

Fayette Joint Land Use Committee
Meeting #13 · March 25, 2024 · Noon – 2:00 PM
Starling Hall or via [Zoom Link](#)

AGENDA

- Noon Welcome and Review of Agenda, Joe Longtin resignation (Mary Ann)
- 12:05 Meeting Records and Corrections (Mary Ann)
- Review & Approve March 12 Meeting Record
 - Note Correction on District Zoning for Map R-5, Lot 5B from Feb 12 Notes (Rural, not Village as accessed by private road)
 - Adjust proposed Comp Plan amendment to remove reference to Steep Slope Overlay District
- 12:10 Legal Update from Mary Denison (Jess)
- Mobile Home Parks – Net density possible
 - Junkyards – Cannot ban townwide (Plan B was Rural District only with standards)
 - Town Meeting Floor Warrant Article(s) Wording
- 12:15 Driveways and Roads Update
- Side and Rear Setback Waiver won't apply to Roads
 - Driveway Construction Standards – should there be any?
 - Public Easement Acceptance Process
- 12:20 Addressing Public Hearing Concerns
- Gravel pit operation noise
 - Lighting
- 12:25 Review of Proposed Performance Standards
- Standards for All Land Uses
 - Stormwater Standard
 - Development (proposed name instead of Site Plan) Review – OK?
 - Utility Scale Solar Visual Impact Standard, Districts, Soil Testing requirement
 - Dimensional Standards and Land Use Table Review (if time)
- 1:50 Other Business and Next Steps
- Continued Language Review
 - Legal Review
 - Meeting to complete review before April 30 posting (April 17 evening or April 18 morning?)
 - Comp Plan Amendment Review by State
 - Other?
- 2:00 Adjourn

Fayette Joint Land Use Committee
Meeting #12 – March 12, 2024 – Notes (Draft)
Decisions and commitments in Bold Italic

Members Attending: Lacy Badeau, Belinda Bothwick, Mary Ann Hayes, Joe Longtin, Joe Stevenson
Staff Attending: Jessica Leighton, Mark Robinson

Welcome and Review of Agenda

The meeting began at 6:00PM and ***it was agreed to proceed with the published agenda.***

Follow-Up from March 7 Meeting

Meeting Notes: ***The notes from March 7 were approved.***

Public Hearing Summary

Mary Ann noted that with only two concerns, the hearing went very well and suggested that we follow-up with the two people who had concerns by sharing our final proposed wording regarding glaring illumination and business noises such as gravel excavators to see if they felt their concerns were addressed. ***It was agreed that we were not setting a precedent to do 1:1 follow-up with concerns raised at every public hearing.***

Mapping Update

Jess shared a map of slopes of 20+% prepared by Rob that afternoon. ***It was agreed that the extent of steep slopes was sufficient to warrant putting on a reference map and making the regulations a performance standard rather than an overlay district.*** The group shared their appreciation for Rob finding time to do this right away to enable a prompt decision to be made. ***It was further agreed that the CEO should be provided with a planimeter to confirm field slope measurements.*** Jess shared that she had desktop tools to measure the 2 acre extent of the areas as proposed so ***no changes were made to the proposal for the Steep Slope Performance Standards.***

Next Public Hearing

Mark and Lacy informed the group that the Select Board could hold another public hearing on the proposed Land Use Ordinance as requested on April 30, once fully drafted. The Committee agreed to meet the following day, May 1 at noon, to make any final adjustments following the hearing. The full final ordinance will need to be ready to post no later than May 11, after which no changes may be made. The Select Board will likely have another public hearing on all items on the posted warrant, although no changes would be eligible at that time.

Accessways Section Draft Review

The draft ordinance was reviewed with posed questions addressed. Changes will be reflected on the next draft. ***It was decided:***

- 1. To title the section "Driveways and Roads" and remove the category of "entrance."***
- 2. Driveway permits will be required only on town-maintained roads, and not on "Public Easements, not maintained" or private roads.***
- 3. A building permit standard and condition for any land use activity on property accessed by a "Public Easement, not maintained" will be that the Public Easement may not be blocked, which is the only legal town concern.***
- 4. It was agreed that performance bonds will only be required for subdivision roads.***
- 5. Lanes will not automatically be required to have an engineered design. However, there will always be the option of requiring outside expertise at the applicant's expense if the Planning Board (perhaps as advised by town staff) deems the expertise is needed to make a decision that will meet ordinance standards.***

