

## REPORT ON THE SELECTBOARD MEETING OF April 26, 2022

Prepared by Alison Freeman

Note: These are not official minutes -- -- just notes taken by me. Official minutes will be available from the Town Office and will be posted on the Town web site following Board approval at the next meeting. If anyone wishes to stop receiving these reports, they may simply hit "Reply" and request to be deleted from the list or say "Unsubscribe."

THE MEETING: The meeting was conducted as a Zoom hybrid. Selectboard members Rich Donaldson and Jon Collins, and administrator, Amanda Campbell, were together in the Town Office. Bronwen Tudor was on Zoom. There were 5 members of the public in attendance on Zoom.

The minutes of the meeting of April 12, 2022, were approved. They will be posted on the Town website.

MOST IMPORTANT/INTERESTING ITEMS: In my judgment, the following items were the most important things covered during the meeting.

- Updated budget document and materials were reviewed, discussed, and approved
- Draft ordinances, school budget and sample ballot have been posted online [https://www.georgetownme.com/?page\\_id=5351](https://www.georgetownme.com/?page_id=5351) and links are below and attached. The hearings provide an excellent opportunity to ask questions
- Candidates Night was tentatively scheduled for 7pm Wednesday 5/11
- First Church - compilation of evaluations and quotes continues
- A onetime contribution to Maine Lobsterman's Association for \$500 was approved
- Cemetery Maintenance Contract for 22-23 was approved

### CORRESPONDENCE:

Amanda reported on correspondence received. For a complete listing of this correspondence, see the Meeting Agenda on the Town website.

The most interesting items were:

- Bath Heritage Days – invitation to participate in the 2022 parade

### PUBLIC COMMENT:

- Game Day snacks will include brownies and chocolate chip cookies

### UPCOMING EVENTS/DATES:

Recreation Committee	Tuesday May 3	6pm OFFICE
<b>ORDINANCE HEARING</b>	<b>WEDNESDAY MAY 4</b>	<b>7PM ZOOM</b>
Shellfish Committee	Thursday May 5	7pm OFFICE
Conservation Commission	Monday May 9	6:30 pm ZOOM
Select Board	Tuesday May 10	7pm HYBRID
Solid Waste Committee	Thursday May 12	7pm ZOOM
TOPMB	Tuesday May 17	4pm OFFICE
<b>SCHOOL BUDGET HEARING</b>	<b>TUESDAY MAY 17</b>	<b>7PM ZOOM</b>
<b>TOWN BUDGET HEARING</b>	<b>WEDNESDAY MAY 18</b>	<b>7PM ZOOM</b>
School Committee	Monday May 23	5pm HYBRID
Select Board	Tuesday May 24	7pm HYBRID

The next meeting of the Selectboard will be at 7 PM on Tuesday, May 10. The public is welcome to attend on ZOOM. Contact Amanda Campbell or Alex Neese at the Town Office to get the Meeting ID and Password.

Prepared and distributed by Alison Freeman

# Town Meeting Information

Town Meeting is JUNE 18th

## Important Town Meeting Dates & Information

- Wednesday May 4<sup>th</sup> – Ordinance Hearing & Review of Comprehensive Plan 7pm (virtual)

[2022 Summary of Proposed Ordinance Changes](#)  
[Wireless Communications Facilities Ordinance Final Draft new 2022](#)  
[Minimum Lot Size Ordinance 2022 Draft](#)  
[Building-Demolition Permit Ordinance 2022 Draft 02-02-22](#)  
[Solar Energy Ordinance Town Draft new 3-23-22](#)  
[Shellfish Ordinance 2022 Draft](#)

Comprehensive Plan – click here [GCP July 2021 v4 PDF \(maine.gov\)](#)

- Tuesday May 17<sup>th</sup> – School Budget Hearing 7pm (virtual)

[22-23 Georgetown School Budget](#)

- Wednesday May 18<sup>th</sup> – Town Budget Hearing & Review of ARP Funds 7pm (virtual)
- Tuesday June 14<sup>th</sup> – Election of Municipal Officers 8am – 8pm in the school gym

**SAMPLE BALLOT** – [municipal ballot-2022](#)

- Saturday June 18<sup>th</sup> – Annual Town Meeting 9am. **Under the tents behind the school** – (*Interested in tent set-up or take down? Call the office!*)



OFFICIAL BALLOT \* TOWN OF GEORGETOWN

MUNICIPAL ELECTION – TUESDAY JUNE 14, 2022

INSTRUCTIONS TO VOTERS:

\* MAKE A  or  IN THE SQUARE NEXT TO THE NAME OF THE PERSON FOR WHOM YOU WISH TO VOTE.

\* VOTE FOR ONLY THE NUMBER OF CANDIDATES TO BE MARKED FOR EACH OFFICE.

\* VOTE FOR WRITE-IN CANDIDATES BY WRITING THE NAME IN THE BLANK SPACE AND MARK A  OR  IN THE SQUARE NEXT TO THE NAME.

VOTE FOR ONE – SELECT BOARD - 3 YEAR TERM

[ ] JONATHAN COLLINS

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – TOWN CLERK – 1 YEAR TERM

[ ] ALEXANDRA KELLEY

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – TAX COLLECTOR – 1 YEAR TERM

[ ] ALEXANDRA KELLEY

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – TREASURER – 1 YEAR TERM

[ ] MARY MCDONALD

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – SCHOOL COMMITTEE – 3 YEAR TERM

[ ] JENNIFER DOBRANSKY

[ ] DESTINIE GRIFFIN

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – TOWN-OWNED PROPERTY MANAGEMENT BOARD- 3 YEAR TERM

[ ] STEPHEN MACE

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – TOWN-OWNED PROPERTY MANAGEMENT BOARD- 1 YEAR TERM

[ ] FRANKLIN MCDONALD

[ ] STEPHENIE PINKHAM

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – CEMETERY DISTRICT TRUSTEE – 3 YEAR TERM

[ ] \_\_\_\_\_

Write-in name

VOTE FOR ONE – ROAD COMMISSIONER- 3 YEAR TERM

[ ] CHARLES COLLINS

[ ] \_\_\_\_\_

Write-in name

<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>BUDGET SUMMARY</b>						
<b>Expenditures</b>						
Regular Instruction	\$ 1,166,548	\$ 1,189,139	\$ 724,740	\$ 1,318,513	\$ 1,386,643	5.2%
Special Education	332,179	306,521	149,544	434,337	395,594	-8.9%
Other Instruction	3,596	2,947	6,153	5,288	7,442	40.7%
Student and Staff Support	68,571	65,447	33,245	81,966	66,748	-18.6%
System Administration	75,084	73,900	46,905	68,855	71,565	3.9%
School Administration	163,440	182,554	118,495	196,829	197,046	0.1%
Transportation and Buses	173,471	155,295	92,048	189,252	181,211	-4.2%
Facilities Maintenance	225,851	225,166	143,802	237,325	237,577	0.1%
All Other Expenditures	35,000	45,000	45,000	45,000	45,000	0.0%
<b>Total Expenditures</b>	<u>2,243,740</u>	<u>2,245,969</u>	<u>1,359,932</u>	<u>2,577,365</u>	<u>2,588,826</u>	0.4%
<b>Less: Other Funding Sources</b>						
State Subsidy	121,360	165,420	116,370	116,370	153,223	31.7%
Miscellaneous	16,970	9,125	7,834	-	-	N/A
Use of (Addition to) Fund Balance	(38,548)	(9,160)	(950,267)	275,000	125,000	-54.5%
<b>Total Other Funding Sources</b>	<u>99,782</u>	<u>165,385</u>	<u>(826,063)</u>	<u>391,370</u>	<u>278,223</u>	-28.9%
<b>Equals: Total Assessment</b>	<u>\$ 2,143,958</u>	<u>\$ 2,080,584</u>	<u>\$ 2,185,995</u>	<u>\$ 2,185,995</u>	<u>\$ 2,310,603</u>	5.7%

<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>EXPENDITURE DETAILS</b>						
<b>AE · Regular Instruction</b>						
AEE1010 · Elementary Teacher Sal	247,776	252,860	178,610	257,568	253,258	-1.7%
AEE1020 · Elementary Ed Tech Sal	-	-	13,546	-	26,040	N/A
AEE1230 · Elementary Sub Sal	2,497	26,312	23,256	15,000	15,000	0.0%
AEE2110 · Elementary Teacher Hlth Ins	53,881	47,616	42,775	62,980	65,340	3.7%
AEE2120 · Elem Ed Tech Hlth Ins	-	-	5,346	-	10,109	N/A
AEE2210 · Elementary Teacher FICA	3,933	2,943	4,196	3,735	4,088	9.5%
AEE2220 · Elem Ed Tech FICA	-	-	163	-	378	N/A
AEE2230 · Elementary Sub FICA	180	1,186	1,331	1,148	1,148	0.0%
AEE2310 · Elementary Teacher MPERS	10,410	10,582	5,966	9,891	10,826	9.5%
AEE2320 · Elementary Ed Tech MPERS	-	-	520	-	1,000	N/A
AEE2610 · Elementary Teacher Unempl	102	137	164	1,354	500	-63.1%
AEE2620 · Elementary Ed Tech Unempl	-	-	-	-	50	N/A
AEE2710 · Elementary Teacher WC	2,294	1,162	1,029	1,159	1,269	9.5%
AEE2720 · Elementary Ed Tech WC	-	-	-	-	117	N/A
AEE3300 · Elementary Prof Dev	3,488	3,838	255	3,900	4,000	2.6%
AEE4300 · Elementary Equipment Repair	-	-	-	700	700	0.0%
AEE4445 · Elementary Copier Lease & Maint	1,284	3,548	2,496	1,700	4,000	135.3%
AEE6100 · Elementary Instr Supplies	11,802	12,186	13,186	15,650	18,350	17.3%
AEE9000 · Elementary Other Expenses	341	258	55	-	-	N/A
AEF5610 · Elementary Tuit Oth Public	192,393	196,059	85,344	198,212	106,178	-46.4%
AEF5630 · Elementary Tuit Oth Private	53,733	33,051	22,711	41,125	20,954	-49.0%
AEK1010 · K-2 Teacher Sal	138,270	131,058	40,809	135,137	143,321	6.1%
AEK2110 · K-2 Teacher Hlth Ins	47,425	48,134	15,493	59,246	53,804	-9.2%
AEK2210 · K-2 Teacher FICA	2,310	1,990	425	1,960	2,078	6.0%
AEK2310 · K-2 Teacher MPERS	5,160	5,455	1,461	5,189	5,504	6.1%
AEK2610 · K-2 Teacher Unempl	39	60	58	480	200	-58.3%
AEK2710 · K-2 Teacher WC	1,230	837	505	608	645	6.1%
AEP1010 · Pre-K Teacher Sal	42,312	53,248	27,411	45,879	49,564	8.0%
AEP2110 · Pre-K Teacher Hlth Ins	9,472	20,805	14,177	29,370	23,937	-18.5%
AEP2210 · Pre-K Teacher FICA	652	2,064	298	665	719	8.1%
AEP2310 · Pre-K Teacher MPERS	2,298	1,844	1,036	1,762	1,903	8.0%
AEP2610 · Pre-K Teacher Unempl	18	23	29	240	50	-79.2%
AEP2710 · Pre-K Teacher WC	440	219	181	206	223	8.3%
AET5610 · Secondary Tuit Oth Public	307,394	266,174	184,467	357,762	452,929	26.6%
AET5630 · Secondary Tuit Oth Private	19,430	64,489	37,441	59,758	99,483	66.5%
AET5680 · Secondary Tuit Priv - Ins Val	676	1,001	-	2,029	4,878	140.4%
AFS3000 · Elementary G&T Contr Svc	5,308	-	-	4,000	4,000	0.0%
AFS6100 · Elementary G&T Instr Supplies	-	-	-	100	100	0.0%
<b>Total AE · Regular Instruction</b>	<b>1,166,548</b>	<b>1,189,139</b>	<b>724,740</b>	<b>1,318,513</b>	<b>1,386,643</b>	<b>5.2%</b>

