



City of Presque Isle, Maine

Planning Board Agenda

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769

Administrative Staff:

Galen Weibley, DECD Director, Tel: (207) 760-2727, E-mail: gweibley@presqueisleme.us

Tim St. Peter, Code Enforcement Officer, Tel: (207) 760-2770, E-mail: tstpeter@presqueisleme.us

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City Council Chambers 12 Second Street

November 16, 2023 @ 6:00 PM

1. Call to Order of regular Planning Board meeting by Chairman
2. Roll Call of Members
3. Agenda Setting
4. Approval of October 19, 2023 minutes
5. **CITIZEN COMMENTS:** Limit of two (2) minutes per attendee. Chair has the right to request poll if multiple comments are similar in nature.
6. **New Business**
 - a. Land Use Code Amendments
 - i. Employer-Sponsored Housing Amendment
 - ii. Omnibus Land Use Code Amendments
7. **Old Business**
8. **Other Business**
9. **Department Report**
10. **Adjournment**

Planning Board Members

Bruce Roope (Chair), Ward Gerow (Vice-Chair),

Jayne Farrin, Rachel Murchison, Sean Nordenhold,

Dave Perry, Stacey Walton, Richard Engels (Alternate) & Tim Vernon (Alternate)



City of Presque Isle, Maine

Planning Board Minutes

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769
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Presque Isle City Hall- Council Chambers

October 19, 2023 @ 6:00 PM

Planning Board Members Present: Ward Gerow (Vice-Chairman), Jayne Farrin, Sean Nordenhold, Dave Perry, Stacey Walton, & Richard Engels (Alternate)

Planning Board Members Absent: Bruce Roope (Chairman) & Rachel Murchison

Others Present: Galen Weibley, Director of Economic & Community Development; Tim St. Peter, Code Officer; Tim Roix, BRSA; Tom Powers, Executive Director, PI Industrial Council; Gary Clark, Christy Daggett, Tim Vernon & Craig Walton

1. Call to Order at 6:00 P.M.

Vice-Chairman Gerow called the meeting to order at 6:00 P.M. and made Richard Engels a voting member in the absence of two members. Total members present, six voting members.

2. Agenda Setting: No new items added to the agenda

3. Minutes Approval: Review and approve draft minutes from September 14, 2023.

A motion by *Jayne Farrin*, second by *Sean Nordenhold* to approve the September 14, 2023 Planning Board Meeting Minutes. **Vote – unanimous 7-0**

4. Citizen Comment: none

5. Industrial Park Spec Building Site Plan Review (210 Cross Street)

Tim Roix with BRSA representing the Industrial Park presented an overview of the project to construct a new 3,300 sq. ft. facility with parking and new utility hook ups to the vacant parcel on Cross Street. Mr. Roix mentioned this project was part of the matrix for the Department of Environmental Protection (DEP) site license and has adequate water and sewer capacity according to the PIUD. The applicant also filled out a FAA Form 7460 given the close proximity to the runway with no objections or concerns submitted by the Airport Director. The Planning Board reviewed staff notes on the project.

(210 Cross Street Site Plan Cont.)

Vice-Chair Gerow inquired of the intended use for the building. Mr. Roix stated that is to be determined by the Industrial Council but preliminarily it is intended for the Central Aroostook Animal Shelter. ***Mr. Engels*** inquired if construction will occur before the funds are raised? Mr. Roix answered it is the intention of the developer to start construction only when the total funds needed for the project have been raised. Mr. Weibley stated the only correction outstanding that is minor and will not change for the project is an error noted by the City Engineer regarding the contours for the roadway (Cross Street) which are not correct but will not change the overall plans or impact the development.

A motion by ***Richard Engels***, second by ***Jayne Farrin*** to move to approve the proposed Site Plan for the Presque Isle Industrial Park Spec Building located at 210 Cross Street. **Vote – unanimous 6-0.**

Vice-Chair Gerow recessed the meeting at 6:10 P.M. for Board Members to sign the site plans.

Vice-Chair Gerow reconvened the meeting at 6:16 P.M.

6. Old Business

Mr. Weibley and Mr. St. Peter distributed the Employer-Sponsored Housing Research compiled by DECD Intern, Miles Jones who will be presenting his findings at the November Meeting. Members are to read over the material in preparation for this meeting.