6. **Collector roads and roads to be offered to the town for acceptance will be required to have an engineer perform the as-built inspection, with an engineered requirement for local roads at the discretion of the Planning Board. Lanes will normally not require an engineered inspection, but the option will be left open.**
7. **Cul-de-sacs will be allowed on privately maintained roads.**
8. **Jess will confirm with Matt that he has no further changes to the road standards from his recommendations last fall, which mistakenly were not included in the draft being reviewed. The interface between the Planning Board Site Plan and Subdivision Approvals and subsequent permits issued by the CEO will be given more thought as administrative sections are completed.**
9. **A standard condition for a driveway permit approved for a use not requiring Site Plan or Subdivision Review will be that if there is a change of use, the driveway may need to be moved or upgraded.**

Signs

Contractor signs in ROW: Mary Ann reported that she had misspoken at the last meeting – towns ARE responsible for policing illegal signs on town roads. So Jess, Matt or others can pick up contractors' signs or any other commercial sign on town rights-of-way. Belinda raised the question regarding the illegal but common practice of placing directional real estate signs at intersections. **Jess will consult with MaineDOT on the best way to address this issue and perhaps seek guidance from the Select Board on whether to remove them.**

Multi-Event Sign Permit: **It was agreed to set aside the proposal for the multi-event sign permit since the Town was not going to take over all sign management at this time.** FOSH does an exemplary job, and is currently the only known user of multi-event signs.

Subdivision Recreation Access Standards

Given the cautions from Mary Denison and Committee feeling that the current standards were inappropriate, the committee agreed on the following:

1. **To maintain the requirement for providing shared access to the shoreline when applicable and feasible.**
2. **To reduce the requirements to the following: encouraging open space, maintaining access to existing trails, and encouraging new ones.**
3. **To generally require shared recreational space (indoor and/or outdoor) appropriate for the anticipated residents and scaled appropriately.**
4. **To delete the reference to contributing to a town account unless and until such an account is established and its funding rationale is determined.**
5. **To allow the option of proposing that land be protected by a conservation easement and offered to the town or third party, but not require it.**

Site Plan Review Section Draft

There was not sufficient time remaining for a thorough walk-through of the draft but the group did address questions Mary Ann had identified to guide further drafting. Mary Ann noted that she had worked from another Site Plan Review ordinance; another option is to work from the existing Subdivision Ordinance, especially with regard to the review process. **The group expressed no preference, but like the staged Sketch Plan, Preliminary Plan and Final Plan approach, with the ability to combine stages if a project is simple or if no waivers are being requested. We need to think further about defining Minor and Major developments with regard to the level of submittal requirements. Mary Ann and Jess will compare the two versions and select the best of each.**

Under Applicability, it was agreed to use a “non-vegetated” rather than an impervious surface standard for the 20,000 square foot threshold. This will prevent needing to have separate definitions for shoreland zones and the rest of town.

It was agreed to delete the draft standard regarding consistency with the Comprehensive Plan, with Mary Denison agreeing with the Committee that the ordinance provisions are binding.

It was agreed to delete the draft parking screening requirements, primarily due to a concern that screening might make illegal activities easier when businesses are closed.

Mary Ann noted the option of using more specific standards such as are presented in the draft, versus the general “no undue adverse impact” standard style in the current Subdivision Ordinance. ***The group unanimously prefers the specific standard approach.*** Mary Ann suggested that we minimize duplication in shared processes and standards by cross-referencing between the Site Plan Review and Subdivision Section, just distinguishing what is additional or different for Subdivisions. ***The group endorsed this approach.***

Wrap up and Next Steps

Mary Ann and Jess will keep working on drafts and will likely post proof-reading opportunities ahead of the March 25 noon meeting. Given all that is still left to do, it’s not out of the question that a meeting might need to be scheduled in April, but perhaps shared editing will be enough. Everyone acknowledged their faith in Belinda to be the chief proofreader.

Mary Ann noted that all the new sections were much easier to prepare than the remaining sections of the Land Use Ordinance as no delete/strikeout would be needed.

Adjournment

The meeting adjourned at 8:10 PM.

