these three luminaires use metal halide lamps: 70 watt wall mounted area lights and 150 watt pole mounted area lights. For these, the Initial Luminaire Lumens is equal to the initial lamp lumens multiplied by the luminaire efficiency. These values are entered into the compliance chart. The lumen value for the building mounted LED luminaires is equal to the lumens exiting the luminaire. Therefore, the value already represents the Initial Luminaire Lumens and no luminaire efficiency is needed. The total Luminaire Lumens for the site is equal to 247,840. The allowable lumens are based on the lighting zone and the total hardscape area. Referencing Table B, the allowed lumens are 2.5/SF for LZ2. Multiplying this by the total hardscape square footage gives a value of 250,000 lumens allowed. Because this value is greater than the value calculated for the site, the project complies.

PRESCRIPTIVE METHOD EXAMPLE - COMPLIANCE CHART			
Lamp Descriptions	QTY	Initial Luminaire Lumens	Total
70 W Metal Halide	8	3,920	31,360
150 W Metal Halide	20	9,600	192,000
18 W LED	24	1,020	24,480
TOTAL INITIAL LUMINAIRE LUMENS			247,840
SITE ALLOWED TOTAL INITIAL LUMENS*			250,000
PROJECT IS COMPLIANT?			YES

* Listed below is the method of determining the allowed total initial lumen for non-residential outdoor lighting using the hardscape areamethod. (Table B).

SITE ALLOWED TOTAL INITIAL LUMENS	
Site Description	Light Commercial
Lighting Zone	LZ-2
Hardscape Area (SF)	100,000
Allowed Lumens per SF of Hardscape (Table B)	2.5
Site Allowed Total Initial Lumens (lumens per SF X hardscape area)	250,000

PRESCRIPTIVE METHOD (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS

PRESCRIPTIVE METHOD

The prescriptive method of the MLO restricts uplighting, including upward light emitted by decorative luminaires. A jurisdiction may choose to preserve some types of lighting, including lighting of monuments or historic structures. In this case, the adopting jurisdiction should exempt or otherwise regulate these types of lighting carefully so that it does not inadvertently allow glaring or offensive lighting systems.

Offsite effects of light pollution include glare, light trespass, sky glow, and impacts on the nocturnal environment . All of these are functions of the fixture or luminaire design and installation. This document replaces the previous luminaire classification terminology of full cut-off, semi cut-off, and cut-off because those classifications were not as effective in controlling offsite impacts as with the new IESNA luminaire classification system as described in TM-15-07.

A traditional method of defining light trespass is to identify a maximum light level at or near the property line. However, this method does not address offensive light that is not directed toward the ground, or the intensity of glaring light shining into adjacent windows. The requirements defined in Table C limit the amount of light in all quadrants that is directed toward or above the property line. The Backlight/Uplight/ Glare (BUG) rating will help limit both light trespass and glare. (A detailed explanation of the BUG system is provided in the section on Table C.)

The limits for light distribution established in Table C (for the BUG rating system) prevent or severely limit all direct upward light. A small amount of uplight reflected by snow, light-colored pavement or a luminaire's supporting arms is inevitable and is not limited by the prescriptive method of this ordinance.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed according to Table C.

3. Light Shielding for Parking Lot Illumination

All parking lot lighting shall have no light emitted above 90 degrees.

Exception:

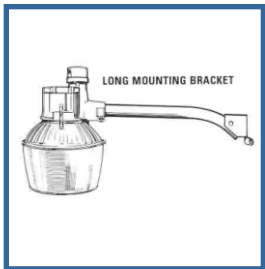
a) Ornamental parking lighting shall be permitted by special permit only, and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Uplight, and Table C-3 for Glare, without the need for external field-added modifications.

PRESCRIPTIVE METHOD (cont.) - User's Guide

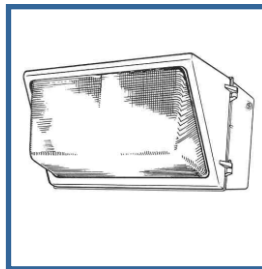
IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS

A seemingly non-compliant fixture, such as a post-top translucent acorn luminaire, may in certain cases meet the BUG ratings, as long as it has proper interior baffling within the acorn globe. However, the BUG ratings in Table C will limit the use of the following types of luminaires in all lighting zones:



Barn Lights



**Non-Shielded
Wall Packs**



**Floodlights or
lights not aimed
downward**

PERFORMANCE METHOD - User's Guide

The performance method is best for projects with complex lighting requirements or when the applicant wants or needs more flexibility in lighting design. The performance method is also used when any lighting designer plans to aim or direct any light fixture upward (above 90 degrees). An engineer or lighting professional generally will be required to design within the performance method. An adopting jurisdiction may also wish to hire an engineer or lighting professional to review and approve projects using this method and/or incorporate review of the performance method into special review procedures.

The Performance Method is also best for projects where higher lighting levels are required compared to typical area lighting. An example might be a car sales lot where more light might be required on the new cars than would be needed for a standard parking lot. Another example is a gas station canopy requiring more light than a building entrance canopy.

The first step in the Performance Method regulates overlighting by establishing the Total Initial Site Lumens (Table D) that are allowed.

Allowances include the summation of the following (Table D):

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

Table E allows additional lumens for unique site conditions.

Examples of allowances include:

- 1) Per building entrance/exit
- 2) Per length (linear feet) of Outdoor Sales Frontage Perimeter
- 3) Per area (SF) of Vehicle Service Station Canopy
- 4) Plus more ...

The Site Total Initial Site Lumens allowed are a combination of allowances from Table D and Table E.

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text***B. Performance Method*****1. Total Site Lumen Limit**

The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

IV. NON-RESIDENTIAL LIGHTING (cont.) - User's Guide

IV. NON-RESIDENTIAL LIGHTING (cont.) - Ordinance Text

LIMITS TO OFFSITE IMPACTS (cont.)

PERFORMANCE METHOD

The second step in the Performance Method is to determine if the proposed luminaires are producing off site impacts such as glare, sky glow and light trespass. One may either use Option A which are the Maximum Allowable BUG Ratings in Table C, or Option B through computer lighting calculations show compliance with Maximum Vertical Illuminance at any point in the plane of the property line in Table F. Option B will be required for all non-residential luminaires that

- A) do not have BUG ratings, or
- B) exceed the BUG ratings,
- C) are not fully shielded, or
- D) have adjustable mountings.

For the performance method, Option B (2) requires photometric calculations for the site perimeter, to a height of no less than 33 feet (10 meters) above the tallest luminaire. Vertical illuminances at eye height (5 feet above grade) will give values that can be used to verify compliance by comparing actual site conditions to the photometric plan submitted during review.

Note that the MLO specifies 'total initial luminaire lumens' as a measurement in addition to footcandles/lux. The footcandle (lux) is equal to one lumen per square meter. Lux is the metric unit and is equal to one lumen per square meter.

2. Limits to Off Site Impacts

All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

Option A: All luminaires shall be rated and installed according to Table C.

Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

- 1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.
- 2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

The design complies if:

- a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
- b) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.

DESIGN COMPLIANCE - User's Guide

The application form will require information about the number of luminaires, the number of lamps in each luminaire, the initial luminaire lumens for each luminaire and the initial lumen output for each lamp (based on the wattage and type of lamp selected) as well as plans showing the site area measurements. This will allow the reviewer to verify that the lumen output of all the luminaires does not exceed the allowance.

Field verification can be achieved by asking the applicant and/or owner to verify that the luminaire type, lamp type and wattages specified have been used. Also ask the applicant for photometric data for each luminaire, since the initial luminaire lumens and B-U-G ratings are stated on the photometric report.

However, if a jurisdiction requires additional on-site verification, it may also request a point-by-point photometric plan. While this will not be a true measure of compliance with the criteria of this Ordinance, comparing the actual measured levels on site to the photometric plan can be an indication whether or not the installed lighting varies from the approved design.

V. RESIDENTIAL LIGHTING - User's Guide

This section applies to single family home, duplexes, row houses, and low rise multi-family buildings of 6 dwelling units or less.

RESIDENTIAL LIGHTING EXCEPTIONS

The exceptions allow for typical lighting that might exceed the specified limits.

Landscape Lighting - While not common in residential areas, it can cause light pollution and light trespass if it is not controlled.

Lighting controlled by Vacancy (Motion) Sensor - Reduces light pollution and light trespass and should be encouraged.

RESIDENTIAL LIGHTING EXAMPLE

In this example on the following page, five different luminaires are used on a residential property. Each luminaire must comply to meet the requirements. The site plan following shows luminaire types followed by a tabulation of each uminaire, whether or not it is fully shielded, lamp type, and initial luminaire lumens. If the luminaire lumens are not known, multiply the initial lamp lumens by the luminaire efficiency. If the efficiency is not known, multiply the initial lamp lumens by 0.7 as a reasonable assumption. The maximum allowable lumen values come from Table G, based on the shielding classification and location on the site. In this case, each luminaire complies with the requirements of Table G.

Comparison of efficacy by power
(120 Volt Incandescent lamps)

Output (Lumens)	Power (Watt)		
	Incan	CFL	LED
500	40	8 - 10	9
850	60	13 - 18	12 - 15
1,200	75	18 - 22	15
1,700	100	23 - 28	18

V. RESIDENTIAL LIGHTING - Ordinance Text

A. General Requirements

For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

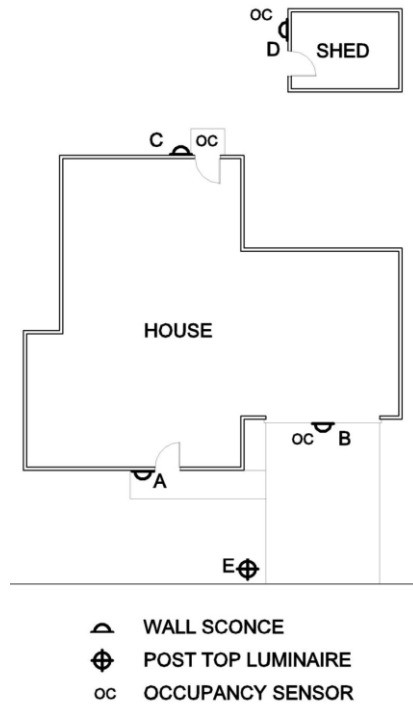
Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

B. Requirements for Residential Landscape Lighting

1. Shall comply with Table G.
2. Shall not be aimed onto adjacent properties.

V. RESIDENTIAL LIGHTING - User's Guide



Property Type: Residential Lighting Zone 1								
Luminaire Type	Location	Luminaire Description	Fully Shielded	Lamp Type	Initial Luminaire Lumens*	Maximum Allowed Initial Luminaire Lumens (Table G)	Controls	Compliant
A	Front Entry	Decorative wall sconce	No	9W CFL	420	420	None	Yes
B	Garage Door	Fully shielded wall pack	Yes	23W CFL	1050	1260	Occupancy Sensor	Yes
C	Back Entry	Decorative wall sconce	No	7W CFL	280	315	Occupancy Sensor	Yes
D	Shed Entry	Fully shielded wall pack	Yes	40W INC	343	1260	Occupancy Sensor	Yes
E	Driveway	Fully shielded post top	Yes	13W CFL	1260	1260	None	Yes

*Initial Luminaire Lumens are calculated by multiplying the total initial lamp lumens by the luminaire efficiency. If the luminaire efficiency is not known, assume an efficiency of 70% and multiply the lamp lumens value by 0.7.

VI. LIGHTING BY SPECIAL PERMIT ONLY - User's Guide

VI. LIGHTING BY SPECIAL PERMIT ONLY - Ordinance Text

This section addresses types of lighting that are intrusive or complex in their impacts and need a higher level of scrutiny and/or site sensitivity.

It should be noted that safety could be compromised if lighting conforming to this ordinance is located adjacent to excessively bright and/or glaring lighting.

It is important that the authority set clear and reasonable guidelines for applying for a special lighting use permit, and establish rules and procedures for granting or refusing them. They may differ from existing special use policies, in which case one or the other may be changed to achieve the overall goal of effective lighting without glare, sky glow, or light trespass.

SPORTS FIELD LIGHTING

For athletic and sports fields, the appropriate level of lighting will depend on the Class of Play and Facilities. Class of Play is divided into 4 categories, depending on the number of fixed spectator seats. (Competition play intended for nighttime TV broadcast may require higher lighting levels).

CLASS I: Competition play at facilities with 5,000 or more fixed spectator seats. (Professional, Colleges & Universities, some Semi-Professional & Large Sports Cubs)

CLASS II: Games at facilities with over 1,500 fixed spectator seats. (Smaller Universities and Colleges, some Semi-pro, large amateur leagues and high schools with large spectator facilities)

CLASS III: Games at facilities with over 500 fixed spectator seats. (Sports Clubs and amateur leagues, some high schools and large training professional training facilities with spectator sections)

CLASS IV: Competition or recreational play at facilities with 500 fixed spectator seats or less. Class IV Class of Play applies to games at which family and close friends of the players and staff are usually the majority of spectators. (Smaller amateur leagues, park and recreation department facilities, most Little Leagues smaller high schools, elementary and middle schools, and social events)

A. High Intensity and Special Purpose Lighting

The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

B. Complex and Non-Conforming Uses

Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures.
5. Urban parks
6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
7. Theme and amusement parks.
8. Correctional facilities.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

- a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method.

SPORTS FIELD LIGHTING

When Class of Play is above Class IV, a dual control should be installed to limit illumination to Class IV levels during practices where spectators are fewer than 500.

(See IES Recommended Practice for Sports and Recreational Area Lighting RP-6)

VII. EXISTING LIGHTING - User's Guide

Adoption of this section on existing lighting is strongly encouraged.

If the adopting jurisdiction has criteria in place that require a property to come into compliance with the current zoning ordinance, it is recommended that the criteria also be applied to bringing existing lighting into compliance. If there are no established criteria, this section of the MLO is recommended.

Amortization allows existing lighting to gradually and gracefully come into compliance. Substantial changes or additions to existing properties are considered the same as new construction, and must comply.

Most outdoor lighting can be fully depreciated once it is fully amortized, usually no longer than 10 years, if not sooner, from the date of initial installation. Some jurisdictions may prefer to require phase-out in a substantially shorter period. The Authority may also wish to require compliance much sooner for "easy fixes" such as re-aiming or lowering lumen output of lamps. Where lighting is judged to be a safety hazard, immediate compliance can be required.

VI. LIGHTING BY SPECIAL PERMIT ONLY (cont.) - Ordinance Text

- b. Employs lighting controls to reduce lighting at a Project Specific Curfew ("Curfew") time to be established in the Permit.
- c. Complies with the Performance Method after Curfew.

The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

VII. EXISTING LIGHTING - Ordinance Text

Lighting installed prior to the effective date of this ordinance shall comply with the following.

A. Amortization

On or before [amortization date], all outdoor lighting shall comply with this Code.

B. New Uses or Structures, or Change of Use

Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Additions or Alterations

1. Major Additions.

If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

VII. EXISTING LIGHTING (cont.) - Ordinance Text

Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings

For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment

If a property with non-conforming lighting is abandoned for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text

(Reserved)

VIII. ENFORCEMENT AND PENALTIES - User's Guide

Enforcement and penalties will vary by jurisdiction. There are, however, certain practices that will promote compliance with lighting regulations. Education is a key tool in promoting compliance. Proactive enforcement procedures can include providing a copy of the lighting regulations to every contractor at the time they visit to obtain a building permit. Another effective tool is a requirement that the builder or developer acknowledge in writing that the he or she is familiar with the lighting requirements and will submit a lighting plan for approval.

VIII. ENFORCEMENT AND PENALTIES (cont.) - User's Guide

Submission of the Lighting Plan should be required as a precondition to any approvals. The Lighting Plan should include the location and BUG rating for each luminaire, specify whether compliance is by the performance or prescriptive method, and a worksheet to show that the luminaires and their BUG ratings are compliant.

IX. TABLES - User's Guide

The tables are to be reviewed periodically by a joint committee of the IES and IDA, and adjusted as standards and technology permit. If more research on the impacts of outdoor lighting shows the effects of light pollution to be a significant concern, then the values in the tables may be modified. Such changes will have no significant impact to the balance of the language of the Ordinance or Code.

VIII. ENFORCEMENT & PENALTIES - Ordinance Text

IX. TABLES - Ordinance Text

Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method
 May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method
 May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Base Allowance				
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

IX. TABLES - Ordinance Text

Table B - Lumen Allowances, in Addition to Base Allowance

	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional allowances for sales and service facilities. No more than two additional allowances per site, Use it or Lose it.					
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	0	4 lumens per square foot	8 lumens per square foot	16 lumens per square foot	16 lumens per square foot
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area	0	0	1,000 per LF	1,500 per LF	2,000 per LF
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	0	4,000 lumens per pump (based on 5 fc horiz)	8,000 lumens per pump (based on 10 fc horiz)	16,000 lumens per pump (based on 20 fc horiz)	24,000 lumens per pump (based on 20 fc horiz)

IX. TABLES - TABLE C BUG RATING - User's Guide

Work on the BUG system started in 2005 when the IES upgraded the roadway cutoff classification system. The original system, which included the ratings full cutoff, cutoff, semi-cutoff and non cutoff, had been designed as a rating system focused on brightness and glare control. However, with increasing demand for control of uplight and light trespass in addition to glare, IES realized that a more comprehensive system was needed. IES developed *TM-15 Luminaire Classification System for Outdoor Luminaires*.

As this is a relatively new rating system, and many people may not be familiar with it, more explanation of how the rating system works is provided here. For example, some people are familiar with terms such as "full cutoff" and they may expect the MLO to include those terms. It will be very important that all groups recognize that older terms and concepts are inadequate for the complex tasks of controlling light pollution. It is recommended that the new rating system adopted in TM-15, as followed herein by the MLO, be used intact and exclusively.

BUG requires downlight only with low glare (better than full cut off) in lighting zones 0, 1 and 2, but allows a minor amount of uplight in lighting zones 3 and 4. In lighting zones 3 and 4, the amount of allowed uplight is enough to permit the use of very well shielded luminaires that have a decorative drop lens or chimney so that dark sky friendly lighting can be installed in places that traditional-appearing luminaires are required. BUG typically cannot be used for residential luminaires unless they have been photometrically tested. For non-photometrically tested residential luminaires, shielding description is used instead.

The lumen limits established for each lighting zone apply to all types of lighting within that zone. This includes, but is not limited to, specialty lighting, façade lighting, security lighting and the front row lighting for auto dealerships. BUG rating limits are defined for each luminaire and

IX. TABLES (cont.) - Ordinance Text

Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings

May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

TABLE C-1	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Backlight Rating*					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line and properly oriented**	B0	B0	B0	B1	B2

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

** To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

IX. TABLES (cont.) - Ordinance Text

are based on the internal and external design of the luminaire, its aiming, and the initial luminaire lumens of the specified luminaires. The BUG rating limits also take into consideration the distance the luminaire is installed from the property line in multiples of the mounting height (See Table C).

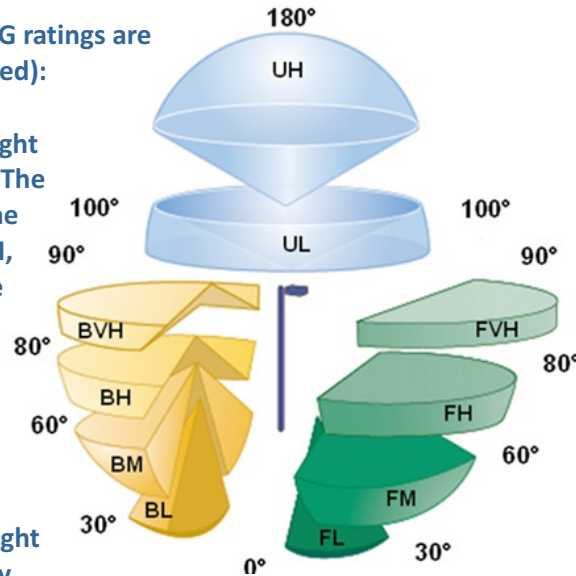
The three components of BUG ratings are based on IES TM-15-07 (revised):

Backlight, which creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH and BVH zones, which are in the direction of the luminaire OPPOSITE from the area intended to be lighted.

Uplight, which causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

Glare, which can be annoying or visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

BUG ratings apply to the Lighting Zone of the property under consideration.



IX. TABLES - TABLE C BUG RATING (cont.) - User's Guide

(Key: UH=Uplight High, UL=Uplight Low, BVH=Backlight Very High, BH=Backlight High, BM=Backlight Medium, BL=Backlight Low, FVH=Forward Light Very High, FH=Forward Light High, FM=Forward Light Medium, FL=Forward Light Low.)

In general, a higher BUG rating means more light is allowed in solid angles, and the rating increases with the lighting zone. However, a higher B (backlight) rating simply indicates that the luminaire directs a significant portion of light behind the pole, so B ratings are designated based on the location of the luminaire with respect to the property line. A high B rating luminaire maximizes the spread of light, and is effective and efficient when used far from the property line. When luminaires are located near the property line, a lower B rating will prevent unwanted light from interfering with neighboring properties.

At the 90-180 degree ranges:

- Zone 0 allows no light above 90 degrees.
- Zone 1 allows only 10 lumens in the UH and UL zones, 20 lumens total in the complete upper hemisphere. (This is roughly equivalent to a 5 W incandescent lamp).
- Zone 2 allows only 50 lumens in the UH and UL zones, 100 lumens total (less than a 25W incandescent lamp).
- Zone 3 allows only 500 lumens in the UH and UL zones, 1000 lumens total (about the output of a 75W incandescent bulb).
- Zone 4 allows only 1,000 lumens in the UH and UL zones, 2000 lumens total (about the output of a 100W incandescent bulb).

IX. TABLES (cont.) - Ordinance Text

Table C - 2 Maximum Allowable Uplight (BUG) Ratings - Continued

TABLE C-2	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%

Table C - 3 Maximum Allowable Glare (BUG) Ratings - Continued

TABLE C-3	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Allowed Glare Rating	G0	G1	G2	G3	G4
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1

*** Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table C-3.

TABLE D EXAMPLE - PERFORMANCE METHOD - User's Guide

The first step in the Performance Method is to establish the Site Total Initial Site Lumens which regulates overlighting. The performance method allows layers of light depending on the complexity of the site.

Table D establishes the basic total initial site lumens allowed. These lumen allowances are added together for a total initial site lumen allowance. Allowances include:

- 1) Initial lumen allowance per site
- 2) Per area (SF) of hardscape

IX. TABLES (cont.) - Ordinance Text

Table D Performance Method Allowed Total Initial Site Lumens

May be used on any project.

Lighting Zone	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Allowed Lumens Per SF	0.5	1.25	2.5	5.0	7.5
Allowed Base Lumens Per Site	0	3,500	7,000	14,000	21,000

Table E Performance Method Additional Initial Luminaire Lumen Allowances. All of the following are “use it or lose it” allowances.

All area and distance measurements in plan view unless otherwise noted.

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Additional Lumens Allowances for All Buildings except service stations and outdoor sales facilities. A MAXIMUM OF THREE (3) ALLOWANCES ARE PERMITTED. THESE ALLOWANCES ARE “USE IT OR LOSE IT”.					
Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.	400	1,000	2,000	4,000	6,000
Building Facades. This allowance is lumens per unit area of building façade that are illuminated. To use this allowance, luminaires must be aimed at the façade and capable of illuminating it without obstruction.	0	0	8/SF	16/SF	24/SF

TABLE E PERFORMANCE METHOD - User's Guide

The allowable light levels for these uses defined in Table E may be used to set a prescriptive lighting allowance for these uses in each lighting zone. It should be noted that the lighting allowance defined in Table E is only applicable for the area defined for that use and cannot be transferred to another area of the site. For some uses, such as outdoor sales, the jurisdiction is encouraged to define a percentage of the total hardscape area that is eligible for the additional lighting allowance. For example, a set percentage of a car dealership's lot may be considered a display area and receive the additional lighting allowance where the remainder of the lot would be considered storage, visitor parking, etc. and cannot exceed the base light levels defined in Table A.

TABLE E EXAMPLE - PERFORMANCE METHOD - User's Guide

IX. TABLES (cont.) - Ordinance Text

Table E - Performance Method Additional Initial Lumen Allowances (cont.)

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Sales or Non-sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.	0	3/SF	6/SF	12/SF	18/SF
Guard Stations. This allowance is lumens per unit area of guardhouse plus 2000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.	0	6/SF	12/SF	24/SF	36/SF
Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires must be within 2 mounting heights of the hardscape area of outdoor dining	0	1/SF	5/SF	10/SF	15/SF
Drive Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.	0	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window	8,000 lumens per drive-up window
Additional Lumens Allowances for Service Stations only. Service stations may not use any other additional allowances.					
Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, area off property, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating the hardscape area and must not be within a building, below a canopy, beyond property lines, or obstructed by a sign or other structure.	0	4/SF	8/SF	16/SF	24/SF

IX. TABLES (cont.) - Ordinance Text

Table E - Performance Method Additional Initial Lumen Allowances (cont.)

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
<p>Vehicle Service Station Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.</p>	0	8/SF	16/SF	32/SF	32/SF
<p>Additional Lumens Allowances for Outdoor Sales facilities only. Outdoor Sales facilities may not use any other additional allowances. NOTICE: lighting permitted by these allowances shall employ controls extinguishing this lighting after a curfew time to be determined by the Authority.</p>					
<p>Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, Luminaires must be within 2 mounting heights of the sales lot area.</p>	0	4/SF	8/SF	12/SF	18/SF
<p>Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.</p>	0	0	1,000/LF	1,500/LF	2,000/LF

IX. TABLES (cont.) - Ordinance Text

Table F Maximum Vertical Illuminance at any point in the plane of the property line

Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

IX. TABLES (cont.) - Ordinance Text

Table G - Residential Lighting Limits

Lighting Application	LZ 0	LZ 1	LZ 2	LZ 3	LZ 4
Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only	Not allowed	420 lumens	630 lumens	630 lumens	630 lumens
Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry	Not allowed	315 lumens	315 lumens	315 lumens	315 lumens
Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting	Not allowed	Not allowed	1,050 lumens	2,100 lumens	2,100 lumens
Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting	Not allowed	Not allowed	1,260 lumens	2,100 lumens	2,100 lumens
Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting	Not allowed	Not allowed	525 lumens	525 lumens	525 lumens

* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire

TABLE G RESIDENTIAL LIGHTING - User's Guide

Residential Light Levels

Most residential lighting has traditionally used incandescent lamps which are identified by their wattage. However, since new technologies provide more light for fewer watts, it is no longer possible to regulate residential lighting solely by providing a maximum wattage. Table G, therefore, lists maximum initial luminaire lumens only.

