ARTICLE 5
Performance Standards

§ 215-5.1. Town-wide standards.[1]

The following minimum standards of performance govern uses, activities and structures within the Town of Casco, including the Shoreland District, unless preempted by more restrictive standards in other provisions of this chapter.

§ 215-5.2. Accessory buildings.

A. A garage or other accessory building shall conform to setback requirements.

B. All accessory buildings shall be set back at least 100 feet, measured horizontally, from the normal high-water line of any pond or river as defined.

§ 215-5.3. Access to property. [Amended 3-9-1991 by Art. 147; 6-17-1995 by Art. 62]

A. Each property shall be provided with vehicular access to the property by abutting roads or streets. Private rights-of-way shall be protected by permanent easements.

B. No driveway or other graded access shall be constructed or reconstructed, or grade change made, without inspection of site and approval by the CEO and/or the Road Commissioner.

C. Driveways shall provide safe and suitable vehicular access to and from the property at all times.

D. All driveways shall be installed and maintained to the satisfaction of the CEO and/or Road Commissioner. The driveway shall be maintained in such a condition so as not to constitute a water or ice hazard upon a road, public or private, on which the driveway joins.

E. The minimum improved width for a private right-of-way shall be as follows: **[Added 6-15-2002 by Art. 74]**

(1) Twelve feet for a private right-of-way serving one or two dwellings.

(2) Sixteen feet for a private right-of-way serving between three and five dwellings.

(3) Twenty feet for a private right-of-way serving between six and 10 dwellings.

F. Any private right-of-way that may serve as the access to additional lots in the future shall have a minimum width of 50 feet. **[Added 6-15-2002 by Art. 74]**

§ 215-5.4. Agriculture.

A. All spreading or disposal of manure shall be accomplished in conformance with Maine Guidelines for Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July 1972 or subsequent revisions thereof.

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1. Editor's Note: Original § 5.1, Shoreland protection, which immediately preceded this section, was deleted as superseded by Art. 9, Shoreland Zoning, adopted 6-10-2009.

B. Agricultural practices shall be conducted in such manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

C. There shall be no tilling of soil within 100 feet, measured horizontally, of any lake, pond, stream or wetland.

D. Farm buildings, other than dwellings, shall not be erected within 50 feet of a neighboring property line or 100 feet of an existing dwelling on neighboring land, whichever is farthest.

E. Where soil in excess of 20,000 square feet lying either wholly or partially within a Limited Commercial/Residential District or a Limited Residential/Recreational District is tilled, such tillage shall be carried out in conformance with the provisions of a conservation plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the Cumberland County Soil and Water Conservation District. The number of the plan shall be filed with the Planning Board. Nonconformance with the provisions of such conservation plan shall be considered to be a violation of this chapter.

§ 215-5.5. Animal husbandry.

A. Animal husbandry shall be conducted only on lots 80,000 square feet or greater and conform to permitted uses of the applicable zoning district. **[Amended 3-9-1991 by Art. 148]**

B. Feed lots, fenced runs, pens and similar intensively used facilities for animal raising and care shall not be located within 100 feet of a neighboring property line, excluding pastures, or within 100 feet, measured horizontally, of any lake, pond, stream or wetland.

C. Nothing shall prohibit the keeping of household pets such as dogs and cats, unless their number or other factors qualify their keeping as a kennel.

§ 215-5.6. Back lots and back lot driveways. [Added 9-24-2014 by Art. 3]

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Reviewing Authority pursuant to the following provisions:

A. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if it determines that no alternative exists. The right-of-way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.

B. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.

C. Creation of back lot right-of-way.

(1) A back lot right-of-way shall be created either:

(a) Over a front lot that meets street frontage requirements along a street that is consistent with Town construction and design standards for a public or private street; or

(b) Over a portion of land belonging to the back lot which is a minimum of 50 feet

width of frontage and is contiguous with the back lot property, but the lot cannot create its own legal street frontage requirements along the original street that is consistent with Town construction and design standards for a public or private street.

(2) Lot dimensional size requirements shall be consistent with the Town of Casco Zoning Ordinance at the time of creation of the right-of-way. If Option A [Subsection C(1)(a)] is selected, that portion of the front lot within the right-of-way shall be considered part of the front lot for purposes of space and bulk regulations. The back lot right-of-way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this section, access to future buildings on the front lot shall be from the right-of-way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

(3) The back lot's frontage shall be measured from the back lot driveway right-of-way for front yard setbacks. In addition all back lot structures shall be more than 200 feet from the originating Town street or private way from which the back lot driveway is originating.

D. A back lot driveway shall originate from a street constructed in accordance with the Town of Casco design standards for streets[2] that meets the minimal requirements as a public or private minor street. The back lot driveway design shall include a turnaround layout that meets the design standards in this chapter or Chapter 210, Subdivision of Land, and that will accommodate safe emergency vehicle access to the lot. A back lot driveway shall meet the Town's minimum street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe sight distance.

E. If the front lot is already developed, the existing driveway shall be relocated to the back lot right-of-way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right-of-way or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.

F. A back lot driveway shall serve no more than two single-family residential back lots, and no more than access to three lots unless it is improved to meet the minimum standards for minor streets as located within Chapter 210, Subdivision of Land, and this chapter. In the event the creation of both back lots is not part of the same approved plan, prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Reviewing Authority and a plan for driveway maintenance as described in Subsection G.

G. If more than one residence or dwelling unit is to have access to the back lot driveway, the

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2. Editor's Note: See Ch. 210, Subdivision of Land, § 210-9.10.

application shall include a plan setting forth how the street/driveway and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners' association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation, such as proposed homeowners' association documents or proposed deed covenants, for Reviewing Authority review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

H. No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights-of-way onto the existing road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right-of-way width.

I. The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Article 4 of this chapter and the general requirements of Article 8 of Chapter 210, Subdivision of Land.

J. The minimum travel way width of a back lot driveway shall be 12 feet with two-foot shoulders. The maximum center-line vertical grade shall be 12%, and all must be constructed with a maximum grade of 3% for the first 50 feet from the existing/originating road surface. The center-line minimum vertical grade shall not be less than 0.5%. The roadway crown shall be 1/4 inch per one foot, except that the roadway crown shall be 1/2 inch per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75°.

K. All applications for a back lot driveway to be submitted for review by the Reviewing Authority shall include the following information:

(1) Names of applicants and owners of land for the location of the proposed back lot driveway.

(2) A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.

(3) The anticipated starting and completion dates.

(4) The plans shall be prepared by a registered land surveyor or engineer and shall include the following:

(a) Date, scale and magnetic or true North point.

(b) Locations of all existing and proposed overhead and underground utilities, including but not limited to water, sewer, electricity, telephone, fuel storage, lighting and cable television.

(c) The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Article 9, § 210-9.8,

Lots/monuments, of Chapter 210, Subdivision of Land, and the plan shall include lot bearings, distances and proposed monumentation.

(d) Plans shall include a plan view and typical cross section of the proposed back lot driveway, including a locus map with the locations of any streets or driveways located within 300 feet.

(e) Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainageways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer, or other qualified professional, in conformance with the requirements of Article 9, § 210-9.11, of Chapter 210, Subdivision of Land. If deemed appropriate by the Planning Board, an applicant may meet the requirements of the stormwater management plan by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.

(f) A phosphorous impact narrative with proposed treatment measures shall be included in the application package in conformance with the requirements of Article 9, Shoreland Zoning, of this chapter, for any back lot driveway entirely or partially located within 250 feet (horizontal distance) of the normal high-water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 130 feet (horizontal distance) of the normal high-water line of a stream, unless otherwise triggered by state or federal law.

(g) A soil erosion and sedimentation control plan in conformance with the requirements of Article 5, Performance Standards, § 215-5.11, of this chapter.

L. If the Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances a public hearing is advisable, it may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least 21 days prior to a scheduled Planning Board hearing. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by the back lot driveway and to be published in a newspaper of general circulation in the Town of Casco at least seven days prior to the hearing.

M. The Reviewing Authority shall review the application and determine whether it complies with the requirements of this section. The Reviewing Authority shall grant or deny approval on such terms and conditions as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Reviewing Authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Reviewing Authority shall sign the approved plan. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Reviewing Authority on good cause shown.

N. For front lots that are vacant on the effective date of this section, access to future buildings on the front lot shall be from the back lot driveway right-of-way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

§ 215-5.7. Buffer zones. [Amended 9-24-2014 by Art. 2]

A. No building shall be erected or any use permitted in nonresidential districts which abut residential districts unless the following side and rear yard requirements are satisfied:

(1) All side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a visual screen between districts at least 40 feet wide for properties within a Commercial District and 30 feet within the Village District.

(2) Where no natural buffering can be maintained, all such side and rear yards abutting residential districts shall be a thirty-foot minimum landscaped buffer to provide a visual screen between districts. Because of varying site conditions, landscaping for the purposes of this section may include tree plantings, hedges, fencing, walling and combinations thereof.

(3) Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the property.

(4) The buffer zone, either in natural state or landscaped, shall be located in the nonresidential district.

(5) All buffer zones shall be maintained in a tidy and sanitary condition by the owner.