7. Other Business

Mr. Weibley shared with the board that staff is working on drafting the Land Use Code changes in relation to Solar Electric Generation Facilities, Kennels and other miscellaneous changes for the November meeting.

8. Department Report

Mr. Weibley remarked that there are no site plans submitted for consideration of the board so the November 2, 2023 meeting was cancelled. Mr. Weibley noted upcoming holiday season will conflict with the December 21, 2023 meeting date. The Planning Board agreed to cancel the December 21st meeting and instead keep the December 7th meeting as their regular monthly general meeting to approve minutes and discuss items.

Mr. Weibley briefed the Planning Board that Presque Isle was selected as one of nine communities in Maine for the GrowSmart Maine Summit held earlier today to highlight how the downtown redesign will assist in connectivity of the community. He also noted the two keynotes highlighted the importance of connectivity in a community to address loneliness which has become more prevalent since the pandemic. The book, “*Project Unlonely*” is a recommended read for members to consider how art and connectiveness address the new awareness of how disconnected and lonely people are in the modern era.

(Department Head Report Cont.)

Mr. Weibley also presented an overview and answered questions as it relates to the proposed concepts for the downtown redesign which was previously emailed to board members to review. ***Vice-Chair Gerow*** suggested to the consultants to add a key or legend as he could not demark what the shades of pink and gray signify on the aerial view of the plans. ***Vice-Chair Gerow*** also liked the closed loop on Main Street with the Sargent Family Center however he noticed missing a connection of the pedestrian/trail system on Chapman Street to close the loop. Mr. Weibley acknowledged and would share suggestions. ***Ms. Farrin*** inquired about the need for more parking especially near Academy Street. ***Mr. Engels*** shared that the sidewalks need to be significantly improved. Mr. Weibley acknowledge that the sidewalks are need to be ADA compliant and agreed this measure would help people feel safe to walk and park at further distances than their destination.

9. Adjournment

A motion by ***Sean Nordenhold***, seconded by ***Stacey Walton*** to adjourn the Planning Board Meeting at 7:01 P.M. **Vote – unanimous 6-0.**

Respectfully submitted,

Galen Weibley
Secretary

Planning Board Members
Bruce Roope (Chair), Ward Gerow (Vice-Chair),
Jayne Farrin, Rachel Murchison, Sean Nordenhold,
Dave Perry, Stacey Walton, & Richard Engels (Alternate)

Proposed Amendments to Chapter 16 Land Use Code for Employer-Sponsored Housing In Presque Isle

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INTRODUCTION

Employer-sponsored housing is a widely utilized form of housing across the State of Maine that is employed by a wide variety of organizations or employers whose businesses utilize large numbers of seasonal, J-1 or H-2B visa workers. Within the State of Maine, the most common forms of employer-sponsored housing (ESH) are through short-term or seasonal leases on hotels, motels and lodging buildings, with the remaining stock being made up of personal apartments, multi-family dwellings and purposefully created shared accommodations. Bar Harbor is the only municipality in Maine with codified ESH laws in their Land Use codes, while other municipalities simply classify ESH as being “accessory to the principle use” of buildings used for ESH, under which the principle use land use codes are applied to determine number of occupants, quality of life standards and rental term minimums and limits. Because of the small

quantity of ESH in most municipalities, and given the tendency for organizations to rent rather than build, codified ESH is simply seen as not fully needed yet in many municipalities.

ARTICLE 1

Section V Definitions

Employer-Sponsored Housing: A use in an accessory structure, or in part of the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit. It shall be used exclusively for the accommodation of employees that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary that owns the parcel where the principal structure is located.

Common Space: A space, primarily designed for employees, managed by the employer, the employer's parent company, or a subsidiary company, to include a shared common room, kitchen, employee dining room or some combination of the three, which is made available to all members of an Employer-Sponsored Housing Unit. Each common space shall not be less than 200 square feet of habitable floor area.

Employee Dining Room: A space, for employees only, managed by the employer, the employer's parent company, or a subsidiary company, where the employee may consume food and beverages provided or purchased off-site by the employee.

Habitable Floor Area: The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee: Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of an employee living quarters license.