X. DEFINITIONS - User's Guide

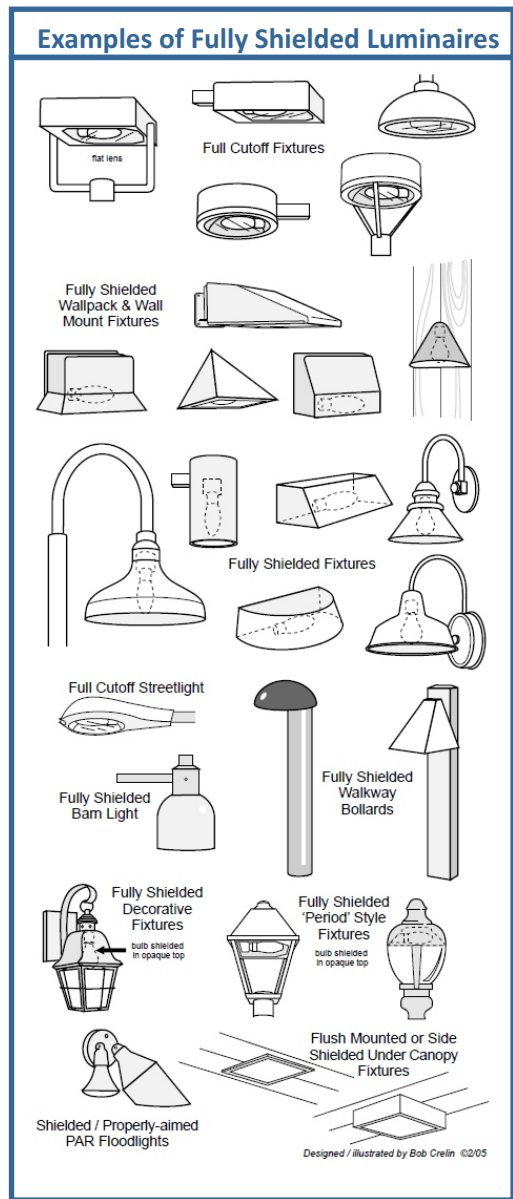
Definitions are typically generally added to any code when new code sections are added. The definitions are legally required and play a significant role in the interpretation of the ordinance and code.

Most city attorneys will not accept references to outside sources regardless of credibility, such as the IES Handbook. Thus as a general rule, a definition for an unfamiliar term (e.g. lumens) must be added by the adopting ordinance.

When adopting or integrating the MLO definitions, be sure to retire conflicting technical terminology. In particular, the latest IES Luminaire Classification System as defined in IES TM-15-07 is likely to need attention.

X. DEFINITIONS - Ordinance Text

<i>Absolute Photometry</i>	Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79
<i>Architectural Lighting</i>	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.
<i>Authority</i>	The adopting municipality, agency or other governing body.
<i>Astronomic Time Switch</i>	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
<i>Backlight</i>	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
<i>BUG</i>	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
<i>Canopy</i>	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
<i>Common Outdoor Areas</i>	One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles.
<i>Curfew</i>	A time defined by the authority when outdoor lighting is reduced or extinguished.



X. DEFINITIONS - Ordinance Text

Emergency conditions	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
Footcandle	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
Forward Light	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.
Fully Shielded Luminaire	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
Glare	Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
Hardscape	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
Hardscape Area	The area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.

X. DEFINITIONS - Ordinance Text

<i>Hardscape Perimeter</i>	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.
<i>IDA</i>	International Dark-Sky Association.
<i>IESNA</i>	Illuminating Engineering Society of North America.
<i>Impervious Material</i>	Sealed to severely restrict water entry and movement
<i>Industry Standard Lighting Software</i>	Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity methods.
<i>Lamp</i>	A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
<i>Landscape Lighting</i>	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
<i>LED</i>	Light Emitting Diode.
<i>Light Pollution</i>	Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

X. DEFINITIONS - Ordinance Text

<i>Light Trespass</i>	Light that falls beyond the property it is intended to illuminate.
<i>Lighting</i>	“Electric” or “man-made” or “artificial” lighting. See “lighting equipment”.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Lighting Zone</i>	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
<i>Lighting Equipment</i>	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
<i>Low Voltage Landscape Lighting</i>	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
<i>Lumen</i>	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
<i>Luminaire</i>	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

X. DEFINITIONS - Ordinance Text

Mounting Height: The horizontal spacing of poles is often measured in units of “mounting height”. Example: “The luminaires can be spaced up to 4 mounting heights apart.”

<i>Luminaire Lumens</i>	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
<i>Lux</i>	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
<i>Mounting height</i>	The height of the photometric center of a luminaire above grade level.
<i>New lighting</i>	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
<i>Object</i>	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
<i>Object Height</i>	The highest point of an entity, but shall not include antennas or similar structures.
<i>Ornamental lighting</i>	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.

X. DEFINITIONS - Ordinance Text

<p><i>Ornamental Street Lighting</i></p>	<p>A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:</p> <ul style="list-style-type: none"> · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.
<p><i>Outdoor Lighting</i></p>	<p>Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.</p>
<p><i>Partly shielded luminaire</i></p>	<p>A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.</p>
<p><i>Pedestrian Hardscape</i></p>	<p>Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.</p>
<p><i>Photoelectric Switch</i></p>	<p>A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.</p>
<p><i>Property line</i></p>	<p>The edges of the legally-defined extent of privately owned property.</p>

X. DEFINITIONS - Ordinance Text

<i>Relative photometry</i>	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
<i>Repair(s)</i>	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on-going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. "Repair" does not include normal relamping or replacement of components including capacitor, ballast or photocell.
<i>Replacement Lighting</i>	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
<i>Sales area</i>	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
<i>Seasonal lighting</i>	Temporary lighting installed and operated in connection with holidays or traditions.
<i>Shielded Directional Luminaire</i>	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
<i>Sign</i>	Advertising, directional or other outdoor promotional display of art, words and/or pictures.

X. DEFINITIONS - Ordinance Text

<i>Sky Glow</i>	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
<i>Temporary lighting</i>	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
<i>Third Party</i>	A party contracted to provide lighting, such as a utility company.
<i>Time Switch</i>	An automatic lighting control device that switches lights according to time of day.
<i>Translucent</i>	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
<i>Unshielded Luminaire</i>	A luminaire capable of emitting light in any direction including downwards.
<i>Uplight</i>	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
<i>Vertical Illuminance</i>	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.

XI. OPTIONAL STREETLIGHT ORDINANCE - User's Guide

This section was added since the first public review. It is designed to work closely with the proposed revision to ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting.

Street and roadway lighting is one of the world's largest causes of artificial skyglow. Many adopting agencies will recognize that the MLO will make privately owned lighting more efficient and environmentally responsible than their street lighting systems. But because the process of designing street lighting often requires more precise lighting calculations, applying the MLO directly to street lighting is not advised. Using existing standards of street lighting is recommended, particularly IES RP-8 and AASHTO standards.

Until a new recommended practice for street lighting can be developed, this section can serve to prevent most of the uplift of street lighting systems without setting specific requirements for the amount of light, uniformity of light, or other performance factors. Adopting agencies should include these basic improvements to street lighting along with regulations to private lighting.

Lighting streets with "period" ornamental luminaires that evoke the look of a time when the light source was a gas flame can cause glare if high-lumen lamps are used. Such ornamental street lights should not exceed a BUG rating of G1. If additional illuminance and/or uniformity is desired, the ornamental fixtures should be supplemented by higher mounted fully shielded luminaires, as illustrated in RP-33-99.

Few street lighting warranting processes exist. The adopting agency needs to gauge whether a complex warranting systems is required, or if a simple one using posted speeds, presence of pedestrians, or other practical considerations is sufficient.

Examples of a current street lighting warranting system are included in the Transportation Association of Canada's Guide for the Design of Roadway Lighting 2006.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text

Note to the adopting authority: the intent of this section is that it only applies to streets and not to roadways or highways.

A. Preamble

The purpose of this Ordinance is to control the light pollution of street lighting, including all collectors, local streets, alleys, sidewalks and bike-ways, as defined by ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting and in a manner consistent with the Model Lighting Ordinance.

B. Definitions

Roadway or Highway lighting is defined as lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street lighting is defined as lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting is defined as a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text***C. Scope***

All street lighting not governed by regulations of federal, state or other superceding jurisdiction.

EXCEPTION: lighting systems mounted less than 10.5 feet above street level and having less than 1000 initial lumens each.

D. Master Lighting Plan

The Authority shall develop a Master Lighting Plan based on the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Design Guide GL-6, October 2005, Chapter 2. Such plan shall include, but not be limited to, the Adoption of Lighting Zones and:

1. Goals of street lighting in the jurisdiction by Lighting Zone
2. Assessment of the safety and security issues in the jurisdiction by Lighting Zone
3. Environmentally judicious use of resources by Lighting Zone
4. Energy use and efficiency by Lighting Zone
5. Curfews to reduce or extinguish lighting when no longer needed by Lighting Zone

E. Warranting

The Authority shall establish a warranting process to determine whether lighting is required. Such warranting process shall not assume the need for any lighting nor for continuous lighting unless conditions warrant the need. Lighting shall only be installed where warranted.

XI. OPTIONAL STREETLIGHT ORDINANCE - Ordinance Text

F. Light Shielding and Distribution

All street lighting shall have no light emitted above 90 degrees.

Exception: Ornamental street lighting for specific districts or projects shall be permitted by special permit only, and shall meet the requirements of Table H below without the need for external field-added modifications.

Table H - Uplight Control Requirements for Ornamental Street Lights - by Special Permit Only

Lighting Zone	Maximum Uplight Rating
LZ-0	U-0
LZ-1	U-1
LZ-2	U-2
LZ-3	U-3
LZ-4	U-4

*O/F/C (All)

OPEN

Count of Description	Column Labels			
Row Labels	H	L	M	Grand Total
Administrative	1	2	3	6
Budget		1		1
Budget / Audit		1		1
Committee			1	1
Comp. Plan Implementation	1			1
Infrastructure	1			1
Infrastructure / Village TIF Goals	2			2
Open Space / Conservation Plan	2			2
Ordinance		1	14	15
Policy			2	2
Public Safety			1	1
Recreation			1	1
Residential			1	1
TIF Goal / Budget	1			1
Traffic	1		2	3
Training		1		1
Grand Total	9	6	25	40

*O/F/C (All)

CLOSED

Count of Description	Column Labels				
Row Labels	-	H	L	M	Grand Total
Administrative		5	4	5	14
Budget		1		2	3
Comp Plan Imp - break out item 84		3			3
Comp. Plan Update		1			1
Comp. Plan Update - breakout of tasks for Item 11		3			3
Comp. Plan Update/ Conservation Plan		1			1
Joint Leaders		1		2	3
Ordinance	1	7	1	16	25
Policy				3	3
TIF Goal / Budget		2			2
TIF Goal / Budget - break out tasks from Item 34		1			1
Traffic		1			1
Traffic - MDOT - break out tasks from item 24A				1	1
Traffic - MTA				1	1
Traffic - MTA - break out tasks for Item 24B				1	1
Grand Total	1	26	5	31	63

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No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments
27	Open Space / Conservation Plan	O	H	1	01/31/22	During the Libby Hill Trails clean-up after the October storm, the Community Endowment communicated concerns regarding the longevity of the current ad hoc agreements used to create Libby Hill Trails . Council agreed a full review and updates are needed to protect this asset as part of Open Space Plan .	Sandy Carder	Nate Rudy	Sandy Carder	03/20/18	12/21/21	TC discussed at 3/20 meeting based on feedback received from Community Endowment. Deb advised the agreements just 'came together' and are in need of review/update. Deed research - who has access to which pieces of land, how large of a geographic area is involved, how deep does the research need to go, consultation from a conservation expert - will all be needed and cost money. Council agreed to log with a target of year end, for Staff to review & determine what is needed with an estimated cost, for consideration in next year's budget. Carl Holmquist is willing to provide some names of conservation experts who can assist the Town. (12/20) Issue came up in Open Space Staff meeting - Deb working on pulling together cost estimate for budget meetings. (2/5) TC agreed to move up & tie to H2.1 Open Space. (3/21) est provided at budget meeting. Council agreed to add to budget. (6/11) Residents approved budget. (10/15) Community Endowment has requested an info sharing meeting with Town Staff, 1 Councilor and an MSAD representative to start process of long term maintenance agreement. Council appointed Dan to attend. (11/12) 1st meeting went very well - 3 parties agreed preserving is paramount. (12/3) Council agreed to add annual maintenance to budget spreadsheet. (12/17) 2nd meet focused on budget - MSAD 15 conducting full audit of usage to determine impact - some easement discussion. (1/21) Deb followed up with MSAD15. No update. (2/4) Carl present to School board this week, Craig has some initial data on usage (3/10) Meet held to continue discussion - working through maintenance/budget needs. Council agreed to add the Homestead Acres issues submitted by residents on this private road - to ensure we keep them in the loop as the agreement moves forward. (6/16) Deb will check with Dr. King on next meeting after the election.(8/4) Dan adv MSAD15 lawyer provided framework agreement for review. (10/6) Dan shared a worksheet created to gather input from stakeholders. Council provided gen feedback on form. (10/20) Council prov feedback on worksheet (10/22) Meeting held to compile worksheet info. (1/19) Dan provided summary of MSAD analysis of agreement & advised Attorney is working on drafting an agreement. (2/16) Dan prov an update. Deb adv sub group has met to discuss maint/budg agree (7/6) Draft agree done - Sandy work with entities to finalize outstanding items (9/21) Sandy prov upd from meet (10/5) MSAD has prov initial feedback (11/16) Sandy met with MSAD/GCE (12/7) Council signed off on MOU. (12/21) Council appr MOU Next Step: MSAD will review with full board in Dec & vote in Jan.
88	Infrastructure / Village TIF Goals	O	H	2	05/01/22	Infrastructure - Shaker Rd Stormwater/Sidewalk - Project	Town Council	Nate Rudy	Nate Rudy	02/22/18	12/21/21	Steve/Will pres results of video work. Report was rev with MDOT Dale Dougherty, Kyle Hall, Deb & the Council (5/15) Steve adv full width paving was plan for some of RT 26. Dale confirm catch basin upg will be done for some. Sched a walkthr/meet w MDOT/Staff to rev of Rt 26 Vill to (1) id what is incl in the upcom overlay (2) dev a plan for the rest of the proj. Sub Items: (a) G-P to prov key to their-fair, poor, good categ (b) Town to prov plans for swalks/sign. Based on MTA fdack reg bridge swalk/bike lane fdbck-look at mak sure plans (if not fund/prior immed) at least incl an ext of ped/bike lane down Skr to Skr Bridge. It is the route to the MS/HS from the Village. Results to be rev for budg imp by Council/Staff to create agree plan. Steve pres PW prior at 9/10 TIF Wkp includ this item. Council await more infor on Main St proj for next steps. (11/28) Council disc possibly add sidewalk from Russell to Shaker Rd into eng of this proj and/or work with MSAD15 for poss trail thru their prop to sidewalk. May qualfor MDOT sidewalk fund. Eng for proj in budget CIP-Council to disc 2/11. (2/19) Council agreed this is the top pri for fund. (6/11) Residents app budget-engin underway. (9/17) Will prov an update on engin, issues & Council prov feedback. (10/15) Will/Stevie met with DOT will update council at 10/28 workshop. (10/28) Upd prov-Council agreed to submit MPI appl. (11/12) Council disc Gray Park sidewalk alt & agreed due to cost, it is not feasible. MPI should incl sidewalk on Gray Park Enercon side. Resol for park spaces imper. (2/4) Council held exe session-no act taken. (3/10) MPI appr by MDOT. (4/21) Council has agreed to use \$100k from TIF + \$652K from Bond - ques to be put to residents. Public forum to be held on actual project once feasible (covid-19). (4/28) rev warrant art (6/2) Council appr warrant art - go before voters 7/14/20. (7/21) Voters approved fund, Council to set up public forums. (9/1) Council set 9/29 for Public Forum - virtual meeting. Pre-planning meeting will need to be set up. (10/6) Sandy prov update from Public Forum. Alec/Will working on next steps. (11/17) Alec/Will will provide update 12/1 (12/1) Update prov - timeline appr - outstanding items ident - advertise by 12/11. (1/5) Out to bid. (2/16) Bid app (3/16) Council dis stripping - Alec to prov costs. Trees will be replaced via a change order once construction is underway. (4/20) Council app easements for project. (12/21) Nate shared a memo from Alec detail remain items Next Steps: Remaining items to be add in Spring.

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No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments
84	Comp. Plan Implementation	O	H	3	Detail Tab	Identify steps/ create plan to implement newly approved Comprehensive plan . SEE SEPARATE TAB - FOR DETAILS	Council	Council	Council	12/01/20	12/09/21	(12/1) Council agreed to close old item and create new implementation plan. Detailed tasks will be logged on detail tab pending schedule workshop to review them and come up with timeline/prioritization. Council agreed with Dan's suggestion to ask each Committee to review CP to ID what would inform their work, how they can support implem, what roadblocks exist, what resources will be needed, etc. with a one page summary due by 2/8 for Council reviewed at 2/16 meeting. Dept heads have reviewed the plan. (12/9) Council discussed further at workshop. See Detail tab for updates . Next Steps: Nate/Krista/Dan to develop proposal for workgroup to manage progress on implementation.
34	TIF Goal / Budget	O	H	4	Detail Tab	Work on planning associated with new Village TIF . SEE SEPARATE TAB FOR DETAILS	Council	Nate Rudy	Doug Webster	08/07/18	12/09/21	Councilors agreed to close 'TIF creation' task as it is now in approved. This new item will capture the planning and additional work associated with administrating the new TIF. Project was discussed during 9/10 workshop & Mr. Lavallee advised video work was still outstanding, but felt he would be able to present at 2nd Oct meeting. 9/18 Deb advised that there was still one piece left to complete. Review of MDOT/Town video work & analysis to be presented at Dec 4th meeting (as presentation was delayed from 11/13 meeting). (11/28) Council reviewed updated info on projects with Steve, as well as his priorities. Mixed Use options were discussed at length. (12/4) Will Haskell & MDOT provided updated info on Main Str Project. (2/5) & (2/19) See new detail tab H3. MDOT has advised change in Main Str project timeline. (7/2) Workshop held (8/6) 7/1 Workshop minutes approved. (10/15) Council agreed time to set up another brainstorming session - likely on Route 115 road - agreed to wait until 10/28 workshop to schedule so Bruce would be included. (10/28) Public forum set 12/5. (11/12) Dan will facilitate - Council agreed to set up/format. See detail tab for updates . Next Step: Doug to work up proposal on Zoning once time allows. Council discussion funding options.
103	Infrastructure	O	H	5	TBD	Create Libby Hill Road upgrade Plan including 2nd emergency school exit and sidewalk	Sandy Carder	Nate Rudy	Nate Rudy	12/09/21	12/09/21	(12/9/21) Council has discussed at various times as LH Road is set for repaving, but prefer to upgrade road to address long term needs. Covid issues have worsened student safety issues on this road. MSAD15 has expressed an interest in researching the possibility of utilizing their ROW to Shaker RD via the HS parking lot as an emergency exit to comply with safety plans which require 1 entrance for rescue personnel and another for exit. Extension/upgrade (ADA) of the sidewalk the full length of the road is identified as a critical need. Extension of the Hannaford sidewalk to Spruce Street with a lighted crosswalk from Spruce to the ROW is also on the list. MSAD15 has req a formal workshop to begin researching options. Next Step: Nate/Sandy will bring up at next Joint Leaders Meeting to schedule.

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66	Administrative	O	H	6	01/31/22	Determine if "No Thru Trucks" restriction should be placed on a section of Mayall Rd	Dan Maguire	Council	Nate Rudy	11/12/19	12/21/21	Back in June, Kathy Taylor (Mayall Rd resident) had reached out to all Councilors regarding the state of her road and the heavy truck traffic. Dan spoke to her directly and agreed to manage the request. This road was set to be paved, but dropped from PW sched due to paving costs being substantially higher than anticipated. It will be at top of the list next cycle. Deb did some initial feedback - as this section of road is being considered for "state aid" designation (Depot Rd is a state aid road). This impacts cost sharing/responsibility with MDOT vs. Local. MDOT was conducting vehicle counts for the road (or Deb/Steve had req). Dan also advised Ms. Taylor that talking to her neighbors on the road to determine the level of support for posting "no thru trucks" would be helpful. (11/7) Dan rec'd an official petition signed by 24 Mayall Rd residents. (11/12) Council agreed to add to tracking spreadsheet - it was set to be discussed at 12/3 Council meeting already. (12/3) Sandy provided more info on options incl. weight limits. Deb advised of possible "State Aid" classification. (12/17) Deb provided proposal from G&P - \$1,000 to determine if Mayall/Weymouth would even qualify - Council expressed concerns on impacts to road maintenance and residents. (1/21) After rev expenses & discuss control concerns, Council agreed NOT to pursue state aid status on either road. Can revisit at later date. Discussed possibly just putting up signs, but felt more info was needed & did not want to set up false sense of enforcement. (2/4) Dan notified resident & adv it would take time before a workshop could be sched. Council agreed to send feedback on LD1498 in support of MMA testimony against bill to eliminate weight limits on rural roads. (2/18) Council app letter (4/28) Dan adv Resident checked in again, but understood delay. (6/16) Dan req Council consider posting signs again (7/21) Council discussed & agreed need to pull in Depot Rd residents. (9/1) Council set 10/6 for workshop prior to TC meeting. (10/6) Public forum held with info sharing (10/20) Council disc options (12/1) Dan has done some research to share with Sandy. MDOT has approved the 4 way stop. (12/15) Dan & Sandy held discussion. Dan updated Council. (1/5) Dan adv MDOT has sample ord see #77. (2/2) Dan has draft ord/letter. (3/16) Council prov feedback to Dan to update Ord. He will coordinate with Nate to submit to legal. (5/4) Dan req an update on status. (5/18) Legal has rev with feedback. (6/2) Council provided feedback (7/6) Nate adv only 1 call rec'd from letter (9/7) 1st read will be 9/21 with 2nd read 10/5. (9/21) 1st read/public hear held (10/5) 2nd read/hear held - approved (11/16) Dan req update on sign installation (12/9) sign lang identified & Council voted to install. (12/21) Council dis next step for short shaker. Next Step: Nate to draft letter to MDOT with update on our progress, contact remaining businesses and follow up on the detail for route # costs.
4	Traffic	O	H	7	Detail Tab	Work to develop long term changes needed to address traffic, drainage, road conditions, pedestrian & cyclist safety and speed along Route 115 entering Gray from the hill thru connection to Brown Street.	Nate Rudy	Council	Nate Rudy	01/02/18	10/05/21	During the June Council meeting, Town Staff advised they would be pursuing a MPI grant for reconstruction of this stretch of road in collaboration with the MDOT. It was advised it would likely be a 2 year process with updates provided to the Council. Deb Cabana noted that this would be a 50/50 split for costs (not 25/75 Town/MDOT as previously stated) and includes replacement of the water main. Therefore, it may be included in the upcoming TIF creation, thus it should remain active (rather than 2 year target). Reference material: Pavement Conditions Study - Dec 2017. Project discussed in 9/10 & 11/28 TIF workshops, as well as in TC meetings. (12/4) TC would like to see a review of intersections done prior to committing to a 115 solution or as part of the engineering of that project - to ensure project does not hamstring options. (5/7) Deb advised several communications received regarding pedestrian fatality on Rt 115 requesting sidewalks. (9/3) Sandy adv of outstanding question - need for possible budget consideration (9/17) Deb verified with Will that MPI does not require engineering completion - however - Ann verified the Town's piece of the budget must be approved & set aside to apply. Dan also advised a 50+ sub division (apartment buildings) is before the PB for this road & stormwater/sidewalks are being discussed. (10/15) Deb adv Stevie/Will met with DOT & have more info. (10/28) Council set up public forum 12/5. (11/12) Dan will facilitate & council discussed format. (12/5) Public Forum held. (12/17) Council agreed 1st forum very successful, data compiled, next step is to work out starting point on proj. (1/21) Council held workshop with Water Distr about Route 100 TIF and this proj was select by both grps as the best proj. (2/4) Deb adv Alyssa said it is possible to amend rt 100 TIF for this proj but needs to talk details with us. (3/10) Council & WD agreed to amend TIF to incl this proj (4/28) Council rev warrant art (6/2) Council held public hearing & voted to approval TIF amend (7/21) Voters approved revision. (10/6) State submission done. (12/1) TIF amend appr. (1/19) Council agreed with Water Dist/Will on first tasks to start process. (3/2) Will prov est. (9/7) Council set up 'kick off' meet date with prime parties. See Detail Tab for updates (9/27) Kick off meet held - next steps set Next Step: New tasks logged on detail sheet.

