Commercial Site Plan Review Ordinance

Town of Weld

Adopted at Town Meeting: March 7, 2026

1.0 Purpose. This Commercial Site Plan Review Ordinance (this "Ordinance") is intended to assure that non-residential and multi-family structures and projects within the Town of Weld are designed and implemented in a manner that (i) ensures adequate provisions for safety and protection of the environment and natural beauty, and (ii) minimizes adverse impacts on the community.

2.0 Applicability of Site Plan Review.

2.1 Scope. A person who has right, title, or interest in a parcel of land in the Town of Weld (each, a "Project Property") must obtain Site Plan Approval in accordance with this Ordinance prior to obtaining a building or plumbing permit for the following activities, or undertaking any alteration or improvement of the site including grubbing or grading in connection therewith, or commencing any of the following activities, on the Project Property (each, a "Project"):

(1) the construction or placement of any new building or structure for a non-Residential use, including accessory buildings and structures and appurtenant paved areas, impervious surfaces, walkways, drives and parking lots;

(2) modification of the Project Property for a non-Residential purpose involving the construction, placement or modification of any building or structure;

(3) the expansion of an existing non-Residential building or structure, including accessory building, that increases the total floor area;

(4) the conversion of an existing building or structure, in whole or in part, from a Residential use to a non-Residential use;

(5) the establishment of a new non-Residential use even if no new buildings or structures are proposed;

(6) the conversion of an existing non-Residential use, in whole or in part, to another nonResidential use if the new use changes the basic nature of the existing non-Residential use;

(7) the modification of an existing non-Residential use that materially increases the impact of the matters subject to the standards and criteria in Section 5.0 of this Ordinance:

(8) the construction of a Multi-family Residence; (9) the modification or expansion of an existing Multi-Family Residence; and

(10) the modification or expansion of an existing Residence or a non-Residential building or structure, in whole or in part, into a Multi-family Residence.

_2.2 Exclusions. Notwithstanding anything to the contrary in Section 2.1 above, the following activities shall not require Site Plan Approval under this Ordinance.

(1) the construction, alteration, or enlargement of a Residence that is currently not a Multifamily Residence, including accessory buildings and structures, that will not result in it becoming a Multi-family Residence or a non-Residence;

(2) agricultural activities;

(3) lumber harvesting and forest management;

(4) small commercial activities on Residential property owned and operated by the occupants of such Residence (including but not limited to sap harvesting and syrup production, vending of produce and animal product (e.g., eggs, honey, etc.), Residential solar panels and other

home occupations, etc.); and

3.0 Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the definitions set forth below.

“Dwelling Unit” means any part of a structure which, through sale or lease, is intended for single-family human habitation.

“Large Commercial Project” means any Project having: (i) a cumulative size of all Project Structures exceeding 6,000 square feet; (ii) (ii) a cumulative size of the Project Site exceeding 20,000

square feet; or

(iii) any occupied Project Structure exceeding 50 feet in height or unoccupied Project Structure exceeding 75 feet in height;

provided, however, that a Large Commercial Project shall not include the renovation, repair or re-purposing of structures currently existing within the Town as of January 1, 2025.

“Multi-family Residence” means a building containing five or more Dwelling Units.

“Project Site” means location on the Project Property that will be subject to the Site Use or that will be the location of a Project Structure.

“Project Structure” means any component of the Project that consists of a structure or building.

“Residential” means pertaining to a Residence other than a Multi-family Residence.

“Residence” means a personal residence containing fewer than five Dwelling Units as well as

non-commercial structures and buildings appurtenant to such residence (such as garages, storage buildings, personal workshops, barns, driveways, walls, fences, etc.) and landscaping and access routes for or appurtenant to such residence, structures and buildings.

“Site Plan Approval” means approval by the Planning Board of the Project and Site Use on the Project Property, as described in the Application, based on the standards and criteria for approval set forth in this Ordinance, including Section 5.

“Site Use” means any use of the Project Site or activity on or in connection with the Project Site to implement, operate or maintain the Project or Project Structures.

“Solar Farm” means any device(s) consisting of solar photovoltaic cells, modules, or array greater than or equal to a physical size based on the total airspace projected over the ground of 3,000 square feet using solar energy from the sun to generate electricity for the purpose of wholesale or retail sale rather than for the consumption on the property on which the device(s) are located.

4.0 Site Plan Applications.

Any person seeking Site Plan Approval under this Ordinance (each, an “Applicant”) shall submit to the Planning Board of the Town of Weld (the “Planning Board”) an application, signed by the Applicant, including all related information required hereunder, in accordance with this Section (each, an “Application”).