Parent Company: A company or entity that owns a controlling or majority interest in one or more smaller companies. A parent company will own or control at least 50% of the equity in another entity to qualify it as that entity's parent company.

Subsidiary Company: A company of which at least 50% of the equity is controlled by another entity, sometimes referred to as the parent or holding company. This parent company may hold controlling interest over the subsidiary, with the subsidiary being a separate and distinct legal entity.

Section VII Use Table of Zones

Use	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA	DRBZ
ES Housing		P	ZBA	ZBA	ZBA	ZBA		ZBA	ZBA				

ARTICLE 2 GENERAL STANDARDS OF PERFORMANCE

Section II Parking Loading and Traffic

A. Off-Street Parking Standards

1. Employee sponsored housing shall not be required to provide parking

Section XII Land Use Standards

K. Employer Sponsored Housing Standards

1. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than seven feet in any horizontal direction.
2. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel. (questionable)

3. Bathing facilities. There shall be a minimum of one toilet for every five occupants, and one shower for every five occupants.
4. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first eight occupants. For every one to 12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for nine to 20 total occupants, three such on-site community kitchens shall be provided for 21 to 32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.
5. Building footprint area. Density and square footage requirement for land use codes
6. Outdoor storage. The keeping of any goods, junk or material of any kind, with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and abutting neighbors by a fence, wall, roof, and/or landscaping.
7. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.
8. Pest control. All structures on the premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the licensee shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.
9. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.
10. Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.
11. Natural Lighting: All living spaces within a housing unit or common space must have at least one source of natural light.
12. Wastewater: In accordance with Maine Subsurface Wastewater Disposal Rules, and local standards for density.
13. Water Supply: In compliance with Maine State Internal Plumbing Code.

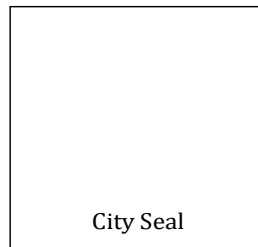
**CHAPTER 16
CITY OF PRESQUE ISLE**

**LAND USE AND DEVELOPMENT
CODE ORDINANCE**



Date of Passage: December 19, 1979
Re-Passed: January 6, 2014
Amended: July 7, 2014
Revised: December 7, 2015
Revised: August 1, 2016
Revised: September 8, 2018
Revised: May 1, 2019
Revised: October 2, 2019
Revised: January 8, 2020
Amended: February 2, 2022
Amended: April 5, 2023
Attest: _____

Kimberly A. Finnemore, City Clerk



City Seal

LAND USE AND DEVELOPMENT CODE

The following Code has been prepared for the purpose of codifying into a single document the various land use regulations and development review procedures ordinarily distributed among the zoning ordinance, subdivision regulations and street acceptance ordinance. This Code is prepared primarily to serve, once adopted, as a land use code. The text is divided into two articles. The first article consists of the basic content of the zoning ordinance; what uses can go where and related procedures for appeal and routine administration.

The second article deals with performance standards for those uses. It is based upon standards currently in use in the City, together with new one reflecting both recent legislation and the need to provide standards where beforehand none existed. This article also sets forth the criteria and procedures for reviewing development proposals of all types in the City.

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Article 1 Zoning Regulations

Section II

1. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Code and made nonconforming by the provisions of this Chapter, or any amendments thereto may be continued subject to the provisions of this section.
2. If any nonconforming use ceases for any reason for a period of one year or more, any subsequent use shall conform to the provisions of this Code.
3. Whenever a non-conforming use is changed to a permitted use, such use shall not thereafter revert to nonconforming status, notwithstanding any other provisions of this Article.
4. Whenever any changes in the exterior character or appearance of any non-conforming use is proposed, excepting normal maintenance, the Board of Appeals shall review all Applications and may, in its sole discretion, grant permission for such proposed changes.
5. Any residential outbuilding, including attached and detached garages, may be replaced provided:
 - a. the new structure has the same use,
 - b. the new structure is constructed no closer to the lot lines than the old structure it replaced,
 - c. the new structure is started within 60 days from date the old structure is removed.