Development Review Noise Standard:

1. Noise Levels: Noise perceptible at the property boundary, exclusive of background noise, shall not exceed 55 dB(A) from 6am (8am on Sundays) to 8:30pm and 45 dB(A) from 8:30pm to 6am (8am on Sundays), where dB(A) refers to the decibel (20 times the logarithm to the base 10 of the ratio of the measured sound pressure to 20 micropascals) level recorded when using the A-weighting measurement of a sound level meter conforming to A.N.S.I. Type I or II standards. Noises related to livestock, emergency equipment, temporary maintenance, construction, and church bells are excluded from these limitations. **The Board may approve reasonable waivers for traditional natural resource-based industries utilizing best management practices, such as sawmills and mineral extraction.**

Article VIII – Land Use Standards

SECTION 1. APPLICABILITY

All land use activities shall conform to the following provisions if applicable.

SECTION 2. WELLS, INTERNAL PLUMBING AND SUBSURFACE WASTEWATER DISPOSAL

- A. No permit shall be issued for any structure or use involving construction or alteration of plumbing facilities unless a valid ~~Plumbing p~~Permit has been secured by the applicant in accordance with the Subsurface Wastewater Disposal Rules and the Internal Plumbing Rules.
- B. ~~In accordance with Article IV, Section 6(C), a~~ **A courtesy** notice to each abutter is required ~~with regard to any permit application~~ for the installation or relocation of any well ~~and or~~ private sewage disposal system ~~on land parcels less than one acre in size. Notice to abutters is also required for those land parcels of any size that adjoin a parcel of record that is less than one acre in size, where wells or sewage disposal system are proposed within 100 feet of the adjoining property lines.~~
- C. ~~All public beach and vehicular accessed boat ramps shall be served by an approved subsurface wastewater disposal system. Provisions shall be developed to provide for the maintenance of the system.~~
- D. ~~All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy five (75) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first time residential use in the Shoreland Zone, Wetland and Stream Districts and the Resource Protection District. (Title 22 M.R.S.A Article 42).~~

Commented [MH1]: We discussed wells but this also includes septic systems. ?

~~SECTION 3. PIERS, DOCKS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND~~

- ~~A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.~~
- ~~B. The location shall not interfere with existing developed or natural beach areas.~~
- ~~C. The facility shall be located so as to minimize adverse effects on fisheries.~~
- ~~D. No new structure shall be built on, over or abutting a pier, wharf, dock, or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.~~
- ~~E. Only one (1) dock and one (1) float/raft shall be permitted per shoreland lot or, if a lot has more than 200 feet frontage, only one (1) dock and one (1) float/raft per 200 feet.~~
- ~~F. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.~~
- ~~G. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any Protect District.~~
- ~~H. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.~~
- ~~I. All setbacks that apply to land structures shall apply to structures attached to the land that extend beyond the high water line (e.g. docks) and shall be constructed so as not to interfere with access to the property or right of way of abutting property.~~

SECTION 4. CAMPGROUNDS

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

- A. Campgrounds shall contain the following amount of land for each campsite not including roads and driveways:
 - 1. For areas within the Resource Protection, Wetland, Stream and Shoreland Districts the minimum land area per camp site shall be 5,000 square feet, and,
 - 2. For areas within the Rural and Rural Growth Districts the minimum land area per campsite shall be 2,500 square feet.
 - 3. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

~~B. The areas intended for placement of a recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of 100 feet from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA and 75 feet from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.~~

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SECTION 5. INDIVIDUAL PRIVATE CAMPSITES

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

~~A. One campsite per lot existing on the effective date of this Ordinance, or per the minimum lot size for the district in which it is located, whichever is less, may be permitted.~~

Commented [MH3]: Chp 1000 allows 30,000sf in SZ

~~B. (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.~~

Commented [MH4]: In Chp 1000 - townwide or just SZ?

~~A-C.~~

~~B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet from the normal high water line of a great pond classified GPA or river flowing to a great pond classified GPA and seventy five (75) feet from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.~~

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~~C-D. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.~~

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~~D. In the Shoreland District only one (1) recreational vehicle shall be allowed on a campsite.~~

~~E. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.~~

~~F-E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or landowner is required.~~

~~G-F. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.~~

SECTION 6. PARKING AREAS

~~A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other~~

~~reasonable alternative exists further from the shoreline or tributary stream.~~

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~~B-A.~~ Parking areas shall be adequately sized to handle the traffic generated by the proposed use; designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site; and, no required parking or loading areas shall be located on the road.