The Planning Board may waive any Application requirements hereunder if the Planning Board (i) determines that such Application requirement is not necessary to determine compliance with this Ordinance, and (ii) records such determination and the reasons therefor in writing.

If a specific Application form has been provided by the Town of Weld, all Applications must be submitted on such form.

Each Application shall include the following:

(1) The name, address and phone number of the owner of the Project Property and, if different, the owner of the Project, and the Applicant.

(2) Evidence of the Applicant’s technical and financial capability to carry out the Project as proposed.

(3) If an Application fee has been required by the Town of Weld, Applications must include evidence of payment of such fee.

(4) A description of the Project, Project Structures and Site Use.

(5) Scale maps or drawing of the proposed Project Structures and Site Use meeting the

requirements bi

elow:

(a) having a scale sufficient to easily permit confirmation of compliance with this

Ordinance;

Structui

Project

(b) showing the planned location, size, height and layout of all proposed Project res and Site Use;

(c) showing the property lines of the Project Property, all properties abutting the Property and all properties within 500 feet of any Project Property boundary.

(6) If the Project, Project Structures or Site Use will increase the sewage handling requirements of the Project Property, Applications must include an adequate and approved septic

system design.

(7) A traffic study or similar analysis indicating how much and what types additional

vehicul:

lar traffic the Project, Project Structures or Site Use will generate.

(8) Evidence supporting Applicant's assertion that the standards and criteria for Site Plan Approval, as set forth in Section 5, have been met.

(9) If the Project is a Solar Farm (as defined in Section 3), the Applicant must adhere to

the State of

Maine Solar Decommission Law (35-A M.R.S. §§ 3491 — 3496) ("Solar

Decommission Law), and must provide a Decommissioning and Removal Plan with the Site Plan Application meeting the requirements below:

(a) The Decommissioning and Removal Plan must contain:

(1) A description of the trigger event for implementing the Decommissioning Plan.

(2) A description of the work required to physically remove the proposed Solar Farm, 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.

(3) An estimate of the total cost of decommissioning value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the Decommissioning Plan as according to the Solar Decommission Law. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal, reseeding and permanent stabilization, road infrastructure removal and permanent stabilization.

(4) A description of how decommissioning the proposed Solar Farm will be paid for.

(b) Performance Guarantee

(1) The Applicant shall provide a performance guarantee to the Town to be deposited in escrow, in an amount equal to 150% of the estimated cost of removal, factoring in salvage, of the proposed Solar Farm ("Removal Cost"). Such performance guarantee shall be maintained throughout the life of the proposed Solar Farm through decommission and adjusted in amount every five (5) years based on a re-estimate of the Removal Cost calculated by a Townapproved Maine Licensed Professional Engineer at no cost to the Town.

(2) The performance guarantee shall be deposited into an escrow account established by the Selectboard of the Town ("Selectboard") with review by the Town's legal counsel. The performance guarantee shall include a signed consent provision from the Applicant, owners or operators granting and guaranteeing the Town the authority to access the funds and property and perform decommissioning if the proposed Solar Farm is abandoned and the owner or operator fails to meet their obligations to remove the proposed Solar Farm.

(3) The Applicant must provide the Town with the performance guarantee prior to the issuance of a building permit and notify the Select Board in writing when the performance guarantee is recalculated every five (5) years. If the performance guarantee is revoked for any reason, the Applicant shall provide the Town with a replacement performance guarantee within thirty (30) days of such revocation. The replacement performance guarantee must be reviewed by the Town's legal counsel and accepted by the Selectboard for the building permit to

continue to be valid.

(c) Removal and Abandonment.

(1) If the Solar Farm reaches the end of its useful life, ceases to generate power or is abandoned by the owner/operator of the Solar Farm, the Applicant shall notify the CEO in

writing of the date of the Solar Farm is to discontinue operations (“Discontinuation Date”). The Applicant must remove the Solar Farm pursuant to the Decommissioning Plan within 365 days after Discontinuation Date.

(2) The Planning Board may consider the Solar Farm abandoned, if the Solar Farm generates 10% or less permitted capacity of electricity for a continuous period of twelve (12) months (Prescribed Period”). In such an instance, the CEO may require the Applicant to remove the Solar Farm according to the Decommissioning Plan at no cost to the Town. The Applicant may request the CEO to reconsider this request by providing evidence that the project has not been abandoned by the owner/operator and the Solar Farm’s inability to produce more than 10% of the permitted capacity of electricity during the Prescribed Period will

be rectified within six (6) months of the CEO’s requirement or that the Solar Farm, or parts thereof, continues to be beneficial to the Town. The CEO may review the

Applicant’s request for reconsideration and extend the Prescribed Period two (2) times before deciding the Solar Farm to be permanently abandoned.