B. The following performance standards shall apply to all commercial properties and uses requiring site plan review:

(1) For project sites with frontage on Routes 302, 11 and 121:

(a) Front landscaped buffers. Front landscaped buffers shall be 25 feet in depth starting at the front property line and extending along the entire road frontage of the lot, except in the area of the curb cut(s). The owner, the owner's agent or the tenant shall landscape and maintain the buffer, which shall consist of a base of bark mulch, stone or grass, with low shrubs, flowering plants or a combination of both, arranged in such a fashion so as not to obstruct the line of sight of drivers of motor vehicles using the highway and/or access roads.

(b) Side and rear buffers where commercial and residential uses abut. When a new commercial use is located on a lot that adjoins a lot that is presently used primarily for residential purposes, the owner or the owner's agent or tenant shall provide and maintain a fifteen-foot deep landscape buffer along the side and/or rear lot lines which abut the residential use or uses; this landscape buffer shall consist of natural features, plantings and/or fencing in order to provide an effective visual and physical screen between commercial and residential uses.

(c) Side and rear buffers for commercial uses. A fifteen-foot landscaped buffer consisting of a combination of landscape planting (trees, shrubs, and flowering shrubs/plants, with grass, bark mulch, or crushed stone) shall be well maintained by the commercial lot owner or the owner's representative.

(d) Buffers where the Commercial District abuts with any Village District or other contract zone district. A forty-foot natural or landscaped buffer strip of shrubs and trees that create a visual screen shall be well maintained by the commercial lot owner or the owner's representative.

(e) Buffering on interior or service roads.

[1] Side and rear buffering between lots with common access: a minimum of five feet on each lot abutting the service road.

[2] Required buffering shall consist of natural features, low planting and/or fencing and shall be maintained to provide an effective visual and physical break. (see site plan review).

(2) Waiver for front buffer or landscaped requirements. If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, the front yard buffer or landscaped area requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan that does not meet said requirements, provided the applicant requests a waiver in writing of the specific performance standards he cannot meet and clearly addresses the waiver criteria as follows:

(a) The need to alter the standard is due to existing physical property limitations due to geometric lot configurations, topography, and presence of dominant land or structural features, all in existence prior to September 24, 2014.

(b) The approval of the waiver request will not create a harmful condition, impose on the general welfare, or lessen the public safety by implementation of the proposed use and/or site improvements, to existing pedestrian and vehicular traffic movements.

(c) The approval of the waiver request will not in any way impair or harm the environment by means of drainage flow quantity or runoff water quality, nor have a direct impact on wetlands, streams, floodplains, vernal pools, sensitive water body, threatened or endangered wildlife resource or essential habitat.

(d) The approval of the waiver requested will not result in an adverse impact to immediate abutters, or the public, by creating obtrusive noise, lights, dust, odors, or vibrations, or by creating negative impacts to scenic views.

(e) The approval of the requested waiver is based on evidence of need provided by the applicant, and through documented evidence show that no feasible alternative is available to accomplish the applicant's design criteria, such as but not limited to parking requirements.

§ 215-5.8. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

A. Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:

(1) Each recreational vehicle, tent, or shelter site shall contain a minimum of 5,000 square feet, not including roads and driveways.

(2) In addition to the above, a minimum of 500 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. The campground shall also provide one parking space for each employee and one visitor's parking space for every four camping sites. These spaces shall be a minimum of 200 square feet plus maneuvering space.

(3) Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.

B. Campgrounds without water-carried sewage facilities shall contain a minimum of 20,000 square feet, not including roads and driveways, for each recreational vehicle, tent or shelter site. In addition, a minimum of 500 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.

C. Campgrounds shall not be run for business nor shall they be occupied during the year before May 1 or after November 1.

D. The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings shall be set back a minimum of 100 feet from the exterior lot lines of the camping area and 100 feet, horizontal distance, from the normal high-water elevation of any water body.

E. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 100 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six feet in height.

F. Tents and recreational vehicles may not have any permanent utility hookups, such as but not limited to electricity, water, sewer, telephone, or cable television, but campground ownership may provide said utility hookups, and any campground shall be required to provide water and adequate septic disposal. **[Added 1-18-2022by Art. 5]**

§ 215-5.9. Chimney regulations. [Added 6-20-1992 by Art. 64]

All solid-fuel-burning appliances require chimneys of fire-resistant masonry material except others where provided by law.

§ 215-5.10. Corner clearances.

For the purposes of traffic safety in all districts, no building, structure or visual obstruction may be erected and no vegetation may be maintained above a height of three feet above the plane through

the curb grades of intersecting streets within a triangle, two sides of which are the edges of the public ways for 20 feet measured from their point of intersection or, in the case of rounded street corners, the point of intersection of their tangents.

§ 215-5.11. Erosion and sedimentation control.

A. Filling, grading, lagooning, dredging, earthmoving activities, and other land use activities shall be conducted in such manner as to prevent, to the maximum extent possible, erosion and sedimentation of surface waters.

B. On slopes greater than 25%, there shall be no grading or filling within 75 feet, horizontally measured, of the normal high-water line of any pond, river, stream, brook or wetland except to protect the shoreline and prevent erosion. **[Amended 1-18-2022by Art. 5]**

C. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.

D. Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

E. The disturbed area and the duration of exposure shall be kept to a practical minimum and disturbed soils shall be stabilized as quickly as is practicable.

F. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

G. The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practical on the site.

H. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

I. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

J. It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed.

K. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

§ 215-5.12. Exterior lighting. [Added 6-10-2015 by Art. 28]

In connection with every site plan, exclusive of plans involving the development of a single-

family or a duplex dwelling, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specifications sheet and the intensity in footcandles. The following design standards shall be followed for all allowed land uses proposing exterior lighting:

A. The maximum height of freestanding lights shall be the same as the principal building but not exceeding 25 feet.

B. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150°.

C. Where lights along property lines will be visible to adjacent residents, the lights shall be appropriately shielded.

D. Spotlight-type fixtures attached to buildings shall be avoided.

E. Freestanding lights shall be so located and protected as to avoid being easily damaged by vehicles.

F. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.

G. Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards.

H. Public accessed areas such as stairways and sloping or rising paths, building entrances and exits require illumination.

I. Lighting shall be provided where buildings are set back or offset.

J. The following intensity in footcandles shall be provided:

(1) Parking lots: an average of 1.5 footcandles throughout.

(2) Intersections: three footcandles.

(3) Maximum at property lines: 1.0 footcandle.

K. In residential areas: average of 0.6 footcandle.

§ 215-5.13. Home occupations. [Amended 1-9-1993 by Art. 6]

A. The term "home occupation" is defined in Article 2 of this chapter. **[Amended 6-14-2017 by Art. 27]**

B. Home occupation standards.

(1) The occupation or profession shall be carried on wholly within the existing principal building or within a building or other structure accessory thereto, or on the property.

(2) No external alterations shall be permitted which would change the residential character of the structure, the property, or the neighborhood.

(3) Not more than two persons, in addition to the owner and family, shall be employed on

site at the home occupation. **[Amended 6-14-2017 by Art. 27]**

(4) There shall be no exterior display other than one sign, not exceeding four square feet in surface on either side, which may announce the name, address and profession or home occupation of the occupant of the premises on which said sign is located. Directional signs may be used at the discretion of the CEO.

(5) There shall be no artificial outdoor illumination of any kind for permitted home occupations on the property, including off-street parking areas, the house, or any accessory structures, other than the normal and customary outdoor lighting for single-family houses (such as a customary porch light or garage light or walkway light).

(6) There shall be no exterior storage of materials used in the home occupation.

(7) Noise, vibrations, smoke, fumes, dust, electrical disturbance, odors, heat, or glare generated by the home occupation shall not become a nuisance.

(8) The owner or operator of the home occupation shall promptly dispose of all waste generated by the home occupation, and such disposal shall comply with all applicable federal, state and local laws, statutes, rules, regulations, ordinances, codes and orders.

(9) No traffic shall be generated by such home occupation in substantially 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 vehicles of the employees and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. **[Amended 6-14-2017 by Art. 27]**

(11) No home occupation may utilize more than 25% of the gross floor area of the dwelling (excluding basement floor areas) or more than 600 square feet of gross floor area in an accessory structure. The only exception is bed-and-breakfast establishments of three guest rooms or fewer.

C. Permits and fees. The operation of any home occupation requires a home occupation permit to be obtained from the Code Enforcement Officer. A permit is required for each home occupation, for which a one-time fee may be assessed.

§ 215-5.14. Junkyards.

Before granting approval for a junkyard, the Planning Board shall find that the following conditions have been met:

A. The proposed junkyard is shown to have no detrimental effect on adjacent land uses.

B. The proposed junkyard site is not visible from a public road or street.

C. The proposed junkyard shall be entirely enclosed by a solid wall or fence with access only through solid gates, and such fence or wall shall be kept in good repair and neatly painted.

D. The contents of the proposed junkyard shall not be placed higher than the fence or wall herein

required.

E. The proposed junkyard is in conformance with this chapter and any other ordinances of the Town of Casco pertaining to the protection of the quality of surface water and groundwater.