~~C.~~ In determining the appropriate size of proposed parking facilities, the following shall apply:

- ~~1.~~ Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
- ~~2.~~ Internal travel aisles: Approximately twenty (20) feet wide.

~~D-B.~~ Parking areas are not subject to the property line and road setback requirements under Article 7, Section 6, Table of Dimensional Requirements, provided all requirements of Article 7, Section 7- M are met and the parking area does not serve more than 2 lots.

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~~SECTION 7. ROADS, DRIVEWAYS, CULVERTS, AND ENTRANCES~~

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~~After obtaining an entrance permit from the Road Commissioner or the D.O.T. for access to a town or state road, the construction of roads, driveways, related drainage systems, culverts and other related features shall meet the following standards and shall further meet the Road and Traffic Standards as contained in the Town of Fayette Subdivision Ordinance, Section 8, subsection O.~~

~~A.~~ Roads and driveways shall be set-back at least one hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA, and seventy five (75) feet, horizontal distance from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists, as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

~~C.~~ Section 7 (A) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 7 (A) except for that portion of the road or driveway necessary for direct access to the structure.

- D. Existing public roads may be expanded within the legal road right of way regardless of its setback from a water body with Planning Board review and approval.
- E. New permanent roads are not permitted within the Shoreland, Stream Protection, Wetland and Resource Protection Districts except:
1. To provide access to structures or facilities within the district; or
 2. The applicant demonstrates that reasonable alternative route exists outside the district.
 3. When roads must be located within the district they shall be set back as far as practicable from the normal high water line and screened by existing vegetation.
- F. New roads and driveways are prohibited in the Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high water line of a water body, tributary stream, or upland edge of a wetland.
- G. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in this Ordinance.
- H. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- I. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- J. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80

11-15	80-60
16-20	60-45
21+	40

2. ~~Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.~~

3. ~~On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.~~

4. ~~Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.~~

K. ~~Ditches, culverts, bridges, drainage dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.~~

L. ~~The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. The pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.~~

M. ~~Roads and Driveways are not subject to the property line and road setback requirements under Article 7, Section 6, Table of Dimensional Requirements, provided the following requirements are met:~~

1. ~~The road or driveway serves no more than 2 lots.~~

2. ~~If a road or driveway must be located closer to the property line than 10', the permitting authority shall review and approve the location based on the following:~~

a. ~~The applicant cannot construct a driveway/road that would meet the setback requirements from both the resource being protected (i.e. pond, lake, stream, wetland, etc.) and the property line/road setbacks, and it is more important from the perspective of protecting the resource that the driveway/road must meet the setback from the resource rather than the setback from the property line/road; and/or~~

b. ~~The need to locate the driveway/road near the property line is due to topography and/or the amount of disturbance that would impact the surrounding area and water runoff issues; and/or~~

c. ~~The location of the driveway/road is a deeded access in existence prior to the adoption of this ordinance and/or~~

d. ~~If the driveway/road must be located closer than 5' to a property line, a notified letter from the abutter shall be given to the Code Enforcement Officer for the record and it shall be recorded at the Kennebec Registry of Deeds. This does not apply to~~

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SECTION 9. STORMWATER RUNOFF

- A. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Any increase in stormwater flow shall not create soil erosion, flooding, property damage, damage to natural resources or create safety hazards to downstream properties. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.
- C. The following stormwater standards shall apply to all development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of ~~impervious-non-vegetated~~ area.
 - 1. A stormwater control plan shall be developed to limit peak discharge from the site to pre-development levels through a system of swales, culverts, and best management practices equivalent to those described in the current edition of "Stormwater Management for Maine: Best Management Practices" published by the Maine Department of Environmental Protection, ~~2007~~.
 - 2. Peak Discharges shall be limited to the pre-development levels for the 2-year, 10-year and 25-year frequency 24-hour duration storm.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

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SECTION 10. PHOSPHORUS CONTROL

The following standards shall apply to all development located in the direct watershed of a great pond except for residential dwellings and agricultural uses. A phosphorus control plan shall be developed in accordance with the design criteria contained in the current edition of "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development," published by the Maine Department of Environmental Protection, ~~revised 2002~~.

SECTION 11. ESSENTIAL SERVICES

- A. Where feasible, the installation of essential services shall be limited to existing public ways and

existing service corridors.