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No	Goal/Category	*O/ F/C	** Prty	P No.	Target Date	Description	Sub by:	Owner:	Assigned to:	Dated Logged	Last Update	Comments
89	Infrastructure / Village TIF Goals	O	H	8	Detail Tab	Create Engineering Plans for Main Street and Coordinate with MDOT for construction	Council	Council	Nate Rudy	02/19/19	12/09/21	MDOT has agreed to cover the upgrade of stormwater & catch basins Main Street & down 202 towards the Cemetery. They advised the plan will likely come up in the next 5-7 years. Town needs to identify any other changes - increase water line size, increase stormwater line size, add conduit for underground utilities, add piping for natural gas so funding can be budgeted & all items added at the same time (rip the road up once). (4/2) Doug provided 8-12 year window for work on Main as guide for Council meaning analysis & plan should be done well beforehand. (4/16) MDOT advised the timeline for this project is being moved up. Council agreed to move up in priority at 5/7 meet & set a stand alone TIF workshop. Workshop held 7/2. (8/6) Min from 7/2 workshop approved. Council to set up another TIF workshop. (7/21) Council had workshop with MDOT & learned portion of road may be worked on in separate project for which engineering is underway. Await more info from MDOT. (9/1) Village walkabout was done with Patrick Adams MDOT, Water District, and others to identify issues/solutions. Rob Betz is coordinating with Ernie Harris on current project from Town line to Cumby's. Council followed up to determine scope of 2nd project from MTA interchange to Brown Street? Can orphan piece be added to that project? (2/16) Council agreed to move to open list. (4/6) Nate & Alec had a walk thru with Rob where he advised phase 1 is moving forward, but phase 2 will now only include stormwater NOT a reconstruction of the road. Alec advised that the road is in terrible condition which cannot be addressed with an overlay. Council met with Water District and agreed Village TIF fund needs to be available in coming year for planning. (5/4) Council included \$75k TIF funds in budget (6/15) MDOT Rob Betz attend workshop and advised both projects are funded with 2023 construction projection. (9/7) Council will hold WS on 9/15 to complete their prep for MDOT meet (9/21) MDOT WS held - timelines work discussed. Next Steps: New tasks logged on detail tab.
92	Open Space / Conservation Plan	O	H	9	12/01/22	Resolve State Land for Maine's Future Grant Conversion issue created by the Tennis Courts	Council	Nate Rudy	Kristen Muszynski	04/06/21	12/07/21	(4/6/21) Tennis Courts were built at the GNG HS back using a Land for Maine's Future Grant. Back in 2006, MSAD15 removed the tennis courts (after notifying the Town) to expand their parking lot. This was a violation of the grant program which requires the recreational space created remain conserved forever. Until the space is 'converted' into another space, the Town cannot accept or apply for additional grant funding. This grant program is the primary program in the State for purchasing and conserving open space. The Council has approved a Contract Zone Agreement for Stillwater Subdivision located on Woodcock which includes the donation of 12.9 acres of land to be used as recreational space. Doug Beck, who is handling the conversion issue, advised this would be a qualifying property. The process to approve the conversion requires the Federal Gov and can take up to 3 years. Doug Beck advised once the Town demonstrates a real effort towards the conversion, he can release the hold on the grant program. (7/6) Nate discussed with Doug Beck & had information on next steps. (9/21) Sandy advised checklist received and Town must submit documentation to get ball rolling (10/5) Anne completed draft of paperwork. Doug advised it was sent today. (12/7) Kristin provided update from site walk with Doug Beck who identified a possible issue with the road ownership. She confirmed items 1-5 on the check list are complete. Council also agreed to approach MSAD15 to share costs of appraisals. Next Step: Kristen & Doug to provide more info on the road to Doug Beck so he may submit to Feds (item 6), Council to budget for yellow book/envir study (item 7).

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24A	Traffic	O	M	1.1	Detail Tab	Based on TC meeting with State Representatives and Senator, identify action items to pursue both short term & long term. We will keep NG informed of our meetings/progress so they may attend, if they chose. MDOT Portion. SEE SEPARATE TAB - FOR DETAILS	Council	Council	Sandy Carder	02/22/18	12/21/21	Councilor Carder created meeting notes from Workshop (1/29), Councilor Foshay pulled action items to create list. Logging working list item to capture review/prioritization effort by Council. New individual items will be logged as needed. Council discussed at 3/6 meeting & agreed to set up separate meetings with MTA/MDOT - with a target date of end of April/beginning of May - MDOT - prior to a TC meeting 5:30pm start time. That will allow 90 minutes to discuss. TC agreed signage - (1) old Rt26 vs by-pass (2) in Village around island (no sign again) (3) Depot Rd RR Xing would be priority 1. Kyle also advised he will look into signage (1) & (2). Deb requested target date & CC State Reps/Senator. Deb spoke to MDOT advising of RT 26 bridge closure - suggesting it may be a good time to consider renaming Route 26. Deb advised a MDOT/Staff meeting was held (1) traffic movement permit at 97 shaker (2) closing shaker rd bridge MTA work (3) village island (4) rt 26 routing were discussed. (12/4) MDOT provided some info at Council meeting. (3/5) Sandy pulled down new workplan & sent to Councilors. (6/16) Rob Betz, Patrick Adams & Steve Cole from the MDOT attended a workshop with the Council to review various projects in process, in planning & on the future list. Patrick offered to come to Gray to do a walkthrough of all the various streets to obtain more information on the issues. (7/21) Walkthru set up 8/5. (12/7) Island item moved to Main Street detail tab. Next Step: See Detail tab for more info.
24B	Traffic	O	M	1.2	Detail Tab	Based on TC meeting with State Representatives and Senator, identify action items to pursue both short term & long term. We will keep NG informed of our meetings/progress so they may attend, if they chose. MTA Portion. SEE SEPARATE TAB - FOR DETAILS	Council	Council	Sandy Carder	02/22/18	05/18/21	Councilor Carder created meeting notes from Workshop (1/29), Councilor Foshay pulled action items to create list. Logging working list item to capture review/prioritization effort by Council. New individual items will be logged as needed. Council discussed at 3/6 meeting & agreed to set up separate meetings with MTA/MDOT - with a target date of end of April/beginning of May - MTA - set up workshop in May - Peter Mills, Bruce Van Note - to open discussions based on Bruce's list. Added Dan's items - revenue sharing, gifting property & dual access curb cuts. Meeting held Mary 24th. See separate tab for details. Deb requested update and MTA has sent back initial feedback. Council discussed feedback & addtl info from Deb. Discussed possibly sending official letters to individual trucking companies regarding avoiding Village rt26, concerns from MTA about trucks not seeing 'closure' signs and diversion study next steps. Councilor Maguire suggested inviting a MTA planner to future meetings. (12/4) MTA provided info on diversion study (5/4) Nate spoke to Mr. Mills & Erin at MTA Next Step: Awaiting guidance from Legislative team. See detail tab for more info.

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46	Ordinance	O	M	2	03/01/22	Develop Growth Management strategy - as part of Comprehensive Planning & to allow needed time for Open Space Planning	Sandy Carder	Nate Rudy	Nate Rudy	02/05/19	12/09/21	(1/22) Dan adv PD does not feel any addl action is need at this time. Growth Cap was disc & Staff will look into with OAC and bring forw when ready. A growth cap has been disc in var meet for the last yr. Not hav a robust growth plan and/or cap was 1 primary reason the original Comp Plan was not appr. (1/30) During the Open Space forum, Alan & Lucky both strongly encour a growth cap be disc/imple as soon as possible to provide Gray with more time to dev an Open Space plan. In add, issues with current residential Sub-division ord, duplex allow, and limited safeguards against a large scale dev need to be addr. Kathy adv Staff have crunch annual data & Doug adv dev one would be rather straightforward & would be padded to avoid impact wanted eco & resid dev. (2/19) Council agreed this is a top priority now. (3/5) Doug rev steps (1) Verify current comp plan (2) check with legal ord (3) imple verifying data supports number selected & Council prov direction. (6/4) Doug prov some data and Arundul ord (eff in 1977). Council agreed to proceed cautiously. (9/3) Doug adv best 1st step would to discuss possible 'cap' number and process to apply caps. (10/1) Council WS held - guidance prov to Doug. (1/21) Council would like to have some info to discuss by the 2/18 meet given the push on larger devel & Comp Plan process. (2/4) OAC looked at & were not in support - worried about admin of the process impact staff (2/18) Council disc changing approach to be more comp to focus on Growth MANAGEMENT vs just a cap. Need to coordinate with the comp plan timeline as an appr plan is required to enforce growth permit systems. (3/10) OAC began work on this item.(5/5) OAC wants to coord with Comp Plan so work will not start now, however, due to the need for Council work as well, draft options still to be deliv by end of summer to stay in line with CP. (8/4) Council disc at 8/4 WS to confirm a full WS for this along with the duplex/OAC ord list can be disc (9/1) Council disc OAC doc cover duplexes, multi unit housing, growth & comp plan info - agreed addt'l WS to create workplan to complete all the work needed. (2/16) Sandy adv Windham has robust grw permit prog that was 1st step after their comp plan. (4/6) Council dis as part of TM goals (5/18) Council/Staff dis in WS - Staff sug step approach to create (12/9) Council disc and develop plan Next Step: Nate/Doug/Dan to work up plan for OAC to look at zoning, growth plan, options to protect critical rural and encourage growth in Village.
97	Policy	O	M	3	12/31/21	Update Council Rules (1) charter language (2) grammatical (3) online meetings policy	Dan Maguire	Council	Sandy Carder	06/15/21	10/05/21	(6/15/21) Dan advised of two small changes needed in the Council Rules (1) 602.02 B2 add the words "a meeting" (2) 602.06 Ordinance - language does not match the Charter although meaning is the same - should match. Sandy adv any changes must be advertised and given we will likely need to update the rules to incorporate the new policy needed for online meetings (pending final language of legislation being considered now), she will hold changes until then to handle together. (7/6) Rep Moriarty presented Legislative update & bill text for online meetings. Needs to check regarding definition of "public body". (8/3) Council disc remote/hybrid meeting policy (9/7) Council approved policy. (10/5) Charter amendments approved & will be voted on at Nov election. New hybrid policy adopted but may change pending Legislative action in 2nd session Next Step: Changes need to be drafted.
101	Policy	O	M	4	12/31/21	Update Committee Policy include specific communication standards	Council	Council	Sandy Carder	11/20/21	11/20/21	(11/20/2021) Council discussed proper process for Committees to communicate with Staff (through Staff Liaison) and Council (through Council Liaison) in different circumstances and agreed Policy should include guidance. Next Step: Sandy will draft changes.

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74	Administrative	O	M	5	05/01/22	Update Gray Historical Society lease with Town	Sandy Carder	Nate Rudy	Nate Rudy	02/18/20	12/07/21	(2/18) Sandy explained the Gray Historical Society would like to update the lease they hold with the Town. They are looking for the Town to assume utility expenses directly to allow them to do more robust fundraising/grant applications to focus on their historical work and to address more maintenance on the building itself. Right now, they are reimbursed up to \$6,000 annually - but have to pay monthly bills. (1/5) Sandy advise Galen is working on with Debi. (1/19) Galen has provided proposed new lease. (2/2) Council reviewed proposal but questioned why the building is not in the Town's CIP for the larger ticket items (like the roof, heating system, alarm, etc.). Majority of Council was open to extend length of contract & picking up utilities. Questions were raised about reimbursement amount. (3/16) Sandy pointed out the GHS budget line shows the reduction to offset the Town taking over the utilities. Nate needs to check on status of negotiations. If new lease will not be done in next 2 weeks, then the line should be reset to previous years at \$6,000. (5/18) Nate met with Galen/Mo. Mo adv the Facilities study will be done soon, it will include this building. (6/1) Council agreed to add GHS build to "condition" portion of upcoming facilities study. (9/21) Sandy adv GHS has provided proposed new lease & that since there is a budget component, it will be discussed at upcoming pre-budget workshop set for Jan_(11/16) Draft done Next Step: Once study complete, Staff can review to propose what will go in CIP and what can be done by GHS as ongoing maintenance in exchange for utilities being paid by Town. Council also identified that the contract itself needs to be revamped by Legal once a new framework is approved. To be discussed at 1/13 budget workshop.
83	Committee	O	M	6	TBD	Discuss additional requirements for quasi-judicial Boards - Planning and ZBA	Council	Council	Nate Rudy	09/15/20	12/07/21	(9/15) Council discussed the need to ensure long term viability of quasi-judicial boards and ensure opportunities for new applicants - via new requirements which may or may not include term limits, application wait periods, chair rotation, mandatory MMA training, pre-training options for those thinking about joining, mentoring, rotation of alternates etc. There was also discussion related to possible changes in Council Rules once quasi-judicial rules are set. (1/19) Sandy advised that she has been talking to GPCOG about a facilitated training session to address the issues and update the expectations/roles. She has discussed with Kathy/Dan who agreed it was a good approach. Council also agreed. Kathy advised that there is money avail for PB training. (3/2/21) Sandy adv results of her meeting - workshop will be set for 1st week in May. (3/16) Sandy adv draft framework rec'd - meeting with Kathy/Nate/Sandy set up before respond to GPCOG. (4/6)With the goal of attend the BUILD ME seminars, Sandy has ask Tony to coordinate with the topics being offered to ensure best results from both efforts. (5/18) Given the resignation of Kathy, Nate is proposing the hire of a new Planner before proceeding. This will mean the Build ME seminars will happen first. Then, the new training session, then the in person meeting between the entities. (6/1) Nate provided new proposal from GPCOG which includes assistance with ordinance/zoning review to help create outline of change from Comp plan & it includes this training. Funds from State agency will cover the costs. (7/6) Nate needs to hire new Planner before we proceed & existing terms exp 8/31 for Committee members. (10/5) New members appt & new Planner hired Next Step: Pushed off until January until vacancies can be filled.

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49	Ordinance	O	M	7	TBD	Review current ordinances and zoning to determine if changes are needed for Duplexes	Dan Maguire	Dan Maguire	Doug Webster	02/19/19	10/05/21	Dan asked the Council to consider making changes to Duplexes to address sprawl growth and other unintended impacts to density bonus of allowing a duplex in lieu of a single unit of housing. Doug advised this issue has been researched in the past. Dan needs to talk to Kathy and then work through reviewing current ordinances. Then, bring to the OAC for possible proposal to the Council. (12/17) Deb advised of resident e-mail regarding the number of duplexes being built in Gray - Planning Board has also recently discussed. Council agreed this issue needs to be moved up in the priority list. (6/2) Council reviewed questions from OAC & provided direction. Generally speaking, there was support to make it more restrictive in certain zones and encourage them in others by making it less restrictive. It was agreed this is one tool in the growth mgmt plan. (8/4) Doug provided memo detailing OAC ques/disc points along with the growth plan disc and Comp Plan review. Council agreed a full workshop is needed to review. (9/1) Council disc OAC document cover duplexes, multi unit housing, growth & comp plan info - agreed addt'l workshop to create workplan to complete all the work needed. (5/18) Council approved a moratorium in the Village on single family and dual family housing to allow for the creation of new standards and requirements in those zones (see item #94) (9/7) 1st read of design stand in Village (9/21) 2nd read/hear held by Council (PB held hear 9/20) changes go into effect in 30 days. (10/5) Council/Doug discussed whether this should stay standalone item - likely be swept into changes are they are made - but do not want to lose sight of this critical issue. Next Step: New changes will be used as base for updating standards in all zones. Council will discuss further at retreat.
69	Recreation	O	M	8	04/01/22	Create a Pocket Park including Historical Marker at 5 Yarmouth Rd property	CEDC	Nate Rudy	Nate Rudy	12/17/19	12/07/21	(12/17) CEDC representative Rachel Rumson presented plans for a new Pocket Park on the 5 Yarmouth Rd municipal property which would include a Historic Marker as part of a Historical Trail - which was presented by Galen Morrison. Council provided some initial feedback. Kathy Tombarelli advised there was a possible grant that may assist with phase 1 of the project - earthwork. (1/7) Kathy provided a draft grant application at meeting and Council provided feedback. Council agreed to add to tracking list as project is ongoing and will involve Town Staff and funding. (1/21) Council approved CDGB application. (3/10) Kathy advised the grant was recommended for funding & is moving onto the next phase. (4/21) Kathy will follow up on status of process. (7/21) Planning board reviewed & were very supportive. Abutter meeting held with great feedback. Council approved Rachel Rumson as agent for Planning board work. Due to LD1 failure, grant funding now on hold. (9/1) Council discussed changes to Committee policy to address consultant work. (9/15) Council approved consultant changes to Committee rules (11/17) Council appr land exchange on site to clarify property line. (1/5) RFP has been posted. (1/19) Council approved 1 proposal rec'd. (2/2) Bruce adv a public forum was held to obtain Community input.(3/2/21) Bruce adv CEDC is working on name and bird house project and planning for Spring work. Alec adv he did some earth work in the Fall and is set to do addt'l work in the Spring. The project did receive preliminary approval contingent on one sign off. (4/6) Council approv wood donation from Maschino's Lumber. (4/20) Council app picnic table donations from Aroma Joe's. Kathy adv park has PB appr (5/18) PermaBlitz was held & work session to lay brick. (6/1) CEDC prov update presentation and recommended name which Council approved. (9/7) 2nd PermaBlitz set for 9/11 (9/21) Council appr addt'l exp for admin of the grant (in Kathy's absence) Next Step: Park set to be discussed at 3/3 budget workshop.

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100	Ordinance	O	M	9	03/15/22	Create Emergency Management Ordinance	Nate Rudy	Nate Rudy	Nate Rudy	10/19/21	12/07/21	(10/19/2021) Nate presented a proposed Emergency Management Ordinance to the Council as recommended by the National Incident Management Services as it is required to have access to some Homeland Security and FEMA services and grants. Council provided feedback. (11/16) Nate set up a 1st reading & public hearing for the revised ordinance. Council provided additional feedback and also reviewed feedback from resident Mark Grover (who has extensive experience in this area). The status of an Emergency Operations Plan was also reviewed. (12/7) Nate adv he is working with County along with the Chief - they prov substantial feedback. Council tabled 2nd read to allow for update & further discussion. Next Steps: Council to review updated EM ordinance and proposed EOP at upcoming January workshop - then will restart process.
55	Administrative	O	M	10	Ongoing	Review current legal agreement between MDOT, Water District and Town regarding the Route 26A winter maintenance and wellhead monitoring	Deb Cabana	Nate Rudy	Nate Rudy	04/16/19	11/16/21	The MDOT has advised they intent to "NOT" renew the legal contract binding them to provide winter maintenance and wellhead monitoring on the Route 26A and wish to turn those responsibilities to the Town. Deb also advised that the last round of MDOT testing found elevated salt level in the testing wells. The current agreement clearly states the MDOT is responsible for addressing those elevated levels; however, they are disputing the cause. (9/3) Executive session held (12/17) addt'l Executive session held - Council took no action. (2/17) Council discussed in Ex. Session (3/9) Water Conditions study request submitted via budget process. (7/6) Voters approved budget (11/16) Doug prov update - delay is due to identifying the best party to conduct study. WD has been consulted. Council voted to carryover funds. Next Steps: Doug & Nate to discuss.
70	Ordinance	O	M	11	Doug	Review current residential Subdivision Ordinance for necessary changes in Open Space	Doug Webster	Nate Rudy	Doug Webster	02/04/20	02/04/20	(2/5) Doug advised there were some critical issues that needed review within the current residential Subdivision ordinance.(3/5) OAC provided priority order of outstanding items & this was included. Also, identified "Fire Protection" adjustments and Open Space standards as items to be worked on. (7/2) OAC set for 7/10 & this is on agenda. (2/4) Originally logged as Item 40 - Council agreed to split out the OPEN SPACE portion fo the subdivision ordinance as a higher priority. Currently, developers are able to ID & use 'unusable' property as open space to meet the standard to obtain the density bonuses. Ordinance needs to be updated to require the space meet OS standards to count towards density. Next Step: OAC/Staff will provide suggested changes to Council.
93	Public Safety	O	M	12	TBD	Address dilapidated Vacant Buildings around Shaker Rd/No. Raymond Rd intersection	Council	Nate Rudy	Nate Rudy	09/01/20	05/18/21	(9/1/20) Council identified dilapidated vacant buildings around Shaker Rd/No. Raymond Rd need to be addressed as the MDOT will not be taking the structures done. (1/5/21) Deb/PD Staff reached out to the property owners. They recognized something needs to be done with the structures and property. They are wondering if zoning changes may be allowed to assist them with redeveloping the properties. PD Staff strongly encouraged new surveys be done first. (5/18) Sandy rec'd complaint from resident on status. Next Step: Awaiting survey information from property owners.
52	Ordinance	O	M	13	Contract	Develop local level Sidewalk Construction standards	Dan Maguire	Dan Maguire	Doug Webster	03/05/19	09/01/20	Dan brought up the possible need for local level constrution standards for sidewalks after various discussions about status of existing or proposed sidewalks in budget & council meetings. (9/1) Anne provided Council with a "Green Streets Guide" shared by Lauren Meeks (Resident - MDOT engineer) who suggested it be considered when creating our sidewalk standards and during our infrastructure project planning. Dan suggested Lauren attend an OAC meeting in the future. Next Step: Dan to bring to OAC for discussion - once OAC resources become available.

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76	Ordinance	O	M	14	Doug	Amend Subdivision Ordinance to strengthen Buffer Zone requirements & provide more autonomy to PB relating to internal roads	Dan Maguire	Nate Rudy	Dan Maguire	05/05/20	05/05/20	(5/5) Based on feedback from the Planning Board regarding the current Buffer Zone requirement being reduced from the 50 foot mandate due to the location of houses and other issues, they are asking the Council to strengthen the language in the ordinance. In addition, they would like more autonomy related to mandating internal roads vs shared driveways to reduce curbcuts and assist with the buffer zone issue. Council agreed to log. Next Step: Dan to bring to the OAC for discussion.
99	Ordinance	O	M	15	TBD	Create Water Quality (Shoreland) Ordinance	Pam Wilkinson	Nate Rudy	Sandy Carder	11/16/21	11/16/21	(10/19/2021) Pam Wilkerson, President of Little Sebago Lakes Association made a presentation to the Council on behalf of the Lake Coalition which includes LSL, Crystal Lake and Forest Lake. They are requesting that the Town create a new ordinance to match the one passed in Windham to protect the water quality of the Town's Lakes. All three lakes are on the 'impered' State list. (11/16) Council agreed to proceed and log on our workplan. Sandy also advised that Pam was willing to create a draft to get the ball rolling - she will follow up. Next Step: Council to discuss priorities for coming year at the 11/20 Council/Manager Retreat.
78	Ordinance	O	M	16	Contract	Create Stormwater Standards for Watersheds	Doug Webster	Nate Rudy	Doug Webster	06/02/20	06/02/20	(6/2) Council agreed to log new item to create Stormwater standards for watersheds which will consist of (1) obtaining assistance from Cumberland County Soil & Water Conservation District (2) consideration of watershed overlay to zoning map (3) setting up add'l peer reviews for PB applications (4) creating ongoing stormwater maintenance inspections/verifications (5) creating procedure to document agreements to bind future owners to maintaining stormwater plans. Next Step: OAC to provide target date and work on as resources become available.
22	Ordinance	O	M	17	Contract	Review current ordinance governing stormwater drainage measurements to determine if updates are needed. Update ordinance to include licensing fee or other fee structure IF business wants access to stormwater system .	Council	Nate Rudy	Doug Webster	02/09/18	03/12/20	During the CZA process with Cumberland Farms, much discussion was centered around "peak flow" vs. "volume" of stormwater drainage & about possibly updating the existing ordinance to cover both measurements. TC discussed and need Staff direction on item, as well as priority/timeline. Doug Webster made presentation (3/6) of feedback from Town Engineer. Recommendation is update ordinance to specify licensing or fee structure to account for any future requests to hook up to Town's stormwater system. (2/5) Council discussed need to move this up to ensure work is done before MDOT comes to redo Main Str and to ensure used in future development proposals. Doug also pointed out that results of Watershed study may impact regulations as stricter state statutes come into play. Study is awaiting Spring field work & will include detail to help. (3/5) OAC provided priority order of outstanding items & this was included. (5/21) OAC had prelim disussion at May meeting. (7/2) OAC started review - will continue at 7/10 meeting. (3/12) Staff recommend stormwater modeling be done to understand current infrastructure and recommendation for future - to anticipate addt'l devel. That would inform the ordinance/fee work. Next Step: OAC/Town Staff will provide suggested changes to Council.
60	Ordinance	O	M	18	Contract	Review current Kennel related ordinances , identify needed changes & update accordingly.	Deb Cabana	Nate Rudy	Doug Webster	06/04/19	12/03/19	(5/21) Council was made aware of issue via OAC meeting update. New Dog Officer has advised of conflicts between current ordinances and general residential practices. Gray also has existing Kennel businesses. There is also a State Statute involved. Everyone agreed identifying fixes to coincide with new licenses would be best way to communicate any changes. (6/4) Council agreed to move down the priority list - using license timeline as guide. (9/3) Dan advised being moved up due to timing for Dog Officer and Dog licenses. (10/1) Dan advised this one is almost complete. (12/3) Sandy suggested the OAC meet without Doug and work on what they can. Council & Deb discussed and agreed to give this approach a try with Doug reviewing work as needed. Next Step: This one may be a good item for the OAC to test out new approach.
94	Ordinance	O	M	19	Doug	Update Town's Ordinance to reflect long term Solar Array policies for residential , all sizes.	Deb Cabana	Nate Rudy	TBD	04/20/21	04/20/21	(4/20/2021) Council finalized latest update to the Commercial Solar Overlay District Ordinance. This items is being logged to track the work needed on Residential Solar Array. Next Step: Awaiting resources.