<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>AG · Special Education Instruction</b>						
AGC1010 · Elementary SPED Teacher Sal	75,732	77,865	78,405	77,365	74,118	-4.2%
AGC1020 · Elementary SPED Ed Tech Sal	46,918	13,465	3,075	52,554	47,000	-10.6%
AGC1230 · Elementary SPED Sub Sal	1,125	-	-	2,000	5,000	150.0%
AGC2110 · Elementary SPED Tchr Hlth Ins	15,298	15,527	13,679	13,648	23,937	75.4%
AGC2120 · Elementary SPED Ed TechHlth Ins	10,257	4,598	963	21,670	10,641	-50.9%
AGC2210 · Elementary SPED Teacher FICA	1,245	1,520	966	1,122	1,075	-4.2%
AGC2220 · Elementary SPED Ed Tech FICA	740	176	13	762	340	-55.4%
AGC2230 · Elementary SPED Sub FICA	86	-	-	153	153	0.0%
AGC2310 · Elementary SPED Teacher MPERS	2,769	3,239	2,202	2,971	2,846	-4.2%
AGC2320 · Elementary SPED Ed Tech MPERS	1,838	550	106	2,018	900	-55.4%
AGC2610 · Elementary SPED Teacher Unempl	25	28	29	240	50	-79.2%
AGC2620 · Elementary SPED Ed Tech Unempl	45	48	58	480	50	-89.6%
AGC2710 · Elementary SPED Teacher WC	780	379	304	348	334	-4.0%
AGC2720 · Elementary SPED Ed Tech WC	568	235	210	236	105	-55.5%
AGC3300 · Elementary SPED Prof Dev	270	-	14	600	1,000	66.7%
AGC3440 · Elementary SPED Contr Svc	-	-	-	10,000	5,000	-50.0%
AGC5350 · Elementary SPED Software Sub	1,761	2,710	381	2,115	2,380	12.5%
AGC6100 · Elementary SPED Supplies	1,584	3,115	1,430	1,600	1,000	-37.5%
AGC9000 · Elementary SPED Other Expenses	-	286	-	-	-	N/A
AGE5610 · Elementary SPED Tuit Oth Public	-	6,585	-	-	12,500	N/A
AGE5630 · Elementary SPED Tuit Oth Priv	23,512	-	-	-	-	N/A
AGF5630 · Secondary SPED Tuit Oth Priv	104,835	125,684	14,804	141,750	111,750	-21.2%
AGY3440 · SPED AOS98 Assessment	25,378	25,149	19,346	25,794	32,711	26.8%
AHA3440 · Elementary Soc Wrkr Contr Svc	2,382	-	-	10,775	7,350	-31.8%
AHD3440 · Secondary Soc Wrkr Contr Svc	1,781	1,463	525	5,558	3,675	-33.9%
AHG3440 · Elementary Psych Contr Svc	1,264	7,350	110	10,000	8,360	-16.4%
AHH3440 · Secondary Psych Contr Svc	-	650	-	6,000	2,640	-56.0%
AHI3440 · Elementary Speech Contr Svc	-	-	-	9,000	10,900	21.1%
AHJ3440 · Secondary Speech Contr Svc	970	4,830	8,368	7,558	6,040	-20.1%
AHK3440 · Elementary OT Contr Svc	4,805	-	1,945	8,525	6,740	-20.9%
AHL3440 · Secondary OT Contr Svc	932	2,150	1,039	6,558	6,040	-7.9%
AHO3440 · Elementary PT Contr Svc	1,425	1,599	1,039	5,600	5,400	-3.6%
AHP3440 · Secondary PT Contr Svc	-	-	233	4,705	2,400	-49.0%
AIA1010 · Elementary SPED Summ Tchr Sal	3,650	6,963	300	2,500	3,000	20.0%
AIA2210 · Elementary SPED Summ Tchr FICA	52	92	-	36	44	22.2%
AIA2310 · Elementary SPED Summ Tchr MPERS	152	265	-	96	115	19.8%
<b>Total AG · Special Education Instruction</b>	<b>332,179</b>	<b>306,521</b>	<b>149,544</b>	<b>434,337</b>	<b>395,594</b>	<b>-8.9%</b>

<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>AJ · Other Instruction</b>						
AJA1500 · Elementary Co-Curr Stipends	3,060	1,695	3,820	3,000	5,000	66.7%
AJA2200 · Elementary Co-Curr FICA	44	8	59	45	73	62.2%
AJA2300 · Elementary Co-Curr MPERS	127	21	-	115	192	67.0%
AJA2600 · Elementary Co-Curr Unempl	1	21	7	60	100	66.7%
AJA2700 · Elementary Co-Curr WC	14	16	12	14	23	64.3%
AJA9000 · Elementary Co-Curr Other	350	645	442	1,000	1,000	0.0%
AJQ1010 · Reg Instr Summer Schl Tchr Sal	-	517	1,813	1,000	1,000	0.0%
AJQ2210 · Reg Instr Summer Schl Tchr FICA	-	6	-	15	15	0.0%
AJQ2310 · Reg Inst Summer Schl Tchr MPERS	-	18	-	39	39	0.0%
<b>Total AJ · Other Instruction</b>	<b>3,596</b>	<b>2,947</b>	<b>6,153</b>	<b>5,288</b>	<b>7,442</b>	<b>40.7%</b>
<b>AK · Student and Staff Support</b>						
AKA1010 · Elementary Guidance Sal	27,184	29,345	8,884	29,863	16,612	-44.4%
AKA2210 · Elementary Guidance FICA	483	414	132	433	241	-44.3%
AKA2310 · Elementary Guidance MPERS	1,131	1,248	395	1,147	638	-44.4%
AKA2610 · Elementary Guidance Unempl	8	24	29	240	240	0.0%
AKA2710 · Elementary Guidance WC	319	140	118	134	75	-44.0%
AKA3300 · Elementary Guidance Prof Dev	63	-	-	200	200	0.0%
AKA6000 · Elementary Guidance Supplies	126	607	671	700	500	-28.6%
AKA8000 · Elementary Guidance Dues & Fees	40	189	-	200	200	0.0%
AKC1010 · Elementary Nurse Sal	7,201	14,836	8,934	15,281	15,739	3.0%
AKC2210 · Elementary Nurse FICA	104	215	112	222	228	2.7%
AKC2310 · Elementary Nurse MPERS	299	617	335	587	604	2.9%
AKC2610 · Elementary Nurse Unempl	8	15	29	240	50	-79.2%
AKC2710 · Elementary Nurse WC	61	35	66	69	71	2.9%
AKC6000 · Elementary Nurse Supplies	229	167	1,017	1,100	500	-54.5%
ALE2510 · Elementary Tuit Reimb	3,401	1,000	1,752	5,000	5,000	0.0%
ALI6000 · Elementary Library Supplies	8,213	2,594	1,941	4,200	4,200	0.0%
ALO4300 · Elementary Tech Rep & Maint	7,325	882	718	2,000	2,000	0.0%
ALO5330 · Elementary Tech Internet	6,444	1,598	155	7,000	2,000	-71.4%
ALO5350 · Elementary Tech Software Sub	1,344	3,043	6,320	6,000	8,000	33.3%
ALO6000 · Elementary Tech Supplies	90	935	1,637	2,700	2,700	0.0%
ALO7300 · Elementary Tech Equipment	4,498	6,471	-	4,000	5,000	25.0%
ALO8100 · Elementary Tech Dues & Fees	-	-	-	650	650	0.0%
ALU8000 · Elementary Student Assess Fees	-	1,072	-	-	1,300	N/A
<b>Total AK · Student and Staff Support</b>	<b>68,571</b>	<b>65,447</b>	<b>33,245</b>	<b>81,966</b>	<b>66,748</b>	<b>-18.6%</b>