§ 215-5.15. Light industrial use. [Added 3-9-1991 by Art. 149]

A. There shall be no exterior storage or assembly of materials or products, except the outdoor storage of lumber and temporary display of goods.

B. There shall be no activity that is defined as a high hazard by Section 305.0 of the BOCA Basic Building Code/1981.

C. Noise levels at the property boundary shall not exceed 65 dBA.

D. No vibrations, smoke, heat or glare, fumes, dust or odors shall be noticeable at the property line.

E. The proposed use shall not adversely affect the value of adjacent properties.

F. The proposed use shall not create unsafe traffic conditions or excessive traffic.

§ 215-5.16. Manufactured housing.

Standards for manufactured housing not in manufactured housing parks.

A. All bulk and space standards of the appropriate district shall be met.

B. The wheels and undercarriage shall be removed and the manufactured home shall be placed on a foundation.

C. The foundation shall, as a minimum standard, consist of either:

(1) A continuous perimeter concrete wall extending at least four feet below finished grade. The wall shall be a minimum of eight inches thick, reinforced, cast in place concrete. Steel reinforcement shall be provided for temperature and shrinkage stresses and suitable support shall be provided at the top of the formation to counteract external foundation forces; or

(2) A six-inch-thick reinforced concrete slab, the horizontal dimensions of which are the same or larger than the trailer. The concrete slab shall be placed on not less than a twelve-inch layer of well-graded compacted gravel on a stable subgrade. Suitable masonry piers shall be placed from the concrete slab to the trailer girders and hold-down wires or chain anchored into the slab shall be provided. A suitable attached skirt extending from the concrete slab to the trailer shall be provided.

D. In the absence of a full basement, suitable screening shall be provided to screen the oil tank.

§ 215-5.17. Manufactured housing parks.

A. Manufactured housing parks shall conform to all standards of the Manufactured Housing Park District.

B. Manufactured housing parks shall conform to all the standards of Chapter 200, Floodplain Management.

C. All manufactured homes in manufactured housing parks are required to rest on gravel pads of at least two feet depth and of adequate size to accommodate the entire trailer. All manufactured homes once situated on the gravel pad shall be skirted.

D. Manufactured housing park operators shall be responsible for providing to the Casco Selectboard before April 1 of each year a complete list of all manufactured homes in their respective parks and the owners' names and mailing addresses. Park operators must file a notice with the Town of Casco Tax Collector's office five days prior to a manufactured housing unit being removed from the manufactured housing park.

E. All grounds in manufactured housing parks shall be kept clean and free of litter. Lawns shall be provided and maintained.

§ 215-5.18. Mineral exploration; excavation, removal and filling of lands.

A. Mineral exploration. Exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration within the Shoreland District or which exceeds the above limitation.

B. Excavation, removal and filling of lands.

(1) The following activities are exempt from this section: **[Amended 6-12-2019by Art. 25]**

(a) Excavation, removal, storage, or filling (excluding mineral extraction or gravel pits) incidental to construction of a building, driveway, or parking area for which a permit has been issued.

(b) Excavation, removal, storage, or filling (excluding mineral extraction or gravel pits) incidental to permitted construction, alteration, or maintenance of a public or private way(s).

(c) The construction and maintenance of farm or fire ponds.

(d) Drilling of a well or excavation for a dug well.

(e) Commercial agricultural or farm processes associated with land spreading of inert or approved organic materials.

(2) No topsoil, rock, sand, gravel and similar earth materials in excess of 100 cubic yards during a calendar year may be removed from locations where permitted under the terms of this chapter, or used for filling of lands, until a special permit for such operations has been issued by the Code Enforcement Officer to the owner upon approval by the Planning Board in accordance with the provisions of this chapter, and provided that: **[Amended 6-12-2019by Art. 25]**

(a) Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it

shall be at a slope not steeper than 50%.

(b) The proposed operation meets the erosion and sedimentation control standards of § 215-5.11.

(c) The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.

(d) No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provisions have been made for reconstruction of the street at a different level.

(e) Sufficient topsoil or loam shall be retained to cover all areas, so that they may be seeded and restored to natural conditions.

(f) A surety bond, one payable to the Town of Casco and issued by a commercial surety company authorized to do business within the State of Maine, is posted by the owner with the Treasurer of Casco in an amount recommended by the Selectboard or its agent and approved by the Planning Board as sufficient to guarantee conformity with the provisions of the granting of approval.

(3) The plan review by the Planning Board shall take into consideration the following items. The Planning Board may impose such conditions as necessary to safeguard the health, safety and welfare of the community.

(a) Fencing, landscaped buffer strips and other public safety considerations.

(b) Advertising signs and lighting designed to prevent public nuisance conditions or undesirable aesthetic effects in the neighborhood.

(c) Parking space, loading and unloading areas.

(d) Entrances and exits.

(e) Routes for transporting material.

(f) Time period for operation.

(g) Hours of operation.

(h) Methods of operation.

(i) Weights and loading limit of trucks.

(j) Safeguards against sand and gravel spillage upon public streets.

(k) Complete rehabilitation proposals.

(l) Submission of a sedimentation and erosion control plan approved by a qualified agency or individual designated by the Planning Board.

(m) Submission of a stormwater management plan approved by a qualified agency or individual designated by the Planning Board.

(n) Limitations on the amount, type and location of the filling operation because of potential environmental degradation.

C. Additional shoreland zone standards. **[Added 1-18-2022by Art. 5]**

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Subsection C(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 50 feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A. § 1301 et seq. and the solid waste management rules, Chapters 400 through 419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

(b) The final graded slope shall be 2 1/2:1 slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(4) In keeping with the purposes of this chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

§ 215-5.18.1. Marijuana establishments. [Added 6-15-2022 by Art. 39]

A. Applicability; local limitation on number and size of marijuana establishments; prohibition on all others.

(1) Applicability. This section applies to any marijuana establishment located or proposed to be located wholly or partially within the geographic boundaries of the Town. Any application for a marijuana establishment, including any proposed amendments to a

previously authorized marijuana establishment, requires site plan review and approval by the Planning Board, consistent with § 215-7.2A(8) of the Code.

(2) Limitation on number of medical marijuana registered dispensaries and adult use marijuana stores. The following limits to the number of medical marijuana dispensaries and adult use marijuana stores shall apply. The following limits apply on a first-come-first-served basis. For purposes of this chapter, a medical marijuana registered dispensary and/or an adult use marijuana store shall be considered established and operating when a building permit has been issued by the Code Enforcement Officer. A medical marijuana registered dispensary or an adult use marijuana store that has failed, in the determination of the Code Enforcement Officer, to conduct or carry on business as permitted by this Chapter for a period of six consecutive months, shall be presumed abandoned. The operator of a medical marijuana registered dispensary and/or an adult use marijuana store shall be given notice of such presumption and unless the operator is able to rebut the presumption within a reasonable period of time, a new medical marijuana registered dispensary and/or a new adult-use marijuana store shall be allowed to apply for approvals necessary to begin operation, on a first-come-first-served basis.

(a) Medical marijuana registered dispensary: No more than one medical marijuana registered dispensary shall be issued a certificate of occupancy to operate within the Town at any one time.

(b) Adult use marijuana store: No more than two adult use marijuana stores shall be issued a certificate of occupancy to operate within the Town at any one time.

(3) Limitation on canopy size of adult use marijuana cultivation facilities.

(a) No adult use marijuana cultivation facility may be licensed as a "Tier 4 Cultivation Facility," by the State of Maine Office of Marijuana Policy, as is more particularly defined in 28-B M.R.S.A. § 301(4), as may be amended or recodified.

(b) No adult use marijuana cultivation facility operating within the Town may allow for the cultivation of more than 7,000 square feet of total plant canopy at any one time.

(4) Marijuana businesses not expressly allowed are prohibited. The Town of Casco has not "opted-in" or otherwise permitted the following types of marijuana businesses to operate within the Town, and the operation of the same is expressly prohibited:

(a) Adult-use marijuana "testing facility," as defined in 28-B M.R.S.A. § 102(54), as many be amended or recodified;

(b) Adult-use marijuana "products manufacturing facility," as defined in 28-B M.R.S.A. § 102(43), as may be amended or recodified;

(c) Medical "marijuana testing facility," as defined in 22 M.R.S.A. § 2422(5-C), as may be amended or recodified;

(d) Medical marijuana "manufacturing facility," as defined in 22 M.R.S.A. § 2422(4-R), as may be amended or recodified; or

(e) Medical marijuana "caregiver retail store," as defined in 22 M.R.S.A. § 2422(1-F), as may be amended or recodified.

B. Application submission requirements. An application for a building permit for a marijuana establishment must include the following:

(1) Documentation of any required state approvals connected with the marijuana establishment, including the licensing or registration of entities engaged in such operation.

(2) Proposed hours of operation for the marijuana establishment.

(3) Property and building security plans must be submitted to the Code Enforcement Officer at the time of filing a site plan application. If the site plan application is approved, the applicant must also submit amendments, if any, to such security plans to the Code Enforcement Officer and the Cumberland County Sheriff's Officer at the time such amendments are made.