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25	Ordinance	O	M	20	Contract	Review current ordinance governing stormwater drainage measurements to determine if updates are needed. Create stormwater performance standards for future development in Village and/or for businesses wishing to access Town's stormwater system.	Doug Webster	Nate Rudy	Doug Webster	03/06/18	02/04/20	During the CZA process with Cumberland Farms, much discussion was centered around "peak flow" vs. "volume" of stormwater drainage & about possibly updating the existing ordinance to cover both measurements. TC discussed and need Staff direction on item, as well as priority/timeline. Doug Webster made presentation (3/6) of feedback from Town Engineer. Recommendation is to memorialize Cumberland Farms discussions/approach to be used as a 'performance standard' in conjunction with ordinance for future development. (2/5) Council discussed need to move this up to ensure work is done before MDOT comes to redo Main Str and to ensure used in future development proposals. (10/1) Dan advised OAC felt this one was easy to complete - moved up in priority. (2/4) Dan confirmed the OAC is back to meeting & has agreed to meet every other week to try to catch up. He advised they looked at Solar Overlay & Growth Cap and Duplex but need more guidance on the last. Priorities except for open space were unchanged. Next Step: OAC to work on next.
44	Ordinance	O	M	21	Doug	Review current residential Subdivision Ordinance for necessary changes all other areas (besides Open Space - see item 70)	Doug Webster	Nate Rudy	Doug Webster	02/05/19	02/04/20	(2/5) Doug advised there were some critical issues that needed review within the current residential Subdivision ordinance.(3/5) OAC provided priority order of outstanding items & this was included. Also, identified "Fire Protection" adjustments and Open Space standards as items to be worked on. (7/2) OAC set for 7/10 & this is on agenda. (2/4) Council agreed to split out Open Space (see Item 70) to make a higher priority from other changes needed in ordinance. Next Step: OAC/Staff will provide suggested changes to Council.
36	Administrative	O	M	22	??	Review the current process for "Planned Unit Development" commercial subdivision to determine if routing the review & approval of commercial uses on lots in a PUD subdivision to the Staff Review Committee in lieu of the Planning Board.	Kathy Tombarelli	Nate Rudy	Nate Rudy	09/04/18	07/06/21	This item was brought up & discussed in the TC 8/7/18 meeting. Town Councilors agreed to consider the proposal, but could not determine whether support would be granted until some draft language was provided. Councilors expressed various concerns about the process which they would like addressed in that language. The Planning Board has also expressed some concerns with the change given PUDs are relatively new. (1/22) Dan advised Planning Bd is okay with change as Planning Bd Chair sits on Staff Review Committee. (7/6) Nate needs to check the status of this one. Next Step: Possibly move this one to future.
67	Residential	O	M	23	02/28/22	To review the status Deer Acres property (private road)	Residents	Council	il expressed seri	12/03/19	12/07/21	(11/12/19) A group of residents gave a presentation to the Council regarding the current state of their private road - Deer Acres. The road is not actually a deeded private road, but private property with easements. The residents feel the road has been severely impacted by the status of Gore Rd, and the fact that it is used as a connector between Gore Rd and Lyons Point Rd. They are seeking a workshop with the Council to discuss further and develop possible options for solutions. (12/3) The Council expressed serious concerns with taking over a private road, but felt there could be other solutions and they needed more information. They agree to a workshop. (12/17) Bruce advised residents will not be ready to talk until at least April when seasonal residents arrive back in State. (10/6) Council recognized that the residents may be leaving for their winter homes and will push this forward until next spring. (7/6) The window to discuss this has passed again this calendar year. (10/5) Sandy adv group will do presentation at 11/16 Council meeting after Council agreed to presentation in the 9/21 meeting (11/16) Group presented info to Council and answered questions. Nate later advised Staff would like to talk about road ordinance in general with recommended changes to reduce or eliminate addtl winter maintenance additions either temporarily or permanently. Sandy adv another road (Ramsdell) is now seeking a change so Town can do winter maintenance on addtl road being built. (12/7) Nate has req a larger conversation regarding road acceptance & winter maintenance. Next Step: Council to discuss larger issues and Deer Acres & Ramsdall Rd requests at upcoming workshop.

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98	Ordinance	O	M	24	TBD	Review and update Land Bank Commission Ordinance	Sandy Carder	Open Space Committee	Anne Gass	10/19/21	10/19/21	(10/19/2021) While reviewing the Recreation Committee charge, Sandy pointed out the creation of the Committee stemmed from this now outdated Ordinance. In reading the ordinance, much of the roles and responsibilities have been changed, rest with the Open Space Committee or are not relevant anymore. Anne has agreed to bring to the OSC once their work on their Open Space Plan is complete and report back to the Council on recommendations. Next Step: Open Space Committee to review.
90	Budget / Audit	O	L	1	06/01/22	Review and update Sick Time carryover and/or payout provision	Dan Maguire	Council	Nate Rudy	02/16/21	12/07/21	(2/16/21) This item has been discussed under the Budget tab startin in last year's cycle. Auditors have identified unfunded liability of close to \$400,000 for accumulated vacation, personal and sick time. Council requested add'l info on benefits in other Town's. Right now, there is no cap to sick time carryover and up to 50% of 90 days of time is paid out to employees when they separate from the Town. This seems out of line with other Towns. Council to consider a carryover cap and/or possible change in pay out provision. (7/6) Council discussed at workshop Next Step: Nate to present proposal at 1/13 Budget workshop.
96	Budget	O	L	2	06/01/22	Analyze Resources & Responsibilities within Planning Department	Dan Maguire	Council	Nate Rudy	06/01/21	12/07/21	(6/1/21) Dan asked to log this on the workplan. It is something the Council has discussed the last 2 budget cycles, but have not changed anything - mostly due to new code software being implemented, staff turnover, etc. Before next cycle, a full review of the department should be done to identify improvements to assist with economic development, and staff efficiency. (12/7) Nate adv he will have a proposal for budget season. Next Step: Discussion set for 01/31 budget workshop.
102	Training	O	L	3	07/01/22	Develop Committee Volunteers training Webinar	Council	Nate Rudy	Nate Rudy	11/20/21	11/20/21	(11/20/2021) Council discussed needed training for new Committee Volunteers and laid out timeline for annual goal/assignment setting meeting for all Committees. Everyone agreed some type of webinar could be created to allow new volunteers to review at their leisure with a review at the annual meeting. Next Step: Nate will work with Staff to create a training webinar.
87	Administrative	O	L	4	12/01/21	Review current Fee policy for MSAD15, Gray and NG to determine if there is a better reciprocal approach	Sandy Carder	Sandy Carder	Sandy Carder	02/02/21	06/15/21	(2/2) Sandy advised that this issue had been brought up at the last Joint Leaders meeting. A follow up meeting was held on 1/25 with Craig/Diane/Sam of MSAD15. There is a need to track costs and fees by all three entities. MSAD15 also has financial responsibilities that impact both Gray & NG. The issue is front line workers are left dealing with trying to apply fees when working with coaches, residents, staff, etc. which creates conflict as the taxpayers pay all three budgets. There was agreement there may be a better way to deal with fees. (5/4) Sandy adv next joint leaders meeting set for 6/17 & will follow up on status then. Next Step: Diane will set up a meeting with Katy and NG representative to start by reviewing current processes - it was noted due to budget season, this would likely not take place until April.
81	Ordinance	O	L	5	Contract	Need to create a Water Extraction Ordinance	Sandy Carder	Nate Rudy	TBD	07/21/20	04/20/21	(7/21) Council was approached by Crystal Lake residents regarding many commercial vehicles from out of Town companies parking vehicles on the public boat ramp for long periods of time to extract water (pool, landscaping companies). Council discussed safety, access and water quality issues and agreed the activity should be prohibited. Deb spoke to the State and they advised we can put up signs right away - ordered. An ordinance should be created to ensure enforcement can be done properly. (4/20) Sandy adv a resident follow up on the signs which do not appear to have been installed at Wilkies beach. Nate will check into - Sandy let them know the ordinance change is still on our list. Next Step: OAC to work time permitting.

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39a	Administrative	O	L	6	06/01/22	Need to review/reneogiate Cable TV Contract sometime in 2019-2021.	Deb Cabana	Nate Rudy	Anne Gass	09/18/18	12/07/21	<p>Deb advised she has asked Alissa Tibbetts, Town Attorney, to begin some research & that process can take up to 1 year. She also advised there is at least one resident willing to serve on a Cable TV Committee, if the Council choses to go that route. Council discussed briefly and confirmed either route will require legal review. Dan asked if there was a way for Alissa to provide a snopsis of the process/issues for council to better understand task. Deb advised significant changes have been made at the Federal level which will require more analysis before approach can be determined. (1/8 & 1/22) Feedback presented on item 42 Cable TV ordinance actually fit into the "contract" between parties. Will keep in mind for this item. (6/4) Legislature passed bill to roll back some of the changes (such as channel location, HD broadcast requirement, etc.) Deb advised GPCOG has sent out an RFP for the negotiator for the Towns invovled. There was no interest in a pre-contract meeting. (8/6) Deb advised GPCOG is preparing contract with law firm (only one rec'd but highly qualified). (10/15) Deb/Brad provided updates from the negotiation meeting with GPCOG attorney. (1/7) Council agreed to separate contract and committee into two action items. (9/15) Audit by consultant resulted in identifying monies owed (\$18K+) to Gray. GPCOG est negotiations will begin in the fall. (2/16) Deb adv target for contract is June. Spectrum disputing owed fees. (7/6) Anne adv this is at a standstill (12/7) Anne attended consortium meeting & provide substantial update. Next Step: Lawyers will follow-up on outstanding funds, a possible ordinance change may be needed, consortium members need to adopt ord & a future RFP may be needed.</p>

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B	Comp Plan Imp - break out item 84	O	H	4	01/15/22	Consider New Committee to monitor, supervise, ensure Comp Plan implementation proceeds	Council	Council	Nate Rudy/ Krista Chappell /Dan Maguire	12/01/20	11/20/21	(12/1) Council agreed current Committee should be retired as their charge is complete. Will send Thank You letters to Members and advise Council is considering a new Committee to assist with Implementation - asking them to advise if they are interested in continuing on. New Committee needs further discussion. (2/16) Sandy provided info from Windham Committee - hybrid structure. Generally, there was agreement that is the better model than all volunteer. It will be important to have people with know/exper on the committee. Should not set up until Council can give clear charge and goals to committee. Nate wants a chance to talk through options with Planning Dept as they will take leading role. Sandy also adv Windham hired a consultant to assist them. (10/5) Council agreed this needs to be a top priority in coming year (11/20) Council discussed options at retreat which included utilizing new annual meetings for goal setting/Committee assignments and developing a workgroup responsible for accountability to ensure assignments are being worked on. There was no resolution on the size & representation on that workgroup. Next Steps: Nate/Krista/Dan will meet to come up with a proposal or options to bring back to the full Council.
E	Comp Plan Imp - break out item 84	O	H	4	01/31/22	Create plan/timeline for Zoning changes & ordinance changes	Council	Council	Nate Rudy/Doug Webster/Dan Maguire	12/01/20	12/09/21	(12/1) Council needs to discuss/create a plan/timeline to update Zoning to reflect zones in new plan and determine prioritization to ensure development adheres to new plan. Will be related to Item 46 (Growth Plan) and Item 49 (Duplex changes) for which initial discussions were held, but placed on hold pending Comp Plan approval. (5/18) Council approved moratorium (4/6 eff - 180 days) to allow time for Staff to update standards/ordinances within the Village and Village Center zones. (7/6) Dan adv OAC is working on reviewing the current zoning against the new Com Plan zones with Town Staff and interns. (12/9) Council agreed to have Doug, Nate and Dan met to discuss the timeline/resources needed for the OAC to take a look at the Critical Rural zone and Village zones to determine options for updates as priorities to ensure protection of CR and no more loss of opportunities for appropriate growth in the Village. Next Steps: Nate, Doug & Dan to meet.

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A	TIF Goal / Budget - break out tasks from Item 34	O	H	5	02/28/22	TIF - Mixed Use Zoning Discussion for Property next to Northbrook	Town Council	Town Council	Doug Webster	01/22/18	12/09/21	(11/28/18) Mixed Use options were discussed at length. Next workshop set for 2/19 6-7pm prior to scheduled TC Meeting. (2/19) Council discussed options and agreed having some type of proposed changes to consider would be helpful. Should focus on Village, but also on large undeveloped piece abutting Northbrook as owners req. inclusion to help develop. Doug will work on. (12/09) Council identified the need to find a parcel that could be set up with mixed used development - such as the parcel included in the Village TIF which may attract a medical facility and/or larger store like Paris Farmers which expressed an interest in having a location in Gray, but could not find a suitable parcel/building.
B	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	TIF - Center Rd / Bridge Redesign	Town Council	Town Council	Town Council	02/18/18	02/19/19	Town to evaluate possible changes to bridge and/or reconfiguration and/or completion of Turnpike Acres - to address Center Rd outlet just below 5 Rd intersection/left turn issues for tractor trailers in Village (possibly part of TIF workshop to determine plans/priorities for Village infrastructure upgrades). MTA advised that Bridge was recently refurbished & widened so there are no immediate plans for more work; however, they remain open to discussion a realignment. (12/4) Part of solution to address tractor trailers in the Village is to address inability to make right hand turn from 202 onto route 100 - which includes alternate route - maybe via turnpike acres/center rd bridge. (2/5) TC moving to TIF Planning umbrella (2/19) Deb to find out replacement year from MTA.
D	TIF Goal / Budget - break out tasks from Item 34	O	H	5	05/01/22	TIF - Evaluation of possible Sewer/Water treatment option for Village	Town Council	Town Council	Nate Rudy	02/05/19	12/09/21	During TIF public forums, a specific piece of property (22 acres) was added to the map as it was considered a good candidate for a future water treatment / sewer facility - due to the soils and location (gravity may eliminate need for pumps). (2/19/19) Deb confirmed TIF funding can be used to purchase property; however, it can only done once a full blown plan is created for usage. TIF funds cannot be used to buy property for recreation purposes. Council to discuss land acquisition CIP at 2/21 budget meeting. Council has agreed to set up a separate question on the warrant articles & will approve those articles at 5/7 meeting. (12/9) Council agreed Staff needs to provide some options for long term solutions - in the short term.
7	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	Develop possible Special Assessment Fees - handling as part of TIF discussions	Town Council	Deb Cabana	Town Council	01/22/18	02/05/19	The Planning staff provided high level information regarding possible use of a developed Special Assesment Fees which would be collected as part of new development to offset various costs. Council agreed they should be added to the tool box and requested more detailed information be pulled together for consideration. May be handled in conjunction with In Lieu Fees. 9/18 Council discussed reprioritizing, but decided to leave as is. Dan suggested that we identify other Towns using these fees and use their language as a base. (2/5) Council agreed to handle as part of TIF planning. Next Step: Determine when Staff has capacity to work on.
8	TIF Goal / Budget - break out tasks from Item 34	O	H	5	TBD	Develop possible In Lieu Fees - handling as part of TIF discussions	Town Council	Deb Cabana	Town Council	01/22/18	02/05/19	The Planning staff provided high level information regarding possible use of a developed In Lieu Fees which would be collected as part of new development to offset various costs. Council agreed they should be added to the tool box and requested more detailed information be pulled together for consideration. May be handled in conjunction with Special Assesment Fees. (2/5) Council agreed to handle as part of TIF planning. Next Step: Determine when Staff has capacity to work on.

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A	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain Ledge Map for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Due to the ledge present on the hill, it was agreed a ledge map using radar was needed. (3/2/21) Will has provided est to Nate. (3/9) Council rev with Will. Doug ask that add'l boring on the slope of the road to ensure the ledge is fully identified. Will will update the proposal. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. (9/27) Will adv testing is underway. If tests results in identification of ledge, than radar mapping will be done. Next Steps: Mapping should be done within a couple weeks.
B	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain updated full Survey for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Given there are no easements on this road, it was agreed an updated survey is needed from Main Street to 59 Yarmouth Road. (3/9/21) Will has provided est to Nate & Council reviewed. There were questions about who would conduct the ROW work - see new item MDOT meeting. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. (9/27) Survey is underway which will include identification of existing wrought & most impacted parcels. Next Steps: Survey should be done within a couple weeks.
C	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Draft a High Level Engineering Plan for scope of project	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council agreed to split out tab & tasks from 1/19 workshop. Council has asked Will to create a high level 'starting' engineered plan to help facilitate next set of workshops. This plan should include ALL possible options - which can later be dropped depending on scope/costs - such as adding underground stormwater, sidewalks on both sides, Brown street intersection reconfiguration, traffic calming measures, parking on either Yarmouth or Brown (depending on if Brown is made one way or not), Bike lanes, etc. (3/9/21) Will has provided est to Nate and Council discussed. Council agreed to include 2nd sidewalk in plan, but decision on whether to build will be determined on feasibility and costs. Also agreed to remove "full time inspection" costs until later in the project. The decision on part time vs full time will be easier to make once the project scope/complexity is identified. (4/6) Will provided update & Council agreed (6/15) Voters appr budget, Council appr contract. Council recommended WD reach out to Will asap to ensure their inclusion in same engineering effort. Money was allocated for their piece out the \$495k (9/27) Will prov some high level plans req guidance on several items. WD work being done by another engineer at firm. Next Steps: Add'l guidance provided - Will to update plans & provide estimates on costs to determine what may need to be cut before going to the residents.
D	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Provide past Traffic Study for Brown Street	Council	Nate Rudy	Will Haskell	02/16/21	09/27/21	(2/16) Council discussed past reviews of making Brown St one way. Will/Kathy/Doug indicated this issue has been looked at a couple times in the past. Will thinks he can dig up the past reports. Consideration is traffic pooling on Route 115, but also ability to prevent large commercial vehicles from using Brown to get to short Shaker (weight limit being pursued). (9/27) Council expressed strong support to making Brown street one way from Main to Yarmouth - to help solve safety issues, speed, heavy truck traffic on Shaker Rd, and parking issues. MDOT has not approved in the past. Next Steps: Will to research further.

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E	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Joint Meeting with MDOT	Council	Nate Rudy	Nate Rudy	03/09/21	06/15/21	(3/9/21) Will recommended we hold a meeting with MDOT as soon as possible in the process. Several items were identified for discussion (1) possible use of Federal funding (2) MPI/funding formula for project (3) ROW work responsibilities - if DOT does or Town (would have to hire specialist to handle). Meeting will include Will so proposal needs to be updated. (5/4) Nate has req a meeting & follow-up - looking for 5/18 workshop but no response to date. (6/15) MDOT Rob Betz atten workshop & adv Town needs to do easement work and then would hand over to MDOT. Doug asked about which method is preferred, Rob adv there is a manual to follow and that the question should be referred to Cathy Rawlings in Property Division. He will obtain more info for us. He also advised that 2022 MPI funding is all allocated. 2023 is next cycle - await engineering plan is a good idea to ensure we have the best figure - once it is set - we are locked in and we can only obtain \$625k from MDOT. He did adv having a "contingency" figure would be good for a project of this size. MPI contracts are usually signed the year before the funding and once signed Town has 36 months to complete project. Next Steps: Town needs to complete more work to prepare for the MPI application.
F	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Meeting with Water Department	Council	Nate Rudy	Will Haskell	03/09/21	09/27/21	(3/9/21) Sandy requested that a meeting with the Water District be added to proposal and done early in the process to identify their scope/timeline to allow for coordination. The TIF defines \$495,000 for their water line work in the project. (4/6) Council met with WD to discuss timeline. WD will provide an estimate of the money they will need in the coming 12 months to begin their engineering/planning. Sandy did adv the information is needed in time for the 4/20 warrant article vote. (4/20) Nate prov updated info from WD - Council agreed the WD req for Route 100 TIF funds was fine (under the \$495K) - subsequent discussions will be needed for overage and for the other TIF fund projects. (6/15) WD attend workshop (9/7) Council set WS 9/27 with primaries incl WD Next Steps: Continue to include WD in meetings.
G	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Set up Discussion with First Congregational Church	Council	Nate Rudy	Will Haskell	03/09/21	09/27/21	(3/9/21) Anne pointed out there needs to be open discussion with the First Congregational Church on the reconfiguration of Brown Street intersection. We need to ensure they are aware of the proposals and are invited to the meetings (9/27) Council agreed that starting conversation with Church asap was critical to creating plans for public forum. Next Steps: Will will work with Staff to engage the Church to review options for squaring Brown and dealing with their septic system.
H	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Identify Blasting impacts from project	Council	Nate Rudy	Will Haskell	03/09/21	03/09/21	(3/9/21) Anne pointed out if there is any blasting involved in this project, the Town will need to work with residents to minimize impacts and ensure damage is not done to their foundations. Will adv whether blasting will be needed is unknown at this point. Next Steps: Blasting will be identified, if applicable, once more work is done on the planning.
I	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Schedule Public Forums for property owners and residents	Council	Nate Rudy	Council	09/27/21	09/27/21	(9/27) Council agreed that identifying the most impacted parcels first and holding on site individual meetings was paramount to identifying options for the road. Once that step is done, then holding a larger public forum for all Yarmouth/Brown road residents would be set to review draft plans and obtain feedback. All residents are welcome, but letters will be sent to Yarmouth/Brown residents. Next Steps: Will to identify most impacted parcels.
J	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Obtain info on Budget and MDOT MPI fund disbursement rules	Council	Nate Rudy	Nate Rudy Will Haskell	09/27/21	09/27/21	(9/27) Council asked Nate to obtain new projections on how much money will be available in the Route 100 South TIF for this project. Council asked Will to talk to MDOT about how upcoming MPI schedule for the \$625k contribution and when the money would have to be spent if MPI was approved. There was concern that we could miss out on obtaining the funding, but on the flip side, not be ready to spend it given we will need at least a year to obtain easements. MPI funding cannot be used for easements. Next Steps: Will to identify most impacted parcels.
K	Route 115 - break out tasks from Item 4	O	H	Z	TBD	Identify Firm to complete Easement Work	Will Haskell	Nate Rudy	Nate Rudy Will Haskell	09/27/21	09/27/21	(9/27) With MDOT advising they will not work on easement issues, Will adv his firm does not do that type of work. He has some names he can provide. We will need to obtain estimates so TIF money can be set aside and an RPF can be done. Next Steps: Will to provide info to Nate.

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A	Main Str - break out tasks from Item 89	O	H	8	12/31/21	Obtain Stormwater Capacity Analysis from MDOT	Will Haskell	Nate Rudy	Will Haskell	12/07/21	12/07/21	(12/07/21) Will advised that the MDOT is completing an analysis of the stormwater capacity of the current system which directs flow to the MTA interchange and Cemetery area. Whether the current system can handle existing stormwater and/or has additional capacity is unknown and likely not well documented in regards to options. This information is critical to the plan for upgrades to Main Street and must be obtained before stormwater modeling can be completed. Next Step: Will/Alec and Nate to work with MDOT to obtain asap.
B	Main Str - break out tasks from Item 89	O	H	8	12/31/21	Identify what level of Survey information will be available from MDOT	Will Haskell	Nate Rudy	Will Haskell	12/07/21	12/07/21	(12/07/21) Will advised it is likely the MDOT did not do a detailed survey for their upcoming projects. This detail is needed to do the level of planning the Council is asking for and will need to be done first. It is possible to leverage off what was done for survey work. Next Step: Will/Alec and Nate to obtain survey information from MDOT and then identify scope, cost, timeline to complete needed survey work.
C	Main Str - break out tasks from Item 89	O	H	8	04/01/21	Signage/Bollard Posts - Village Island	Sandy Carder	Nate Rudy	Nate Rudy	02/22/18	12/07/21	MDOT will look at what they can do to make the island at the 5 lane intersection stand out so vehicles do not go the wrong way into head on traffic. Only current sign is "ENTER" provided by MTA. New striping is planned, but no response otherwise (9/4). 9/18 Council asked Deb to follow up with MDOT on their review - she advised she has meeting with MDOT on Wed 10/10. (12/4) Sandy asked MDOT at meeting about options. MDOT said they may have some flexible boillard type posts to try - will check their inventory. Steve noted it does make plowing more difficult. MDOT also may look at new signage - but that will require a full re-engineering of electric/posts at the intersection - see rt 115 listing on task list.(4/2) Dan advised at seeing another person drive into head on traffic in the wrong lane around the village island. (4/16) Deb advised MDOT is not willing to spend on permanent bollard due to history of destruction & costs. (6/4) Deb confirmed striping cannot be done before 7/1 (budget). Sandy asked if "ENTER" could be added to striping - may not be visible. Awaiting alternatives from MDOT. (12/7) This was originally logged under the MDOT detail tab - moving to Main Street as it will be incorporated in the plans.

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A	Traffic - MDOT - break out tasks from item 24A	O	M	1.1	06/01/22	Signage - Route 26 vs. Route 26A	Council	Nate Rudy	Nate Rudy	02/22/18	12/21/21	Village diversion/misdirection. Looking into eliminating/renaming route 26/26A to prevent Truckers from going the wrong way through the village. MTA committed to helping push for changes with MDOT at last night's meeting & advised a suggestion to remove Route 26 starting at Washington Ave (Portland) through to merge with 26A has been suggested in the past. Route 26A would just become Route 26. Also, Jason suggested using the Town sign by the Transfer station or other electronic signs. Note: Cathy Breen had offered to check in with Garmin to obtain more information on GPS algorithms/process - follow-up? MTA will be closing bridge in summer 2019 - good time to coordinate removing "route 26" designation from Washington Ave to bridge. Keeping it from interchange - by-pass - north only. Deb is sending note 9/4. (12/4) MTA pointed out MDOT is not in agreement with full closure of the bridge due to lack of ability for rigs to turnaround if they miss detour signs. Also, not committed to changing route signs at this time - more discussion to follow. (9/17) Sandy advised she mentioned this issue to Rep Moriarty and he advised he would be willing to look into it to determine next steps on a formal request. (10/15) Rep Moriarty has established communication with DOT legislative liaison and they are willing to set up a meeting with DOT Staff that handle routes. Council discussed having pre-meeting but feel Rep Austin & Sen Breen are up to speed - Sandy will advise Rep Moriarty. (11/12) Sandy advised a meeting is set. (12/3) Sandy reviewed results of meeting & weight limit options. MDOT to provide info on costs for signs to change designation for just in Gray. Council agreed to coordinate weight limit with sidewalk project meeting & attempt to obtain approval. (1/21) Sandy sent follow-up on sign count/costs and asked for more info on weight limit process. (2/4) Sandy adv MDOT adv they were looking into (3/10) Sandy will follow up (8/4) Follow up done MDOT still needs to discuss before getting back to us. Council to set up public forums in Sept. (9/1) Public Forum set 9/29 - Sandy to follow up again. (9/29) MDOT sent resp hours before public forum. (11/17) Sandy will draft resp to MDOT letter. (12/15) Council approved response letter to be sent with alternate proposal to remove 26 & add to 26a while 26a remains. Weight limit work will continue via communication with residents/businesses. (1/5) Letter sent. (4/6) MDOT resp - sugg 'truck route' signs, not budging on sign replacement. (5/4) Nate & Sandy meet with Sen Breen staff 5/5 & submitted historical info on issues. (12/21) Council dis at meet & Nate will follow up on details for "cost" of signs.
A	Traffic - MTA - break out tasks for item 24B	O	M	1.2	12/31/20	Diversion Study	Town Council	Nate Rudy	Nate Rudy	02/22/18	05/18/21	Town to define goals-study/parmts/data set to cap as much data/results as poss rel to exist prior traffic issues. need to deter int partners-NG,Poland,Cumber,Auburn,Windham? MTA ind poss prov 80+% of fund, but sugg Muni commit would prov more control over study/ensure buy-in. Partners could share the costs of the 15+%. 6 fig likely need, more data added to study = high costs. Deb adv MTA is work on poss optns, costs and part comm & hopes to pres at Oct TC meet. (12/4) MTA pres new data capture/purchopt that will incr data while drop costs. Scope disc ensued w Council need to send addtl feedback to Deb-chgs may incr costs-but MTA comm to a good study rather than just a 'cheap' one. MTA will reach out to NG next to deter if they will parti. (1/8) Deb will reach out to MTA to obtain new cont (Bruce Van Note has been appt to head the MDOT). (2/5) Mr. Mills resp, but prov no name. (2/19) Mr Mills is taking a diff appro than Mr. Van Note-he is propo MTA buy subscr at March meet. (3/5) NG is not inter in parti.(4/2) Sandy prov PPH article ind MTA, MDOT, PACTS and Port Transp grp have agrd to grp subscr to software. Await addtl feedback from Mr. Mills. Ress appr budget. Deb sent e-mail to Mr. Mills. (9/3) Mr. Mills adv they are still work on it. (9/17) Sandy adv COG has access to data & sent mat to S Carver as they were inter to see if there was a role for COG to play. (11/12) Steph adv COG can prov info-Sandy to ob more info. (12/3) Sandy prov up - GPCOG to take leave & prov prop for full coun to cons. (1/7) Sandy pres propos scope from COG-Counc req opts for MTA buy-in, but maj agreed to mov forw. Sandy will fol-up with Steph. Coun will vote on engage letter at 1/21 meet. (1/21) Coun voted to approve engag letter. (2/4) Sandy recap conf call with COG-ok with chgs-will look into poss ph 2 study to capture 'avoid' vs. 'divers' traffic with MDOT fund? (3/10) Sandy will follow up - Steph Carver is leaving GPCOG. Sen. Ned Claxton ask for info as his constituents in NG view this as a top issue. Sandy shared. (5/19) Study due end of June. (7/21) Delay but COG will add 'avoidance' analysis at no charge - target is Sept (9/1) Sandy adv draft report is done - final repot should be rec'd in a couple weeks. (9/15) Sandy adv final report has been rec'd - will send to Council & set up discussion when time allows. (10/6) MTA/MDOT have prov feedback to GPCOG. They resp to MTA, incorporating changes for MDOT. NG has ask for copy. Deb to talk to NG Mgr. (11/17) GPCOG resp to MDOT & are work on updating. (12/15) Sandy has rec'd updated study - will pull together all the material & send to Council. Will be placed on a future workshop agenda. (1/5) Diversion info shared (3/16) Council disc resp (1) to MTA (2) meet with Leg team + transp committee members (3) integrate in convo with MDOT on Route 100 projects (4) req mor info on LOS study costs/timeframes. (5/4) Nate & Sandy meet with Sen Breen staff 5/5 & submitted historical info on issues.