<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>AM · System Administration</b>						
AMA1500 · School Board Stipends	850	650	-	650	650	0.0%
AMA2200 · School Board FICA	65	50	-	50	50	0.0%
AMA3000 · School Board Legal Fees	108	2,975	-	5,000	5,000	0.0%
AMA3400 · School Board Audit Fees	10,322	8,010	5,700	9,000	7,000	-22.2%
AMA5200 · School Board Insurance	461	470	489	400	500	25.0%
AMA5400 · School Board Advertising	-	-	-	800	-	-100.0%
AMA8100 · School Board Dues & Fees	2,177	3,196	1,750	500	2,000	300.0%
AMA9000 · School Board Other Expenses	245	398	-	500	500	0.0%
AMM3410 · AOS98 Assessment	60,856	58,151	38,966	51,955	55,865	7.5%
<b>Total AM · System Administration</b>	<b>75,084</b>	<b>73,900</b>	<b>46,905</b>	<b>68,855</b>	<b>71,565</b>	<b>3.9%</b>
<b>AN · School Administration</b>						
ANA1040 · Elementary Principal Sal	61,132	85,000	59,197	87,550	90,177	3.0%
ANA1180 · Elementary Sec Sal	40,226	41,016	24,698	42,248	43,513	3.0%
ANA2140 · Elementary Principal Hlth Ins	13,737	20,684	14,941	24,370	24,812	1.8%
ANA2180 · Elementary Sec Hlth Ins	19,482	19,773	12,651	22,284	22,102	-0.8%
ANA2240 · Elementary Principal FICA	814	1,153	709	1,269	1,308	3.1%
ANA2280 · Elementary Sec FICA	3,300	3,013	1,560	3,232	3,329	3.0%
ANA2340 · Elementary Principal MPERS	2,534	3,536	2,273	3,362	3,463	3.0%
ANA2540 · Elementary Princ Tuit Reimb	6,600	1,195	-	1,500	1,500	0.0%
ANA2640 · Elementary Principal Unempl	12	24	29	240	240	0.0%
ANA2680 · Elementary Sec Unempl	13	24	29	240	50	-79.2%
ANA2740 · Elementary Principal WC	690	419	346	394	406	3.0%
ANA2780 · Elementary Sec WC	370	202	167	190	196	3.2%
ANA3300 · Elementary Princ Off Prof Dev	2,100	293	-	1,500	1,500	0.0%
ANA4330 · Elementary Princ Off Software	-	-	-	800	800	0.0%
ANA4445 · Elementary Princ Off Copier	3,462	-	-	4,000	-	-100.0%
ANA5310 · Elementary Princ Off Postage	382	65	214	500	500	0.0%
ANA5500 · Elementary Princ Off Printing	76	-	377	700	700	0.0%
ANA6000 · Elementary Princ Off Supplies	3,246	2,056	710	1,200	1,200	0.0%
ANA8100 · Elementary Princ Off Dues	532	731	504	750	750	0.0%
ANA8900 · Elementary Princ Off Misc Exp	4,732	3,370	90	500	500	0.0%
<b>Total AN · School Administration</b>	<b>163,440</b>	<b>182,554</b>	<b>118,495</b>	<b>196,829</b>	<b>197,046</b>	<b>0.1%</b>



<b>Georgetown School Department</b>	<b>FY20 Actual</b>	<b>FY21 Actual</b>	<b>FY22 YTD</b>	<b>FY22 Budget</b>	<b>FY23 Budget</b>	<b>% Change</b>
<b>AO · Transp and Buses</b>						
AOA5140 · Bus Contr Svc	121,341	149,055	83,554	152,000	155,000	2.0%
AOA7360 · Bus Vehicle	16,883	-	-	-	-	N/A
AOA9000 · Bus Other Expenses	1,304	-	393	2,500	2,500	0.0%
AOK5140 · Bus Contr Svc - SPED	12,113	2,427	196	-	-	N/A
AOM1180 · Bus Driver Sal - SPED	15,460	2,050	5,624	20,800	11,000	-47.1%
AOM2280 · Bus Driver FICA - SPED	1,183	157	-	1,592	842	-47.1%
AOM2680 · Bus Driver Unempl - SPED	16	24	-	240	220	-8.3%
AOM2780 · Bus Driver WC - SPED	-	973	-	1,320	649	-50.8%
AOM4300 · Bus Rep & Maint - SPED	3,223	196	998	6,000	6,000	0.0%
AOM6260 · Bus Gasoline - SPED	1,948	413	1,283	4,800	5,000	4.2%
<b>Total AO · Transp and Buses</b>	<b>173,471</b>	<b>155,295</b>	<b>92,048</b>	<b>189,252</b>	<b>181,211</b>	<b>-4.2%</b>
<b>AP · Facilities Maintenance</b>						
APD1180 · Elementary Custodian Sal	63,587	81,740	56,878	72,062	76,168	5.7%
APD2180 · Elementary Custodian Hlth Ins	9,425	14,629	6,821	10,835	10,641	-1.8%
APD2280 · Elementary Custodian FICA	4,864	6,237	4,201	5,513	6,592	19.6%
APD2680 · Elementary Custodian Unempl	29	57	93	528	745	41.1%
APD2780 · Elementary Custodian WC	5,831	3,154	1,960	2,487	3,231	29.9%
APG4100 · Elementary School Water & Sewer	679	3,478	1,805	4,800	4,800	0.0%
APG4200 · Elementary School Waste Removal	2,658	2,024	1,232	2,500	2,500	0.0%
APG4300 · Elementary School Rep & Maint	76,387	48,255	31,246	55,000	55,000	0.0%
APG4310 · Elementary School Rep - Honey	12,503	14,459	6,261	14,000	14,000	0.0%
APG5200 · Elementary School Insurance	2,833	3,278	4,373	4,500	4,500	0.0%
APG5320 · Elementary School Telephone	2,260	2,724	1,832	2,000	2,000	0.0%
APG6000 · Elementary School Supplies	8,965	9,035	4,617	10,200	10,000	-2.0%
APG6200 · Elementary School Electricity	16,172	16,294	12,101	22,000	24,000	9.1%
APG6240 · Elementary School Fuel Oil	18,904	17,200	10,217	25,000	17,000	-32.0%
APG6250 · Elementary School Propane	594	2,437	-	2,000	2,500	25.0%
APG7300 · Elementary School Equipment	-	-	-	3,000	3,000	0.0%
APG8100 · Elementary School Dues & Fees	160	165	165	900	900	0.0%
<b>Total AP · Facilities Maintenance</b>	<b>225,851</b>	<b>225,166</b>	<b>143,802</b>	<b>237,325</b>	<b>237,577</b>	<b>0.1%</b>
<b>AR · All Other Expenditures</b>						
ARA9100 · Transfer Out to Other Funds	35,000	45,000	45,000	45,000	45,000	0.0%
<b>Total AR · All Other Expenditures</b>	<b>35,000</b>	<b>45,000</b>	<b>45,000</b>	<b>45,000</b>	<b>45,000</b>	<b>0.0%</b>

**Town of Georgetown, Maine**  
**Summary of Proposed Ordinance Changes & New Ordinances**  
**for Adoption on June 18, 2022**

**COMPLETE CHANGES TO THESE EXISTING ORDINANCES**  
**CAN BE READ AND DOWNLOADED AT [WWW.GEORGETOWNME.COM](http://WWW.GEORGETOWNME.COM)**

**BUILDING PERMIT & DEMOLITION ORDINANCE**

The Planning Board's proposed amendments to this ordinance include language to cover Accessory Dwelling Units (ADUs) and adds State required language for photographic records of development in the shoreland zone. (Deletions struck and additions underlined – pages 1, 2, 4, 5, 10)

**MINIMUM LOT SIZE ORDINANCE**

The Planning Board's proposed amendments to this ordinance add exceptions to the minimum lot size for changes in a parcel that reduced its size (like erosion, eminent domain, survey error). The amendment also removes language allowing for a lot size reduction. (Deletions struck and additions underlined – page 2)

**SHELLFISH CONSERVATION ORDINANCE**

The Shellfish Conservation Committee's proposed amendments to this ordinance would allow residential commercial harvesters who are serving on active duty to be exempt from the annual conservation requirements and clarifies that allocated licenses that may become available later in the year are not subject to a deadline for reissuance. (Deletions struck and additions underlined – pages 4-5)

**SOLAR ENERGY ORDINANCE**

This NEW proposed ordinance would allow the Town to establish clear guidelines and standards to regulate Solar Energy Systems.

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

The Planning Board's proposed amendments to this ordinance have essentially rewritten the entire existing ordinance. While no changes impact the current language of this ordinance, the changes have allowed for a clearer representation of the intent.

**The Georgetown Select Board invites you to join them for a virtual**  
**Ordinance Hearing on Wednesday May 4, 2022**

**ZOOM link will be available on the Town website – [www.georgetownme.com](http://www.georgetownme.com)**

**BUILDING/DEMOLITION PERMIT ORDINANCE**  
**Town of Georgetown, Maine      DRAFT**

Adopted June 20, 1987	Amended June 17, 2000	Amended June 13, 2009
Amended September 21, 1988	Amended June 18, 2005	Amended June 18, 2011
Amended June 16, 1990	Amended June 16, 2007	Amended June 16, 2012
Amended June 18, 1994	Amended June 14, 2008	Amended June 18, 2016
Amended June 10, 1995	Amended March 11, 2009	Amended June 17, 2017
Amended June 16, 2018	Amended August 30, 2020	Amended 26 June 2021