(4) Written statements, maps, and other documentation addressing each of the additional review criteria set forth in Subsection C, below. At minimum, such documentation must include:

(a) A drawn-to-scale map of all lots within 1,000 feet of the lot lines of the site on which the marijuana establishment is proposed to be located. The map must identify the location of any of the sensitive uses identified in Subsection C(1), C(2), and C(3), below.

(b) Statements that the marijuana establishment will be operated from a permanent, indoor location; will not allow for the outdoor cultivation of marijuana; will not have drive-through or drive-up facilities of any type; and will not display marijuana, marijuana products, or marijuana paraphernalia so as to be visible from outside of the premises.

(c) Documentation evidencing compliance with the security and police services impacts criteria in Subsection C(6).

(d) A detailed odor and emissions control plan describing and documenting the equipment, practices, and technologies proposed to be used to control odors and emissions in accordance with Subsection C(8).

(e) An operations plan for proper disposal of marijuana, marijuana products, and related by-products in accordance with state law.

(f) For any proposed marijuana cultivation area, the proposed plant canopy size and the location of the marijuana cultivation area in relation to the remainder of the structure containing the marijuana establishment.

(g) Illustrations and graphics of all proposed signage and advertising associated with the marijuana establishment.

(h) Evidence of compliance with state and local labeling and packaging laws and rules

for marijuana and marijuana products.

(i) Plans for the storage of goods in a secure area and documentation evidencing that the goods will not be prepared, produced, or assembled so as to appeal to persons under 21 years of age.

C. Additional review criteria. In addition to the general review criteria in § 215-5.1 of this Code, a marijuana establishment must comply with the following review criteria:

(1) Setbacks from licensed day cares and schools. No marijuana establishment may be located within 1,000 feet of any pre-existing licensed day care or school, as defined in § 215-2.1.

(a) The distances established in this Subsection C(1) must be measured from the primary entrance of the marijuana establishment to the primary entrance of the licensed day care or school, as measured along street lines.

(b) A marijuana establishment may continue to operate in its present location as a pre-existing use if a licensed day care or school later locates within the 1,000-foot setback area, but the marijuana establishment does so at its own risk and Town-issued permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishments proximate to such a licensed day care or school.

(2) Setbacks from preexisting dwelling units. The primary building entrance of any marijuana establishment may not be sited fewer than 300 feet, from an existing dwelling unit. For purposes of this section, the primary entrance of a marijuana establishment refers to the physical entrance to the building through which customers enter, which shall face the road or street that provides the subject property with frontage. The measurements of setback from a primary building entrance shall be measured by drawing a 300-foot radius from the primary building entrance of the marijuana establishment. An entrance will not be permitted if the 300-foot radius intersects with any portion of a dwelling unit. **[Amended 6-5-2024by Art. 37]**

(3) Setbacks from other marijuana establishments. The primary entrance of a structure containing a marijuana establishment may not be located within 2,000 feet of the primary entrance of another marijuana establishment, as measured along street lines.

(4) A marijuana establishment must be operated from a permanent, indoor location; must remain in its approved location; and may not operate as a mobile establishment or operation.

(5) No drive-throughs. Marijuana establishments are prohibited from having drive-through or drive-up facilities of any type.

(6) Security; impact on local public safety services. The owner or operator of a marijuana establishment must:

(a) Install security surveillance cameras, recording and operating 24 hours a day, seven days a week, to monitor all entrances and the exterior of the premises to

discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. All video surveillance recordings must be retained for a minimum of 15 business days. Upon request, the security recordings must be made available to the Town of Casco or the Cumberland County Sheriff's Office.

(b) Provide the Code Enforcement Officer and Cumberland County Sheriff's Office with the name and functioning telephone number of a twenty-four-hour on-call staff person to whom notice of any operating problems associated with the marijuana establishment may be given, and must keep the name and contact information updated.

(c) Maintain and provide, upon request, all property and building security plans to the Code Enforcement Officer.

(d) Install door and window intrusion robbery and burglary alarm systems with audible and notification components that are professionally monitored and maintained in good working condition.

(e) Maintain a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all marijuana, including marijuana products, and cash stored overnight on the premises. A "functional equivalent" may include the provision of secure and restricted access to indoor spaces housing plant canopy, immature marijuana plants, or seedlings.

(7) Display. No marijuana, marijuana products, or marijuana paraphernalia may be displayed or kept so as to be visible from outside of the premises of the marijuana establishment.

(8) Control of odors, emissions, and trash.

(a) The odor of marijuana must not be perceptible at or beyond the property boundary lines of any property upon which a marijuana establishment is located.

(b) Adequate provision must be made to prevent smoke, debris, dust, fluids, and other noxious gases, fumes, and substances from exiting a marijuana establishment at all times. All such substances must be controlled and disposed of in a safe, sanitary, and secure manner.

(c) A marijuana establishment must have in place an operations plan for the disposal of marijuana, marijuana products, and related by-products in a safe, sanitary, and secure manner and in accordance with all applicable laws and regulations.

(d) Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers must be screened from public view. All trash receptacles on the premises of a marijuana establishment that are used to discard marijuana and marijuana products must have a metal cover or lid that is locked at all times, and the disposal of all marijuana waste must be in compliance with all applicable state laws and regulations.

(9) Marijuana cultivation areas. Outdoor cultivation of marijuana associated with any

marijuana establishment is prohibited.

(10) Signage and advertising. All signage and advertising associated with a marijuana establishment must comply with the requirements of state law, the applicable requirements of § 215-5.28 of this Code and the following additional standards:

(a) Use of advertising material that is misleading, deceptive, or false, or that is designed to appeal to a person under 21 years of age is prohibited.

(b) Exterior signs may not advertise marijuana strains by name.

(11) Labeling, packaging, and food products.

(a) All medical marijuana (including any medical marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by applicable state law and regulations.

(b) All adult use marijuana (including any adult use marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by applicable state laws and regulations.

(c) No food products may be sold, prepared, produced, or assembled by a marijuana establishment except in compliance with all operating and other requirements of state and local laws and regulations, including food establishment licensing requirements.

(d) Any goods containing marijuana for human consumption must be stored in a secure area.

(e) Any goods containing marijuana for human consumption must not be prepared, produced, or assembled so as to make the goods specifically appeal to persons under 21 years of age.

(12) Inspections.

(a) The CEO and Fire Chief must inspect every marijuana establishment prior to issuance of a certificate of occupancy by the CEO to verify that the marijuana establishment is constructed and can be operated in accordance with the application submitted, the site plan approval, the requirements of this Code, local and state building codes, electrical codes, fire codes, and any other applicable life safety codes. No marijuana or marijuana products associated with a marijuana establishment will be allowed on the premises until the inspection is complete and a certificate of occupancy has issued.

(b) The CEO and Fire Chief may additionally inspect a marijuana establishment as part of their ordinary duties and responsibilities.

§ 215-5.18.2. Medical marijuana caregivers. [Added 6-15-2022 by Art. 39]

A. The outdoor cultivation of marijuana by a medical marijuana caregiver is strictly prohibited.

§ 215-5.19. Net residential area. [Added 3-9-1991 by Art. 150; amended 6-12-2013 by Art. 28; 6-14-2017 by Art. 27; 1-18-2022by Art. 5]

Net residential area shall pertain to and only be applied to land being subdivided, land subject to planned residential development subdivisions as defined by § 215-5.24B(1), (2) and (3) of this chapter, and land within the shoreland zone. See the definition of "net residential area" in Article 2 of this chapter.

A. The following land areas shall be considered unsuitable for development and 100% of these areas shall be deducted from the gross land area:

(1) Land with sustained slopes of 25% or more.

(2) Land that is cut off from the main parcel by a road, by existing land uses or where no means of access have been provided, so that the land is isolated and unavailable for building purposes or common uses.

(3) Land situated below the normal high-water line of any water body or of any inland wetland.

(4) Land within the 100-year floodplain as identified by federal Flood Boundary and Floodway Maps or Federal Flood Insurance Rate Maps.

(5) Land where topsoil has been removed without a permit, or where topsoil removal has taken place without acceptable reclamation procedures.

(6) Land within a Resource Protection Subdistrict.

(7) Land which has been created by filling or draining a pond or wetland.

(8) Land which is part of a right-of-way or easement, excluding gas pipeline or transmission line rights-of-way and easements but including rights-of-way and easements required for improvements to projects.

(9) Land area consisting of unreclaimed gravel pits.

(10) Land that has been clear-cut as defined.