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B	Traffic - MTA - break out tasks for Item 24B	O	M	1.2	06/01/21	MTA Data - cash collection (vs EZPASS)	Town Council	Sandy Carder	Sandy Carder	02/22/18	05/04/21	MTA will prov data for cash (vs EZPASS) from the regl booths-Gray,NG,Falm - to better deter funds being collect by high tolls. Ident collect funds will prov base to deter alter in toll location prices. Toll Data was prov, but Sandy asked if classes could be split out (12/4) Some minor toll disc occured at meet with MTA confir they can prov addt'l info. (2/19) Council disc opts for toll chgs and agreed to send letter to MTA with recomb/feedback. (4/16) Sandy prov draft to Council. Dan prov feed to Sandy. Council prov feed to finalize letter in 5/7 meet & appr letter at 5/21 meet. Deb has sent. (8/6) Deb to follow up. Council agreed needed to follow-up before pull in Repres and/or Governor's office. (9/3) Mr. Mills resp as he has in the past. (9/17) Sandy met with Rep Moriarity & he agreed next step is a letter to Rep/Breen and Governor and perhaps they can meet to see what add pressue they can apply-incl the issue of Complete street policy. (10/15) Sandy proposed alter approach of asking Leg. Reps to submit the issue to the Governor's Blue Ribbon Commis for consid as several fund pieces related to both toll inequity and diversion. Dan pointed out use of 295 (or 95 north of Augusta) by commut vs those forced to use 95 (south) is an issue as well. Council agreed and also want to focus on ask Leg. Reps to consider a bill that would put more teeth in the MTA complete street policy and give muni more say. Sandy will draft for Council rev at 11/12 meet. (11/12)Letter rev with feed prov. Sharon expressed concerns with tone of letter. Maj of Council felt it needed to be strongly worded esp given news story where Mr. Mills was dismissive of issues. Sandy remind that it is to the legis team, not the MTA directly. Sandy to update and send. (12/3) Council approved letter. (2/4) Sandy adv committee contin work - follow up after session (2/18) Sandy prov update on status of comm and council agreed we should follow up now. (3/10) Sandy shared with Sen. Ned Claxton upon request (3/16/21) See above Diversion (5/4) Nate & Sandy meet with Sen Breen 5/5

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10	Administrative	F				Develop process to review status of Paper Streets	Town Council	N/A	N/A	01/22/18	01/16/18	During the Council discussion related to approving an extension to ROW access to 'paper streets', the Council inquired if there was a long term goal to create a process to review/identify streets which should be removed from the list. Resources/timing were discussed as hinderances. Council set this activity to "Future" given the renewal timeframe of 20 years has been reset. Future items will be reviewed annually, at a minimum.
21	Administrative	F				Develop a method to analyze & potentially rank Committee Volunteer applications when more than one received for one spot.	Dan Maguire	N/A	N/A	02/09/18		During a workshop discussion on Jan. 8th, the Council agreed there could be situations where a formal review/ranking system may be appropriate, but it is unlikely one needs to be used in most situations. The Council reviewed a variety of options, ideas, etc., but decided to table this issue for a later date. Will be considered a 'future' item.
31	Ordinance	F				Review the issues and options surrounding Dock Lighting / Light pollution.	Deb Cabana	N/A	N/A	04/17/18	06/05/18	Town Staff has received a complaint/inquiry surrounding light pollution issues related to new LED dock lighting equipment. Given Councilor Foshay was absent at the Apr. 17th meeting, Council agreed to log (as it will be covered regardless - in closed, future or open), but to hold off discussion & prioritization until May 1st meeting review. Council discussed at June 5th meeting agreeing this would be considered a future item based on lack of available information. Possible OAC research item.
17	Economic Development / Budget	F				Research and compile data and options for a possible Community Center in Gray.	Town Council	N/A	N/A	01/22/18	05/07/19	During a Sept. TC Workshop discussing goals, the Recreation Dept. provided a proposal to realign funds collected by the Rec. programs under the Rec. Dept for use in maintaining/expanding programs. One major challenge identified was the lack of space to expand programs which create revenue streams for the Town. A new space (Community Center) was identified as a possible solution which could be paid for with current revenue streams. TC expressed support to obtain more information. Next Step: Rec. Dept. Staff will begin work to outline plan to obtain additional information. Council agreed this will be considered a "closed" Council item until the Rec. Dept. brings forth additional information. With availability of some land around the by-pass, this was discussed in 9/4 TC meeting. Deb stated \$62,000 is in the current fund. (11/13) Council agreed to move to Future list as the item continues to come up in discussions. (5/7) Concerns regarding current status vs. best practices were discussed during the 4/16 meeting - confirming programs exceed capacity at the Town facilities. See Closed item #57. Manager advised it was Administrative and under her purview, council agreed to add to this item & close #57 with Manager bringing forward any necessary policy issues.
23	Ordinance	F			TBD	Review current ordinance governing noise for updates and research possible odor ordinance .	Town Council	Deb Cabana	Doug Webster	02/09/18	10/01/19	During the special amusement license renewal of the American Legion Hall, much discussion was centered around the current decibel restrictions for noise in the existing ordinance was set at a reasonable level, existing activities that may be above that level, how the level would measured (by whom), and how complaints/enforcement would be handled. Doug Webster made presentation (3/6) of review/recommendations from Town Staff - raise limit to 60. TC discussed pros & cons of setting an actual decibel limit & enforcement. TC agreed to raise to 60, but also to add specific types of businesses/activities that would trigger limit. The Mfg Overlay/BD1/BD2 already have some type of noise restriction. Need to determine how complaints would be handled. (2/19) Council agreed to add "odor" to this item. (10/1) OAC feels due to lack of technology, other priorities and inability to enforce, this items should be moved to the future list. Council agreed.

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80	Ordinance	F			TBD	To create rules for Chickens in the various zones in Gray	Anne Gass	TBD		07/21/20		(7/21) A couple issues have arisen regarding Chickens and understanding what is and is not allowed. No real defined information in Town ordinances. Should be addressed at some point.
83	Infrastructure	F			TBD	Identify Otelco Poles to be removed on short Shaker Road	Alec Dodd	TBD		12/01/20		(12/1) As part of the pole analysis done for the short Shaker Rd 2021 Spring stormwater/sidewalk project, Alec talked to Otelco. Several poles only support old copper wire services. Once all users are transitioned to Fiber services, those poles can be removed altogether.
50	Economic Development	F	L	6	11/01/21	Work with the Narrow Gauge Railroad to review current situation and develop new plan.	Council	Nate Rudy	Nate Rudy	03/05/19	09/21/21	NGRR Board members made a presentation at the 3/5 TC meeting to update Council on recent events (loss of lease - deadline end of Oct and relocation of museum pieces on temporary basis to another location). Council/NGRR agreed a more detailed meeting was in order to determine what options remain for relocation to Gray, what resources would be needed - monetary/human, and the associated timelines. (4/16) Deb advised Doug had a meeting with NGRR Board and they are open to discussion, but cannot do at this time due to pending move. (8/6) Portland Press Herald reported the NGRR has withdrawn their plans to move to Gray and NGRR has removed trains & sign from Plaza. Council discussed how frustrating it is to find out via paper especially given this is the 2nd time and during the last visit by NGRR, the organization insisted they were still partnering with Gray. (9/3) Deb adv no response from e-mails - phone tag with Mr. Heinz - NGRR has engaged a broker to sell property. (9/17) Council discussed approaching NGRR to open discussion about donating the easement rights to the tracks to Gray - as a way to address those who contributed to NGRR relocation - both with time & money. (10/15) NGRR has responded. (12/3) Sharon wished to send an editorial letter to the paper regarding this item, but was willing to wait to see if the meeting is set after the Polar Express is done. Council felt current course was correct one.(1/7) Now that the Polar Express season has ended, Deb will follow up on meeting. (1/21) NGRR said they would get back to her (2/18) NGRR advised they are seeking professional assistance to deal with unraveling Gray issues. (9/15) NGRR sold a portion of the ROW to a private developer without notifying the Town or updating Deb as they said they would. Anne also adv NGRR will be just sitting on their property until values increase to allow them to break even with mortgage. Council is frustrated but since it is a private deal & does not involve Town, there is no legal leverage. (10/6) Council rev & app letter to be sent to NGRR. (9/21) Council sees no action happening on this so moving to future. NGRR has sold off pieces of their property without any contact with the Town as far as donating easements on the rail line.
98	Ordinance	F			TBD	Create a Mooring Ordinance for all Gray Lakes	Sharon Young			10/05/21	10/05/21	(10/05/21) Sharon Young submitted this request prior to her Council term expiration. The Council reviewed at the 10/5 meeting and agreed it was an issue that needed to be looked into; however, given there is a bill before the State Legislature (2nd session set to begin in 01/2022), Council wants to wait to see what the State decides to do or not do. In addition, more information is needed. The Lake Coalition presented information on a Shoreland Protection Ordinance they requested the Town create and there is likely going to be more discussion on that item. Mooring information could be collected at the same time.

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1	Pocket Park	(2020) Grant + \$2,175 + \$3,300 in Public Works Dept	#69 M10	Gray Historical Society has a long term vision of creating a Historic Walk with the Pennell House Memorial (re: Cumberland Farms donation/easement) kicking off the effort. GHS would like to discuss the Town Owned Property at 5 Yarmouth Rd as a possible mini-park	GHS in planning stages with more information will likely be available in January. Goal is to have full trail mapped out to identify specific locations as historically important for consideration when future development is planned. (10/28) Council needs more info, GHS/CEDC both have some ideas for the space, Council has RT115 project review starting, there is some thought to put up guardrails to prevent in appropriate vehicular traffic, Anne mentioned there could be grant money avail to help with developing a plan. Council agreed to keep on list pending presentation from GHS/CEDC in near future. (12/17) GHS/CEDC presented to Council & advised of possible Grant applications for funding which will be presented at the 1/7 meeting. (1/21) Council voted to approve grant application with direct \$2,175 match & \$3,300 of public works time/costs (3/2) Alec adv they have expanded about 1/2 of the grant 'in kind' total & will complete add'l work in the spring.
2	Education Funds	\$5,250 per semester - \$0 in 2020	N/A	New continuing education fund policy was approved allowing for up to \$5,250 per semester in reimbursements per qualified employee studies. Benefit is dependent on available funds.	Policy includes request for submissions to allow for proper budgeting. Deb advised deadline for submissions is January. She will provide info on any budget requirements. Employees had until Jan 19th - request included in individual budgets. (10/28) Deb advised no employees have submitted request - thus no funds needed this year. (1/19) Deb verified there are no requests for this cycle.
3	Employee Vacation/ Sick Fund	(2020) \$35,000 (2021) \$25,000	N/A	As of June 30, 2017 the Town's Liability for compensated absences - this is an unfunded liability and comes into play when an employee retires or leaves and requires a payout of accumulated vacation/sick time.	There is no designated fund for total \$245,419. Deb advised Town spent \$18,000 on retirements last year (unfunded). Council discussed setting aside 10% (\$25k) or 15% (\$37k) annually to start. Council is looking at \$25,000 Manager Contingency fund as first step in this funding. (10/28/19) Council agreed further payments to close gap should be considered. (2/18) Deb advised she is seeking \$25,000 for this fund - separately from the Contingency fund as with pending retirements, it is likely the \$25,000 will be exceeded. (2/28) Katy advised she added another \$10,000 and stated we cannot reduce as it will all be spent next year plus likely the contingency fund. (12/15) Council wants to review & possibly update sick time accumulation policy - currently unlimited. (1/19) Katy confirmed there are anticipated retirements & Council agreed for this cycle, the focus will be funding to cover. The goal long term is to build up the fund. Deb will provide summary of benefit packages in other Towns - Council will review a possible change in 'pay out' cap which may include a change in carry forward policy. (2/11) Katy adv there are no known planned retirements this year, thus the reduction in amount to \$25K. If that holds, we will be able to establish a separate account to offset the liability. Sandy also adv she will be recommending that the Council log the policy discussion on the master list at the next TC meeting. (3/22) Katy has asked Alyssa if we need to have a separate warrant article to establish this fund. (3/24) Katy has verified this will need a separate question but is below the LD1 limit.

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4	CIP Payment	\$1,750,000	N/A	2018 CIP Bond package was put together to allow Town to make payments to the CIP fund over a 5 year period. The \$100,000 remainga outstanding from the 3/12ths rainy day fund is being logged separately - see below.	Need to determine the status of the \$500,000 repayment to rainy day fund. Need to determine what the annual payment is based on CIP 15 year projections over the 5 year period. Deb will have more info on repayment after new year. Council identified as top priority & Sandy expressed desire to ensure CIP has everything included before the calculated payment is worked on. Mo advised there was some equipment missing which has now been added. Discussed approaches to payment calculation including using an inflation rate of 4%. Council identified the possible \$100K gained from resale of old ladder truck as CIP payment - as voted on by residents. In addition, Council agreed to move \$100k into CIP from the \$500k payment into the 3/12ths - to use projected overage next year to finalize the \$500k re-payment. (10/28) Old ladder truck is now for sale. Council agreed to ask Finance Committee to come up with "fully funded" number to better understand the gap between current \$100K - for discussion purposes. (12/17) Deb adv \$85,000 rec'd from sale of old ladder truck and \$10,000 rec'd for sale of retired equip for total of \$95,000 for CIP fund. (2/13) Deb & Katy provided updated CIP information to Council. (4/2) Council agreed need to review/update fiscal policy after budget season to look at bonding larger, long term equipment items - will change CIP funding. \$42,570 interest going into CIP from bond, but will be used for paving. Agreed to keep funding at 1,850,000 with final review after final numbers provided. (4/28) Sandy re-raised the option presented by Deb/Katy to reduce the CIP payment by the \$42k interest payment as a way to reduce the overall increase on the operations side. The addt'l paving could be pushed off or could be done with the result being the CIP end balance would be reduced by \$42k. Majority of Council wanted to stay the course & not pursue this option. (3/24) Katy prov 3 scenarios with payments - Council agreed to lower payment based on target to stay "neutral" with starting balance. Katy adv approx \$250K will flow into the debt serv payment from bond savings even after appr proposed usage. This will bring us up over 'neutral'. Council to make final adjs at 4/12 meeting.

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5	Watershed Plans	\$18,000 (2018) \$5,000 (2019) \$7,000 (2020)	N/A	\$12k for Thayer Brook & \$6k for Cole Brook were approved in last year's budget. Cumberland County Soil & Water Conservation District has identified other watersheds that need surveys and/or protection plans.	Doug advised contracts have been signed & surveys will be underway shortly. Some discussion was made about what other watersheds need attention. Doug will reach out to CCS&WC to ask for input and estimated costs for next steps. Awaiting report back from initial watershed study for next steps and costs. (8/6/19) CCS&W will be doing a presentation in Sept to provide an update & next steps. (10/28) Presentation has been pushed to December. Council asked if CCS&W would provide feedback on other necessary watershed studies and estimates - in addition to any monetary impacts from completed studies. (12/17) CCSWD presented results of study to Council along with recommendations. Council asked for est. for each task (ballpark), as well as, ISWG fees. (12/18) Katy provided the Watershed estimate document to the Council which is set to discuss it at the 3/26 workshop. (3/26/20) Council reviewed and would like Doug & CCS&WC to prioritize top tasks & resubmit lower budget. (4/2) Doug provided update - split in two piece with each about \$13k. Council would like tasks (1) from each proposal for this year & then the rest for next year to balance addressing current water quality issues and preparing for future impacts - revised cost \$7,200. (4/9) Kathy advised after re-reading proposals she better understands why Heather is recommending items 1-3 first before doing ordinance work. Will get clarification & bring to 4/16 meeting. No impact to bottom line as part of CIP. (4/21) Kathy rev with Council, and Council agreed to go back to the original 2 tasks - but only do task #1. With the grant funding the remaining tasks would be done the following year & after Task #1 is complete, the Council will have a better handle on when task #2 should be done. (3/9/21) Doug adv that the reg grant requires \$10k commitment, but will be split over 2 years (\$5k each). There is also another request for 2 monitoring stations for \$2k this year & \$1k annually.
6	Sidewalks - Libby Hill	\$115,000 plus - 20% of total? GPCOG Grant?	#103 H5	MSAD15 has expressed interest in a joint effort in developing project plans for new sidewalks between Middle & High Schools on Libby Hill Road for possible grant application/approval for outside funding.	Council discussing top priorities from Public Works, included in Bike/Ped Plan and from MSAD15 standpoint. State grant programs require an approved project plan and as specific % of the funding approved & set aside before applying for remainder of funding. Joint leaders meeting with MSAD15 being worked on again. Steve included the Russell School piece in his engineering request for Shaker RD (see item 25B). Dan also recommended a 'standard' be derived for all future sidewalks - covering things like width, grade, ADA requirements, etc. Steve advised he could work with Will to create a standard. Council will budget for engineering & roll this into the Shaker Rd project - see 25B below. 20% of funding would be considered in future budget once total cost is known. (10/28/19) Council asked to have Will provide estimate for engineering costs. (03/12/20) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. (3/2/21) Council combined this item with the sidewalk ext from Hannaford to Spruce, paving LH road, add a crosswalk to the new possible emergency exit from school - into one project and submit to GPCOG as a shovel ready project for possible state/fed funding. Will not know if there is funding until likely April/May. (12/9) Council to set up WS with MSAD15.

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7	Broadband Partnership		N/A	Lakes Region Broadband Partnership along with Cumberland County are working on the Connect Cumberland project to extend broadband through major corridors. Updating this to possible funding needed related to Grant being pursued with Windham.	A presentation was made to the Council during the July 3rd, 2018 meeting. Costs are unknown at this time, but goal was to have more information by year end for budget planning. No update on costs at this time. (10/28) Deb advised the group was having difficulty finding a contractor to do the work and thus will not be included this year. (1/19) Deb adv she does anticipate a request for some funding - matches for grants and/or other funding avenues. (3/22) Nate has some inquiries out and Anne adv that Otelco is nearing completion on a plan to build out Gray. There is also going to be federal money available for this work in the coming 2 years. (3/24) Nate has no further information - Council agreed to not put money in the budget. It is possible the federal money avail in the coming year will allow for grant applications for broadband work.
8	Skateboard Park	(2020) \$15,000	N/A	A GNG Student reached out to the Town asking for consideration of a Community Skateboard Park . Partner with school?	Dean was working on pulling together information from other Towns with skateboard parks to provide cost estimates. May be funded by the recreational enterprise fund. Dan advised Mike L. at HS has a group of students working on this and he has given them the timeline for budget season. He expects they will reach out after the new year to come in for a presentation. \$25,000 estimate provided - but could be more - Council agreed need more advance work, possible Community group & fundraising before included in Town's budget. (10/28/19) Dan advised this is still be worked on. Council agreed until they are ready to present a plan both for the park and the fundraising piece, this will not be considered. (1/21) Officer Chadler will present at the 2/4 Council meeting. (2/4) Presentation made to Council, majority supports project, requested a full blown proposal with estimated budget before next steps could be determine. The funding will need to be grants, fundraising & the Town. Location will be critical. (2/27) Rec dept is requesting \$15,000 (out of estimated \$125,000-130,000) to start the ball rolling on planning & fundraising. (2/18) Brought Nate up to speed, Dean was unsure if there was any recent activity on community side. (3/22) Sandy suggested we maintain the \$15k fund established last year, but forgo adding an addt'l \$15k this year - due to lack of activity on the project. This will give Community effort time to regroup after covid and we can consider next year. Council agreed.

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9	Land Acquisition Fund	(2019) \$50,000 (2020) \$50,000	N/A	A Community Center has been discussed in various meetings and may be related to the above (13) Public Facilities Study - as far as next step planning.	<p>May be funded by the recreational enterprise fund. Recently notified of 2 residents (Carrie Carter & Steve Morse) who have obtained a license from the state and are looking at setting up a Committee. This is tied to both the Comprehensive Plan and item 13B as a review & input from residents in needed to determine need, size, location, priority, etc. Deb did advise that Newbegin is in need of substantial upgrades to make it more efficient and capacity has been breached. See 32 below - would roll into Land Acquisition fund. (8/6/18) The Council asked Deb to reach out to the owner of the Hamilton property to inquire about options for the Town - whether that is a community center with municipal parking, fields, or housing - or a combination of them - is unknown at this point & will require further discussion. (10/28) Council has this on their workshop list. (3/12/19) Council has set a workshop on 3/31 to discuss the status of the Hamilton Property and Land Acquisition funding. (3/31) Council discussed and agreed it is a great opportunity and Town should move to engage owners in an option contract to give us time to collaborate with GNGLL, Royal River, etc. to develop plan, seek resident input & approval and create a funding plan. (4/2) Council was provided with valuation info & will discuss land acquisition fund at 4/9 meeting. (4/9) Council discussed tentative steps for Hamilton property is to identify funding in this year's budget, then between now & possibly Nov election, working on more details for concept plans and identify funding options which could be used to seek residents feed and a vote with Nov election. Council agreed to set \$50,000 again as separate question. (4/28/20) Council agreed to reduce to \$25k and to list as part of the CIP warrant article. (3/9/21) Council will start with \$50k to see impact before making full decision.</p>

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10	Planning /Engineering	Route 100 South TIF Funds - \$176K appx + \$240K for Water District	#4 M3	TIF Projects (Main Street, Village Shaker Rd, Route 115), Sidewalk projects, and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve projected \$75K for engineering work for the Route 115 project, but Will advised that the engineering costs need to be included into the project request - if we go with MPI program - where MDOT would pick up 50% of costs - up to \$500k. Project is estimated at 1 million. Therefore, no budget impact for this fiscal year. Gorrill Palmer provided \$91,000 design fee & \$62,000 full time construction inspection fee as estimates - but would provide a new proposal when the Town decides to proceed. Given item 25B will likely use up TIF funds for this year, this will be considered in a future budget (with evaluating the intersection at the same time). (12/17/19) Public forum held on 12/5 - Council to set workshop. (3/26/20) Council is working to amend Route 100 South TIF to allow for funds to be used on this project. (4/21) Council set public hearing for 6/2 to put out to voters at 7/14 election. (1/19/21) Workshop held with Staff/Water District/Engineer to create general plan for starting this project. Route 100 South TIF funds are available - with expiration of 2028. Will will work on providing estimates for (1) complete 'ledge' profile of road using ground penetrating radar (2) updating and completing full survey of area - Main street to 59 Yarmouth Rd (3) create a high level plan to include parameters agreed to in workshop - working with the Water District to include their piece and including Brown Street reconfiguration/parking analysis. The goal will be to use the starting plan to schedule more public forums and have some idea of overall costs as we progress. (3/9/21) Will rev proposal for services. Council asked that (1) meet with Water District (1) meet with MDOT be added, Doug asked that add'l boaring be added to ensure ledge identified properly on slope, Council adv Church needs to be pulled into discussion on Brown Street intersection, and agreed to remove "inspection/post project" services be removed for now as those decisions will be made at a later date, but we have an estimate of \$101,590 for full time inspection services. (4/12) WD submitted est for rt 115 which is over the \$495,000 total. \$40k is needed in coming year for engineering/legal. Further disc is needed on total cost. Nate will verify number. (5/4) WD req more funds for materials.
11	Construction Costs	\$88,400 / GPCOG grant?	#103 H5	Extending sidewalk from Hannaford - Spruce Street - Sidewalk projects , and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve is requesting \$13,770 for construction costs to extend the sidewalk from Hannaford to Spruce street (engineering has already been done). (2/13) Alec provided estimate which includes engineering, construction, crosswalk from Spruce to School walking path, tree removal/stonewall relocation & possibly drywell = \$88,400. Council set to discuss at 3/12 workshop. (03/12) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. Alec also advised work new the pathway would like need to be added to this project due to stormwater issues. (3/2) Council discussed this in Council meetings as GPCOG was seeking shovel ready/worthy project to use to obtain grant funding from State/Federal programs. Council agreed to roll this into Libby Hill paving, LH sidewalks reconstruction & extension and a crosswalk to the MSAD15 ROW path which may become an emergency 2nd exit for the schools. Alec/Deb submitted to GPCOG. (12/9) Council to set up workshop with MSAD15.