(3) If the Applicant fails to remove the Solar Farm as per the Planning Board’s requirement, the Town shall use the performance guarantee and remove the Solar Farm according to all applicable laws.

5.0 Site Plan Approval Standards and Criteria.

The following standards and criteria shall be used by the Planning Board in reviewing Applications and in determining whether to grant Site Plan Approval for the Project and Site Use described in

the Application.

5.1 Site Adequacy. The Project Site must be shown to be adequate for the Project, Project Structures and Site Use. If the Project Site includes or abuts environmentally sensitive areas (such as river, stream or lake shorelands, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, and scenic areas), the Project must be shown to include appropriate measures for protecting such areas (such as timing of construction, limited excavation, barriers and buffers) and be shown to not unreasonably and adversely impact such areas. The Project and Site Use must be shown to not unreasonably and adversely impact natural drainage and storm-water runoff, or result in undue erosion, on the Project Property and properties abutting any Project Property boundary.

5.2 Road Access Adequacy. Access to the Project Site for purposes of the Project and Site Use must be shown (i) to be adequate and safe, and (ii) to not unreasonably and adversely impact nearby public roads or nearby public road safety.

5.3 Protection of Natural Features. To implement the Project, construct the Project Structures and conduct the Site Use, it must be shown that the landscape of the Project Site will be preserved in its natural state insofar as is practical (such as by retaining existing vegetation and by minimizing tree removal, disturbance and compaction of soil, grading and filling).

5.4 Safety. The Project, Project Structures and Site Use must be shown to meet all applicable safety rules, regulations and standards and to not pose excessive danger to the

surrounding community.

5.5 Traffic. The Project, Project Structures and Site Use must not cause vehicular and pedestrian traffic conditions to become unsafe or to exceed reasonable traffic limits for the neighborhood. In evaluating this standard, the Planning Board may consider the location, number and control of access points, adequacy of adjacent roads, traffic flow, traffic volume, sight distances, turning lanes, existing or proposed traffic signalization, and pedestrian-vehicular

contacts.

5.6 Exterior Lighting. All exterior lighting (including signage) must be shielded, nonflashing, with an output of no more than 10,000 lumens (Dark Sky Pedestrian Comfort

Luminaire

Criteria), and designed to ensure safe movement of people. Lighting must be located so as to minimize glare and reflection on adjacent properties and roads

5.7 Noise. The use must not, alone or in conjunction with existing activities, increase the noise measured at the Project Site boundaries to more than 50dB:provided however that for periods of not more than five (5) seconds per hour, such noise may exceed S0dB up to 80 dB between the hours of 9 a.m. and Sp.m. only .. Sound pressure levels must be measured on sound level meter at all major lot lines of the proposed development area, at a height of at least four feet above the ground surface. Planning Board may require an acoustic site assessment for any Application (at the Applicant's sole expense) where they believe noise from the Project is likely to exceed these limits.

5.8 Odor. The user must not, alone or in conjunction with existing activities, create noxious odors above a detectable level at the property line.

5.9 Fire Department Access. The Project, Project Structures and Site Use shall be shown to not hinder effective manual fire suppression operations and allow reasonable access to the building by a fire suppression unit. All parts of a Project Structure must be within 150 feet, on the ground level, of a fire apparatus access. In sprinklered buildings, this distance can be extended to 450 feet. Access (driveways/parking areas/roads) must be provided and maintained to allow the fire apparatus to be able to get within 50 fi (15 m) of at least one exterior door. Access roads must be at least 20 feet wide and 13 feet 6 inches high. Access roads must accommodate the turning radius of fire apparatus, and dead ends exceeding 150 feet require approved turnaround spaces (approved by the Fire Chief or an authority having jurisdiction). If gates are used on access roads, they must be at least 20 feet wide for single gates or 12 feet wide for divided roadways, and must be designed for manual or emergency operation by fire personnel.

5,10 Technical and Financial Capacity. It must be shown that the Applicant, and its agents and contractors, have the technical and financial capability to implement the Project, construct the Project Structures and conduct the Site Use. The Planning Board may request financial guarantees as it deems necessary or prudent in support of this determination

5.11 Community Impact. The Project, Project Structures and Site Use shall be shown to not unreasonably and adversely impact the community. In assessing the foregoing, the following impacts shall be assessed insofar as they create a nuisance to the community outside of the Project

Property: (i) excessive lightin;

(ii) excessive noise; (iii) excessive noxious odors; and

(iv) excessive blocking of scenic views.