~~B. The installation of essential services, other than roadside distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.~~

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C.B. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

SECTION 12. MINERAL EXPLORATION AND EXTRACTION

A. Mineral 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 of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

B. Mineral extraction may be permitted under the following conditions:

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 **paragraph 3** below.

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~~2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (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 seventy five (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 seventy five (75) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.~~

~~3.2.~~ 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 12 month period, ground levels and grades shall be established in accordance with the following:

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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.

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

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b.a. The final graded slope shall be two to one (2: 1) slope or flatter;

e-b. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be

re-seeded 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.

4.2. In keeping with the purposes of this Ordinance, 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.

SECTION 13. AGRICULTURE

- A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- ~~B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shore/and District must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.~~
- ~~C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading disposal or storage of manure within a Resource Protection, Stream Protection, Wetland or Shoreland Districts shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan will be considered to be a violation of this Ordinance.~~
- ~~D. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.~~
- ~~E. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the nonnal high water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.~~

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SECTION 14. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING

- ~~A. Within a Resource Protection District abutting a great pond, no cutting or removal of vegetation is permitted within the strip of land extending 100 feet horizontal distance, inland from the normal high water line, except to remove safety hazards. Elsewhere, in any Resource Protection~~

District the clearing of vegetation must be limited to that which is necessary for uses expressly authorized in that district.

B. Except in areas as described in Paragraph A, above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high waterline of a great pond classified GPA or a river flowing to a great pond classified GPA, and 100 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation must be preserved as follows:

1. There must be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 6 feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
2. Minimal cutting of trees within the buffer strip is permitted (e.g. safety hazards, dead trees) provided that a well distributed stand of trees is maintained. For the purposes of this section a "well distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA is defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system:

Diameter of tree at 4 1/2 feet above ground	Points
2 to 4 inches	1 point
more than 4 inches and up to 12 inches	2 points
more than 12 inches	4 points

Adjacent to other water bodies, tributary streams, and wetlands, a "well distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Note: As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is: $(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$ points. Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points $(21 - 12 = 9)$ may be removed from the plot provided that no cleared openings are created.

3. Within a strip of land extending 100 feet, horizontal distance, inland from the normal highwater line of a great pond classified GPA, a river flowing to a great pond classified GPA, and within 100 feet of any other waterbody or wetland, existing vegetation under three (3) feet in height and other ground cover may not be removed, except to provide for a footpath or other permitted uses as described in paragraph 2 above. In addition, within 100 feet, horizontal distance of the above noted waterbodies and wetlands, at least three (3) saplings less than two (2) inches in diameter at four and one-half (1/2) feet above ground level must be retained in each 25-foot by 25-foot rectangular area described in Article 8 Section 15 (8)(2) of the Ordinance. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.
4. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings,

~~these openings must be replanted with native tree species unless existing new tree growth is present.~~

~~6. The provisions contained in paragraph B (1), (2), (3), (4), and (5), above; do not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the area necessary. A vegetated buffer area is required to off set any loss of vegetation.~~

~~C. At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 100 feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, cutting of trees and removal of vegetation is permitted for approved uses such as residential construction, accessory structures, driveways, underground waste water systems, other approved structures and paths. Timber harvesting may be allowed as described in Section 14(A) and (B), above.~~

~~In no event can cleared openings for development in Protected Districts, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 20% of the lot area or 10,000 square feet, whichever is greater, including land previously developed. (See Dimensional Chart, Article VII, Section 6.)~~

~~D. Cleared opening(s) legally in existence on the effective date of this ordinance may be maintained, but shall not be enlarged, except as permitted by this ordinance. For the purposes of this section, maintained shall mean at least once every 18 months.~~

SECTION 15. EROSION AND SEDIMENTATION CONTROL

- A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions, and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
1. Mulching and re-vegetation of disturbed soil;
 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches;
 3. Permanent stabilization structures such as retaining walls or riprap.
- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within 9 months of the initial date of exposure. In addition:

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

~~E.A.~~ Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

Commented [18]: This seems inadequate these days

SECTION 16. SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

SECTION 17. WATER QUALITY

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses of the water classification of the water body.