No	Items Label	Cost Est.	Task No.	Description	Comments
12	Contingency Fund	Manager \$25,000 Build/Grds \$15,000	N/A	Many Towns (and most companies) incorporate a Contingency Fund into their budget planning to cover unforeseen expenses.	<p>Deb provided (2) examples - \$18K for unfunded vacation/sick time for retirees and \$10K for the stormwater video work on Main Street. She has to cut from other parts of the budget which means other tasks go undone & must be refunded in subsequent budgets. Many municipalities have these funds to address unexpected or emergency situation. Another one is storm clean up for Public Works. Council discussed between \$20-30K. Council agreed to tentative \$25,000 amount to cover projected retirement and have some left over. (10/28/19) Council funded this as a combination of employee time & contingency - agreed we need to continue working on this fund. (2/18/20) Deb advised she is requested \$25,000 for this fund separate from vacation/sick time outstanding liability. (2/27) Katy advised we will likely spend this to supplement the vaca/sick time fund. (4/2) Deb advised it could cost up to \$10k for an addtl election if we miss the 6/9 election. Katy advised the money in this year's budget for that election would flow into the unassigned but would not be accessible until the following year's budget cycle after the audit was completed. Council needs to consider adding \$10K to contingency. Katy advised that contingency is set aside to help with transition to new Manager. (4/9) Governor will be moving election to July 14th - we will move local to coincide. Ballot printing, machine programming will be in current buget, there may be some money needed for staff time. Council agreed to keep contingency fund at \$25,000. Election change is another example of why a contingnecy fund is needed. (2/11) Deb adv that this was sufficient. (2/18) Council discussed need for fund for buildings & grounds. Will have follow-up discussion on amount & how to set up. (3/22) Council disc separate funds vs. one fund & opted for one fund; however, Katy pointed out moving it out from B&G will impact the total amount towards LD1 - Council may reconsider. (4/12) Council discussed again & agreed to move to CIP & increase CIP payment by equal \$15k to keep neutral on LD1/CIP reserve. This will make the use clearly & will allow it to roll over.</p>
13	Paving	(2020) \$469,250 (2021) \$449,225	N/A	Need to review Paving budget process to ensure projected & actual are closer	<p>Paving has been increasing in costs the last several years with 'asphalt escalation fees' built into the contracts. This means projected jobs (4 roads) may not match what actually is paved (3 roads) as money runs out during the season. Either need to increase paving budget or need to identify 'definite' vs. 'maybe' roads in the process or select fewer roads. Need to keep engineering report in mind to ensure Town stays ahead of failing road projections. (10/28/19) Steve will adjust request - to ensure we get 'caught up' on our paving - as a starting point. (2/27/20) Figure excludes \$13,500 being requested for pavement condition study. (3/12) Council discussed request for study. There is no industry standard - and last study was done 2017. Alec said roads that have been paved in last 3 years would need a study to determine their updated status. Council asked for est to do just those roads vs. a full study. (3/26) Alec checked into reducing study & only option is to break down into districts to do one each year - but that will likely cost more overall. Council agreed it needs to be done by next year at latest, but need to push this year. (3/2/2021) Alec adv only one overlay was done last fall after the budget vote, but he felt the 2020 paving would be done before June. Confirmed that at \$500k a year could clear the backlog in 8 years. This does include parking lots, but not sidewalks.</p>

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14	Libby Hill	(2020) \$13,579	#27 H1	Need to determine long term obligation and budget funding for Libby Hill maintenance for Town's portion of acreage	Work has begun on the Libby Hill deed review. That will include work on a maintenance agreement between the Town, MSAD15 and the Community Endowment. An informational meeting between the 3 parties is being scheduled. Need to determine how much annual funding will be needed for Town piece and what changes need to be made to CIP schedule. (10/28) Dan was assigned as liaison and the first meeting is set to work on identifying the costs. (12/3) Council discussed again & agreed should be on list. (2/27) Increased by \$2,527 for total of \$4,027 plus tractor in Mo's budget to assist. (3/12) \$4752 winter operations plus \$4800 spring operations = \$9,552. Requested Pavillion budgetting will likely be deferred until MSAD15 identifies their funding. (2/18/21) With reorganization of Rec Build/Grounds under Maintenance - per diem for LH was moved as well. Amount based on projected figures available. (12/7) Council supported MOU. Mo to work up figures for this year's budget with GCE assistance. MSAD15 reviewing with proposal to contribute \$5,000.
15	Traffic Calming Measures	??	N/A	Add traffic calming measures as part of the project planning & designs	(10/28/19) Bicycle Coalition of Maine provides these items free of charge for testing; however, if Gray does decide to proceed with formal measures, equipment and/or construction costs may be incurred. (3/12/20) Anne advised it will take through the summer to set up tests and to identify what, if any, traffic calming measures will be recommended and then to determine costs. Will be considered in next year's budget. (3/2/21) Council agrees there are many options and there are many areas that could use them. Would like to engage organizations that can help us test low cost or no cost options. Need to engage residents and MDOT as we move forward. (3/16) Council agreed to add add'l striping to Village Shaker Rd - sharrows and more narrow lanes to test out the results. Alec to provide add't'l costs. (3/23) Nate spoke with Patrick Adam (MDOT) and they will donate the signs. He provided requirements for sharrows and he will make sure Alec provides increased striping line to Katy. (3/24) Alec adv sharrows will not work on Shaker due to MDOT stand. Council agreed to hold off on add funds and will pull this into the Route 100 discussion.
16	Fencing	?	N/A	Need to add Fencing to CIP schedule - applicable departments	(4/9) Dan pointed out that existing Town owned fencing does not appear to be included in any of the CIP department schedules. Council agreed it should be added before next budget cycle. (1/19) Katy advised this may be split between budgets (Build/grounds & Rec), but they will work to pick up the fencing for future planning. (2/18) Mo adv he is in the process of collecting data - Pennel & Library fencing has been measured. They will be measure Transfer Station fencing (which is substantial around the landfill) next. Once the dimensions are cataloged, the next step will be to grade the condition of the fencing & set up replacement schedule in CIP. Target to complete for next budget cycle.

No	Items Label	Cost Est.	Task No.	Description	Comments
17	Existing Sidewalks	\$4,400 (condition study)	N/A	Need to add all Existing Sidewalks to CIP schedules	(4/9/20) Sandy pointed out that existing sidewalks are also not listed in the CIP schedule for maintenance/reconstruction work. Town has been only addressing when applicable roads come up for paving - usually nothing is done when overlay paving is done - creating a situation where they are only being addressed when a road is reconstructed. By that time, sidewalks are in bad shape and add considerable costs to the road budget. Need to put money aside to ensure existing sidewalks are maintained and funded when reconstruction is needed. (1/19/21) Alec updated the council on this as part of the paving catch up plan. He will be asking for the road study again this year. He is working to pick up the existing sidewalks and parking lots. Pending the study and updated information, he feels if we maintain our current \$450k annual paving budget, we could be caught up in about 7 years without accounting for sidewalks/parking lots which may then need attention. He is working with data from Stevie & his own to compile a list/conditions. We also need to make sure we understand any 'new' sidewalks being built need to be added (extension on Shaker Rd - planned Rt 115 sidewalks). (3/2) Council has asked Alec to obtain cost est to add sidewalks to paving condition study (3/15) Alec adv addt'l \$4,400 is needed to add sidewalks to condition study. He also clarified that "maintenance" is not the same for sidewalks - there is limited options because of curbing, ramps, landings, etc. It is more about tracking for full replacement.
18	Livelong Living	?	N/A	Placeholder for 21-22 FY Budget - Senior Programs	(8/4) Logging as a placeholder pending presentation from Lifelong Living Committee in Fall/Winter (1/19) Sharon advised there will not be any request in the upcoming cycle as they are still collecting data and planning. Some items may be addressed through donations or non-profits as well.
19	LD1	N/A	N/A	Discuss impacts of LD1	(9/15/20) Council agreed to log to ensure discussion on how to mitigate issues with LD1. (3/23/21) Katy advised that we are currently \$4,500 over LD1, but with some of the changes requested that number will go up. Council agreed we MUST come in below LD1 this year. Discussions on how to accomplish that will be held at 3/24 WS. Katy pointed out that separate questions would be outside the LD1 for operations/CIP. But then would require individual LD1 questions to go with them (ie Senior Tax Rebate - IF Council proceeds or accrued time off fund). (3/24) After the changes made - the budget is \$1,502 under LD1 incl employee accrued time fund. The Senior Tax rebate will be over the limit & set up as a separate question.

No	Items Label	Cost Est.	Task No.	Description	Comments
20	Enterprise Fund/ Sub D	EF \$157,000 SD \$95,000	N/A	Need to evaluate impact of Covid on Enterprise Fund & Sub D Fund	<p>(9/15/20) Deb has advised current projections have fund just breaking even or with a small revenue amount. (3/1/21) Katy clarified that Enterprise Fund is revenue from Rec Dept programs & Sub D is revenue from Development Fees. Sub D is generally used to expand or upgrade Recreational activities where Enterprise Fund is used to fund the Recreation Staff and operations. There is \$107k in EF with a projection of \$50K this year total of \$157k. Sub D is at \$95k now. But if the Rec Director position is filled, that may impact the EF total. Nat to talk to staff and determine timeline on new hire. (3/9) Katy adv that Nellie & her are working on identifying what in Rec budget can come out of Sub D. Extension of path from Cumberland Farms to Brown Street - through 1st Congregational Church property could be funded by Sub D - if grant & in kind is not enough. (3/23) Katy checking to see if removal of NewBegin stage can come out of Sub D fund in lieu of bond savings. She will also move the \$6k for concrete play area to Sub D. (3/24) Katy adv Sub D can be used, majority of Council agreed to keep in CIP bond savings as it involves multiple depts - maintenance, elections & recreation. (4/12) Council moved CL ramp match & concrete game area to Sub D - also suggested a list of "agreed upon projects" be maintained to ensure they are moved forward. Katy adv in the past many times the project will not move forward as there is no 'setting aside' money within Sub D. The CL ramp grant is being applied for so that will move forward. The Concrete game area needs more discussion in context of the Village master plan - Pennell footprint planning. Struck the ice skating line as \$ not needed if we try again at Pennell one more year. Agreed to leave the basketball lights in CIP to ensure money is set aside & lights are installed once funding goal reached.</p>
21	Communications	\$18,910 in owed fees / \$102,000 in annual fees	N/A	Consider proposal from Community Communications Committee to use Franchise Fees for Equipment	<p>(10/6) Anne advised the new Committee would like to see the newly discovered underpayment of franchise fees (\$18,910 for 2 years - more to follow?) put towards purchasing new/more equipment to improve the use of the Community Television Station and other platforms. (2/11) Council agreed until this money is rec'd, it will not be considered. There was a good conversation about how best to utilize the funding with everyone agreeing increasing communication was a high priority & it would be helpful for the Committee to make a proposal for specific needs/equipment/plans which require funding. Council could then consider best approach. Deb adv current revenue is estimated at \$102,000 and that the new contract will not be done until at least June. Spectrum is currently disputing the 'unpaid' past fees. No timeline on when that issue will be resolved.</p>

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22	Electric Vehicle Transition	?	N/A	Transition Municipal vehicles to electric versions	<p>(12/1) Sandy advised she would be bringing this forward given the new solar array will be going online. Long term, if Town buys the array, converting as many vehicles as possible to electric will save more costs. (3/23) Council discussed plan for this - GPCOG has a loaner available for Towns to try out - Kathy adv they have used it before. Staff feels that having one 'shared' EV car would be beneficial - could be used by Code, Assessor, Admin, Planning, etc. and would charge overnight so the level 2 would work. Nate pointed out the question is which vehicle would it replace? Trucks make up more of our fleet and availability is an issue right now. Council asked if we could use the add'l bond savings to transition to one EV vehicle in the coming year. Of course, the EV charging station would to be installed & wonder if we can use bond savings for that work? All would need to be done by Aug 31st. (3/24) Katy verified bond savings can be used. (4/12) Council agreed we need to more analysis on which vehicle makes sense to convert and options (lease, rebates, group purchases, grants, etc.). Highly unlikely this could be pulled together in time for the bond savings deadline, but Nate has the option to bring this before the Council, if it does work out. Otherwise, it will flow into next year's budget discussion.</p>
23	TIF Funds	\$365,147 / \$75,000 (2021)	N/A	Determine available funds from Village TIF	<p>(3/9/21) Katy advised \$365,147 is currently in the Village TIF fund. (4/12) Council agreed to pull \$75,000 forward to have available in next year for planning work on Main St / Route 100 MDOT project and Village master plan planning. Verified that Nate will bring forward any spending to the Council before money is actually expended. If no money is pulled forward, if there is a need, then a special Town meeting would need to be set up. The voters have already approved the use of this TIF funding for this type of work.</p>
24	Septic System	\$5,000 (2020) plus \$5,000 (2021)	N/A	Create replacement plan for Pennell septic system	<p>(2/18/21) Mo identified the Pennell Septic system as an example of a pending critical issue that is not included in any planning/budgeting for the proposed Buildings Condition Assessment. There are currently 4 systems - Pennell ('58), Gym ('32), Maintenance ('52) and Science (??) which are extremely old. Combining and replacing the systems, as well as, addressing the status of the fields (reclaiming/reconstructing) should be done - sooner rather than later as there is no way to know if/when one or more would fail. Council agreed we need to log and add to CIP planning. (3/22) Sandy brought up this issue to ask Council if we want to start putting some money away. Anne suggested at least money to do some testing/engineering on a replacement system so we have a figure we can budget towards. More to be discussed at 3/24 WS. (4/12) Council rec'd feedback from Dean/Mo related to the "reclaim fields" CIP item - which was originally set to redo the fields at Pennell - may no longer be as critical because the soccer organization is no longer using the field and the field will need to be ripped up to deal with the septic so any redoing of the field will be tied to that project. Based on that, Council will rename this fund to the "Pennell Septic Fund" to allow Mo access to \$10k in funds to hire someone to analyze and come up with costs to address replacement. This will allow the Council to add the project to the CIP.</p>
25	Telephone	\$6,000+ increase	N/A	Review current Telephone set up VOI vs. hard lines	<p>(3/2) Dan noted that there was a substantial increase in the telephone charges across departments. Katy explained that the transition to voice over internet did not include fax or security lines which Otelco was not willing to budge on. Nate pointed out that having hard lines with plug in phones for each building is critical in emergency response planning. Nate will review in more detail with Katy/Mo and Staff to determine if changes are warranted.</p>

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26	Boat Ramp	\$62,000 total @ 25% = \$15,500 - \$2,000 leftover = \$13,500 for this year	N/A	Determine if Grant funding is available for Boat Ramp replacement	<p>(2/18/21) Last year's grant fund was frozen due to COVID. Sandy to reach out to State to find out if there will be funding this year. Last year, State provided some concrete planks to assist with repairs in lieu of grant funding. (3/2) Tom Linscott (Director of Boat Ramp Facilities) advised they do not have funding as of right now, but are hopeful that will change shortly. Forwarded note to Heather Seiders who manages the grant fund. Sandy will tag for follow-up. (3/9) Mo adv that further repairs will require professional services and a DEP permit. Nate to work with Staff to determine if ramp can go another year or not. Town would prefer to apply for grant but may not be able to wait if grant funding is not available in the coming year. Sandy to follow up with Heather on grant status. (3/22) Mo adv the ramp should last 1 more season - because it has to - there is no way to do addt'l repairs. Dean has sub pre-application for the grant money which is available this year. A site walk is planned in April and the hope is the water line is low enough to see full condition. Mo adv that standards are 12 feet - the ramp is 10 feet - Dan pointed out we may not want to increase width given CL is very small - it would allow for larger boats which could be a problem. Doug asked if addt'l riprap could be provided to prevent boats from damaging area at end of ramp. Planks are around \$205 each and at least 20-25 will be needed - so that alone is \$5,100. Town must budget for 25% - State pays for 75% up to \$15,000. If the total cost of the replacement is higher - then the Town needs to budget more. Nate/Mo/Dean will work to obtain a better estimate for a total replacement. This will also need to go into the CIP for future maintenance and replacement. It is unlikely we can use bond savings as the work will need to be done by end of Aug - and Mo is advising we put 'cash' in for the 25% match not 'in kind' as the work is specialized. (3/24) Mo verified it is up to a \$150K match & est is \$62,000 for a 10 ft ramp - 25% would be \$15,500 - Katy adv \$2,000 is leftover from last year for repairs & will add \$13,500 to budget. (4/12) Council agreed to move match to Sub D.</p>
27	Stripping Bid	N/A	N/A	Determine if it is possible to allow HOA to participate in Town Stripping Bid	<p>(3/2/21) Dan asked if it would be possible to allow HOA to jump on the Town's stripping bid to reduce overall costs and ensure regular stripping. Katy pointed out there may be an issue because the Town is tax exempt and HOA are not. Further research is needed.</p>
28	Trail Extension	?	N/A	Create a trail extension from Cumberland Farms to Brown Street	<p>(3/2/21) The First Congregational Church is now willing to allow the Town public easement over their property to complete the trail that ends behind Cumberland Farms. This trail is part of the VALT plan and would connect to Brown Street sidewalk system allowing people to get to the Library and Plaza safely. The Rec Dept would use it regularly for summer camp activities and childcare activities. Church has no money. Alec has advised public works could remove the jersey barriers and repurpose them, if allowed. Kathy is working the project and there needs to be conversation with abutters. The current path is gravel and would need to be upgraded to allow for winter snow clearing. An Eagle Scout is willing to make L shaped planters for the project to help slow cyclists. (3/9) Kathy provide more info on status. Anne adv if we can lift conversion issue we could apply for grant money (possibly). Katy believes we could use Sub D funds as well.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
29	Planning Dept Staff	?	N/A	Add Staff Position to Planning Department	(3/9/21) Council received suggestion from resident who is also a member of the PB to consider adding an "economic development director" to the Planning Department. Council/Staff had robust conversation with many options (1) contract services via GPCOG rather than hiring part time person (2) creating 'matchmaker' position to help match available property to 'specific' businesses needed in the Town (3) make add'l zoning changes to help create more options for commercial businesses (4) create "helper" position to assist developers navigate the Town's process/forms, requirements, etc. (5) hire a Planner Assistant to handle administrative tasks for Kathy like application/packets/PB agendas, etc. to free up her time (6) grant writer to assist with finding more opportunities for funding to accomplish larger 'planning' goals. Council agreed more work is needed to determine what really is needed, what makes the most sense & adds the most value. Nate will work with Staff in the coming year to do a more robust analysis in order to bring forward a proposal for next year's budget. Sandy will respond to Dan Cobb.
30	Committee Budgets	\$1,000 + \$500	N/A	Move Committee budgets to separate tab	(3/15/2021) Dan suggested Committee budgets be shown as a separate tab - some are included in Council/Committees, others have their own tabs (PB/ZBA) and some are incorporated in dept budgets. Katy agreed and said she could move things over. Council requested the CEDC's request for Slido software (\$150) be reviewed by I/T and potentially placed in that budget to allow access for more users and to ensure compliance with security protocols (on software). Dan would also like to know if the ROI is on the CEDC request for the cable show and MaineBiz Ad. Katy to add \$1,000 marketing for open space committee (4/12) Nate added \$500 for BUILD Maine next year (this year - coming out of PB training budget). Council agreed rather than house this under "community" it should be moved to "councils/committees".
31	Town Brand	?	N/A	Create a Town Brand for Communications	(3/15/2021) Council has made a substantial effort to increase communications with residents, we have a new Communications Committee and various Committees are communicating directly to residents. It was agreed the Town should create a "town brand" to be used in all communications, along with a protocol and maybe a checklist to ensure consistency of messaging. (12/9) Council agreed this is a priority but we cannot create a campaign until we are ready to deliver on that campaign.
32	MyRec Software	?	N/A	Explore possible Collaborative Use of MyRec Software with NG	(3/15/2021) Nate advise in discussions with NG, a request was made for Gray to consider sharing the MyRec Software to help increase efficiency and save both Town's money. There are some issues with separating payments in the background, but many programs are shared by the two Towns. Nate will work with Staff to evaluate to determine the cost/benefit to making a change.
33	Contingency Fund	N/A	N/A	Create Parameters/Policy for Contingency Fund usage	(3/16/21) During the TC meeting, the use of the contingency fund was brought up specific to an agenda item. Council agreed a new policy should be created to provide guidance on when/how that fund should be used as the definition of 'unplanned' expense can be broad and/or different people can have different definitions. Will work on in the coming year prior to next year's budget cycle.

No	Items Label	Cost Est.	Task No.	Description	Comments
34	State Revenue Sharing	N/A	N/A	Move State Revenue Sharing figures outside of Budget for voters	(3/24) Dan proposed we move State Revenue Sharing out of the budget we present to Residents. This year, it would look like an 'increase' but going forward, it could make it easier for them to see year over year totals without the volatility of Revenue Sharing changes at the State level. Concerns with the LD1 question situation last year, and misunderstanding that taxes make up just a portion of revenues to cover expenses were discussed as well as not having enough time to explain the change to residents. The Council agreed it may be valuable to do, but need more time to discuss and figure out communication strategy to Residents.
35	Library Fees	<u>\$0</u>	N/A	Eliminate Late Book Fees for Library	(4/12/20) Library Trustees have discussed & voted to propose the elimination of the late book fees from the Library as other communities are doing this. The costs of tracking & collecting do not seem to warrant the revenue. Josh has \$3,000 in revenue in his budget for these fees. Council did not want to remove revenue without corresponding cuts in expenses. Josh felt he could absorb, but was okay with pushing for a year to collect more data on impact and costs for administering. IF they do want to pursue this year, they could do a pilot, track changes & find other revenue offsets. (12/21) Josh Tiffany presented proposal to eliminate late fees, but tighten up no return fees. With increase revenue in copy fees, meeting room fees, and other services, the reduction in revenue from late fees will be offset. Majority of Council agreed to proposal. Council would like to implement with new fiscal year. Will need to vote to change policy in June and Josh will adj his budget accordingly.
36	School Timeline	N/A	N/A	Work with School to account for absentee ballots timeline	(4/12) Each year the Council needs approve the School Warrant. In the past, there has been no dollar amount so they have been able to submit for consideration prior to their final budget vote. However, due to CARES act funding, they have been required to include a figure last year AND this year. Their budget vote is not set until 4/28 with their warrant article vote not set until 5/3 so the earliest agenda Council can take up action is 5/18. Absentee ballots can be requested starting at the beginning of May - thus Town needs to mail out municipal with note saying school will be available later and then track as a separate election. This increases costs for the Town and is inefficient for voters. There appears to be no statute requiring the School meet the absentee ballot schedule (as there is for Towns with referendum votes). Need to add this as a topic for the Joint Leaders meeting to resolve next year. (9/9) Sandy & Nate reviewed with Craig/Sam at Joint Leaders meeting - they will work to adjust timeline. Will follow up after first of year.

No	Items Label	Cost Est.	Task No.	Description	Comments
37	Public Safety Strategic Plan	\$100K (radio hardware) + ???	N/A	Identify and Plan for budgetary items from Public Safety Strategic Plan	(6/15/21) Chief/Nate presented Public Safety Strategic Plan at TC meeting. Plan identifies needs in several areas (1) increase in full time EMT personnel (2) change in per diem schedule to 12 hour shifts (3) upgrade radio hardware which will be obsolete within 3 years - \$100k plus \$30 per radio for digital chip (4) review of building conditions (Port City will complete this year). Anne pointed out that perhaps some stimulus money could be used (grants) for the radio upgrades. There was also discussion about training needs and facilities - Association has raised money to help build new training apparatus but does not cover "fire" training. Regionalization was also discussed - possibly in the area of training/communication - recognizing that shared equipment is a big opportunity but also a political issue. (10/19) Chief presented updated proposal for radio work as it qualifies for ARPA funding and a possible Cumberland County Grant. Vendor will come before the Council to provide more detail on solutions. (12/7) Vendor provided detailed presentation to Council. Chief adv County is not focused on this type of application - but it was submitted on time.
38	MPL Conversion	\$40-80	H8	Budget for Yellow Book Appraisal and Environmental Study	(10/19/2021) Town has submitted paperwork to start the conversion process on the tennis courts removed at the HS. Next step for the Town is to obtain a yellow book appraisal of the old site, proposed replacement site and complete any necessary environmental studies. It will be very costly, but needs to be done before the next steps can be taken and to determine if the replacement site will be enough to satisfy the conversion. (12/7) Council agreed to seek contribution from MSAD for at least the appraisal of the tennis court parcel.
39	Main St Stormwater	\$130,000	N/A	Identify funding for possible emergency fix for Main Str Stormwater	(10/19/2021) MDOT is planning construction in 2023 to replace crumbling stormwater system from MTA interchange through to Cumberland Farms. They will not provide any funding for emergency work needed between now and then. One collapse has already occurred and Alec is very concerned another will happen. Will provided estimate & Council needs to determine where funding will come from IF/when the emergency occurs.
40	Facilities Study	TBD	N/A	Review Facilities Study Report to Identify items for this cycle	(11/16/2021) Nate has provided the summary of the Facilities Study done by Port City to Councilors. There are quite a few recommendations and all carry budget lines. Council will review full report once available and determine priorities and which items to include in this year's budget based on Nate/Staff recommendations.
41	Grant	TBD	N/A	Review and apply for Project Canopy Grant	(11/16/2021) Anne attended a Webinar in Oct and believes the Town may qualify for a grant. The short Shaker rd project is awaiting replanting of trees which are in our Canopy Map. We will also be doing street scaping on Main Street.
42	Grant	TBD	N/A	Review and apply for Recreation Economy for Rural Communities Planning Assistance Grant	(11/16/2021) Anne shared an e-mail related to this grant program with the Council. We may have missed this year's deadline, but given the level of planning going on in Village which has a strong connection to Recreational activity in Town as well as the Libby Hill Trail System agreement, it is possible we qualify.
43	Policy	TBD	N/A	Identify any/all costs associated with the new Emergency Management Ordinance and/or Emergency Operations Plan	(10/19/2021) Nate presented a new Emergency Management Ordinance which is recommended by National Incident Management Services (NIMS) as it is required to have access to some Homeland Security and FEMA services/grants. (11/16/21) Council reviewed updated version and provided feedback as well as reviewed feedback provided by resident Mark Grover. Questions related to the status of an official Emergency Operations Plan also came up. Dan pointed out there are likely costs associated with this work.