5.12 Large Commercial Projects. If the Project is a Large Commercial Project, (i) no Project Structure or Site Use (excluding access routes, barriers and buffers) shall be visible from any ground level location outside the Project Property but within the boundaries of the Town; and (ii) all such visual barriers and buffers shall be comprised of plantings, earthen berms or natural

topographical features and shall be located no closer than 300 feet from any Residence existing as of the date of the Application,

6.0 Approval Authority and Process.

The Planning Board is authorized to review all Applications and to determine whether to grant or

deny Site Plan Approval. The Planning Board shall use the following procedure in reviewing an Application.

(1) The Planning Board shall provide public notice of the proposed Project, including a general description of the Project, Project Structures, Site Use and location of the Project Site.

(2) Within 30 days of receipt of an Application (or any supplement or modification thereto), the Planning Board shall determine whether the Application is complete. If not complete, the Planning Board shall notify the Applicant in writing specifying the missing elements of the Application. If complete, the Planning Board shall notify the Applicant in writing and shall place such Application on its agenda for review within 30 days of such notice,

(3) The Planning Board shall have the right to access the Project Property and Project Site

in connection with its review and assessment of the Application and as a condition to further consideration of such Application.

(4) Within 30 days, or within 90 days in the case of a Large Commercial Project, after notifying the Applicant that its Application is complete the Planning Board shall either (i) deny Site Plan Approval if the standards and criteria set forth in Section 5 not met and shall state in writing the grounds for such denial; or (ji) grant or grant with conditions Site Plan Approval if Such standards and criteria in Section 5 are met, The Town shall notify the Applicant and the public

of such Site Plan Approval. In all cases, the burden of proof shall be on the Applicant to provide evidence that the standards and criteria in Section 5 are met.

7.0 Validity of Approval. Site Plan Approval shall lapse and be null and void, if substantial construction of the Project has not commenced within 12 months, or if the Project construction is not substantially complete within 24 months, in each case of the date of the Site Plan Approval; provided however, prior to such deadlines, the Applicant may request in writing, and the Planning Board may approve (in its discretion), up to two (2) six-month extensions of such deadlines,

8.0 Modifications. Minor changes to the Project, Project Structures or Site Use after Site Plan Approval may be approved by the CEO provided such changes do not (i) affect compliance with

re or scope of the Project,

the standards and criteria in Section 5, or (ii) significantly alter the natu Use after

Project Structures or Site Use. All other changes to the Project, Project Structures or Site Site Plan Approval must be approved by the Planning Board,

9.0 Appeals of Planning Board Actions.

Appeal of any actions taken by the Planning Board with respect to this Ordinance shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

10.0 Administration and Enforcement.

10.1 Administrative Responsibility. This Ordinance shall be administered by the Planning Board and enforced by the code enforcement officer (the "CEO") appointed by the Selectboard of the

Town of Weld (the "Selectboard").

10.2 Enforcement. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO or his/her agent shall find that any provision of this Ordinance is being violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall order discontinuance of activities violating this Ordinance and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent further violation of its provisions.

10.3 Legal Action. The CEO is hereby authorized to institute or cause to be instituted, in the name of the Town of Weld, any and ail actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions

of this Ordinance

10.4 Violations and Consent Agreements. Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this Ordinance, shall be fined in accordance with Title 30-A, §4452. Each day such a violation is. permitted to exist after notification shall constitute a separate offense. The Selectboard, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow a violation of this Ordinance to continue unless (i) there is clear and convincing evidence that the violation was a direct result of erroneous advice given by an authorized municipal official of the Town of Weld and there is no evidence that the person, firm or corporation acted in bad faith, or (ii) the remedy of such violation will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

11.0 Appeal of CEO Actions.

Any person who believes that the CEO has made an error in the interpretation or application of the provisions of this Ordinance may appeal such interpretation or application to the Board of Appeals as an administrative appeal. If the Board of Appeals finds that the CEO erred in his/her interpretation or application of this Ordinance, it shall modify or reverse the interpretation or application accordingly. Any party aggrieved by a decision of the Board of Appeals may make an appeal to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule

80B.