(11) Very poorly drained soils as measured from a high-intensity soils map (see Subsection E) prepared by a Maine certified soil scientist in accordance with the National Cooperative Soil Survey Classification. These soils include but are not limited to the following (previously used mesic soil names in parentheses):

Biddeford	Searsport (Scarboro)
Burnham	Sebago
Chocorua	Togus
Halsey	Vassalboro
Medomak (Saco)	Washburn

Ossipee	Washkish
Peacham (Whitman)	Whately
Rifle	

B. The following land areas shall be considered marginally suitable for development and 50% of these areas shall be deducted from the balance of Subsection A above:

(1) Poorly drained soils and somewhat poorly drained soils as measured from a high-intensity soils map (see Subsection E) prepared by a registered soil scientist in accordance with the National Cooperative Soil Survey Classification. These soils include but are not limited to the following (previously used mesic soil names in parentheses):

Atherton	Moosilauke (Walpole)
Aurelie	Naskeag
Brayton (Ridgebury)	Naumberg (Au Gres)
Cabot	Rounabout (Raynham)
Charles (Limerick)	Rumney
Colonel	Scantic
Easton	Swanton
Fredon	Swanville
Lamoine	Telos
Lyme (Leicester)	Westbury
Monarda	

C. Fifteen percent of the area remaining after subtracting Subsections A and B above from the gross land area shall be deducted as an allowance for roads and parking, whether or not the actual area devoted to roads is greater or less than 15%.

D. No building or structure shall be sited in areas treated as 100% deductions from the parcel's net residential area. Siting of structures in areas treated as 50% deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the siting of structures, and that proposed subsurface waste disposal systems will comply with the Maine State Plumbing Code.

E. In cases where the requirement of a high-intensity soils map is waived, deductions for unsuitable soils shall be determined in the following manner:

(1) One hundred percent of land areas with a water table within six inches of the surface for three or more months a year shall be deducted. In making this determination, the Planning Board shall consult medium-intensity soils maps, perform site visits, consult

experts and review other available information.

(2) If the applicant wishes to contest the Planning Board's determination of unsuitable soils on the site using the above method, the applicant may submit for the Board's consideration a high-intensity map prepared by a Maine certified soil scientist in accordance with the National Cooperative Soil Survey Classification.

§ 215-5.20. Nuclear facilities.

The following uses are prohibited within all districts of the Town: nuclear power generating facility, nuclear energy center, nuclear-powered facility, nuclear fuel enrichment, reprocessing, waste storage or disposal facility, use of recycled plutonium, and transport of nuclear fuels or wastes.

§ 215-5.21. Off-street loading.

A. In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely off public ways and entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

B. Off-street loading areas shall be logically and conveniently located for bulk pickups and deliveries and accessible to expected vehicles when required off-street parking spaces are filled. Off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

§ 215-5.22. Off-street parking.

A. In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement off-street automobile parking space within 300 feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements.

B. An area of 200 square feet, exclusive of maneuvering space, shall be considered as one off-street parking space.

C. No required parking space shall, for the purpose of this chapter, serve more than one use.

D. No off-street parking facility shall have more than two entrances and exits on the same street, and no entrance or exit shall exceed 30 feet in width.

E. Nonresidential parking areas with more than two parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion.

F. No parking lot shall be constructed closer than five feet to any property line unless a common parking area is planned between lots.

G. A system of surface drainage shall be provided in such a way that the water runoff shall not run across any public sidewalk or street.

H. Parking requirements shall be calculated utilizing one of the following formulas: **[Amended 6-14-2017 by Art. 27]**

Use	Parking Spaces Required (Minimum)
Lodging accommodations	1 for each lodging unit and 1 for each employee
Residential	2 per dwelling unit
Church	1 per 3 seats in principal assembly room
School	1 per 3 seats in principal assembly room or 2 per classroom, whichever is greater
Private club or lodge	1 per 4 members
Hospital and nursing home	1 per 3 beds and 1 for each employee based on the expected average employee occupancy
Retail, trade, commercial sales and service	1 for every 200 square feet of gross leasable floor area.
Business and professional buildings	1 for every 250 square feet of gross leasable floor area.
Eating, drinking, amusement and recreation establishment	1 for every 3 seats and 1 for each employee
Motor vehicle service station and motor vehicle repair garage	1 for each regular employee plus 1 for each 50 square feet of floor area used for service work
Funeral homes	1 for every 75 square feet of floor space in slumber rooms, parlors, and individual service rooms
Industrial, public utilities, warehouse and storage facilities, truck facility and construction services	1 for each employee based on the highest average employee occupancy on the largest shift plus 1 for each vehicle used in conduct of the enterprise

Adequate spaces shall be provided to accommodate customers, patrons and employees of all other uses not specifically listed above.

I. In specific cases where it is demonstrated that a particular building can be occupied or use carried with fewer parking spaces than required under this section, the Appeals Board may reduce the requirement for off-street parking upon finding that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the street. The granting of such reduction shall not be construed as the granting of a variance to relieve undue hardship.

§ 215-5.23. Open space.

A. Further subdivision of open space or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions recorded on the plan. Structures and buildings accessory to noncommercial recreation or conservation uses may be erected on open space.

B. Open space areas, except for the required buffer strips, shall be contiguous, where possible.

C. Common open space shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.

D. When reviewing the location and type of open space designated in the subdivision, the Planning Board shall consider the following criteria:

(1) Individual lots, buildings, streets, and parking areas shall be designed and situated:

(a) To minimize alterations of the site.

(b) To avoid the adverse effects of shadows, noise and traffic to the residents of the site.

(c) To relate to the surrounding properties and to preserve existing views.

(2) Open space shall include irreplaceable natural features located on the tract such as, but not limited to, streambeds, significant stands of trees, individual trees of significant size, and rock outcroppings.

E. Ownership and maintenance.

(1) Unless deeded to the Town of Casco and accepted by the Selectboard or deeded to the Loon Echo Land Trust or some other conservation trust or association, maintenance shall be the responsibility of all owners of lots and/or units.

(2) A homeowners' association shall be organized, one of whose purposes shall be the maintenance of common open space. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied.

(3) All relevant legal papers shall be submitted to the Planning Board for review and approval before the plan is approved.

(4) Until 51% or more of all lots and/or units have been sold, the subdivider/developer shall be responsible for maintenance of the common open space.

(5) Owners of multifamily rental developments are responsible for maintenance.

§ 215-5.24. Planned residential development.

A. Purpose. The purpose of these provisions is to encourage greater flexibility and more creative design for the development of single-family dwellings and multiplex dwellings than generally is possible under strict application of the space standards of this chapter. It is intended to encourage a pattern of residential development which will result in the following attributes: **[Amended 6-14-2017 by Art. 27]**

(1) Preservation of Casco's rural character by retention of open space.

(2) Preservation to the greatest extent possible 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) Recreation facilities that may be better located and used than would otherwise be provided under more conventional land development.

(6) Planned variety and coordination in the location of structures and building forms and relationships.

B. General requirements.

(1) Planned residential developments are permitted in Village and Residential Districts and, in the Limited Residential/Recreational Shoreland Subdistrict, shall conform and be subject to net residential density calculation.

(2) All single-family subdivisions of 20 lots or more shall be reviewed by the Planning Board as PRDs and be subject to the net residential calculation for PRDs.

(3) All multiplex developments of 10 dwelling units or more shall be reviewed by the Planning Board as PRDs and be subject to the net residential calculation for PRDs.

(4) In the Village District, subdividers/developers of parcels five acres or larger may choose to have their projects reviewed as PRDs.

(5) In all other districts in which they are allowed, subdividers/developers of parcels 10 acres or larger may choose to have their projects reviewed as PRDs.

(6) All PRDs shall meet the use standards of the districts in which they are located.

(7) All PRDs shall meet the requirements of Chapter 210, Subdivision of Land, and site plan review provisions of this chapter.

(8) Allowable densities for PRDs shall be based on net residential density and shall be calculated in the following manner:

(a) Determine the net residential area of the parcel (see definitions and § 215-5.19).

(b) Divide the net residential area by the minimum land area per dwelling unit size for the particular district to establish the maximum net residential density for the project.

(c) Except for projects qualifying for the affordable housing density bonus, in no case shall the density of a PRD or multiplex project exceed the density established by the minimum land area per dwelling unit for the district where the project is located.

C. Single-family PRD standards.

(1) Except in the Village District, lot sizes may be reduced below the minimum lot size normally required in the zoning district [see Subsection C(2) and (3) below] as long as the residual open space created by such reductions, plus the areas which are subtracted from gross area to calculate net residential area, are designated as open space.

(2) Except in the Village District, lot areas for individual lots may be reduced up to 25% below the minimum lot size required in the zoning district. In no case shall lot sizes for PRDs be less than 50,000 square feet.

(3) Except in the Village District, frontage for individual lots may be reduced up to 25% below the minimum frontage required in the zoning district. In no case, including instances when lots front a cul-de-sac, shall road frontages be less than 75 feet.

(4) Front, side and rear setbacks shall not be reduced below the minimum standards required in the zoning district.

(5) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.

(6) A setback of 100 feet on an arterial street is required and shall include a fifty-foot landscaped strip.

(7) No building or structure shall be sited in areas treated as 100% deductions from the parcel's net residential acreage. Siting of structures on areas treated as 50% deduction (poorly drained soils) is discouraged but is permitted where the applicant/developer demonstrates that no adverse impacts will result.

D. Multiplex PRD standards.

(1) Front, side and rear setback for the perimeter of multiplex PRD developments shall be double the minimum front, side and rear setbacks required in the zoning district.

(2) Distances between detached multiplex clusters shall be at least 50 feet.