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44	Staffing	TBD	N/A	Review proposal to reorganize Clerks Dept and post Town Clerk position & possible Data Analyst position	(11/20/2021) Nate advised he will be proposing a reorganization of the Clerks Dept which includes posting for a Town Clerk position which brings more responsibility and capacity while shifting existing staffs responsibilities to make the dept more efficient. This will be done in conjunction with a possible Data Analyst position. Discussion was held at Council Retreat related to long term approach for tracking spreadsheet which will likely involve migration to a database platform.
45	Speed Signs	TBD	N/A	Consider the purchase of fixed Speed Signs to be placed in strategic locations	(12/07/21) Alec advised the best results come from a mobile sign left for about 2 weeks. Addtl signs could assist by flashing "slow down" or the vehicles speed - being used in other towns.

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1	Pocket Park	(2020) Grant + \$2,175 + \$3,300 in Public Works Dept	#69 M10	Gray Historical Society has a long term vision of creating a Historic Walk with the Pennell House Memorial (re: Cumberland Farms donation/easement) kicking off the effort. GHS would like to discuss the Town Owned Property at 5 Yarmouth Rd as a possible mini-park	GHS in planning stages with more information will likely be available in January. Goal is to have full trail mapped out to identify specific locations as historically important for consideration when future development is planned. (10/28) Council needs more info, GHS/CEDC both have some ideas for the space, Council has RT115 project review starting, there is some thought to put up guardrails to prevent in appropriate vehicular traffic, Anne mentioned there could be grant money avail to help with developing a plan. Council agreed to keep on list pending presentation from GHS/CEDC in near future. (12/17) GHS/CEDC presented to Council & advised of possible Grant applications for funding which will be presented at the 1/7 meeting. (1/21) Council voted to approve grant application with direct \$2,175 match & \$3,300 of public works time/costs (3/2) Alec adv they have expanded about 1/2 of the grant 'in kind' total & will complete add'l work in the spring.
2	Education Funds	\$5,250 per semester - \$0 in 2020	N/A	New continuing education fund policy was approved allowing for up to \$5,250 per semester in reimbursements per qualified employee studies. Benefit is dependent on available funds.	Policy includes request for submissions to allow for proper budgeting. Deb advised deadline for submissions is January. She will provide info on any budget requirements. Employees had until Jan 19th - request included in individual budgets. (10/28) Deb advised no employees have submitted request - thus no funds needed this year. (1/19) Deb verified there are no requests for this cycle.
3	Employee Vacation/ Sick Fund	(2020) \$35,000 (2021) \$25,000	N/A	As of June 30, 2017 the Town's Liability for compensated absences - this is an unfunded liability and comes into play when an employee retires or leaves and requires a payout of accumulated vacation/sick time.	There is no designated fund for total \$245,419. Deb advised Town spent \$18,000 on retirements last year (unfunded). Council discussed setting aside 10% (\$25k) or 15% (\$37k) annually to start. Council is looking at \$25,000 Manager Contingency fund as first step in this funding. (10/28/19) Council agreed further payments to close gap should be considered. (2/18) Deb advised she is seeking \$25,000 for this fund - separately from the Contingency fund as with pending retirements, it is likely the \$25,000 will be exceeded. (2/28) Katy advised she added another \$10,000 and stated we cannot reduce as it will all be spent next year plus likely the contingency fund. (12/15) Council wants to review & possibly update sick time accumulation policy - currently unlimited. (1/19) Katy confirmed there are anticipated retirements & Council agreed for this cycle, the focus will be funding to cover. The goal long term is to build up the fund. Deb will provide summary of benefit packages in other Towns - Council will review a possible change in 'pay out' cap which may include a change in carry forward policy. (2/11) Katy adv there are no known planned retirements this year, thus the reduction in amount to \$25K. If that holds, we will be able to establish a separate account to offset the liability. Sandy also adv she will be recommending that the Council log the policy discussion on the master list at the next TC meeting. (3/22) Katy has asked Alyssa if we need to have a separate warrant article to establish this fund. (3/24) Katy has verified this will need a separate question but is below the LD1 limit.

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4	CIP Payment	\$1,750,000	N/A	<p>2018 CIP Bond package was put together to allow Town to make payments to the CIP fund over a 5 year period. The \$100,000 remainga outstanding from the 3/12ths rainy day fund is being logged separately - see below.</p>	<p>Need to determine the status of the \$500,000 repayment to rainy day fund. Need to determine what the annual payment is based on CIP 15 year projections over the 5 year period. Deb will have more info on repayment after new year. Council identified as top priority & Sandy expressed desire to ensure CIP has everything included before the calculated payment is worked on. Mo advised there was some equipment missing which has now been added. Discussed approaches to payment calculation including using an inflation rate of 4%. Council identified the possible \$100K gained from resale of old ladder truck as CIP payment - as voted on by residents. In addition, Council agreed to move \$100k into CIP from the \$500k payment into the 3/12ths - to use projected overage next year to finalize the \$500k re-payment. (10/28) Old ladder truck is now for sale. Council agreed to ask Finance Committee to come up with "fully funded" number to better understand the gap between current \$100K - for discussion purposes. (12/17) Deb adv \$85,000 rec'd from sale of old ladder truck and \$10,000 rec'd for sale of retired equip for total of \$95,000 for CIP fund. (2/13) Deb & Katy provided updated CIP information to Council. (4/2) Council agreed need to review/update fiscal policy after budget season to look at bonding larger, long term equipment items - will change CIP funding. \$42,570 interest going into CIP from bond, but will be used for paving. Agreed to keep funding at 1,850,000 with final review after final numbers provided. (4/28) Sandy re-raised the option presented by Deb/Katy to reduce the CIP payment by the \$42k interest payment as a way to reduce the overall increase on the operations side. The addt'l paving could be pushed off or could be done with the result being the CIP end balance would be reduced by \$42k. Majority of Council wanted to stay the course & not pursue this option. (3/24) Katy prov 3 scenarios with payments - Council agreed to lower payment based on target to stay "neutral" with starting balance. Katy adv approx \$250K will flow into the debt serv payment from bond savings even after appr proposed usage. This will bring us up over 'neutral'. Council to make final adjs at 4/12 meeting.</p>

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5	Watershed Plans	\$18,000 (2018) \$5,000 (2019) \$7,000 (2020)	N/A	\$12k for Thayer Brook & \$6k for Cole Brook were approved in last year's budget. Cumberland County Soil & Water Conservation District has identified other watersheds that need surveys and/or protection plans.	<p>Doug advised contracts have been signed & surveys will be underway shortly. Some discussion was made about what other watersheds need attention. Doug will reach out to CCS&WC to ask for input and estimated costs for next steps. Awaiting report back from initial watershed study for next steps and costs. (8/6/19) CCS&W will be doing a presentation in Sept to provide an update & next steps. (10/28) Presentation has been pushed to December. Council asked if CCS&W would provide feedback on other necessary watershed studies and estimates - in addition to any monetary impacts from completed studies. (12/17) CCSWD presented results of study to Council along with recommendations. Council asked for est. for each task (ballpark), as well as, ISWG fees. (12/18) Katy provided the Watershed estimate document to the Council which is set to discuss it at the 3/26 workshop. (3/26/20) Council reviewed and would like Doug & CCS&WC to prioritize top tasks & resubmit lower budget. (4/2) Doug provided update - split in two piece with each about \$13k. Council would like tasks (1) from each proposal for this year & then the rest for next year to balance addressing current water quality issues and preparing for future impacts - revised cost \$7,200. (4/9) Kathy advised after re-reading proposals she better understands why Heather is recommending items 1-3 first before doing ordinance work. Will get clarification & bring to 4/16 meeting. No impact to bottom line as part of CIP. (4/21) Kathy rev with Council, and Council agreed to go back to the original 2 tasks - but only do task #1. With the grant funding the remaining tasks would be done the following year & after Task #1 is complete, the Council will have a better handle on when task #2 should be done. (3/9/21) Doug adv that the reg grant requires \$10k commitment, but will be split over 2 years (\$5k each). There is also another request for 2 monitoring stations for \$2k this year & \$1k annually.</p>
6	Sidewalks - Libby Hill	\$115,000 plus - 20% of total? GPCOG Grant?	N/A	MSAD15 has expressed interest in a joint effort in developing project plans for new sidewalks between Middle & High Schools on Libby Hill Road for possible grant application/approval for outside funding.	<p>Council discussing top priorities from Public Works, included in Bike/Ped Plan and from MSAD15 standpoint. State grant programs require an approved project plan and as specific % of the funding approved & set aside before applying for remainder of funding. Joint leaders meeting with MSAD15 being worked on again. Steve included the Russell School piece in his engineering request for Shaker RD (see item 25B). Dan also recommended a 'standard' be derived for all future sidewalks - covering things like width, grade, ADA requirements, etc. Steve advised he could work with Will to create a standard. Council will budget for engineering & roll this into the Shaker Rd project - see 25B below. 20% of funding would be considered in future budget once total cost is known. (10/28/19) Council asked to have Will provide estimate for engineering costs. (03/12/20) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. (3/2/21) Council combined this item with the sidewalk ext from Hannaford to Spruce, paving LH road, add a crosswalk to the new possible emergency exit from school - into one project and submit to GPCOG as a shovel ready project for possible state/fed funding. Will not know if there is funding until likely April/May.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
7	Public Facilities Study	100000 (2) at \$50k each (Bond)	N/A	\$23,000 was approved in 2018 budget to conduct a Public Facilities Study on current capacity and projected capacity needs. (Public Safety Study)	<p>Mo used Windham's recent study and did a rough draft to obtain quotes, a larger sum (\$56K) will be needed to complete this & the study was not as detailed as needed. Staff recommends breaking this into two pieces - Public Safety & All Other. Public Safety piece may require a specialty consultant. Staff will do more work to present options to Council. \$23k has NOT been spent and could be rolled over & added to - to cover options. Council cut this from the budget - anticipating doing it next budget. (10/28) Deb advised she engaged with a contractor to complete the Public Safety piece in this year's budget and will provide an updated estimate for other departments. (3/26) Council agreed that this should be pushed off 1 year so the new Manager can participate. (2/11) Kathy give a heads up that there is a 2 part study included in Mo's budget as a result of the Town Office issues. (2/18) Mo rev the proposed studies & recommends Property Condition Assess be done first - followed by Space Needs Analysis & Facilities assessment. Windham completed theirs in 2013 and it was critical to better planning. Mo also cited the recent issues at Pennell as a reason - he does not have the capacity or expertise to evaluate the build/equip at the same level as engineers. He pointed out there are hidden items - like the Pennel Septic - that are not on the radar yet & should be. Dan asked if there would be cost savings if we did them together. Mo was not sure as different firms handled the Windham studies. (3/15) Katy adv bond savings can be used to cover these.</p>
8	Broadband Partnership		N/A	Lakes Region Broadband Partnership along with Cumberland County are working on the Connect Cumberland project to extend broadband through major corridors. Updating this to possible funding needed related to Grant being pursued with Windham.	<p>A presentation was made to the Council during the July 3rd, 2018 meeting. Costs are unknown at this time, but goal was to have more information by year end for budget planning. No update on costs at this time. (10/28) Deb advised the group was having difficulty finding a contractor to do the work and thus will not be included this year. (1/19) Deb adv she does anticipate a request for some funding - matches for grants and/or other funding avenues. (3/22) Nate has some inquiries out and Anne adv that Otelco is nearing completion on a plan to build out Gray. There is also going to be federal money available for this work in the coming 2 years. (3/24) Nate has no further information - Council agreed to not put money in the budget. It is possible the federal money avail in the coming year will allow for grant applications for broadband work.</p>
9	Skateboard Park	(2020) \$15,000	N/A	A GNG Student reached out to the Town asking for consideration of a Community Skateboard Park . Partner with school?	<p>Dean was working on pulling together information from other Towns with skateboard parks to provide cost estimates. May be funded by the recreational enterprise fund. Dan advised Mike L. at HS has a group of students working on this and he has given them the timeline for budget season. He expects they will reach out after the new year to come in for a presentation. \$25,000 estimate provided - but could be more - Council agreed need more advance work, possible Community group & fundraising before included in Town's budget. (10/28/19) Dan advised this is still be worked on. Council agreed until they are ready to present a plan both for the park and the fundraising piece, this will not be considered. (1/21) Officer Chadler will present at the 2/4 Council meeting. (2/4) Presentation made to Council, majority supports project, requested a full blown proposal with estimated budget before next steps could be determine. The funding will need to be grants, fundraising & the Town. Location will be critical. (2/27) Rec dept is requesting \$15,000 (out of estimated \$125,000-130,000) to start the ball rolling on planning & fundraising. (2/18) Brought Nate up to speed, Dean was unsure if there was any recent activity on community side. (3/22) Sandy suggested we maintain the \$15k fund established last year, but forgo adding an addtl \$15k this year - due to lack of activity on the project. This will give Community effort time to regroup after covid and we can consider next year. Council agreed.</p>

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10	Land Acquisition Fund	(2019) \$50,000 (2020) \$50,000	N/A	A Community Center has been discussed in various meetings and may be related to the above (13) Public Facilities Study - as far as next step planning.	May be funded by the recreational enterprise fund. Recently notified of 2 residents (Carrie Carter & Steve Morse) who have obtained a license from the state and are looking at setting up a Committee. This is tied to both the Comprehensive Plan and item 13B as a review & input from residents in needed to determine need, size, location, priority, etc. Deb did advise that Newbegin is in need of substantial upgrades to make it more efficient and capacity has been breached. See 32 below - would roll into Land Acquisition fund. (8/6/18) The Council asked Deb to reach out to the owner of the Hamilton property to inquire about options for the Town - whether that is a community center with municipal parking, fields, or housing - or a combination of them - is unknown at this point & will require further discussion. (10/28) Council has this on their workshop list. (3/12/19) Council has set a workshop on 3/31 to discuss the status of the Hamilton Property and Land Acquisition funding. (3/31) Council discussed and agreed it is a great opportunity and Town should move to engage owners in an option contract to give us time to collaborate with GNGLL, Royal River, etc. to develop plan, seek resident input & approval and create a funding plan. (4/2) Council was provided with valuation info & will discuss land acquisition fund at 4/9 meeting. (4/9) Council discussed tentative steps for Hamilton property is to identify funding in this year's budget, then between now & possibly Nov election, working on more details for concept plans and identify funding options which could be used to seek residents feed and a vote with Nov election. Council agreed to set \$50,000 again as separate question. (4/28/20) Council agreed to reduce to \$25k and to list as part of the CIP warrant article. (3/9/21) Council will start with \$50k to see impact before making full decision.
11	Dog Park		N/A	A suggestion was received to establish a Town Dog Park on the capped land fill. After some discussion, it was determined it was not a good fit; however, another location may work, if there is support.	Council agreed this is not something that will be pursued in this year's budget. (10/28) The land fill is no longer an option due to the pending solar array. No further requests have been made, thus it will not be considered this year. (1/19) Council agreed to close this one permanently until such time the issue resurfaces.

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12	Speed Signs	\$8,600 speed sign \$15,500 for text & speed combo sign	N/A	The Town owns one speed sign . Discussions about purchasing others - that mount to utility poles with flashing lights and "slow down" with the speed have been discussed.	<p>The one sign Gray owns was obtained via a grant. Steve can obtain some costs estimates for a similar one and/or those mounted on utility poles. Also, Deb advised deputies have asked the Town to look into School flashing lights for Shaker Rd as it is difficult for them to enforce without them. MDOT has said we can install. Steve will obtain prices. Dan suggested we also calculate what % of time is dedicated to speeding & provide more information to residents. Steve did advise the sign does record & the data is given to the Sheriff's office. Signs for school zone on hold pending Fiddleheads status - others will need to wait for future budget. (10/28/19) Steve advised he found a different vendor - same sign - mount on trailer version which is in the \$3-4K range. He feels these are more effective than the pole mounted ones as people get used to those. The current sign has been damaged and will likely not be repaired until spring. (2/4)</p> <p>Fiddlehead's charter school is not relocating - they are buying the building & the center will be relocating. Council will need to discuss school signs again. (3/12) Alec advised the cost is closer to \$5,500 to purchase a new hybrid sign that has radar measured capacity as well as construction messaging capacity. He advised it does track data - but the computer it is using is very old. Council would like data at least reported out after each usage. Alec advised it is shared with the Sheriff but they do not maintain the data. (3/26) Alec provided \$8325 price for speed sign only or \$15250 for construction type sign with speed & text. Council believes the multipurpose sign is a better value - but may want to wait until next year. Council will consider once Shaker Rd project costs known. (4/9) Majority felt there is likely value in having add'l sign, but majority also felt it could wait given the existing sign is now fixed & ready for use again and we are purchasing a radar gun for the deputies. (3/2/21) Council rev & do not see a need for another sign this year.</p>

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13	Planning /Engineering	Route 100 South TIF Funds - \$176K appx + \$240K for Water District	#4 M3	TIF Projects (Main Street, Village Shaker Rd, Route 115), Sidewalk projects, and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve projected \$75K for engineering work for the Route 115 project, but Will advised that the engineering costs need to be included into the project request - if we go with MPI program - where MDOT would pick up 50% of costs - up to \$500k. Project is estimated at 1 million. Therefore, no budget impact for this fiscal year. Gorrill Palmer provided \$91,000 design fee & \$62,000 full time construction inspection fee as estimates - but would provide a new proposal when the Town decides to proceed. Given item 25B will likely use up TIF funds for this year, this will be considered in a future budget (with evaluating the intersection at the same time). (12/17/19) Public forum held on 12/5 - Council to set workshop. (3/26/20) Council is working to amend Route 100 South TIF to allow for funds to be used on this project. (4/21) Council set public hearing for 6/2 to put out to voters at 7/14 election. (1/19/21) Workshop held with Staff/Water District/Engineer to create general plan for starting this project. Route 100 South TIF funds are available - with expiration of 2028. Will will work on providing estimates for (1) complete 'ledge' profile of road using ground penetrating radar (2) updating and completing full survey of area - Main street to 59 Yarmouth Rd (3) create a high level plan to include parameters agreed to in workshop - working with the Water District to include their piece and including Brown Street reconfiguration/parking analysis. The goal will be to use the starting plan to schedule more public forums and have some idea of overall costs as we progress. (3/9/21) Will rev proposal for services. Council asked that (1) meet with Water District (1) meet with MDOT be added, Doug asked that add'l boaring be added to ensure ledge identified properly on slope, Council adv Church needs to be pulled into discussion on Brown Street intersection, and agreed to remove "inspection/post project" services be removed for now as those decisions will be made at a later date, but we have an estimate of \$101,590 for full time inspection services. (4/12) WD submitted est for rt 115 which is over the \$495,000 total. \$40k is needed in coming year for engineering/legal. Further disc is needed on total cost. Nate will verify number. (5/4) WD req. more funds for materials.
14	Construction Costs	\$88,400 / GPCOG grant?	N/A	Extending sidewalk from Hannaford - Spruce Street - Sidewalk projects , and other projects (Wilkie's Beach) require engineering work to develop plans before funding can be sought (or to have more pull with MDOT/MTA).	Steve is requesting \$13,770 for construction costs to extend the sidewalk from Hannaford to Spruce street (engineering has already been done). (2/13) Alec provided estimate which includes engineering, construction, crosswalk from Spruce to School walking path, tree removal/stonewall relocation & possibly drywell = \$88,400. Council set to discuss at 3/12 workshop. (03/12) Council agreed because we are expending substantial funds for the Shaker Rd sidewalk project, this one will need to be deferred. Alec also advised the existing sidewalk would need to be redone as it is not ADA compliant. Alec also advised work new the pathway would like need to be added to this project due to stormwater issues. (3/2) Council discussed this in Council meetings as GPCOG was seeking shovel ready/worthy project to use to obtain grant funding from State/Federal programs. Council agreed to roll this into Libby Hill paving, LH sidewalks reconstruction & extension and a crosswalk to the MSAD15 ROW path which may become an emergency 2nd exit for the schools. Alec/Deb submitted to GPCOG.

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15	Contingency Fund	Manager \$25,000 Build/Grds \$15,000	N/A	Many Towns (and most companies) incorporate a Contingency Fund into their budget planning to cover unforeseen expenses.	<p>Deb provided (2) examples - \$18K for unfunded vacation/sick time for retirees and \$10K for the stormwater video work on Main Street. She has to cut from other parts of the budget which means other tasks go undone & must be refunded in subsequent budgets. Many municipalities have these funds to address unexpected or emergency situation. Another one is storm clean up for Public Works. Council discussed between \$20-30K. Council agreed to tentative \$25,000 amount to cover projected retirement and have some left over. (10/28/19) Council funded this as a combination of employee time & contingency - agreed we need to continue working on this fund. (2/18/20) Deb advised she is requested \$25,000 for this fund separate from vacation/sick time outstanding liability. (2/27) Katy advised we will likely spend this to supplement the vaca/sick time fund. (4/2) Deb advised it could cost up to \$10k for an add'l election if we miss the 6/9 election. Katy advised the money in this year's budget for that election would flow into the unassigned but would not be accessible until the following year's budget cycle after the audit was completed. Council needs to consider adding \$10K to contingency. Katy advised that contingency is set aside to help with transition to new Manager. (4/9) Governor will be moving election to July 14th - we will move local to coincide. Ballot printing, machine programming will be in current buget, there may be some money needed for staff time. Council agreed to keep contingency fund at \$25,000. Election change is another example of why a contingnecy fund is needed. (2/11) Deb adv that this was sufficient. (2/18) Council discussed need for fund for buildings & grounds. Will have follow-up discussion on amount & how to set up. (3/22) Council disc separate funds vs. one fund & opted for one fund; however, Katy pointed out moving it out from B&G will impact the total amount towards LD1 - Council may reconsider. (4/12) Council discussed again & agreed to move to CIP & increase CIP payment by equal \$15k to keep neutral on LD1/CIP reserve. This will make the use clearly & will allow it to roll over.</p>

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16	Senior Tax Relief Program	\$25,000	#53 H8.1 ©	There was limited discussion about a possible Senior Tax Relief program for the elderly property owners.	<p>Sharon proposed a \$25,000 starting fund, but Council wanted to work out details of program before considering as a budget item. (4/4/19) Council discussed again with increase to \$50,000 proposed by Sharon. Council did not agree to add to the budget as increase is already large & would like better handle on sustainability/costs (Cape - \$75k, Cumberland \$65K). Council could not identify items to scratch from budget to compensate for needed funding. (8/6) Workshop held. (10/28) Council has another workshop to determine if consensus can be reached on program parameters. (12/17) final changes discussed - 1st reading set for 1/7. Approved at 1/21 meeting. (3/26) Sharon is req \$30k for this fund. Sandy/Dan want to delay. Bruce/Anne want to reserve decision until final number crunching. (4/16/20) Majority of Council felt this new service should not be added this year given the current situation and strain on other taxpayers - not on a fixed income - who may be losing their jobs, etc. A request was made to put it on the ballot as a separate question, but only 2 Councilors supported. (3/15) Council discussed - Dan is not in favor, Sandy/Anne are undecided, but willing to look at figures incl \$25k - Bruce was willing to look at figures incl \$35 which is what Sharon req. Agreed \$25k to run numbers with final decision to be made next workshop. Anne also suggested IF we proceed that we clearly communicate this is a pilot program and may not continue after the initial test period. Sandy was concerned with the ballooning costs in Yarmouth (from \$25k to \$90k). Sharon will obtain some est. hours of impact on staff time & provide to Nate. Nate will talk to Katy/Lauren to discuss est impact & costs for administering the program. (3/22) Sharon prov feedback from Cape - subs yrs is low impact on single staff person plus financial director mailing checks - did not have hours or initial year impacts. Nate is reaching out to OOB which handles it a bit differently - upfront - discounting the bill instead of rebates which allows for better budgetting. not sure if it is more/less admin time. (3/24) Council agreed to proceed with \$25k as separate question. Katy adv this is over the LD1 limit & will need a companion question.</p>
17	Paving	(2020) \$469,250 (2021) \$449,225	N/A	Need to review Paving budget process to ensure projected & actual are closer	<p>Paving has been increasing in costs the last several years with 'asphalt escalation fees' built into the contracts. This means projected jobs (4 roads) may not match what actually is paved (3 roads) as money runs out during the season. Either need to increase paving budget or need to identify 'definite' vs. 'maybe' roads in the process or select fewer roads. Need to keep engineering report in mind to ensure Town stays ahead of failing road projections. (10/28/19) Steve will adjust request - to ensure we get 'caught up' on our paving - as a starting point. (2/27/20) Figure excludes \$13,500 being requested for pavement condition study. (3/12) Council discussed request for study. There is no industry standard - and last study was done 2017. Alec said roads that have been paved in last 3 years would need a study to determine their updated status. Council asked for est to do just those roads vs. a full study. (3/26) Alec checked into reducing study & only option is to break down into districts to do one each year - but that will likely cost more overall. Council agreed it needs to be done by next year at latest, but need to push this year. (3/2/2021) Alec adv only one overlay was done last fall after the budget vote, but he felt the 2020 paving would be done before June. Confirmed that at \$500k a year could clear the backlog in 8 years. This does include parking lots, but not sidewalks.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
18	Libby Hill	(2020) \$13,579	#27 H1.2	Need to determine long term obligation and budget funding for Libby Hill maintenance for Town's portion of acreage	Work has begun on the Libby Hill deed review. That will include work on a maintenance agreement between the Town, MSAD15 and the Community Endowment. An informational meeting between the 3 parties is being scheduled. Need to determine how much annual funding will be needed for Town piece and what changes need to be made to CIP schedule. (10/28) Dan was assigned as liaison and the first meeting is set to work on identifying the costs. (12/3) Council discussed again & agreed should be on list. (2/27) Increased by \$2,527 for total of \$4,027 plus tractor in Mo's budget to assist. (3/12) \$4752 winter operations plus \$4800 spring operations = \$9,552. Requested Pavillion budgetting will likely be deferred until MSAD15 identifies their funding. (2/18/21) With reorganization of Rec Build/Grounds under Maintenance - per diem for LH was moved as well. Amount based on projected figures available.
19	Rainy Day Fund	(2020) \$25,000 (2021) \$75,000	N/A	Need to repay 3/12's fund to make it whole	(10/28) \$500,000 was taken from the 3/12's fund to help purchase the new ladder truck. \$400,000 was paid back in 19-20 budget cycle. \$100,000 remains outstanding and needs to be paid back - within the next 4 years. (4/2) In our 3rd year to pay back over the 5 years total - Council agreed to only pay \$25K this year and look to pay remaining \$75k next year once more is known about the economic downturn. (2/11) Deb adv we have this year & next to pay back the \$75k. Council agreed to leave full remaining payment in budget. Sandy will log as a follow-up and it could change once we get through the rest of the budget. (3/15) Council would like to clear this debt - will run numbers with \$75k. (4/12) Council agreed to repay full amount.
20	Traffic Calming Measures	??	N/A	Add traffic calming measures as part of the project planning & designs	(10/28/19) Bicycle Coalition of Maine provides these items free of charge for testing; however, if Gray does decide to proceed with formal measures, equipment and/or construction costs may be incurred. (3/12/20) Anne advised it will take through the summer to set up tests and to identify what, if any, traffic calming measures will be recommended and then to determine costs. Will be considered in next year's budget. (3/2/21) Council agrees there are many options and there are many areas that could use them. Would like to engage organizations that can help us test lost cost or no cost options. Need to engage residents and MDOT as we move forward. (3/16) Council agreed to add addt'l striping to Village Shaker Rd - sharrows and more narrow lanes to test out the results. Alec to provide addt'l costs. (3/23) Nate spoke with Patrick Adam (MDOT) and they will donate the signs. He provided requirements for sharrows and he will make sure Alec provides increased striping line to Katy. (3/24) Alec adv sharrows will not work on Shaker due to MDOT stand. Council agreed to hold off on add funds and will pull this into the Route 100 discussion.
21	Library Heating System	\$28,500 (bond)	N/A	Library Heating System may need to be replaced in 5 years	(2/27) Mo advised increasing maintenance costs are being experienced with the Libaray boiler which should last another 5 years and recommends a future replacement to a version that has faired better in the other public buildings and is less costly to maintain - at a cost of around \$20,000. We are/will spend \$5,000 a year during the 5 years. Discussed the option of just replacing now - Mo clarified system is more complex and has more splits because of the layout (original building & addition). Council wants to make sure future update/conversion is covered in CIP. (2/18) Mo is recommended a full replacement of the Boiler - this would be covered by 2018 bond funds.