12.0 Severability.

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

13.0 Conflicts.

In the event that any section or provision of this Ordinance conflicts with any section or provision of any other current or future statute, ordinance, rule or regulation of the Town, the

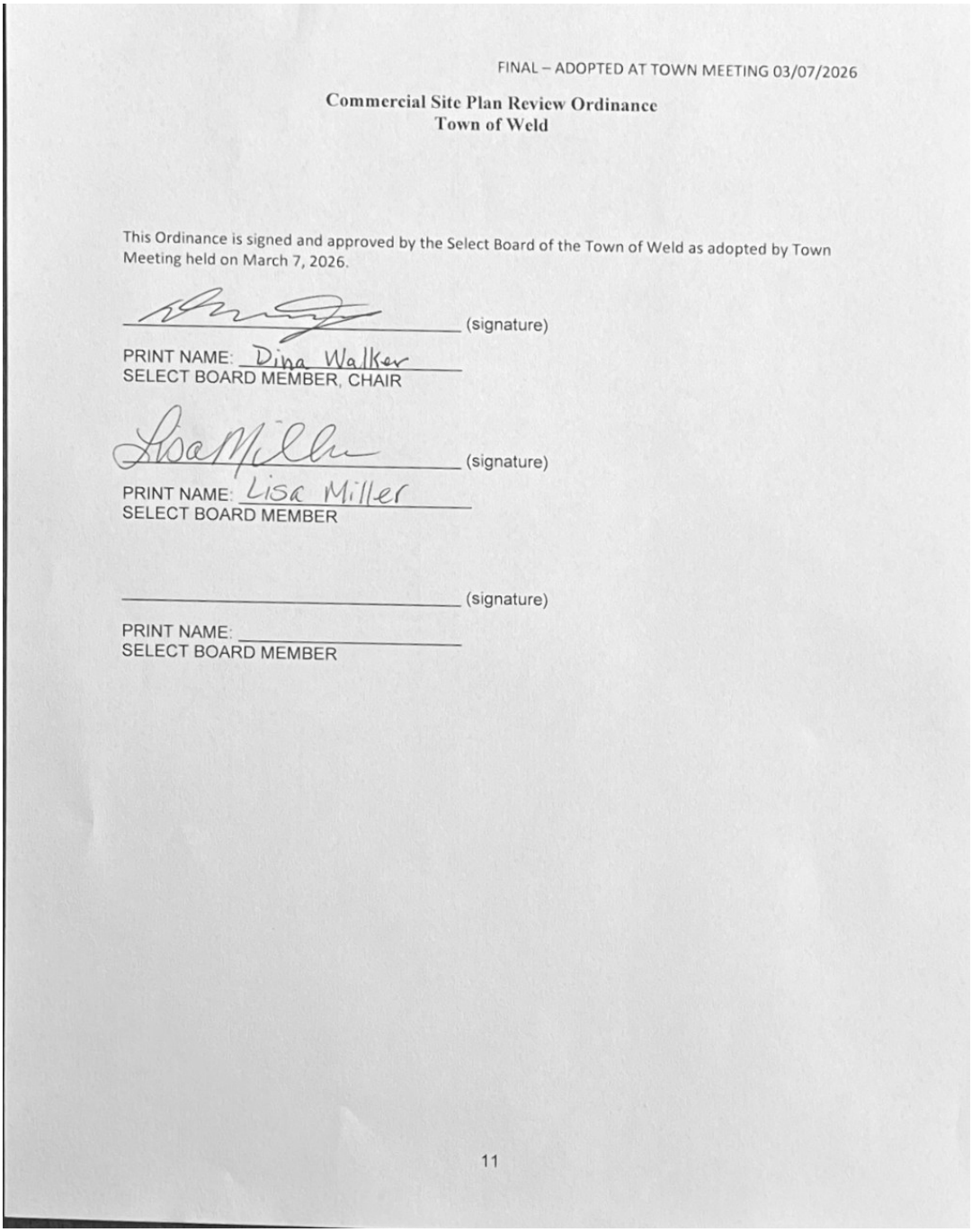
more restrictive shall prevail.

[SIGNATURES ON NEXT PAGE]

Adoption and Signatures

Adopted at the Town Meeting on March 7, 2026. The signed adoption page is retained in the original ordinance. Refer to the signed original for authentic signatures.

Original signed page (reference image):



FINAL – ADOPTED AT TOWN MEETING 03/07/2026

Commercial Site Plan Review Ordinance
Town of Weld

This Ordinance is signed and approved by the Select Board of the Town of Weld as adopted by Town Meeting held on March 7, 2026.

_____ (signature)

PRINT NAME: Dina Walker
SELECT BOARD MEMBER, CHAIR

_____ (signature)

PRINT NAME: Lisa Miller
SELECT BOARD MEMBER

_____ (signature)

PRINT NAME: _____
SELECT BOARD MEMBER

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