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Section III

D. BUILDING PERMIT

No building or other structure shall be erected, moved, added to, altered, demolished, or site developed, nor shall a discontinued nonconforming use be renewed, without an appropriate permit therefore, issued by the Code Enforcement Officer in accordance with Section 105 et. Seq. of the International Building Code (IBC) as amended. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. If the building or part is not substantially completed within two years of the issuing of the permit, the permit shall lapse. It may be renewed without charge upon application.

Commented [GW1]: Spacing of withoutan

Section V

Dwelling Unit:

One or more rooms providing complete independent living for a single family and up to three individuals, including permanent provisions for living; eating; sleeping and sanitation.-

Dual Use Projects

A solar electric generation facility that allows for simultaneous agricultural activities on the same parcel

Duplex

A building that contains not more than two dwelling units each with independent cooking and bathroom facilities.

Family

A group of two or more persons related by birth, marriage/domestic partnership, or adoption who cohabitate together.

Co-location Projects

Solar electric generation facilities that are not modified for agricultural activities but either host planting with environmental benefits or are sited on a portion of farmland while retaining other farmland for agriculture uses.

Manufactured Housing:

A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this ordinance, two types of manufactured housing are included. Those two types are:

Type A:

Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

- This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.;

Type B:

Those units commonly called "modular homes", which the manufacturer certifies are constructed in

[BACK TO TABLE OF CONTENTS](#)

Commented [TSP2]: New Definition

Commented [GW3R2]: Originates from NFPA, IBC

Commented [GW4]: New Definition

Commented [TSP5]: New Definition

Commented [GW6R5]: NFPA has requirement for cooking & bathroom standard as part of proposed definition.

Commented [GW7]: New definition to clarify what is considered a Family

Commented [GW8]: New Definition

Commented [GW9]: Changed from a bullet point to Type A

Commented [GW10]: Changed from bullet point to Type B

compliance with Maine Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Multi-Unit Residential:

~~A residential structure containing three (3) or more residential dwelling units.~~

Residential Dwelling Unit:

~~A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.~~

Single Family Dwelling:

A building that consist solely of one dwelling unit with independent cooking and bathroom facilities.

Commented [GW11]: Delete term, same definition as Apartment (PG. 20)

Commented [TSP12]: Delete Definition will be replaced by Dwelling Unit

Commented [TSP13]: New Definition

Commented [GW14R13]: Adding definition which is missing in our ordinances.

Section VII Use Table (P. 42)

	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Home Occupation Type A	P	P	ZBAP	ZBAP	P	P		P	P	P	P	ZBAP	P
Home Occupation Type B	ZBA	ZBA	ZBA	ZBA	ZBA P	ZBA P		ZBA	ZBAP		ZBA		ZBAP
Dog-Kennel	P	P					P						
Manufactured Housing Type A	P	P		P					P				
Manufactured Housing Type B	P	P	P	P		P		P	P	P		P	
Mobile Homes Park				PZBA					ZBA				
Motel					P	P							P
Solar Electric Generation Facility	P	P	P		P	P	P						

Commented [GW15]: Changed Home Occupation Type A from ZBA to Permitted in SRZ, URZ & SWPA

Commented [GW16]: Changes Dog Kennel to Kennel to encompass animal shelters per state definition. Also permits Kennels in Industrial Zone

Commented [GW17]: Manufactured housing consisting

Commented [GW18]: Manufactured housing consisting

Commented [GW19]: Clarified Use of Mobile Home Park as a defined use to limit location

Commented [GW20]: Removed Use of Motel in the DRBZ

Commented [GW21]: Removes Permitted use in SRZ, BZ and SCZ for Solar Electric Facilities

Section VIII Standards Table

		Business & Commerce Zones						
		AHZ	AFFZ	RBZ ¹	BZ ¹	IZ	SCZ	DRBZ ^{1, 2}
Front Yard		40 ft	40 ft	30 ft	30 ft	50 ft	30 ft	none
Side & Rear		30 ft	30 ft	10 ft	30 ft	30 ft	30 ft	none
Side & Rear Setback if Abutting Residence Zone		NA	NA	15 ft	40 ft	50 ft	NA	NA
Lot Size		60,000 sq ft	1 Acre	none	none	none	1 Acre	none
Street Frontage		200 ft	200 ft	none	75 ft	none	100 ft	none
<u>Building/Lot</u> Coverage		15%	15%	none	none	none	15%	none
Building Height ³		35 ft	75 ft	75 ft	75 ft	none	35 ft	75 ft

Commented [GW22]: Amended Building Coverage to Refer to Lot Coverage as is standard for Land Use Planning.