(3) A setback of 100 feet on an arterial street is required and shall include a fifty-foot landscaped strip.

E. Planned residential development open space standards.

(1) The total area of open space within the development shall equal or exceed the sum of the areas by which the building lots in single-family subdivisions are reduced below the minimum net residential area per dwelling unit required in the zoning district.

(2) In no case shall a planned residential development reserve less than 15% of the gross area as open space. Street rights-of-way and impervious surface areas shall be excluded from the calculation of minimum dedicated open space.

(3) All open space with PRDs shall also comply with § 215-5.23, open space performance standards.

F. Location of buildings.

(1) Buildings shall be oriented with respect to scenic vistas, solar access, natural landscaped features, topography, and natural drainage areas in accordance with an overall plan for site development.

(2) 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.

G. Utilities.

(1) Water supply.

(a) All dwellings in the development shall be connected to a common water supply and distribution system or individual on-site water systems.

(b) The subdivider/developer must clearly demonstrate that adequate groundwater or treated surface water is available for all and that the water source is safe from both on-site and off-site contamination.

(2) Sewer.

(a) All structures with required plumbing in the development shall be connected to individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the Maine State Plumbing Code.

(b) If a central collection and treatment system is proposed for a single-family PRD, the applicant/developer must show that at least one site on each lot has soils suitable for on-site subsurface waste disposal in accordance with the minimum standards set forth in the Maine State Plumbing Code.

(c) If a central collection and treatment system is proposed for a multiplex PRD, the applicant/developer must show that a second site on the parcel has such size, location and soil characteristics as to accommodate a system similar to the one proposed for the primary site.

§ 215-5.25. Road construction.

A. Roads shall be located, constructed, and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

B. Additionally, all roads constructed shall conform to the following standards:

(1) Road crossings of watercourses shall be kept to the minimum number necessary;

(2) Bottoms of culverts shall be installed at streambed elevation;

(3) All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and

(4) Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen.

§ 215-5.26. Ruins. [Amended 3-9-1991 by Art. 151]

No owner or occupant of land in any district shall permit fire ruins or other ruins to be left. Within one year from the date of the disaster, the owner or occupant shall remove the ruins to clear ground level and fill the foundation where necessary. If the ruins are deemed to be a hazard to safety or health of the Town, the Code Enforcement Officer may direct the owner to remove them or remove them at the owner's expense.

§ 215-5.27. Sanitary provisions.

A. All subsurface sewage disposal systems shall be located in areas of suitable soil and comply with the minimum standards set forth in the State Plumbing Code.

B. All subsurface sewage disposal systems shall be located in areas of suitable soil at least 1,000 feet in size.

C. The minimum setback for subsurface sewage disposal facilities shall be no less than 100 horizontal feet from the normal high-water line of a water body. This requirement shall not be reduced by variance.

D. No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake or ponds, or on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells or on ground surface except in conformity with the State Plumbing Code and local ordinances.

E. A marina shall provide, for use by its customers, shower and toilet facilities and shall also provide an environmentally safe means of removing accumulated waste matter from boats which have self-contained sanitary waste disposal units.

F. No dwelling or structure shall be converted from seasonal to year-round use that is located within 250 feet of the high-water line of any lake, pond, river, stream or body of water more than one acre in size, including abutting wetlands, until the owner shall prove that the subsurface disposal system is located at least 100 feet from the high-water line of that water body and was legally installed after July 1974, or a performance bond equal to the estimated cost of the system shall be posted to insure that the new subsurface disposal system will be installed at least 100 feet from the high-water line, prior to completion or occupancy of the building. Any existing bedrooms or other rooms that could be used as bedrooms that may have been added or will be added must be calculated as bedrooms for septic system design. Any increase in the number of bedrooms or potential bedrooms above the original subsurface disposal system design shall mandate the installation of a new or expanded subsurface disposal system. **[Added 3-9-1991 by Art. 152]**

§ 215-5.28. Signs. [Amended 3-9-1991 by Art. 153; 6-20-1992 by Art. 65]

A. Sign regulations. See the following for more information pertaining to signs: **[Amended**

6-14-2017 by Art. 27]

(1) Land use standards in the shoreland zone: § 215-9.22, Signs.

(2) Table 1, Shoreland Use Table, No. 32, Signs.[3]

(3) Home occupations: § 215-5.13B(4).

(4) Mineral exploration; excavation, removal, and filling of lands: § 215-5.18B(3)(b), Advertising signs.

(5) Article 7, Site Plan Review, § 215-7.5A(7), Advertising features.

(6) State of Maine Department of Transportation (MDOT) Regulations 1: Chapter 200, Regulations for the Installation of Official Business Directional Signs (copy available at Town office).

B. Purpose. The purposes of this section are to reduce distractions and obstructions from signs that may adversely affect traffic safety, to alleviate hazards caused by signs projecting over or encroaching upon public ways, and to enhance the physical appearance of the community, especially as viewed from roadways.

C. Applicability. No outdoor sign visible from a public way shall be erected, altered or changed except in conformity with the provisions of this chapter.

D. Definitions. See the definitions under "sign" in Article 2 of this chapter. **[Amended 6-17-1995 by Art. 59; 6-14-2017 by Art. 27]**

E. Nonconformance.

(1) The use of any sign lawfully in existence at the time of adoption of this chapter may continue although the sign does not conform to the provisions of this chapter.

(2) Normal maintenance and repairs are permitted, but the sign shall not be altered, enlarged or rebuilt except in conformance with this chapter.

F. Signs prohibited in all districts.

(1) No outdoor sign shall be attached to any tree, fence or utility pole or be painted upon or otherwise directly affixed to any rock, ledge or other natural feature.

(2) No outdoor sign shall be erected at a location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic or may be confused with any authorized traffic sign, signal or device.

(3) No sign shall have visible moving parts or moving message.

(4) No sign shall have blinding, moving or glaring illumination or have blinking or flashing lights.

(5) No permanent sign shall include banners, pennants, ribbons, streamers or similar

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3. Editor's Note: Table 1 is included as an attachment to this chapter.

devices.

(6) No signs shall project over, or into, a public right-of-way.

(7) Billboards are prohibited in all districts.

(8) Roof signs are prohibited in all districts except for the Commercial District. **[Amended 6-17-1995 by Art. 60]**

(9) No freestanding sign shall be erected in a floodplain.

G. Signs allowed without permit.

(1) Temporary signs as defined herein.

(2) The following signs are permitted within all districts without a permit provided they do not exceed four square feet of sign area:

(a) Historic, preservation, and cultural markers as approved by a Town, state, or national organization, with review by CEO.

(b) No trespassing/hunting signs.

(c) Trail markers.

(d) Real estate signs advertising the sale, lease, or rent of the premises on which the sign is located must be removed within 10 days of said sale, lease, or rental. Such signs must be on property they advertise.

(e) Construction. Temporary signs relating to a development.

(f) Home sale signs advertising home, garage, barn, yard, or moving sales for no more than 10 days at one time or 20 days per calendar year.

(g) Nonprofit organization activities.

(h) Political signs.

(i) Directional signs indicating driveway ingress and egress, with no advertising material.

(j) Informational signs such as employee/visitor parking, hard hat area, safety, etc.

(k) Signs indicating open, closed and hours.

(l) No more than one directional real estate sign indicating only "Real Estate for Sale" may be placed at an intersection at any one time. That sign shall not set so it will obstruct the line of sight of vehicular traffic. The sign shall be no larger than three square feet. **[Added 6-21-1997 by Art. 72]**

H. Sign standards.

(1) New signs, including ground or freestanding sign, wall sign, projecting sign, portable sign, and temporary sign, must conform to all sign standards.

(2) All signs must be on the property of the advertised business except for business directional signs and seasonal signs as defined herein.

(3) All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling or similar deterioration. Any sign which is or becomes in disrepair shall be removed upon order of the Code Enforcement Officer (CEO) if not repaired after 30 days' notice. The area surrounding signs shall be kept clean and attractive.

(4) Any outdoor sign which advertises, identifies or pertains to any activity no longer in existence shall be removed by its owner or person otherwise responsible within 30 days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed.

(5) Seasonal signs are permitted when erected by growers of agricultural products advertising those products when products are offered for sale on premises where they are grown. Signs may advertise only those products that are available for immediate purchase. A grower may not erect more than four signs. A sign may not exceed eight square feet in size and must be located within five miles of the farm stand. Such signs may be erected on private property with the landowner's written consent.

(6) No sign shall have a height greater than 25 feet above the natural ground level of the land upon which it is located. Allowances will be at the discretion of the CEO depending upon variables or land contours.

(7) Wall signs shall occupy no more than 25% of the wall to which they are affixed or attached, or shall not exceed the maximum sign area permitted in that district, whichever is less.

(8) Projecting signs shall not extend above the second floor nor be lower than eight feet from ground level.

(9) In the Commercial District, no individual sign shall have more than 80 square feet of sign area.

(10) In the Village District, Resort Commercial Overlay District and Limited Commercial/ Residential Shoreland District, no individual sign shall contain more than 40 square feet of sign area.