SECTION 18. ARCHAEOLOGICAL, HISTORIC, WILDLIFE HABITAT, SCENIC AREAS AND RARE AREAS AND RARE AND NATURAL AREAS

If any archeological, historic, wildlife habitat scenic area or rare and natural areas are located in the proposed developed area, a protection plan shall be developed in accordance with the following:

- A. If any portion of the developed area is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, Fayette Comprehensive Plan or listed on the

National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

B. If any portion of the developed area is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas Program or the Fayette Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

C. If any portion of the developed area is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified biologist and develop measures to protect these areas from environmental damage and habitat loss. Wildlife areas include the following:

1. Habitat for endangered species appearing on the official state or federal list of endangered or threatened species.
2. Moderate or high value Significant waterfowl and wading bird habitats, including nesting and feeding areas, as defined by the Maine Department of Inland Fisheries and Wildlife.
3. High and moderate deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.
3. Vernal pools.
4. Other known wildlife habitat of local significance brought to the attention of the applicant or permitting officials.

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SECTION 19. AQUIFERS

Any ~~development land use~~ proposed within a Sand and Gravel Aquifer or significant bedrock aquifers ~~as identified in the Fayette Comprehensive Plan by the Maine Geological Survey~~ shall be designed and constructed so as not to cause any pollution or contamination of the aquifer. A ground water protection plan developed by a certified hydrologist shall be required for the following development proposals: industrial use; manufacturing facility, auto junkyard; auto repair, chemical storage or processing facility; oil or fuel storage facility; truck repair; and, any structure with oil, fuel or chemical storage that exceeds a total of 1,000 gallons for the entire site.

SECTION 20. HOME OCCUPATION

A. Home occupations are business or commercial activities that are conducted in a dwelling by one or more family members residing in the home. The specific occupation must be compatible with the residential character of both the building and the neighborhood. The home occupation use is designed for low impact business activities that can co-exist with residential neighborhoods without causing noise, odors, excessive traffic or detract from the comfort and expectations of homeowners.

B. The use of a dwelling shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses. The home occupation shall be carried on wholly within the principal building or within a building or other structure accessory to it. The outside storage and processing of materials or products shall be prohibited.

- C. All necessary parking shall be provided off the street. The traffic generated by the home occupation shall not create greater traffic than normal for the area in which it is located.

SECTION 21. ~~COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL~~ **STANDARDS** ~~LIGHTING~~

~~A. The following standards shall apply to all land uses defined as commercial, industrial, government, institutional, commercial resource, auto repair and service and campgrounds that contain more than 5 campsites, as listed in the Land Use Table.~~

~~1. Adequate provisions shall be made for the storage and disposal of all solid waste. All solid waste storage areas shall be shielded from public view.~~

~~2. All manufacturing and processing shall be conducted within an enclosed area of a structure. When outside processing or other activities are unavoidable or necessary due to the nature of the operation, it shall be concealed from public view by a natural or constructed screen. The screen shall be a minimum height of 8 feet and shall be adequate to block the outside activity completely from public view. The screen may consist of a fence, vegetative buffer, berm, or combination thereof. The screen shall be designed to block outside activity from view throughout the year.~~

~~3-1. **Public view** shall mean the view from the property line from the abutting property and from any point across the road parallel to the frontage of the site.~~

~~2. All lighting fixtures shall be full cutoff so that lighting elements are not exposed to normal view by motorists, pedestrians or from adjacent structures. Existing fixtures that do not meet this standard may be retained until they need replacing unless a verified complaint from a person impacted by the light is received. The Code Enforcement Officer will work with impacted parties to identify a course of resolution.~~

~~3. Illumination shall not exceed 1/2 foot-candles at the property line extend beyond the property line unless the impacted abutter is in agreement.~~

~~4. Glaring illumination that causes traveling distraction, disturbs normal vision or interferes with visibility of the dark night sky is prohibited.~~

~~5. No lighting fixture, except streetlights, shall extend beyond a height of 25 feet as measured from the roadway.~~

~~5-6.~~

~~B. ROAD ACCESS STANDARDS~~

~~1. The road access shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distance shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of the shoulder, with the height of the eye 3 1/2 feet to the top of an object above the pavement. Minimum sight distance of 10 feet for each mile per hour of posted speed limit shall be provided.~~

~~2. A maximum of two access points may be provided for each development. These accesses shall be either one-way or two-way operations and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.~~

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- ~~3. The road access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3% or less for at least 75 feet.~~
- ~~4. The Planning Board may require a traffic study to be performed if the proposed use would generate more than 100 vehicle trips per day.~~

C.B. LANDSCAPING AND BUFFER STANDARDS

1. An existing or proposed vegetative, tree and shrub buffer shall be maintained along property lines of the development. The buffer area shall at a minimum consist of a strip of land no less than 15 feet in width.
2. Each proposed development shall develop a road landscape plan for a strip of land measuring 15 feet in width along the road frontage of the lot. Existing or proposed vegetation including trees and shrubs shall be incorporated into the plan. Parking areas shall not be allowed in this area except for necessary access points.