		Residential & Environmental Zones					
		ROZ	RRZ	SRZ	URZ	SWPA ⁴	GDZ ⁵
Front Yard		30 ft	30 ft	30 ft	15 ft	40 ft	*
Side & Rear		10 ft	15 ft	10 ft	10 ft	30 ft	*
Lot Size		7,000 sq ft	1 Acre	10,000 sq ft	7,000 sq ft	1 Acre	*
Business Use Floor Space Limit		3,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	none
Min Lot Size per Additional Dwelling Unit		4,000 sq ft	NP	5,000 sq ft	4,000 sq ft	NP	NP
Street Frontage		50 ft	200 ft	75 ft	50 ft	200	*
<u>Building/Lot</u> Coverage		25%	25%	25%	25%	15%	*
Building Height		35 ft	35 ft	35 ft	35 ft	35 ft	*

Article 2 Review Standards

Section II

A. OFF-STREET PARKING STANDARDS

The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in spaces each 10 feet wide and 20 feet long for perpendicular, diagonal parking, and queuing lanes and 9 feet wide and 24 feet long for parallel parking, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes ~~or of~~ adequate size ~~and for the site~~ location.

Commented [GW23]: Made the sentence grammatically correct and understandable.

Section VII Sidewalk Standards (New Standard)

Commented [GW24]: New Section for the Planning Board to Consider for sidewalk layout for developments or City construction when funding is available.

1. Pedestrian Circulation: The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.

a. Sidewalks must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned for the vicinity of the project. Sidewalks may be located either in the street right-of-way or outside of the right-of-way in public areas. Sidewalks should 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.

b. 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.

c. If a sidewalk exists on property abutting the development, it shall be extended into the development. In urban situations, widening of the sidewalk onto private property to encourage window shopping and an improved streetscape is encouraged. Benches, sculpture, planters and other street furniture are encouraged.

2. SIDEWALK LAYOUT DESIGN The layout and design of new sidewalks in a Street Design Classification designated must conform to the following standards:

a. Definitions

i. **Frontage Zone:** is the area next to the Pedestrian Through Zone that is abutting or adjacent to the private property line

ii. **Furnishing Zone:** buffers pedestrians from the adjacent roadway and is where sidewalk infrastructure such as street trees, driveway approaches, signal poles, utility poles, streetlights, controller boxes, stormwater management, bicycle

parking, hydrants, signs, parking meters, driveway aprons, grates, and street furniture such as benches should be located

iii. Pedestrian Through Zone: is the area of the sidewalk corridor intended for pedestrian travel. The Pedestrian Through Zone should be entirely free of above-ground permanent and temporary objects in order to provide an obstruction-free, continuous corridor for people to travel.

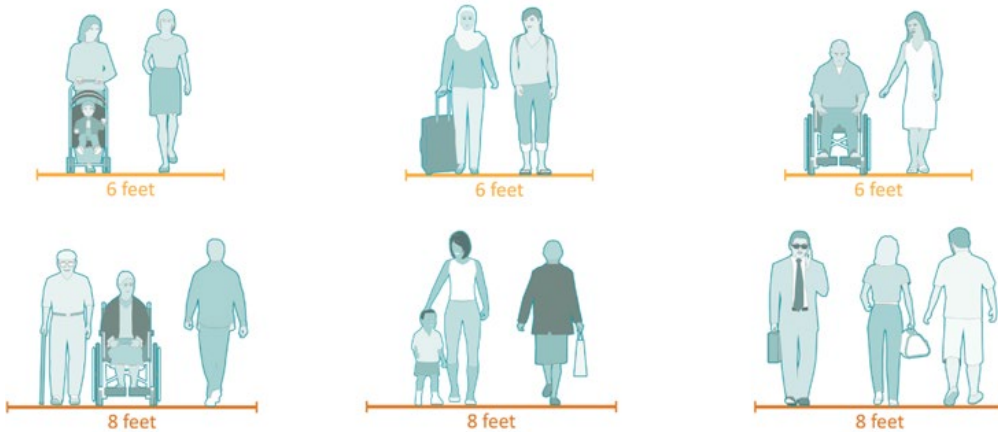
a-b. Minimal Widths for Sidewalk Layout on City Streets

i. Below are proposed layout widths for sidewalk layouts throughout the City's Zones to include six-inch curbing and street layout standards of Article 2, Section V.