(11) In no case shall the sign area for a single property exceed 160 square feet.

(12) Illumination (internal and external) of signs is permitted for commercial operations within the Commercial and Village Districts. All permanent illuminated signs shall be wired according to Maine State Electrical Code.

(13) Any sign erected after the date of adoption of this chapter shall be subject to any future change pertaining to illumination.

(14) No sign shall be closer than 20 feet to a side or back lot line.

(15) Signs may be placed up to the road right-of-way (ROW) but not closer than five feet to the pavement.

(16) The supporting structure of a freestanding sign shall not exceed two vertical and two horizontal supporting members. If any supporting members exceed eight inches in width, thickness, or diameter, that support shall be included in the total sign area. **[Added 6-18-1994 by Art. 67]**

(17) Roof signs shall be permitted only in the Commercial District. A roof sign shall occupy no more than 25% of the roof to which it is affixed or attached, or shall not exceed the maximum sign area permitted in that district, whichever is less. The sign shall be parallel to the plane of the roof and shall extend no more than four inches from the roof surface. **[Added 6-17-1995 by Art. 61]**

I. Proximity of signs (adapted from state regulations).

(1) Where permitted, sign structures adjacent to Routes 302, 11, 121, and 85 shall be spaced at least 300 feet apart outside the built-up areas of the Town.

(2) Where permitted, sign structures adjacent to Routes 302, 11, 121, and 85 shall be spaced at least 100 feet apart within the built-up areas of the Town.

(3) The distance measured between signs shall be based on the distance measured at the nearest edge of the pavement.

J. Permits, fees and enforcement.

(1) The erection of any sign, other than those noted in Subsection G above, requires a sign permit to be obtained from the Code Enforcement Officer. A permit is required for each new sign.

(2) Application for a permit is to be made on forms prescribed by the Selectboard.

(3) When applying for a sign permit, the applicant shall pay a sign permit fee prescribed by the Selectboard. No sign permit shall be issued until the fee has been paid.

(4) The enforcement and penalty provisions of this chapter shall apply to provisions governing signs.

§ 215-5.29. Soils.

All land uses shall be located on soils which are suitable for such proposed uses from the point of view of preventing adverse environmental impacts, including erosion, mass soil movement, and water pollution. In cases of proposed structural development or other similar intensive land uses, the determination of soil conditions shall be based on a soils report, identifying soil boundaries and names, prepared by a state certified soil scientist, geologist, licensed site evaluator or registered professional engineer based on an on-site investigation. Suitability considerations shall be based primarily on suitability as described by the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

§ 215-5.30. Steep slopes.

No dwellings shall be constructed on, or grading pursuant to such construction take place on, sustained slopes in excess of 25%.

§ 215-5.31. Stormwater quality and phosphorous control. [Added 6-10-2015 by Art. 29]

A. Applicability. This section shall apply to all development, construction, alteration or building on lots, where any portion of the lot is within 250 feet of a great pond, as measured from the normal high-water line, or 100 feet of a perennial stream, as identified on a United States Geological Survey map. Projects that must meet this standard include but are not limited to:

(1) All lots subject to site plan review, including any additions, modifications, or new commercial, retail, industrial, institutional and/or recreational structures and uses that have not received prior approval by the Planning Board that included a phosphorus export analysis or a stormwater plan that meets the applicable requirements of 06-096 CMR Chapter 500, Stormwater Management, as amended. **[Amended 6-14-2017 by Art. 27]**

(a) All such lots subject to Article 7, Site Plan Review, shall conform to the requirements of § 215-7.4, Submission requirements, Subsection A(3), and § 215-7.5, Criteria and standards, Subsection A(5), Surface water drainage, in addition to the provisions of this section.

(b) Except for minor developments and minor modifications, for which Planning Board approval is not required and the Reviewing Authority may approve, all projects subject to site plan review shall submit a phosphorus export analysis and calculations based on Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (latest edition), issued by the Maine Department of Environmental Protection (DEP). Minor developments and minor modifications subject to Reviewing Authority review only shall use the point system in Subsection B(1).

(2) New residential structures and uses that have not received prior approval by the Planning Board that included a phosphorus export analysis or a stormwater plan that meets the requirements of 06-096 CMR Chapter 500, Stormwater Management, as amended. **[Amended 6-14-2017 by Art. 27]**

(3) Expansions of existing single-family structures and duplexes, new accessory structures associated with single-family structures and duplexes, or extensions of more than 150 linear feet of existing driveways, any of which individually or cumulatively increase the impervious area on the lot by 1,500 square feet or more.

B. Application review. The applicant shall submit a site plan that demonstrates to the satisfaction of the applicable Reviewing Authority (either the Planning Board or the Code Enforcement Officer and Planner) that the project will comply with this standard. Such plans shall be completed by the applicant, or qualified designer, or design professional, with stormwater design and management expertise. The Reviewing Authority shall review the stormwater and phosphorus management plan and approve a permit based on one of the following methods. If the Reviewing Authority determines, because of particular circumstances of the property, that a third party review of the stormwater and phosphorous management control plans would help achieve the purposes of this section, the reviewing authority may require review and endorsement of such plans by a third party qualified in stormwater design and management, or a State of Maine professional engineer to conduct

such review, the cost of which shall be borne by the applicant.

(1) Point system.

(a) Point credits. The Reviewing Authority shall issue a stormwater and phosphorus management control permit if the applicant meets or exceeds 50 points based on the following point schedule. The applicant shall submit a sketch plan of the lot showing how each of the following point credits or deductions apply to the proposed development. The sketch plan shall show approximate locations and dimensions of each stormwater BMP, or other measure.

[1] Ten points for correcting an existing erosion problem on the project site, as approved by the CEO.

[2] Ten points for a building footprint less than 1,500 square feet.

[3] Ten points for a clearing limitation of less than 20% of the lot or 15,000 square feet, whichever is less, or 20 points for a clearing limitation of less than 15% of the lot or 10,000 square feet, whichever is less.

[4] Fifteen points for the installation of rock-lined drip edges or other soil filtration system to serve no less than 50% of the new impervious building area on the site. Test pit information certified by a licensed site evaluator or a professional engineer must show that three feet of separation exists between the seasonal high groundwater table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published in the Maine Department of Environmental Protection's Best Management Practices (BMPs); or **[Amended 6-14-2017 by Art. 27]**

[5] Twenty-five points for the installation of rock-lined drip edges or other soil filtration system to serve no less than 75% of the new impervious building area on the site. Test pit information certified by a licensed site evaluator or a professional engineer must show that three feet of separation exists between the seasonal high groundwater table and the bottom of any proposed infiltration structure. Soil filtration or infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published in the Maine Department of Environmental Protection's Best Management Practices (BMPs). **[Amended 6-14-2017 by Art. 27]**

[6] Twenty-five points for the installation of rain gardens, soil filtration system, or wet pond design to serve no less than 50% of the total new impervious area on the site. Rain gardens, filtration and wet ponds shall be sized to

accommodate one inch of runoff from contributing impervious areas within the six-inch ponding area and designed in accordance with the details following approved engineering practices and techniques as published in the Maine Department of Environmental Protection's Best Management Practices (BMPs); or **[Amended 6-14-2017 by Art. 27]**

[7] Forty points for the installation of rain gardens, soil filtration system, or wet pond design to serve no less than 75% of the new impervious area on the site. Rain gardens, filtration and wet ponds shall be sized to accommodate one inch of runoff from contributing impervious areas within the six-inch ponding area and designed in accordance with the details following approved engineering practices and techniques as published in the Maine Department of Environmental Protection's Best Management Practices (BMPs). **[Amended 6-14-2017 by Art. 27]**

[8] Thirty points for a fifty-foot wide (no greater than 15% slope) wooded buffer strip, or a seventy-five-foot wide vegetated buffer (no greater than 8% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

[9] Thirty-five points for a seventy-five-foot wide (no greater than 15% slope) wooded buffer strip, or a one-hundred-foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or **[Amended 6-14-2017 by Art. 27]**

[10] Forty points for a one-hundred-foot wide (no greater than 15% slope) wooded buffer strip, or a one-hundred-fifty-foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer. **[Amended 6-14-2017 by Art. 27]**

(b) Point deductions. The Reviewing Authority will deduct points based on the following point schedule:

[1] Five points deducted for a new structure footprint exceeding 2,000 square feet, and an additional five points deducted for each additional 500 square feet of structure footprint.

[2] Five points deducted for over 20,000 square feet of disturbance, and an additional five points deducted for each additional 5,000 square feet of disturbance.

(2) Alternate means of calculation. In those cases where the Reviewing Authority determines that use of the point system is inadequate to achieve the purposes of stormwater and phosphorous management control or is otherwise inappropriate because of particular circumstances of the property, the Reviewing Authority may assess conformance with this standard based on the following:

(a) Phosphorus export calculations based on Phosphorus Control in Lake Watersheds:

A Technical Guide to Evaluating New Development, issued by Maine DEP. Any such design must be certified by a licensed professional engineer.