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Alternative Buffer Language Options:

Draft Development Review

Buffer: Developments and commercial activities located within 100 feet of existing residential uses shall be required to plant a vegetative buffer that will effectively shield 80% of the activity from residential view on a year-round basis within 5 years of establishment, unless the Board, based upon input from abutting property owners, finds this to be unnecessary to preserve compatibility. The Board may also require sufficient landscaping to protect the traveling public from distraction.

Subdivisions: R. Rural Design and Landscape Standards for Public Scenery

1. Each subdivision proposal shall include a landscape or scenic preservation plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:
 - a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
 - b. Road and lot layout shall be adapted to the existing topography.
 - c. Existing trails shall be preserved.
 - d. Existing vegetation along front, side and rear lot property lines shall be preserved.
 - e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development.
 - f. Trees located along the roads shall be preserved to the greatest extent possible in order to maintain a rural landscape corridor.

g. Existing vegetation along all streams, ponds, wetlands shall be preserved.

h. Prime farmland soils as identified in the comprehensive plan shall be preserved to the greatest extent possible.

SECTION 22. BUILDING-LIFE SAFETY STANDARDS

No residential structure may be occupied without a Certificate of Occupancy obtained from the Code Enforcement Officer. This does not apply to existing structures. However, residential structures that have been rendered non-habitable as a result of partial destruction by natural or other causes, and partially re-constructed, may require Code Enforcement Officer review and permit.

Commented [27]: What is basis for issuing? Should this be moved to admin section?

~~SECTION 23. MULTI-FAMILY DWELLINGS~~

~~Multifamily dwellings shall meet the following requirements:~~

~~A. The minimum lot size required for a multi-family dwelling in a Shoreland and Stream Protection Districts shall be the product of the number of dwelling units times the minimum lot size required for single family dwellings.~~

~~B. In all other Districts it shall be the product of the number of dwelling units times the minimum lot size, plus one minimum base lot.~~

~~C. Any multi-family dwellings that existed prior to the adoption of this Ordinance that do not meet these requirements shall be allowed to continue but will not be allowed any expansion of size or use.~~

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SECTION 24. MOBILE HOMES AND MOBILE HOME PARKS

A. The installation of all mobile homes must follow the State of Maine Manufactured Home Installation Standard, Chapter 900. A copy shall be kept on file at the Town Office.

B. All mobile home parks are subject to the Town of Fayette Subdivision Ordinance and must meet the requirements of Title 30A MRSa Section 4358 as may be amended.

SECTION 25. COMMON SHORELAND ACCESS

The use of any property for common shoreland access shall require a minimum shoreline frontage of 300 feet and an additional 25 feet for each dwelling site beyond the third using the common shoreland access. Any recreational facilities associated with the common access, such as beaches, docks, picnic

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areas, etc. shall be a minimum of seventy-five (75) feet from the side lot lines.

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SECTION 26. AUTOMOBILE GRAVEYARDS AND JUNKYARDS

A. All automobile graveyards, automobile recycling business and junkyards must be licensed in accordance with Title 30-A MRSAs Sections 3751 through 3760.

B. There is no grandfathering clause, so-called, permitting uses in existence before the enactment of this Ordinance.

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C. Any new automobile graveyard, automobile recycling business and junkyard must obtain a permit from the Select Board. A permit from the Select Board will be issued in accordance with Title 30-A MRSAs, Sections 3751 through 3760.

D. Design Standards: All applications reviewed by the Select Board after the effective date of this Ordinance shall meet the following requirements:

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- 1. The area used for the facility shall be set back a minimum of 75 feet from all property lines.
- 2. A buffer consisting of vegetation, fences, or berms or any combination thereof shall be installed along all property lines and shall be capable of providing a year-round screen to a height of 8 feet. The landscaping and buffer requirements contained in Article 8, Sections 20 and 22 shall also be followed.