No	Items Label	Cost Est.	Task No.	Description	Comments
22	Automatic Fuel Shutoff	?	N/A	Should Segall Drive systems be upgraded to automatic shutoff options	(2/27) Dan reminded Council that during the CZA process with Cumberland Farms an automatic fuel shutoff system was discussed (more costly) vs. having personnel being responsible for quickly (and correctly) shutting down systems to prevent a spill or minimize one. More research needed to determine costs/viability vs. benefit. (2/18) Dan clarified this is in regards to the tanks at Seagull Drive given the location near the waterhead. This may be an issue that would be analyzed in the proposed Property Condition Assessment. Need more information - will move to next budget cycle.
23	Fencing	?	N/A	Need to add Fencing to CIP schedule - applicable departments	(4/9) Dan pointed out that existing Town owned fencing does not appear to be included in any of the CIP department schedules. Council agreed it should be added before next budget cycle. (1/19) Katy advised this may be split between budgets (Build/grounds & Rec), but they will work to pick up the fencing for future planning. (2/18) Mo adv he is in the process of collecting data - Pennel & Library fencing has been measured. They will be measure Transfer Station fencing (which is substantial around the landfill) next. Once the dimensions are cataloged, the next step will be to grade the condition of the fencing & set up replacement schedule in CIP. Target to complete for next budget cycle.
24	Existing Sidewalks	\$4,400 (condition study)	N/A	Need to add all Existing Sidewalks to CIP schedules	(4/9/20) Sandy pointed out that existing sidewalks are also not listed in the CIP schedule for maintenance/reconstruction work. Town has been only addressing when applicable roads come up for paving - usually nothing is done when overlay paving is done - creating a situation where they are only being addressed when a road is reconstructed. By that time, sidewalks are in bad shape and add considerable costs to the road budget. Need to put money aside to ensure existing sidewalks are maintained and funded when reconstruction is needed. (1/19/21) Alec updated the council on this as part of the paving catch up plan. He will be asking for the road study again this year. He is working to pick up the existing sidewalks and parking lots. Pending the study and updated information, he feels if we maintain our current \$450k annual paving budget, we could be caught up in about 7 years without accounting for sidewalks/parking lots which may then need attention. He is working with data from Stevie & his own to compile a list/conditions. We also need to make sure we understand any 'new' sidewalks being built need to be added (extension on Shaker Rd - planned Rt 115 sidewalks). (3/2) Council has asked Alec to obtain cost est to add sidewalks to paving condition study (3/15) Alec adv addt'l \$4,400 is needed to add sidewalks to condition study. He also clarified that "maintenance" is not the same for sidewalks - there is limited options because of curbing, ramps, landings, etc. It is more about tracking for full replacement.
25	Paving Plan	?	N/A	Create a long term Paving Plan to "catch up" with recommended schedule	(4/28/20) Dan suggested that between now & next budget, the Council ask Alex to create a long term paving plan - through 2035 perhaps - to identify a route to catch up on the backlog of paving. This could be used in conjunction with the planned road study (next budget cycle) to ensure progress is made each year. (1/19/21) See above sidewalks note.
26	Livelong Living	?	N/A	Placeholder for 21-22 FY Budget - Senior Programs	(8/4) Logging as a placeholder pending presentation from Lifelong Living Committee in Fall/Winter (1/19) Sharon advised there will not be any request in the upcoming cycle as they are still collecting data and planning. Some items may be addressed through donations or non-profits as well.

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27	LD1	N/A	N/A	Discuss impacts of LD1	<p>(9/15/20) Council agreed to log to ensure discussion on how to mitigate issues with LD1. (3/23/21) Katy advised that we are currently \$4,500 over LD1, but with some of the changes requested that number will go up. Council agreed we MUST come in below LD1 this year. Discussions on how to accomplish that will be held at 3/24 WS. Katy pointed out that separate questions would be outside the LD1 for operations/CIP. But then would require individual LD1 questions to go with them (ie Senior Tax Rebate - IF Council proceeds or accrued time off fund). (3/24) After the changes made - the budget is \$1,502 under LD1 incl employee accrued time fund. The Senior Tax rebate will be over the limit & set up as a separate question.</p>
28	Enterprise Fund/ Sub D	EF \$157,000 SD \$95,000	N/A	Need to evaluate impact of Covid on Enterprise Fund & Sub D Fund	<p>(9/15/20) Deb has advised current projections have fund just breaking even or with a small revenue amount. (3/1/21) Katy clarified that Enterprise Fund is revenue from Rec Dept programs & Sub D is revenue from Development Fees. Sub D is generally used to expand or upgrade Recreational activities where Enterprise Fund is used to fund the Recreation Staff and operations. There is \$107k in EF with a projection of \$50K this year total of \$157k. Sub D is at \$95k now. But if the Rec Director position is filled, that may impact the EF total. Nat to talk to staff and determine timeline on new hire. (3/9) Katy adv that Nellie & her are working on identifying what in Rec budget can come out of Sub D. Extension of path from Cumberland Farms to Brown Street - through 1st Congregational Church property could be funded by Sub D - if grant & in kind is not enough. (3/23) Katy checking to see if removal of NewBegin stage can come out of Sub D fund in lieu of bond savings. She will also move the \$6k for concrete play area to Sub D. (3/24) Katy adv Sub D can be used, majority of Council agreed to keep in CIP bond savings as it involves multiple depts - maintenance, elections & recreation. (4/12) Council moved CL ramp match & concrete game area to Sub D - also suggested a list of "agreed upon projects" be maintained to ensure they are moved forward. Katy adv in the past many times the project will not move forward as there is no 'setting aside' money within Sub D. The CL ramp grant is being applied for so that will move forward. The Concrete game area needs more discussion in context of the Village master plan - Pennell footprint planning. Struck the ice skating line as \$ not needed if we try again at Pennell one more year. Agreed to leave the basketball lights in CIP to ensure money is set aside & lights are installed once funding goal reached.</p>
29	Communications	\$18,910 in owed fees / \$102,000 in annual fees	N/A	Consider proposal from Community Communications Committee to use Franchise Fees for Equipment	<p>(10/6) Anne advised the new Committee would like to see the newly discovered underpayment of franchise fees (\$18,910 for 2 years - more to follow?) put towards purchasing new/more equipment to improve the use of the Community Television Station and other platforms. (2/11) Council agreed until this money is rec'd, it will not be considered. There was a good conversation about how best to utilize the funding with everyone agreeing increasing communication was a high priority & it would be helpful for the Committee to make a proposal for specific needs/equipment/plans which require funding. Council could then consider best approach. Deb adv current revenue is estimated at \$102,000 and that the new contract will not be done until at least June. Spectrum is currently disputing the 'unpaid' past fees. No timeline on when that issue will be resolved.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
30	Public Safety Study	\$28,550 for generator (bond)	N/A	Review Public Safety Report to determine funding needs for changes	(10/6) Deb shared the report created from the Public Safety Facilities study which contains many recommendations. Some will flow through department budget process, but others may require Council action with possible funding implications. (3/2) The Asst Chief position was budgeted for last year - but not filled as of yet. Kurt is working with Nate on next steps. Another recommendation was the replacement of the generator which Mo has included in this year's budget, but will be covered by the bond savings. Kurt and Nate will have further discussions on the report for future proposed changes which may or may not impact the budget.
31	Stripping	\$300	N/A	Shaker Rd Project - new stripping - increase to annual budget	(10/6/20) As part of the Shaker Rd Stormwater/sidewalk project, new stripping was discussed - reducing lane size to create official bike line with proper stripping, crosswalk addition, additional traffic calming - will add to existing stripping on the road. (3/2/21) Council needs to decide what they would like to see as 'extra' so Alec can adj his budget. Making more narrow lanes is no impact, but adding graphics for the bike lane or stripes across the bridge for to slow traffic & increase safety. Council also wants to loop back to MDOT to update stripping on bridge to match what we decide to do on the road. Alec did state the addt'l stripping in Spring worked out well last year. Dan asked that the new stripping around No Raymond/Shaker Rd intersection should be added to the touch up list. There was also a discussion that the bike coalition can provide temporary stripping for us to test on roads (like Hancock Street) but if we want to make it permanent - it does increase our budget. (3/15) Randy will need more stripping, Alec adv addt'l \$300 needed. He will provide est. cost for addt'l striping on Shaker Rd (Village) (3/23) See above re Shaker Rd Project - Alec to prov addt'l increase to Katy.
32	Electric Charging Station	\$5,000	N/A	Consider installing an electric charging station	(12/1) Sandy advised she would be bringing this forward given the new solar array will be going online. Long term, if Town buys the array, conversting as many vehicles as possible to electric will save more costs. First step would be installing a charging station - may be grants or other funds available to assist with cost. (3/23) Council disc options. There will be more money available for this type of work in coming year. Tentative agreement that putting away some money (\$5,000) for 1 level 2 charger at the first parking spot at Pennell is a good way to start. Then, in coming year, work with MTA (park & ride) and Enercon (Northbrook) to see if addt'l level 3 chargers can be installed. Another location may be the municipal parking lot next to the new pocket park - people could stop & charge & visit park. Would need a level 3 to reduce time - Mo pointed out that the substantial increase in costs is due to the fact that they need a dedicated line and transformer so not all locations are feasible. (4/12) Council agreed to leave money in CIP rather than use bond savings to ensure this goes through (bond savings 8/31/2021 timeline may not be met with CMP schedules).

No	Items Label	Cost Est.	Task No.	Description	Comments
33	Electric Vehicle Transition	?	N/A	Transition Municipal vehicles to electric versions	<p>(12/1) Sandy advised she would be bringing this forward given the new solar array will be going online. Long term, if Town buys the array, converting as many vehicles as possible to electric will save more costs. (3/23) Council discussed plan for this - GPCOG has a loaner available for Towns to try out - Kathy adv they have used it before. Staff feels that having one 'shared' EV car would be beneficial - could be used by Code, Assessor, Admin, Planning, etc. and would charge overnight so the level 2 would work. Nate pointed out the question is which vehicle would it replace? Trucks make up more of our fleet and availability is an issue right now. Council asked if we could use the add'l bond savings to transition to one EV vehicle in the coming year. Of course, the EV charging station would be installed & wonder if we can use bond savings for that work? All would need to be done by Aug 31st. (3/24) Katy verified bond savings can be used. (4/12) Council agreed we need to more analysis on which vehicle makes sense to convert and options (lease, rebates, group purchases, grants, etc.). Highly unlikely this could be pulled together in time for the bond savings deadline, but Nate has the option to bring this before the Council, if it does work out. Otherwise, it will flow into next year's budget discussion.</p>
34	Trees	\$2,000	N/A	Shaker Rd Project - new canopy trees	<p>(12/1/20) Council discussed plan for tree canopy on Shaker Rd. Several trees are being taken down for the project. Kathy was going to pull a canopy inventory and then complete an analysis of which trees are slated to come down to help identify where new trees may be needed. The species also needs to be identified. Council discussed putting the costs in the project itself or potentially handling outside the project after completion. This is being logged as a placeholder. (3/2/21) Council/Nate needs to follow up with Kathy & decide on replacement trees as bid came in lower than expected and Alec confirmed we could use the "add on" provision to add them to the bid. (3/15) Council agreed to replace trees to restore the canopy impacts. Alec adv submitting a "change order" before construction is complete is the correct route. There is bond savings available to cover the costs and Alec confirmed that because the MDOT portion has not hit the \$500k limit yet, the costs would be split with MDOT. Nate will work with Staff to evaluate the canopy once the old trees are removed to ID replacement locations and then work with property owners, if applicable. Overhead utilities should be considered when selecting locations. (3/23) Alec adv that approx 5 trees are recommended. Kathy working with HORT resources (local wholesaler) for prices and species. Dan pointed out we can process changer order, but MDOT may not agree to pay their 50% on that piece. We just need to make sure enough bond savings is available to cover full costs - but request the 50% match. (3/24) Due to the 8/31 deadline and need to maybe wait until Spring 2022 to plant - \$2,000 was added to Alec's budget as a safeguard.</p>

No	Items Label	Cost Est.	Task No.	Description	Comments
35	Signs - Libby Hill	?	N/A	Update "No Public Access" sign - Libby Hill	(12/15/20) Sandy pointed out that the current sign (unknown if it is the Town's sign or home association sign) at the start of the private road which states "no public access" is hard to read and to verbose. Homestead Acres Assoc has complained about people parking on the road to access the Town's LH trails. Consider updating the sign to be more clear or adding "use trail heads" signs or "no Parking" signs. (3/2/21) Alec believes the sign was paid for by the home association, but installed by the Town. He did price out a sign and it would be around \$750. Council agreed this should be rolled into the larger work on the maintenance agreement as signage should be part of that plan. Sandy advised the signage needs improvement on the trails as well.
36	Illumination Tool	\$2,000 (bond)	N/A	Purchase illumination measurement device for code enforcement	(12/15) With new sign ordinance illumination restrictions, Code Enforcement will need equipment to ensure compliance. (1/5) Dan believes the tool will be about \$2,000 (4/12) Council agreed to move this to bond savings to allow purchase now to help move sign ordinance forward.
37	Grant match	? \$ - In kind	#75 H7	Fund grant match for Long Hill ATV trail	(1/5) Anne advised that she is pursuing other grants for the ATV trail rehabit on Long Hill Road. The grants will required a 20% Municipal match - which can be met with "in kind" donations and the ATV Club may be able to provide that match via labor/equipment. The timeline is April/May deadline. (2/18) Anne is awaiting data from ATV club. Right now, it is likely there will be no 'cash' match needed. The Town will need to manage the grant - Katy for financial disbursements and Mo as the "supervisor" of the work - however, the ATV/Snowwolve members will likely do all the work. More info should be available in April.
38	TIF Funds	\$365,147 / \$75,000 (2021)	N/A	Determine available funds from Village TIF	(3/9/21) Katy advised \$365,147 is currently in the Village TIF fund. (4/12) Council agreed to pull \$75,000 forward to have available in next year for planning work on Main St / Route 100 MDOT project and Village master plan planning. Verified that Nate will bring forward any spending to the Council before money is actually expended. If no money is pulled forward, if there is a need, then a special Town meeting would need to be set up. The voters have already approved the use of this TIF funding for this type of work.
39	Septic System	\$5,000 (2020) plus \$5,000 (2021)	N/A	Create replacement plan for Pennell septic system	(2/18/21) Mo identified the Pennell Septic system as an example of a pending critical issue that is not included in any planning/budgeting for the proposed Buildings Condition Assessment. There are currently 4 systems - Pennell ('58), Gym ('32), Maintenance ('52) and Science (??) which are extremely old. Combining and replacing the systems, as well as, addressing the status of the fields (reclaiming/reconstructing) should be done - sooner rather than later as there is no way to know if/when one or more would fail. Council agreed we need to log and add to CIP planning. (3/22) Sandy brought up this issue to ask Council if we want to start putting some money away. Anne suggested at least money to do some testing/engineering on a replacement system so we have a figure we can budget towards. More to be discussed at 3/24 WS. (4/12) Council rec'd feedback from Dean/Mo related to the "reclaim fields" CIP item - which was originally set to redo the fields at Pennell - may no longer be as critical because the soccer organization is no longer using the field and the field will need to be ripped up to deal with the septic so any redoing of the field will be tied to that project. Based on that, Council will rename this fund to the "Pennell Septic Fund" to allow Mo access to \$10k in funds to hire someone to analyze and come up with costs to address replacement. This will allow the Council to add the project to the CIP.

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40	Telephone	\$6,000+ increase	N/A	Review current Telephone set up VOI vs. hard lines	(3/2) Dan noted that there was a substantial increase in the telephone charges across departments. Katy explained that the transition to voice over internet did not include fax or security lines which Otelco was not willing to budge on. Nate pointed out that having hard lines with plug in phones for each building is critical in emergency response planning. Nate will review in more detail with Katy/Mo and Staff to determine if changes are warranted.
41	Boat Ramp	\$62,000 total @ 25% = \$15,500 - \$2,000 leftover = \$13,500 for this year	N/A	Determine if Grant funding is available for Boat Ramp replacement	(2/18/21) Last year's grant fund was frozen due to COVID. Sandy to reach out to State to find out if there will be funding this year. Last year, State provided some concrete planks to assist with repairs in lieu of grant funding. (3/2) Tom Linscott (Director of Boat Ramp Facilities) advised they do not have funding as of right now, but are hopeful that will change shortly. Forwarded note to Heather Seiders who manages the grant fund. Sandy will tag for follow-up. (3/9) Mo adv that further repairs will require professional services and a DEP permit. Nate to work with Staff to determine if ramp can go another year or not. Town would prefer to apply for grant but may not be able to wait if grant funding is not available in the coming year. Sandy to follow up with Heather on grant status. (3/22) Mo adv the ramp should last 1 more season - because it has to - there is no way to do add'l repairs. Dean has sub pre-application for the grant money which is available this year. A site walk is planned in April and the hope is the water line is low enough to see full condition. Mo adv that standards are 12 feet - the ramp is 10 feet - Dan pointed out we may not want to increase width given CL is very small - it would allow for larger boats which could be a problem. Doug asked if add'l riprap could be provided to prevent boats from damaging area at end of ramp. Planks are around \$205 each and at least 20-25 will be needed - so that alone is \$5,100. Town must budget for 25% - State pays for 75% up to \$15,000. If the total cost of the replacement is higher - then the Town needs to budget more. Nate/Mo/Dean will work to obtain a better estimate for a total replacement. This will also need to go into the CIP for future maintenance and replacement. It is unlikely we can use bond savings as the work will need to be done by end of Aug - and Mo is advising we put 'cash' in for the 25% match not 'in kind' as the work is specialized. (3/24) Mo verified it is up to a \$150K match & est is \$62,000 for a 10 ft ramp - 25% would be \$15,500 - Katy adv \$2,000 is leftover from last year for repairs & will add \$13,500 to budget. (4/12) Council agreed to move match to Sub D.
42	Stripping Bid	N/A	N/A	Determine if it is possible to allow HOA to participate in Town Stripping Bid	(3/2/21) Dan asked if it would be possible to allow HOA to jump on the Town's stripping bid to reduce overall costs and ensure regular stripping. Katy pointed out there may be an issue because the Town is tax exempt and HOA are not. Further research is needed.
43	Trail Extension	?	N/A	Create a trail extension from Cumberland Farms to Brown Street	(3/2/21) The First Congregational Church is now willing to allow the Town public easement over their property to complete the trail that ends behind Cumberland Farms. This trail is part of the VALT plan and would connect to Brown Street sidewalk system allowing people to get to the Library and Plaza safely. The Rec Dept would use it regularly for summer camp activities and childcare activities. Church has no money. Alec has advised public works could remove the jersey barriers and repurpose them, if allowed. Kathy is working the project and there needs to be conversation with abutters. The current path is gravel and would need to be upgraded to allow for winter snow clearing. An Eagle Scout is willing to make L shaped planters for the project to help slow cyclists. (3/9) Kathy provide more info on status. Anne adv if we can lift conversion issue we could apply for grant money (possibly). Katy believes we could use Sub D funds as well.

No	Items Label	Cost Est.	Task No.	Description	Comments
44	Planning Dept Staff	?	N/A	Add Staff Position to Planning Department	(3/9/21) Council received suggestion from resident who is also a member of the PB to consider adding an "economic development director" to the Planning Department. Council/Staff had robust conversation with many options (1) contract services via GPCOG rather than hiring part time person (2) creating 'matchmaker' position to help match available property to 'specific' businesses needed in the Town (3) make add'l zoning changes to help create more options for commercial businesses (4) create "helper" position to assist developers navigate the Town's process/forms, requirements, etc. (5) hire a Planner Assistant to handle administrative tasks for Kathy like application/packets/PB agendas, etc. to free up her time (6) grant writer to assist with finding more opportunities for funding to accomplish larger 'planning' goals. Council agreed more work is needed to determine what really is needed, what makes the most sense & adds the most value. Nate will work with Staff in the coming year to do a more robust analysis in order to bring forward a proposal for next year's budget. Sandy will respond to Dan Cobb.
45	Committee Budgets	\$1,000 + \$500	N/A	Move Committee budgets to separate tab	(3/15/2021) Dan suggested Committee budgets be shown as a separate tab - some are included in Council/Committees, others have their own tabs (PB/ZBA) and some are incorporated in dept budgets. Katy agreed and said she could move things over. Council requested the CEDC's request for Slido software (\$150) be reviewed by I/T and potentially placed in that budget to allow access for more users and to ensure compliance with security protocols (on software). Dan would also like to know if the ROI is on the CEDC request for the cable show and MaineBiz Ad. Katy to add \$1,000 marketing for open space committee (4/12) Nate added \$500 for BUILD Maine next year (this year - coming out of PB training budget). Council agreed rather than house this under "community" it should be moved to "councils/committees".
46	Town Brand	?	N/A	Create a Town Brand for Communications	(3/15/2021) Council has made a substantial effort to increase communications with residents, we have a new Communications Committee and various Committees are communicating directly to residents. It was agreed the Town should create a "town brand" to be used in all communications, along with a protocol and maybe a checklist to ensure consistency of messaging.
47	MyRec Software	?	N/A	Explore possible Collaborative Use of MyRec Software with NG	(3/15/2021) Nate advise in discussions with NG, a request was made for Gray to consider sharing the MyRec Software to help increase efficiency and save both Town's money. There are some issues with separating payments in the background, but many programs are shared by the two Towns. Nate will work with Staff to evaluate to determine the cost/benefit to making a change.
48	Contingency Fund	N/A	N/A	Create Parameters/Policy for Contingency Fund usage	(3/16/21) During the TC meeting, the use of the contingency fund was brought up specific to an agenda item. Council agreed a new policy should be created to provide guidance on when/how that fund should be used as the definition of 'unplanned' expense can be broad and/or different people can have different definitions. Will work on in the coming year prior to next year's budget cycle.
49	State Revenue Sharing	N/A	N/A	Move State Revenue Sharing figures outside of Budget for voters	(3/24) Dan proposed we move State Revenue Sharing out of the budget we present to Residents. This year, it would look like an 'increase' but going forward, it could make it easier for them to see year over year totals without the volatility of Revenue Sharing changes at the State level. Concerns with the LD1 question situation last year, and misunderstanding that taxes make up just a portion of revenues to cover expenses were discussed as well as not having enough time to explain the change to residents. The Council agreed it may be valuable to do, but need more time to discuss and figure out communication strategy to Residents.

No	Items Label	Cost Est.	Task No.	Description	Comments
50	Library Fees	?	N/A	Eliminate Late Book Fees for Library	(4/12) Library Trustees have discussed & voted to propose the elimination of the late book fees from the Library as other communities are doing this. The costs of tracking & collecting do not seem to warrant the revenue. Josh has \$3,000 in revenue in his budget for these fees. Council did not want to remove revenue without corresponding cuts in expenses. Josh felt he could absorb, but was okay with pushing for a year to collect more data on impact and costs for administering. IF they do want to pursue this year, they could do a pilot, track changes & find other revenue offsets.
51	School Timeline	N/A	N/A	Work with School to account for absentee ballots timeline	(4/12) Each year the Council needs approve the School Warrant. In the past, there has been no dollar amount so they have been able to submit for consideration prior to their final budget vote. However, due to CARES act funding, they have been required to include a figure last year AND this year. Their budget vote is not set until 4/28 with their warrant article vote not set until 5/3 so the earliest agenda Council can take up action is 5/18. Absentee ballots can be requested starting at the beginning of May - thus Town needs to mail out municipal with note saying school will be available later and then track as a separate election. This increases costs for the Town and is inefficient for voters. There appears to be no statute requiring the School meet the absentee ballot schedule (as there is for Towns with referendum votes). Need to add this as a topic for the Joint Leaders meeting to resolve next year.