*For Amendment 18 June 2022*

1. **Authority and Purpose:** This Ordinance is adopted pursuant to the “home rule” provisions of 30A MRSA § 2101. Its purposes are to provide for adequate spacing of buildings with respect to other buildings, roadways, and subsurface waste disposal needs, and to assure compliance with applicable local and State land use laws in those areas of the Town not governed by the Shoreland Zoning Ordinance.
2. **Applicability:** This Ordinance applies to all areas of Georgetown which are not governed by the Shoreland Zoning Ordinance.
3. **Planning Board Permit Required:** After the effective date of this Ordinance, a permit issued by the Planning Board shall be required prior to the following:
  - a. the construction or placement of any new or relocated principal structure **or Accessory Dwelling Unit (ADU)**;
  - b. the expansion of an existing principal structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or by posts or foundation wall, or an increase in the volume and/or height of the structure, or the removal and replacement of the entire structure or any portion thereof;
  - c. the modification of an existing principal structure which results in an increase in the number of dwelling units in the structure;
  - d. construction or expansion of a campground/campsite;
  - e. a first-time structure greater than 100 square feet on an undeveloped lot;
  - f. construction or expansion of a solar farm.
4. **Code Enforcement Officer Permit Required:** After the effective date of this Ordinance, a permit issued by the Code Enforcement Officer, Assistant Code Enforcement Officer, or designated alternate shall be required prior to the following:
  - a. the construction or placement of any new or relocated accessory structure; and
  - b. the expansion of an existing accessory structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or

by posts or foundation wall, or an increase in the volume and/or height of the structure, or the removal and replacement of the entire structure or any portion thereof;

c. demolition of an existing structure.

d. Signs for businesses and organizations

**5. Exceptions:** This Ordinance shall apply to, but no permit is required for, the following, unless a variance is required, in which case a building permit is required:

a. a shelter for a small household pet, such as a cat or a dog;

b. an accessory structure which does not exceed 100 square feet in area;

c. a temporary roadside stand used for sale of flowers, vegetables, fruit, or similar produce which does not exceed 100 square feet in area and which remains in place for less than seven months in any period of twelve consecutive months;

d. steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway;

e. roofs constructed without attachment to the ground and used exclusively to provide weather shelter to doorways or steps; and

f. a boundary wall or fence.

g. a temporary enclosure for the repair or maintenance of boats, equipment, or machinery.

h. a hoop garage or storage container no larger than 240 square feet and 15 feet in height.

i. normal, routine maintenance and repairs, such as re-shingling a roof, replacing siding or replacing windows.

**6. Application and Fee:** Applications for permits shall be on forms provided for the purpose and available from the Planning Board or Code Enforcement Officer. Permit fees are as follows:

New principal structure **and/or ADU:** A single family, residential structure shall be charged at the rate of \$0.20 per sq. ft. of floor area with a \$100 minimum. Commercial structures, including solar farms, shall be charged at the rate of \$0.40 per sq. ft. of floor area, or solar panel surface area in the case of solar farms, with a \$400 minimum.

New accessory structure: \$0.20 per sq. ft. of floor area with a \$50 minimum for structures accessory to residential structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for structures accessory to commercial structures. For free standing solar energy systems, permit fees shall be calculated based on solar panel surface area.

Additions to an existing structure: \$0.20 per sq. ft. of floor area with a \$50 minimum for residential structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for commercial structures.

New or improved piers, docks, and all other applications: \$0.20 per sq. ft. of floor area with a \$50 minimum for non-commercial structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for commercial structures.

Demolition of an existing structure: \$50

Signs: \$40

New or improved campgrounds:

Tier I (1 -25 sites) - \$100

Tier II (1 – 50 sites) - \$200

Tier III (1 – 75 sites) - \$300

Tier IV (1 -100 sites) - \$400.

All fees shall be rounded down to the nearest whole dollar.

If a Building Permit is not obtained until after construction or demolition begins, the fee for an “after the fact” permit shall be double the normal fee. This double fee is in addition to any fine or penalty that may be imposed for failing to obtain a Building Permit prior to starting construction.

## **7. Permit Decision:**

a. For those proposed building activities on which it is authorized to act, the Planning Board shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. All applications shall either be approved or denied in writing Within 30 days of receiving a completed application, including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of applicable Town Ordinances.

b. For those proposed building activities on which he or she is authorized to act, the Code Enforcement Officer shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. Within 30 days of the receipt of a completed application, the Code Enforcement Officer shall determine whether the proposed building activity meets the requirements of this Ordinance. If he makes a positive finding that all applicable requirements are met, he shall immediately issue a permit. If he finds that the applicable requirements of this Ordinance have not been met, he shall immediately issue a written denial of the application, stating the specific provisions which the application fails to meet.

c. Permits may be made subject to reasonable conditions to protect and preserve the public's health, safety, and general welfare and to assure conformity with the purposes and provisions of this Ordinance and other applicable Town Ordinances and State laws. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of an application must be made within 30 days of the approval or denial.

- d. The successful applicant must post the permit in some visible place on the building site.
- e. The successful applicant must mark the exact location of the structure on the site and have the Code Enforcement Officer verify that this location complies with the permit before beginning actual construction.

**8. Permit Expiration:** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property in that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project structurally, at which time the permit shall expire. Prior to expiration, a request for an extension will be considered. No more than one extension will be considered. After expiration, a request for a new permit will be considered. Substantial construction shall mean the completion of at least thirty percent of the permitted structure measured as a percentage of estimated total cost.

**9. Requirements:**

**a. Setback Requirements for Principal and Accessory Structures:** All newly constructed, placed, relocated, or expanded principal or accessory structures shall meet the following minimum setback requirements:

- (1) center line of any public road, or a common road in an approved subdivision: 50 feet;
- (2) center line of any private road: 30 feet;
- (3) all other lot lines: 20 feet;
- (4) any cemetery: 25 feet;
- (5) A principal or accessory structure existing at the effective date of this Ordinance which does not comply with the provisions of Section 9 a.(1) and 9 a.(3) herein may be expanded so long as the expansion does not further reduce an existing nonconforming setback from the centerline of any public road, or a common road in an approved subdivision, or an existing lot line.

**b. Accessory Dwelling Units:** One ADU may be located on the same lot as a single-family dwelling unit so long as it meets all State and local land use requirements, and either the primary unit or ADU is owner occupied.

**c b. Maximum Height Limit for Structures:** Structures shall not exceed 35 feet in height as measured from the mean original grade at the downhill side of the structure. This provision shall not apply to transmission towers, windmills, attached antennas, chimneys or flagpoles intended for personal use and similar structures having no floor area. Additionally, cupolas, domes, widow's walks or other similar features are exempt from this height limit.

**d. Photographic record required for development in the Shoreland Zone:** In accordance with 38M.R.S. subsection 439-A(10) pre-construction photos and post construction photos are required for development within the Shoreland Zone. The pre-construction photos must be taken, submitted to, and approved by the CEO prior to any clearing or cutting taking place. The post-construction photos must be taken no later than 20 days after completion of the development showing both the shoreline vegetation and the development site. The pre-construction photos shall be submitted, both electronically and hard copy, with the building permit application documentation. Post-construction photos shall be sent, electronically only, to the CEO. The CEO shall determine the acceptability of the post construction photos.

**ee. Lot Size Requirements for Principal Structures:** All applications for permits for new or relocated principal structures, and for permits for expansions or modifications of existing principal structures which would result in an increase in the number of dwelling units or an increase in the volume of waste discharged to a subsurface waste disposal system, shall include written evidence of compliance with the Georgetown Minimum Lot Size Ordinance.

**fd. Private Roads and Driveways:**

(1) Any private road or driveway must be set back 25 feet from any cemetery.

(2) Anyone installing a driveway or entrance along a state highway is required by state law to obtain a driveway/entrance permit from the Maine Department of Transportation (DOT) (<https://www.maine.gov/mdot/traffic/drivewaypermits/midcoast/?towns=2>) before a Building Permit can be issued. A copy of the approved permit must be included with the Building Permit application. Additionally, State law requires that if a property owner intends to change the use of the entrance (e.g. from residential only to residential/small business), a permit must be obtained from Maine DOT.

**ge. Solid Waste Disposal:**

Any contractor doing work under a building permit issued under this Ordinance must provide for private disposal of the construction waste produced as part of the work involved; such construction waste will not be accepted at the Georgetown Transfer Station.

**hf. Non-conforming structures:**

(1) Expansion. A non-conforming structure may be added to or expanded with a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the lot on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface waste-disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal

Rules, or that a new system can be installed in compliance with the Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a lot line, cemetery, or road or which exceeds the maximum height limit for structures and which is removed, damaged, or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained from the Planning Board within eighteen months of the date of the damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback or height requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is located less than the required setback from a lot line, cemetery, or road or which exceeds the maximum height limit for structures and which is removed by 50 percent or less of its market value, or damaged or destroyed by 50 percent or less of its market value, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Planning Board within eighteen months of such damage, destruction, or removal.

**ig. Campgrounds.**

(1) Commercial campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

Note: Sites in the Shoreland Zone are governed by the Shoreland Zoning Ordinance.

- (a) Campgrounds shall contain a minimum of 1,000 square feet of land, not including roads and driveways, for each R.V. and tent site. 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, park model, or shelter, and all utility and service buildings shall be set back seventy-five feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(2) Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

Note: Sites in the Shoreland Zone are governed by the Shoreland Zoning Ordinance.

- (a) One campsite per lot existing on the effective date of this Ordinance.
- (b) 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.
- (c) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
  - (d) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
  - (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) 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 Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
  - (g) 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 waste-disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

**jh. Signs.** The following provisions shall govern the use of signs in Georgetown. Signs in existence before this provision is adopted are grandfathered.

(1) Permanent Signs:

- (a) Signs of six (6) square feet or less do not require a permit
- (b) Signs for businesses and organizations are allowed, provided that in aggregate such signs shall not exceed one hundred (100) square feet.

(2) Temporary Signs:

- (a) Temporary signs are allowed and are not subject to a permit.
- (b) No more than four (4) temporary signs are allowed per property.
- (c) The size of a temporary sign shall not exceed eight (8) square feet.
- (d) A temporary sign may be placed on-premise no more than five (5) days prior to the activity and shall be removed within three (3) days of the end of the activity.

(3) General, applicable to all signs:

- (a) Two sided signs shall be considered one sign.
- (b) All signs shall be set back from all rights-of-way a minimum of ten (10) feet and twenty (20) feet from all other property lines.
- (c) No sign shall be placed in a position that will impair vision, obstruct traffic, or create a hazard or nuisance to the general public.
- (d) Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.
- (e) Signs relating to public safety shall be allowed without restriction.
- (f) No sign shall extend higher than twenty (20) feet above the ground.
- (g) Signs may be illuminated only by shielded, non-flashing lights.