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Section 7. Steep Slope Protection.

In order to prevent erosion, protect water quality, and balance the needs and rights of landowners to develop property with maintaining the town's rural character and natural viewsheds, the following standards apply to clearing on sustained slopes (2 acres+ in extent) with grades of 20% or greater within the town. Clearing for agricultural use and as a result of timber harvesting with no associated land use activity are exempt. The Code Enforcement Officer will identify areas subject to this provision upon request.

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1. Building Placement and Design Standards.

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- a. Any proposed development or related activities within the steep slope district must be designed to ensure buildings, structures, and other improvements will not otherwise alter the ridge profile significantly when viewed from existing roadways, major water bodies, permanent trails, or public property. Essential services, including permitted communication towers, will be designed to minimize their interruption of the ridge profile.
- b. The design of proposed development or related activities shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, major water bodies, permanent trails, or public property.

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2. Vegetative Clearing Standards.

The proposal must include a vegetation management plan that establishes and provides for long-term

maintenance of cleared areas that will both prevent erosion and minimize potential impacts to views from existing roadways, major water bodies, permanent trails, and public property. The vegetation management plan must ensure:

- a. There will be a sufficient area of clearing allowed around buildings to maintain the minimum extent needed for defensible space for fire safety, generally 30 feet in width;
- a-b. There will be sufficient vegetation maintained on steep slopes to protect long-term slope stability;
- b-c. Existing forest cover will be maintained to interrupt the view of the façade of buildings, provide a forested backdrop to buildings, and reduce or eliminate the visual impact of new development;
- e-d. Clearing for views will be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades.
- e. The Town of Fayette may require up to a 5 (five) year maintenance plan to ensure vegetation standards/retention/vegetation viability of this ordinance are met

Section 7. Short-Term Rentals

Up to one dwelling unit on a lot may be rented at a time as a short-term rental without being approved as Commercial Lodging under Development Review. Accessory dwelling units are intended to provide long-term housing and may not be offered as short-term rentals.

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Utility Scale Solar Visual Assessment

Submission Requirement:

P. A Visual Impact Assessment: An analysis to determine potential visual effect of the USSF must be undertaken. In all visual impact assessments, scenic resources within the viewshed of the proposed activity must be identified and the existing surrounding landscape must be described. The assessment must be completed following standard professional practices to illustrate the proposed change to the visual environment and the effectiveness of any proposed mitigation measures. A visual impact assessment must also include narratives to describe the significance of any potential impacts, the level of use and viewer expectations, measures taken to avoid and minimize visual impacts, and steps that have been incorporated into the activity design that may mitigate any potential adverse visual impacts to scenic resources.

The Visual Impact Assessment must include the following elements:

1. A visual and cartographic analysis (Viewshed Analysis): A geographical representation of all the areas of where the USSF, from its highest points is visible from the surrounding (impact) area shall be presented. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed activity given the specific location. Areas of the impact area from which the activity will be visible, including representative and worst-case viewpoints, must be identified. Line-of-sight profiles constitute the simplest acceptable method of illustrating the potential visual impact of the proposed activity from viewpoints within the context of its viewshed. A line-of-sight profile represents the path, real or imagined, that the eye follows from a specific point to another point when viewing the landscape.
2. Site inventory and photographic review. This shall provide a comprehensive and objective means by which to analyze and assess the potential visual and aesthetic impacts that may result from the USSF and its associated elements.
3. Visual Simulations - Visual simulations will be provided to show a photo-realistic perspective view of proposed USSF elements in the landscape, thereby allowing abutters to clearly visualize how a project will really look from their primary residential structure. The visual impact assessment must be prepared by a design professional trained in visual assessment procedures, or as otherwise directed by the Planning Board.

Approval Standard

I. Visual Impact: Any USSF shall not have any detrimental effect on the scenic resources of the town or degrade the scenic value from properties in the area. In order determine the visual impact of any USSF, the Planning Board will, using the information provided in the Visual Impact Assessment study (See above), consider the following:

1. The significance of the potentially affected scenic resources.
2. The existing character of the surrounding area.
3. The expectations of the typical viewer.
4. The project purpose and the context of the proposed activity.
5. The extent, nature and duration of the potential effect of the USSF's presence on the public's continued use and enjoyment of the town's scenic resources.