Street Design Classification	Frontage Zone (Min. Distance)	Pedestrian Through Zone (Min. Distance)	Furnishing Zone (Min. Distance)	Total Minimal Width
Downtown Retail Business Zone	2.5'	8'	4'	14.5'
Residential Zone Streets	0.5'	5'	5'	10.5'
Business, Retail Business & Industrial Zone	1.5'	5'	6'	12.5'

Illustration of Comfortable Walking Widths



3. SNOW REMOVAL & MAINTENANCE

- a. All properties with new and existing sidewalks shall comply with Chapter 24 of the Sidewalk Snow Removal Ordinance for the City at property owner's expense.

4. WAIVER FROM STANDARDS

- a. A developer may request the Planning Board to waive the construction and installation of new sidewalks that meet the standards of this Section if:
 - i. The proposed development does not abut an existing sidewalk infrastructure or residential neighborhood
 - ii. The site of the proposed development does not exhibit signs of desire paths
- b. Should a waiver be granted by the Planning Board, the Developer will be required to place a note on the proposed plan and within the property's deed understanding that the City may in the future require the construction and installation of a sidewalk on the proposed property at the property owner's expense should pedestrian activity warrant installation.

Section XII Land Use Standards

J. Solar Electric Generation Facility

1. Setback -

- a. All structure must comply with the standards set forth in Article 1 Section VI. This shall include the racking, panels, pads and any buildings.

2. Siting & Buffering -

- a. All Solar Electric Generation Facilities shall comply with Article 2 Section X of Chapter 16 Land Use Code to include screened evergreen and coniferous tree plantings along the entire perimeter of site proposed for solar electric generation.

Commented [GW25]: New Standard proposed by staff to address Planning Board concerns with future solar projects in PI for commercial generation.

Commented [GW26]: Screening and Buffering Standards for the City

- b. The Planning board shall require the project to submit a soil analysis to determine the location with the least impact. Proposed projects shall be prohibited from constructing solar panels on soils classified as "Prime Farmland" or "Farmland of Statewide Importance" according to the USDA NRCS Soil Survey on the proposed parcel and the results from the on-site soil analysis.
- c. The project shall submit documentation for dual-use or co-location. This may include grazing, apiaries or handpicked crops. The project shall take in to consideration these activities as relates to panel height and row spacing.
- d. Projects shall not be sited in areas that have significant wildlife value or habitat.
- e. A survey of critical wildlife habitat shall be provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

3 Construction:

- a. All racking for the proposed project shall be restricted to pile driven, ground screw or ballast block footings when the proposed parcel is farmland.
- b. No pesticides or defoliant may be used on the site.
- c. Replanting of vegetation shall consist of native pollinator mixes suitable for USDA Hardiness Zone 4a

4 Signage:

- a. The solar facility shall provide a sign that identifies the operator and provides a twenty-four-hour emergency contact phone number. Solar facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility.

5 Decommissioning

- a. Projects that are over 3 acres and have a decommissioning plan approved by Maine Department of Environmental Protection are exempt from this provision.
- b. Provide for the decommissioning of a solar energy development. For any portion of the development located on land classified as farmland any time within 5 years preceding the start of construction of the development, the plan must provide for the restoration of that farmland upon decommissioning sufficient to support resumption of farming or agricultural activities;
- c. All components of solar energy developments must be physically removed to a depth of at least 24 inches, and any portion on farmland must be removed to a depth of 48 inches.
- d. The decommissioning plan must provide for restoration of farmland sufficient to support resumption of agricultural activities
- a.e. The financial assurance must be updated 15 years after approval of the plan and at least every 5 years thereafter.

Commented [GW27]: Select which section you would like to keep as a standard.

Commented [GW28]: PB: Does the PB want to require submission of decommissioning plan for 3 acres or more that have been submitted to the state?

Commented [GW29]: PB To have a discussion requiring Bonds or letters of financial assurance from a Maine Financial Institution.