- ki. Demolition Permit:** A Demolition Permit is required in order to remove/demolish any existing structure greater than 100 square feet and for any structure, regardless of size, that has been painted prior to 1978. The issuance of Georgetown's demolition permit does not exempt the applicant from meeting state and federal hazardous waste standards.
- lj. Erosion and Sedimentation Control:** All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board 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 rip-rap.
- mk. Compliance with Other Applicable Local Ordinances:** All applications for newly constructed, placed, relocated, or expanded structures shall include evidence of compliance with the Flood-plain Management Ordinance of the Town of Georgetown, if applicable.

## 10. Appeals to Board of Appeals:

- a. Variance Appeals:** A variance is authorized only for setbacks. The Board of Appeals may, upon written application in accordance with the Board of Appeals Ordinance, section VI.B, grant a variance from the strict application of this Ordinance under the following conditions:
- (1) that the land in question cannot yield a reasonable return unless a variance is granted;
  - (2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - (3) that the granting of a variance will not alter the essential character of the locality; and
  - (4) that the need is not the result of action taken by the applicant or a prior owner.

The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

- b. Disability Variances:** The Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment

or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railings, walls, or roof systems necessary for the safety or effectiveness of the structure.

- c. **Administrative Appeals:** The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.
  - d. **Reconsideration:** In accordance with 30-A MRSA § 2691.3.F, the Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.
  - e. **Appeal to Superior Court:** An appeal may be taken within forty-five days after any decision is rendered by the Board of Appeals by any party to Superior Court in accordance with State law.
- 11. Enforcement:** This Ordinance shall be enforced by the Code Enforcement Officer. The Selectmen may take such actions as are necessary and proper to restrain, correct, remove, or punish violations of this Ordinance in accordance with 30A MRSA § 4452.
- 12. Conflict with Other Ordinances:** Where a conflict exists between this Ordinance and other ordinances, laws, or regulations, the more strict provision shall apply.
- 13. Validity and Severability:** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

#### 14. Definitions:

**Accessory Dwelling Unit (ADU):** a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

**Aggrieved Party:** An owner whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance, an Owner whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who have suffered a particularized injury as a result of the granting or denial of such permit or variance.

**Accessory Structure:** A structure of a nature customarily incidental to or subordinate to that of the principal structure or the primary use to which the premises are devoted that is not a dwelling unit. Examples of accessory structures include, but are not limited to, garages, sheds, bunkhouses, greenhouses, non-commercial workshops, a free standing residential solar energy system, etc.

**Bunkhouse:** A detached bedroom having no plumbing; accessory to a single-family dwelling for the temporary accommodations of guests of the property owner while the owner is an occupant of the principal dwelling.

**Campground** - any area or tract of land to accommodate one or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles, or other shelters.

**Center Line of a Road:** A point, measured horizontally, midway between the extreme outside edges of a public right-of-way, or of the land held in government ownership, if the road is a public road; or, if the road is not a public road, a point, measured horizontally, midway between the extreme outside edges of the travel surface of soil, gravel, asphalt, or other surface material.

**Commercial use** - The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Cupola/Widow's Walk:** A non-inhabitable building feature mounted on a building roof for observation purposes that does not extend beyond the exterior walls of the existing structure, has a floor area of 53 square feet or less, and does not increase the height of the existing structure by more than 7 feet.

**Dwelling Unit:** A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters containing cooking, sleeping, and toilet facilities. This definition includes single family and multifamily housing, mobile homes, condominiums, apartments, time-share units, and rental units, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

**Free Standing Solar Energy System:** a solar energy system that is structurally mounted to the ground and that principally generates electrical energy used by one or more residential, agricultural or business uses on the property on which the system is located, even if a portion of the energy from the system is sold or distributed to the grid.

**Floor Area:** The sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches, decks and docks. Floor area with a ceiling height of six feet or less shall be excluded from this calculation.

**Grandfathering:** Permitting a use or condition to continue because it existed prior to the adoption of regulations or ordinances limiting or precluding such use or condition. Grandfathering for a structure or use would expire one year after the structure or use ceased to exist or function as originally intended.

**Home occupation:** An occupation or profession which is customarily conducted on or in a residential structure or property and which (1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) employs only family members residing in the home.

**Hoop Garage:** A ribbed structure usually made of metal, covered with cloth, canvas or plastic for the storage of vehicles, boats and other goods.

**Lot:** A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.

**Non-conforming structure:** a structure which does not meet one or more of the dimensional requirements: setback or height, but which is allowed solely because it was in lawful existence at the effective date of this Ordinance, that is, was grandfathered.

**Principal Structure:** A structure other than one that is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

**Road:** A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**Recreational vehicle:** a vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, park model, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground.

**Setback from a Lot Line:** The minimum distance between a property line and the nearest part of a structure.

**Setback from the Center Line of a Road:** The minimum horizontal distance from the center line of a road to the nearest part of a structure.

**Solar Farm:** an installation or area of land on which solar panels are placed solely to generate electricity to feed power into an electrical grid or other commercial purpose. A solar farm shall not include a free standing solar energy system.

**Storage Containers:** A removable prefabricated structure, sometimes with axles, for the storage of goods.

**Structure:** Anything built on land for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway. Also excluded, poles, wiring, and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks and patios, antenna towers, and small wind-powered energy systems.

**Temporary:** lasting for up to seven continuous months.

**Undeveloped lot:** a lot that has no structure(s) greater than 100 square feet, septic, well or electrical service on it.

**15. Effective Date:** This Ordinance was adopted 20 June 1987, with an effective date of 20 August 1987. Changes included herein become effective when adopted by Town Meeting.

# MINIMUM LOT SIZE ORDINANCE

for the Town of Georgetown, Maine **DRAFT**

Enacted March 5, 1977  
Amended June 19, 1982  
Amended June 13, 2015

Amended June 18, 1983  
Amended June 16, 1990  
*For Amendment June 18, 2022*

Amended June 14, 2008  
Amended June 12, 2010

## 1.0 PURPOSE:

Georgetown is a rural coastal community facing the possibility of continued population growth, building construction, and change such as the Town has experienced in recent years. Such change is not without problems. Shallow soils and ledge outcrops characterize the Town and limit the availability of suitable sites for the installation of subsurface waste disposal systems. This situation becomes more critical as the better pieces of land are developed and more marginal sites begin to be utilized. The adequacy and quality of water supplies are also issues.

This Ordinance seeks to protect the public health, safety, and welfare by establishing a two-acre minimum lot size throughout Georgetown. For the purposes of this Ordinance, every new lot is considered a potential building site. The Ordinance uses the disposal of wastes by subsurface systems and the two-acre minimum to establish lot sizes for various uses. This will help both in ensuring the adequate functioning of private disposal systems and in protecting private water supplies. The Ordinance will also help control the density of development and help preserve the rural character of Georgetown.

## 2.0 APPLICABILITY:

2.1 This Ordinance shall apply to lots created by gift, sale, lease, or devise on or after the effective date of this Ordinance.

2.2 This Ordinance shall apply to all uses of land which are proposed to commence on or after the effective date of this Ordinance.

2.3 This Ordinance shall apply to mobile homes. One mobile home shall be treated as a single family residence under Section 3.2.1. Two mobile homes shall be treated as multiple family housing under Section 3.2.2. Three or more mobile homes constitute a mobile home park (see 30-A MRSA § 4358).

## 3.0 SPECIFICATIONS:

3.1 **Minimum Lot Size:** All lots created after the effective date of this Ordinance shall have a minimum area of two acres, exclusive of wetlands, except those lots which meet the requirements of sections 4.1 or 4.2. In every instance, each lot shall be laid out so that a 150' square can fit within the area of its lot lines. In no case can any existing non-conforming lot be made less conforming.

3.2 **Lot Size and Waste Generation:** In all areas of Georgetown, notwithstanding any other provisions of State or local law or regulation, no person shall:

3.2.1 Dispose of wastes from any single family residence by means of subsurface waste disposal unless the lot of land on which such single family residence is located has an area of at least two acres or is exempt under sections 4.1 or 4.2.

3.2.2 Dispose of wastes from any multiple family housing by means of subsurface waste disposal unless the lot of land on which such multiple family housing is located has an area of at least three-quarters of an acre per bedroom or is exempt under section 4.2.

3.2.3 Dispose of wastes from any other land use activity by means of subsurface waste disposal unless the lot of land on which such land use activity is located has an area of one acre per 300 gallons of waste generated per day or is exempt under section 4.2.

The wastewater design flows in the Maine State Plumbing Code, revised May 1, 1981 (and subsequent revisions thereof), shall be used in determining the volume of wastes likely to be generated by various land use activities. The volume of wastes shall be used in the following formula to determine lot sizes for other land uses (two-acre minimum):

$$\text{total gallons/day} \div 300 \text{ gallons} \times 1 \text{ acre} = \text{required lot size}$$

#### 4.0 EXCEPTIONS:

##### 4.1 Single Family Residences:

4.1.1 Existing Lots: Persons intending to build a single family residence on a lot existing prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance.

*4.1.2 Existing Lots: Lots that when created were described in town property tax records as being buildable lots, i. e. greater than or equal to two acres, but are subsequently determined to be less than the two-acre minimum requirement, may still be considered to be buildable lots. However, the lot must be at least one acre and, that the decrease in determined acreage was not due to any actions taken by the property owner or his or her predecessors in title and is based on reasonable evidence as shown by a survey performed by a professional land surveyor registered in the State of Maine. Examples would include, but are not limited to, loss of acreage due to taking by eminent domain, erosion or other natural causes, or from an error in a prior survey. The Georgetown Board of Appeals may grant a further reduction in minimum lot size upon demonstration of compelling hardship by the owner. In any event, the proposed structure must meet all setback requirements.*

4.1.23 Existing Single-Family Residences: Single family residences constructed on lots prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance if the waste disposal systems of such single-family residences were in conformance with all State laws and local ordinances, or were properly exempt from same, on the date of the installation of the waste disposal systems.