(b) A stormwater management plan designed in accordance with 06-096 CMR Chapter 500, Stormwater Management (June 6, 2006, and as amended). Any such design must be certified by a licensed State of Maine professional engineer. **[Amended 6-14-2017 by Art. 27]**

(c) A licensed State of Maine professional engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineer's responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provide other certification into comparable treatment by professional testing results.

§ 215-5.32. Temporary activity.

A. Definition. An activity that is of a decidedly temporary nature or short duration which will, because of unusual circumstances, be unable to meet the minimum standards of this chapter may be allowed under the provisions of a special permit issued by the Code Enforcement Officer.

B. Conditions of issuance of permit.

(1) The proposed activity or use will not continue beyond a maximum time of one week;

(2) Upon expiration of the special permit, the activity must be immediately discontinued or brought into conformance with the minimum standards of this chapter or be in violation of this chapter;

(3) The proposed activity will not create, cause or increase any health, safety or public nuisance problems;

(4) The proposed activity will not cause immediate or future damage to future properties; and

(5) Reasonable provision is made to prevent or minimize health/environmental impacts of the proposed activity.

C. Exceptions. The following temporary activities are permitted without issuance of a permit:

(1) Activities associated with Casco Home Days.

(2) Garage sales that last seven days or less.

§ 215-5.33. Temporary structures.

Temporary structures used in conjunction with construction work shall be permitted during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six-month period and may be renewed by the Code Enforcement Officer.

§ 215-5.34. Water quality protection.

No activity shall 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, such that they will run off, seep, percolate, or wash into surface water or groundwater 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.

§ 215-5.35. Solar energy systems: ground-mounted, large-scale. [Added 1-30-2024by Art. 5]

A. Submission requirements. Applicants seeking site plan review for a large-scale ground-mounted solar energy system shall submit, in addition to all other application materials required by § 215-74, the following:

(1) A description of the owner of the solar energy system, the operator if different, and details of the qualifications and track record of one or both to run the facility;

(2) If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship between the owner, operator, and any other third party;

(3) A copy of the agreement and schematic details of the interconnection arrangement with the applicable transmission system, clearly indicating which party is responsible for the various requirements;

(4) A description of the components of the solar energy system to be installed, including make and model;

(5) A construction plan and timeline, identifying known contractors, site control, and anticipated on-line date;

(6) An operations and maintenance plan, including site control and projected operating life of the solar energy system. Such a plan shall include measures for maintaining safe access to the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna, as well as a commitment to not use pesticides and herbicides;

(7) An emergency management plan for anticipated hazards, which shall be reviewed and approved by the Fire Chief prior to the Planning Board's issuance of final site plan approval;

(8) A stormwater management plan, prepared and certified by a licensed Maine engineer, that demonstrates that stormwater from the solar energy system will not cause an unreasonable increase in stormwater runoff on to existing properties when compared to predevelopment conditions on the site;

(9) A predevelopment noise measurement for the site as performed by a qualified professional;

(10) Proof of financial capacity to construct and operate the proposed solar energy system;

(11) If the proposed solar energy system has a total area equal to or greater than three acres, a decommissioning plan, including:

(a) A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if 10% or less of the solar energy system's permitted capacity is generated for a continuous period of 12 months, or if the ground lease for the solar energy system has expired for a period of at least three months. The applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the solar energy system has not been abandoned and should not be decommissioned.

(b) A description of the work required to physically remove all components of the solar energy system, including associated foundations, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be revegetated.

(c) An estimate of the total cost of decommissioning, including an itemization of estimated major expenses and the projected costs of measures taken to minimize or prevent adverse effects on the environment during the implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, foundation and building removal, stabilization of soil, transmission corridor removal, and road infrastructure removal.

(d) Demonstration in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the Town, that upon the end of the useful life of the solar energy system the applicant will have the necessary financial assurance in place for 125% of the estimated total cost of decommissioning, subject to a review of such cost by the Code Enforcement Officer. The financial assurance shall include a provision granting the Town the ability to access the funds and property and perform the decommissioning if the facility is abandoned or the applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board.

(12) A landscaping plan for the entirety of the proposed development.

(13) An erosion control plan consistent with erosion and sedimentation control best management practices established by the Maine Department of Environmental Protection.

B. Performance standards. In addition to all other standards listed in § 215-7.5 of the Code, a site plan review application for a ground-mounted, large-scale solar energy system may only be approved by the Planning Board upon demonstrated compliance with the following standards:

(1) Dimensional standards. All solar-related equipment shall be set back at least 50 feet from all lot lines. The maximum height of the solar energy system, as measured from existing, predevelopment grade, shall be 15 feet. In no circumstances may any solar energy system exceed 30 acres in total area.

(2) Interconnection agreement. The applicant shall demonstrate that it has a legally enforceable interconnection agreement with a transmission and distribution utility. If necessary, the Planning Board may grant site plan approval subject to the condition of approval that an executed interconnection agreement is received by the Town by a date certain.

(3) Required signage. A sign consistent with the provisions of § 215-5.28 of this Code, as may be amended, shall be installed at every point of ingress and egress from the subject property and at least every 100 feet around the subject property's perimeter. Such signage shall identify the owner/operator of the solar energy facility and shall provide a twenty-four-hour emergency contact phone number. Said signs may not be used for advertising in any way.

(4) Fencing. All properties containing large-scale, ground-mounted solar energy systems shall be fully enclosed by a perimeter fence. Perimeter fences shall be of an agricultural style (not chain-link); shall be a minimum of seven feet in height; and shall maintain a continuous boundary with securely gated points of access for personnel, vehicles, and maintenance equipment. The bottom of such fences shall be lifted six inches above ground level to allow for wildlife passage.

(5) Landscaped buffer. A landscaped buffer may be required and shall be maintained around the entire perimeter of subject property. Existing vegetation on the subject property may be used to satisfy this requirement. The solar energy system shall, to the greatest practical extent, be screened from abutting properties and, to the greatest practical extent, shall not be viewable from Hackers Hill, or from any great pond or similarly regulated body of water.

(6) Glare. The solar energy system shall be situated, to the satisfaction of the CEO, so as to mitigate concentrated glare at the property boundaries of the site.

(7) Lighting. On-site lighting, to the extent proposed, shall be consistent with § 215-5.12 of this Code, as may be amended.

(8) Utility connections. All connections between the solar energy system and the electrical grid shall be underground, to the greatest practical extent, as determined by the Planning Board.

(9) Removal. When any portion of the solar energy system is removed, any earth disturbance must be graded and reseeded.

C. Decommissioning.

(1) Any ground-mounted solar energy system that has reached the end of its useful life, ceases to generate power, or has been abandoned, shall be removed in accordance with the provisions of this section. Decommissioning shall occur consistent with a

decommissioning plan submitted to and approved by the Planning Board as part of the initial approval process, if required by this article.

(2) All solar-related equipment shall be removed to the satisfaction of the Code Enforcement Officer within 180 days of operations ceasing. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of discontinued operations and plans for removal.

(3) Absent a notice of a proposed date of decommissioning, a ground-mounted solar energy system shall be considered abandoned when it fails to generate 10% or less of its permitted capacity for a continuous period of 12 months, without first having received the consent of the Code Enforcement Officer. In any event, the final determination of abandonment of a ground-mounted solar energy system shall be made by the Code Enforcement Officer.

(4) Decommissioning shall consist of:

(a) Physical removal of all solar-related equipment, 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 law and regulation; and

(c) Stabilization or revegetation of the site as necessary to minimize erosion.

(5) If a solar energy system is not fully decommissioned within 180 days of its abandonment or proposed date of decommissioning, the Town of Casco may use all or some of the performance guarantee and any and all legal means necessary to case an abandoned ground-mounted solar energy system to be completely removed.

§ 215-5.36. Solar energy systems: ground-mounted, small-scale. [Added 1-30-2024by Art. 5]

A. Performance standards.

(1) Area. The total area of a small-scale, ground-mounted solar energy system may not exceed 1,500 square feet or 10% of the subject property's total lot area, whichever is less.

(2) Dimensional standards. Small-scale ground-mounted solar energy systems must be sited, to the greatest practical extent, in a location out of view from neighboring properties and roadways. In no event may such solar energy systems be located less than 50 feet from any boundary line. The maximum height of such a solar energy system, as measured from existing grade, shall be 15 feet.

(3) Glare. The solar energy system shall be situated, to the satisfaction of the CEO, so as to mitigate concentrated glare at the boundaries of the subject property.

§ 215-5.37. Solar energy systems: roof-mounted. [Added 1-30-2024by Art. 5]

A. Submission requirements.

(1) A structural report from a qualified professional, demonstrating that the applicant's roof is structurally capable of supporting the collateral load of the solar energy system.

B. Performance standards.

(1) Glare. Siting of the roof-mounted solar energy system shall eliminate concentrated glare onto nearby structures and roadways.

(2) Safety. The roof-mounted solar energy system shall not present any unreasonable safety risks, as outlined in IRC Section 324, including but not limited to:

(a) Weight load;

(b) Wind resistance; and

(c) Ingress or egress in the event of a fire or other emergency.

(3) Height. Solar energy systems are subject to structure height limitations for principal structures within the applicable zoning district.