~~4.2 Suitable Soils: Persons intending to create a lot or lots in areas where soils suitable for two separate subsurface waste disposal systems exist may apply to the Code Enforcement Officer for up to a fifty percent reduction in the required two-acre minimum lot size by submitting a lot size reduction permit application. The CEO may grant such a reduction if the applicant submits documentation prepared by a licensed site evaluator indicating that the soils of each lot of less than two acres will support two separate subsurface disposal systems, designed so that all required minimum setback distances are met by both locations, and that the two disposal areas are separated by a distance equal to two times the width of the disposal area, with a minimum separation distance of 40 feet.~~

#### 5.0 BOARD OF APPEALS:

The Georgetown Board of Appeals, established in accordance with 30-A MRSA § 2691, is vested with the authority to hear and decide appeals from decisions of the CEO.

#### 6.0 ENFORCEMENT:



6.1 The Local Plumbing Inspector shall not issue a plumbing permit for a waste disposal system for any lot which does not meet the provisions of this Ordinance. The LPI shall notify the CEO of possible violations.

6.2 The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the person who created the lot, the owner, and the lessee of the lot, the Board of Selectmen, and the Planning Board of the nature of the violation and the correction of same if possible.

6.3 The Board of Selectmen is charged with the prosecution for all violations of the provisions of this Ordinance. In cases where the notices referred to in paragraph 6.2 are not promptly complied with after their receipt, the Selectmen shall take such complaints to the courts as, in their judgment, are proper, or the Selectmen may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove, or punish such violations.

6.4 Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not more than \$100.00 and each day on which such violations shall continue shall constitute a separate offense.

#### 7.0 DEFINITIONS:

**Coastal Wetlands:** All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt-water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland which is subject to tidal action or normal storm flowage at any time except during periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

**Freshwater Wetlands:** Freshwater swamps, marshes, bogs, and similar areas which are:

- A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and
- B. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

**Lot:** A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.

**Maine State Plumbing Code:** The "State of Maine Subsurface Wastewater Disposal Rules" prepared by the State Department of Health and Human Services.

**Multiple Family Housing:** A building or buildings designed for occupancy by two or more families, each living in its own quarters.

**Single Family Residence:** A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time, containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

8.0 EFFECTIVE DATE:

This Ordinance was adopted June 18, 1983. Changes included herein become effective when adopted by Town Meeting.

# SHELLFISH CONSERVATION ORDINANCE

for the Town of Georgetown, Maine **DRAFT for Amendment 18 June 2022**

Amended 6 March 1985	Amended 18 June 1994	Amended 12 June 2004
Amended 11 June 1988	Amended 10 June 1995	Amended 17 June 2006
Amended 16 June 1990	Amended 10 June 1995	Amended 16 June 2007
Amended 8 June 1991	Amended 14 June 1997	Amended 14 June 2008
Amended 13 June 1992	Amended 17 June 2000	Amended 18 June 2016
Amended 12 June 1993	Amended 15 June 2002	Amended 17 June 2017
Amended 18 November 1993	Amended 12 June 2004	Amended 16 June 2018

LAST AMENDED: June 15, 2019

**I. Authority:** This Ordinance is enacted in accordance with 12 MRSA § 6671.

**II. Purpose:** To establish a shellfish conservation program for the Town of Georgetown which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A Licensing
- B Limiting the number of shellfish harvesters
- C Restricting the time and area where digging is permitted
- D Limiting the minimum size of clams taken
- E Limiting the amount of clams taken daily by a harvester

**III. Shellfish Conservation Committee:** The shellfish conservation program for the Town of Georgetown will be administered by the Shellfish Conservation Committee, consisting of five or more members, of which one may be a non-resident of Georgetown, to be appointed by the Board of Selectmen for staggered three-year terms. The Committee's responsibilities include:

- A Establishing annually, in conjunction with the Department of Marine Resources, the number and kind of shellfish digging licenses to be issued;
- B Surveying each clam-producing area at least once each three years to establish size distribution and density and annually to estimate the status of the Town's shellfish resources;
- C Submitting to the Board of Selectmen proposals for the expenditure of funds for the purpose of shellfish conservation;
- D Keeping this Ordinance under review and making recommendations for its amendment;
- E Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
- F Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Area Biologist of the Department of Marine Resources;
- G Identifying and qualifying shellfish conservation projects and determining yearly how many hours of conservation time applicants or license holders must complete to qualify for new licenses or license renewals; and
- H Submitting an annual report to the Town and the Department of Marine Resources covering the above topics and all other committee activities.

**IV. Definitions:**

- A 1. Resident: For commercial licenses: The term “resident” refers to a person who owns or rents real estate in the Town of Georgetown which is his or her permanent, fixed place of abode and principal place of residence. If a person claiming to be a resident neither owns nor rents real estate in the Town of Georgetown, he or she shall be required to produce such other evidence of residence as the Town Clerk may require. A person shall not qualify as a resident of Georgetown unless he or she has maintained a permanent, fixed place of abode and principal place of residence in Georgetown for three months prior to claiming residence. A person shall cease to be a resident of Georgetown on the date he or she acquires a permanent, fixed place of abode and principal place of residence in any other Town or moves from the Town of Georgetown.
- 2. For recreational licenses, the term resident also includes, in addition to a person meeting the definition of “resident” under paragraph IV.A.1 above, any person owning real residential property in the Town of Georgetown which is his or her seasonal or secondary place of residence.
- B Non-resident: The term “non-resident” shall apply to anyone not qualified as a resident under this Ordinance.
- C Shellfish, Clams, and Intertidal shellfish resources: When used in the context of this Ordinance, the terms “shellfish,” “clams,” and “intertidal shellfish resources” mean soft-shell clams (*Mya arenaria*), hen clams (*Spisula solidissima*), razor clams (*Ensis directus*), quahogs (*Mercenaria mercenaria*), American Oysters (*Crassostrea virginica*) and European Oysters (*Ostrea edulis*).
- D Clam Flats: The term “clam flats” means the area between high water and extreme low water.
- E Lot: The word “lot” as used in this Ordinance means the total number of soft-shell clams in any bulk pile. Where soft-shell clams are in a container, the contents of each container constitutes a separate lot.
- F Possess: For the purpose of this Ordinance, “possess” means dig, take, harvest, ship, transport, hold, buy and sell, retail and wholesale, soft-shell clam shellstock.
- G Student: For the purpose of this Ordinance, “student” shall apply to any person actively enrolled in or entering grades 5 through 12 as of the date of application.

**V. Licensing:** A Town Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of Georgetown without having a current license issued by the Town as provided by this Ordinance. A commercial digger must also have a valid State of Maine commercial shellfish license issued by the Department of Marine Resources, but need not purchase the State license before obtaining the Town license. Of the total licenses issued, both commercial and recreational, ten percent shall be reserved for non-residents. Applicants for non-resident recreational licenses will follow the lottery routine specified in paragraph D.12 below; they need not be present at the lottery.

- A Designation, Scope, and Qualifications:
  - 1 Resident Commercial Shellfish License: This license is available to residents of the Town of Georgetown and entitles the holder to dig or take any amount of shellfish from the shores and flats of Georgetown and reciprocating municipalities, with no more than one peck daily being the acceptable level of harvest from Reid State Park.
  - 2 Non-Resident Commercial Shellfish License: This license is available to non-residents of the Town of Georgetown and entitles the holder to dig or take any amount of shellfish from the shores and flats of Georgetown, with no more than one peck daily being the acceptable level of harvest from Reid State Park.
  - 3 Resident Recreational Shellfish License: This license is available to residents and real-estate

taxpayers of the Town of Georgetown and entitles the holders to dig or take no more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses.

4 Non-Resident Recreational Shellfish License: This license is available to any person not a resident of Georgetown and entitles the holders to dig and take not more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses.

5 Non-Resident Seven-Day Recreational Shellfish License: This license is available to any person not a resident of Georgetown and entitles the holders to dig and take not more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses and expires seven days from the date of issue.

6 License must be signed: The licensee must sign the license to make it valid.

7 A license is not required to harvest one peck of clams from the shores of Reid State Park.

B Application Procedure: Any person may apply in person to the Town Clerk or mail in a completed application for the license required by this Ordinance on forms provided by the Town.

1 Contents of the Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, and whatever information the Town may require.

2 Misrepresentation and Ineligibility: If after investigation the Town learns that a licensee has given false information or is otherwise ineligible to hold a license under this ordinance, the Selectmen shall give the licensee a minimum of seven days notice of a hearing on the matter. If the Selectmen determine at the hearing that the license should be revoked, they shall give the licensee written notice of revocation. Any licensee aggrieved by their decision may appeal to the Superior Court.

3 No shellfish license will be issued to anyone with unpaid Town or State shellfish fines.

C Fees: The fees for the licenses are as stated below and must accompany in full the application for a recreational license. Applicants for commercial licenses through the lottery must pay the fee required when they pick them up. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1 for each license which she will retain as payment for issuing the license. Recreational license fees are waived for persons sixty-five years of age or older, those twelve years of age or younger, and those who have contributed four hours of conservation time in accordance with Article III, Section G of this Ordinance.

Resident Commercial:	\$ 200 per year
Resident Student Commercial:	\$ 100 per year
Non-Resident Commercial:	\$ 400 per year
Non-Resident Student Commercial	\$ 200 per year
Resident Recreational:	\$ 20 per year
Non-Resident Recreational:	\$ 35 per year
Non-Resident Seven-Day Recreational	\$ 25 per license

Visitors may purchase Non-Resident Seven-Day Recreational licenses from the Town Clerk or from agents appointed by the Board of Selectmen, in consultation with the Town Clerk and members of the Shellfish Conservation Committee. With their licenses they shall receive brochures outlining license restrictions and other applicable information. The Board of Selectmen shall approve agents to purchase Non-Resident Seven-Day Recreational licenses from the Town Clerk for resale and shall authorize them to charge no more than \$1 in addition to the fee set above. The Selectmen may withdraw their approval during the year for cause and may set additional conditions for selling these licenses as necessary.

D Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited soft-clam-producing area of the Town. It is essential that the Town carefully manage its shellfish resources. Following the annual review of the Town's clam resources, its size, distribution, and abundance, and the Shellfish Warden's reports, as required by Article III, the Shellfish Conservation Committee in consultation with the DMR Area Biologist and Shellfish Warden will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year. The following procedures will be followed to exercise the control.

- 1 Prior to 1 May, the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, will establish the number of commercial and non-commercial licenses to be issued following the requirements of 12 MRSA § 6671.
- 2 The Shellfish Conservation Committee will notify the Town Clerk in writing prior to 15 May of the number of licenses to be issued.
- 3 Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the Selectmen consider effective in reaching persons affected, not less than ten days prior to the period of issuance, and shall be posted in the Town Office until the period concludes.
- 4 The Town Clerk shall issue recreational licenses to residents and non-residents as allocated from the first business day in July. The Town Clerk shall issue allocated commercial licenses as outlined in paragraphs D 6 or D 11 of this section.
- 5 Licenses returned to the Town voluntarily or made available for any reason may be reissued to another person at the current fee according to the priorities established in paragraph D 11 of this section.
- 6 All commercial shellfish license holders who have purchased their licenses prior to 1 October of the previous year and who have completed the prescribed number of hours of shellfish conservation work under the supervision of the Town Shellfish Warden or a member of the Shellfish Conservation Committee shall have one month prior to the first business day in July to purchase their licenses. They may appear in person at the Town Office or mail in a completed Commercial Shellfish License application prior to the first business day in July. Anyone who mails an application is responsible for ensuring that the Town has received it. Exempt military commercial harvesters, as defined in D.8 can assign an agent to purchase and obtain their license. Holders of student commercial licenses are not eligible to purchase non-student commercial licenses prior to the first business day in July.
- 7 The Shellfish program coordinator shall record the names and hours worked for all those who do conservation work and provide this information to the Committee and to the Town Clerk.
- 8 The Shellfish Conservation Committee shall waive the requirement for conservation time for any commercial harvester, who currently holds a license, and who is serving in the armed forces on active duty. To receive the waiver, the harvester must present to the Town Clerk

certification from the commander of the harvester's post, station or base, or the commander's designated agent, that the harvester is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. The Shellfish

Conservation Committee shall waive all or part of the requirement for conservation time for an applicant who provides a written statement from a physician indicating that he or she was unable to participate in any regularly scheduled conservation because of illness or injury. At the request of an applicant, made at a regular monthly meeting of the Committee, it may arrange on an hour-for-hour basis:

- a another time to complete conservation work for an applicant who demonstrates that the illness or incapacitation of a parent, spouse, or child has prevented him or her from participating in a regularly scheduled conservation time; or
  - b alternate, less strenuous work for an applicant who provides the Committee with a written statement from a physician indicating that he or she is not physically able to participate in regular conservation work.
- 9 In the event that the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, decides to reduce the number of commercial licenses to be issued, licenses shall be awarded according to seniority in terms of the number of consecutive years that each applicant has held a valid Georgetown Commercial Shellfish License. The claim of seniority must be verified by reference to Town records of licenses awarded in previous years. The applicant who has held a Georgetown Commercial Shellfish License the greatest number of years shall be awarded the first license, the second-longest Georgetown license-holder shall be awarded the second license, and so on until all commercial licenses have been issued to applicants fulfilling the qualifications listed above. Any person denied a license because such a reduction shall take precedence over others not so qualified should the original number of licenses be restored.
- 10 New resident, resident student, non-resident student, and non-resident commercial licenses will be issued according to lottery. The first lottery will consist of the names of those applicants as allocated who have completed the prescribed hours of conservation work. A student commercial lottery, if needed, shall be held prior to any non-student commercial lottery. If necessary, further lotteries may be held for applicants who have not completed the prescribed hours of conservation work.
- 11 Applicants for all commercial licenses must register in person for the lottery on the first two business days of July and must be present for the drawing, regardless of whether or not there are available licenses. No one may register for the lottery on the day of the drawing. The lottery will be held in public at the Town Office at 9:30am on the third business day of July. The Town Clerk will record all names in the order in which they are drawn. Available licenses will be issued to those present. Any licenses that become available at a later date will be issued according to the order of draw and are not subject to the October 1 purchase deadline set in Section D.6 In the event a commercial license is returned and there are no eligible names on the waiting list, that license will not be reissued during that fiscal year.
- 12 Applicants for non-resident recreational licenses must register for a lottery to be held after the lottery for commercial licenses on the third business day of July. Those who have registered on the first two business days of July will be eligible for that drawing. Those who register after that drawing will have their names added at the end of the list.
- E License Expiration Date: Each license issued under authority of this Ordinance expires at midnight on the 30th day of June next following the date of issue, except that Non-Resident Recreational Seven-Day licenses expire seven days from the date of issue.
- F Reciprocal Harvesting Privileges: Licensees from any other municipality cooperating with this

Town on a joint shellfish management program may harvest shellfish according to the terms of their licenses.

- G Suspension: Any commercial shellfish license holder having two convictions for any State or Georgetown shellfish violation in a twelve-month period shall have his or her shellfish license suspended for a period of sixty days. The suspension shall be effective from the date of the second conviction. A third conviction in a twelve-month period will result in the loss of eligibility for any Georgetown license for three years from the date of the third conviction. Any recreational shellfish license holder having one conviction shall have his or her shellfish license suspended for a period of sixty days, effective from the date of conviction. A second conviction within twenty-four months of the first will result in the loss of eligibility for any Georgetown shellfish license for three years from the date of the second conviction.

**VI. Opening and Closing of Flats:** The Selectmen, with the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendation of the Shellfish Conservation Committee and concurrence of the DMR Area Biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Selectmen may call a public hearing on ten days notice published in a newspaper having general circulation in Georgetown, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Selectmen made after the hearing shall be based on findings of fact.

**VII. Minimum Legal Size of Soft-shell Clams:** It is unlawful for any person to possess soft-shelled clams in the Town of Georgetown which are less than two inches in the longest diameter, except as provided by Section A of this Article.

- A Tolerance: Any person may possess soft-shelled clams that are less than two inches if they comprise less than ten percent of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire pile if it contains less than one peck.
- B Penalty: Anyone who violates this section shall be punished as provided by 12 MRSA § 6681.

**VIII. Harvesting at Night:** It is unlawful to harvest shellfish at night using artificial light. The Shellfish Warden and the Marine Patrol may harvest shellfish at night with artificial light for the Officer Salty program and the Boothbay Aquarium, but only after notifying the Marine Patrol office in Boothbay.

**IX. Enforcement:** The Shellfish Warden is charged with enforcing this Ordinance. Anyone who violates its terms shall be punished as provided by 12 MRSA § 6671, §6621, §6025(4) and §6953

- A DMR Pollution Closures: It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed in the Town of Georgetown in accordance with DMR Regulation, Chapter 23; and it shall be unlawful to wash, hold, or keep shellfish in any area closed by DMR regulation or to possess, ship, transport, or sell shellfish so washed, held, or kept. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MRSA Title 12 §6671.
- B Conservation Closures: It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the Town of Georgetown in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MRSA Title 12 §6671
- C Stopping for Inspection & Penalty: It shall be unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person:
  - 1. Stopping: To fail or refuse to stop immediately upon request or signal of any certified municipal shellfish conservation warden in uniform;
  - 2. Remaining stopped: After he has so stopped, to fail to remain stopped until the certified municipal shellfish conservation warden reached his immediate vicinity and makes known to



- that operator the reason for the request or signal;
3. Standing By: To fail or refuse to stand by immediately for inspection on request of any certified municipal shellfish conservation warden in uniform;
  4. Throwing or dumping items: Who has been requested or signaled to stop by a certified municipal shellfish conservation warden in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or other container of any type, or the contents thereof, before the certified municipal shellfish conservation warden had inspected the same.

Violation of this section is a Class D crime, except that the court shall impose a fine of not less than \$500. A court may not suspend a fine imposed under this section.

**X. Aiding and Abetting:** A harvester holding a commercial license who knowingly helps, assists, or facilitates the harvest of shellfish in violation of this Ordinance shall be subject to prosecution for the same violations and shall suffer the same penalties as the person assisted.

**XI. Effective Date:** This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the Town of Georgetown provided a certified copy of it is filed with the Commissioner within twenty days of its adoption. It shall be the responsibility of the licensee to keep informed of all amendments to this Ordinance.

**XII. Separability:** If any section, subsection, sentence, or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

**XIII. Repeal:** Any Ordinance regulating the harvesting or conservation of shellfish in the Town and any provision of any other Town Ordinance which is inconsistent with this Ordinance is hereby repealed.

**SOLAR ENERGY ORDINANCE - *draft***  
**Town of Georgetown**  
***Proposed for adoption June 18, 2022***

**1. Title**

- A. This Ordinance shall be known as the “Georgetown Solar Energy Ordinance” and will be referred to herein as the “Ordinance”.

**2. Authority**

- A. This Ordinance is adopted pursuant to the Home Rule Powers as provided for in Article VIII of the Maine Constitution and under the authority granted to the Town by the Maine Revised Statutes, including of 30A MRSA §2101, et seq.
- B. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.
- C. This Ordinance shall be administered by the Town’s Planning Board and enforced by the Town’s Code Enforcement Officer and Board of Selectmen.

**3. Purpose**

- A. Establish clear guidelines and standards for the Town to regulate Solar Energy Systems.
- B. Permit the Town to fairly and responsibly protect public health, safety, and welfare.
- C. Minimize any potential adverse effect of solar development on surrounding land use.
- D. Provide for the decommissioning/removal of panel and associated utility structures that are no longer being used for energy generation and transmission purposes.

**4. Applicability**

- A. A Solar Energy System (SES) approved for construction prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance that expands or relocates the footprint of the SES, shall require a new application under this Ordinance. Routine maintenance or replacements in kind do not require a permit.

**5. Definitions**

- A. Solar Energy System (SES): A solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.
- B. Solar Energy System, Ground-Mounted. A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (private use, medium, or large scale).
- C. Solar Energy System, Roof Mounted. A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (private use, medium, or large scale).

- D. Solar Farm. A Solar Energy System placed solely to generate electricity to feed power into an electrical grid or other commercial purpose.
- E. Solar Energy Farm, Large Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres and/or that generates a nameplate capacity of 1 MW or greater.
- F. Solar Energy Farm, Medium Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 3,000 square feet but less than 4 acres, and/or that generates a nameplate capacity of 20 KW up to, but not including, 1 MW.
- G. Solar Energy System, Private Use. A Solar Energy System whose physical size based on total airspace projected over the ground is less than 3,000 square feet and/or that generates a nameplate capacity of less than 20 KW. Such a system may consist of one or more freestanding ground, or roof mounted, solar arrays, or solar related equipment. The primary purpose of a Private Use System is to reduce on-site consumption of utility power or fuels, not to feed into an electrical grid.
- H. Kilowatt (KW): a unit for measuring power that is equivalent to 1,000 watts.
- I. Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.
- J. Megawatt Hour (MWh): A megawatt hour is equal to 1,000 Kilowatt hours (KWh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.
- K. Rated Nameplate Capacity. The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).
- L. Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.
- M. Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.
- N. Solar Related Equipment. Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations or other structures used or intended to be used for collection and management of solar energy.

## **6. Permit Required**

A permit approved by the Planning Board shall be required for all Solar Energy Systems, including Large and Medium Scale Solar Energy Farms, and Private Use Solar Energy Systems. All Solar Energy Systems shall conform to the requirements of this Ordinance and other applicable provisions of the Town of Georgetown ordinances. Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the more restrictive provision shall apply.

## **7. Application Fee**

- A. Solar Energy System, Large Scale: The Application fee is \$ 2,500.
- B. Solar Energy System, Medium Scale: The Application Fee is \$1,000.
- C. Solar Energy System, Private Use. The Application Fee is the standard Building/Demolition Permit fee.

## **8. Specific Application Requirements**

- A. An application for a Large or Medium Scale Solar Energy Farm must include the following, at the cost of the applicant:
- 1). The name(s) of the owner(s) of the SES, and the operator, if different from the owner(s);
  - 2). If the operator will be leasing the land, a copy of the agreement (minus financial compensation) clearly outlining the relationship inclusive of the rights and responsibilities of the operator, landowner and any other responsible party with regard to the SES and the life of the agreement;
  - 3). A description of how and to whom the energy produced will be sold;
  - 4). A copy of the agreement and schematic details of the connection arrangement with the transmission system (most likely Central Maine Power), clearly indicating which party is responsible for various requirements and how they will be operated and maintained;
  - 5). Construction Documents
    - a). All Construction Drawings and Specifications shall comply with all applicable statutes, regulations, standards, and ordinances issued by Federal, State and local jurisdictions.
    - b). All Construction Documents and Specifications shall be prepared and stamped by a registered professional engineer in the State of Maine.
    - c). Required drawings and specifications, including but not limited to the following:
      - i). Boundary Survey: A boundary survey for the project performed by a licensed land surveyor, including but not limited to:
        - (a) Comprehensive deed research investigation of the County Registry of Deeds;
        - (b) Define the limits of the property including all property corners and tangents, monuments and exceptions;
        - (c) Adjacent properties with lot number, acreage and property owner;
        - (d) Locate all major structures, roads and parking;
        - (e) Report Notes containing purpose of the survey, ownership and deed references, method of measurements, and past survey references. Also include any conflicts, exceptions, findings and opinions.
      - ii). Site Plan: A set of large scale drawings showing the improvements to the property. This includes:
        - (a) Site boundaries and delineation of the property and adjacent properties, showing Lot Numbers;
        - (b) Location of all structures and their relationship to the boundaries and adjacent structures. Include all new, existing and demolished structures;
        - (c) Location of Land Use Zones and setbacks from the Shoreland Zoning Ordinance;
        - (d) Location of all roads and parking areas and their relationship to the boundaries and adjacent structures;
        - (e) Any zones such as floodplain or wetland zones;
        - (f) Easements and other similar entitlements;
        - (g) Other site features and components the Planning Board may require.

- iii). Specific SES Drawings: The layout, design and installation of all components of the SES. All components shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL) or other similar certifying organizations, and shall comply with local ordinances, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application;
    - iv). A stormwater management plan developed in accordance with Maine’s Department of Environmental Protection regulations for Storm Water Management in Title 38, §420D of the Maine State Statutes, stamped and signed by a licensed Maine engineer.
  - 6). An operations and maintenance plan, including site control and the projected operating life of the system; Such a plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
  - 7). An emergency management plan for all anticipated hazards.
  - 8). A stormwater management plan, certified by a licensed Maine engineer, that demonstrates stormwater from the SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system.
  - 9). Proof of financial capacity to construct and operate the proposed facility.
  - 10). A Decommissioning Plan: See Section 9.
  - 11). A Building/Demolition Permit Application.
- B. An application for a Solar Energy System, Private Use must include the following:
  - 1). A description of the panels to be installed, including make and model, and associated system components;
  - 2). The owner shall provide evidence that the roof is capable of supporting the collateral load of the SES;
  - 3). For a roof mounted system, a minimum three foot buffer zone is required from the ridge and one edge of the roof or parapet for firefighter access
  - 4). A Building/Demolition Permit Application.

**9. Standard for approval**

- A. The following standards must be met:
  - 1). Large and Medium Scale Ground Mounted Solar Energy Farms:
    - a). Prohibited Locations:
      - i). Shall not be placed in the Shoreland Zone;
      - ii). Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance.

- b). Legal Responsibilities: The Applicant must provide proof that it has authorization to construct, use and maintain the property and any access drive for the life of the project and including the decommissioning of the project. The roles and responsibilities of the system owner, operator, landowner and any other party involved in the project must be clear and demonstrate to the satisfaction of the Planning Board that the public interest is protected. The owner or operator of a Ground Mounted Solar Energy System shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.
- c). Setback and Height. Structures within a SES shall be setback a minimum of 75 feet from all lot lines. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 20 feet above the ground surface. Associated SES structures shall be subject to the maximum height regulations specified for principal and accessory buildings.
- d). Utility Notification. A solar farm system shall not be installed until evidence has been given to the Planning Board that the applicant has an executed agreement with a utility provider to accept the power.
- e). Fence. Ground Mounted Solar Energy Systems shall be protected by a perimeter fence located inside any screening buffer. Such fences shall allow for small wildlife passage and movement.
- f). Signage. A sign shall be required to identify the owner/operator and provide a 24-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SES informing individuals of potential voltage hazards.
- g). Screening. Lots on which Ground Mounted Solar Energy Systems are located shall utilize buffers / screening from roads and residences by plantings, berms, and natural topographical features. Ground mounted SES shall be screened from view to the greatest extent practical of any adjacent property that is used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provides a visual screen. In lieu of a vegetative screen, a fence that provides visual screening may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
- h). Glare. All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- i). Lighting. Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. Other than lighting required for safety or by applicable federal, state, or local authority, lighting shall not be used/visible between 9pm and 7am.
- j). Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the

- utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- k). Emergency Services. SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Georgetown Volunteer Fire Department Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A “3200 Series KNOX-BOX”, or agreed equivalent, shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
  - l). Maintenance Conditions. The SES owner or operator shall maintain the facility in good operating condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetative screening, fences, landscaping and plantings, and integrity of security measures. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable to the Fire Chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s), including regular plowing of snow to maintain road access.
  - m). Satisfaction with All Aspects of Capacity and Plans Submitted -- The Planning Board must find that the Applicant has the capacity to finance, safely operate and decommission the SES.
  - n). Alternatives Assessment. As determined by the Planning Board, if a proposed ground-mounted SES does not meet the standards in this Ordinance, then other potential suitable alternative area(s), on the lot(s) included in the application, where a SES can meet the Town’s standards, goals, and objectives shall be evaluated by the applicant. Alternative lot areas should be evaluated against those same Ordinance standards, and Town goals and objectives.
  - o). Preservation of Town’s Character. All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan.
- 2). Private Use Ground Mounted Solar Energy Systems:
- a). Lots. All SES shall be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.
  - b). Setback and Height. Structures within a SES shall be setback a minimum of 20 feet from the side and rear property lines and meet the front setback requirements for roads. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 12 feet above the ground surface.
  - c). Prohibited Locations. Components of a ground mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or

- impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- d). Signage. Solar energy systems shall not be used for displaying any advertising.
  - e). Glare. All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
  - f). Preservation of Town's Character. All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via visual consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan.
- 3). Roof Mounted Solar Energy Systems:
- a). SES mounted on roofs of any building shall be subject to the maximum height regulations as specified in the Building/Demolition Permit Ordinance.
  - b). Glare. All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
  - c). Preservation of Town's Character - All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the character of the community via consistency with local neighborhood area, maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan.

## **10. Decommissioning and Removal**

- A. Any Solar Farm System that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Planning Board during the application process. The landowner, or SES owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
- B. A decommissioning plan must include 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. 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 and permanent stabilization and road infrastructure removal and permanent stabilization.
- C. Before an application is approved for a Large Scale or Medium Scale Ground Mounted Solar Energy Farm, the applicant shall submit a performance guarantee in the form of a performance bond, surety bond, irrevocable letter of credit, or other form of financial assurance as may be acceptable to the Planning Board 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. For a Medium Scaled SES, the Applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of 5 years prior to the expected end of the useful life of the Solar Energy System.
- D. Note the applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Planning Board.
  - E. Decommissioning shall consist of:
    - 1). Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
    - 2). Disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and
    - 3). Stabilization or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.
  - F. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a Ground Mounted Solar Energy System shall be considered to be abandoned when it fails to generate 10% or less permitted capacity of electricity for a continuous period of twelve (12) months without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
  - G. If the owner or operator of a Ground Mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Georgetown retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

## **11. Modifications**

- A. Any physical modification to any existing SES, whether or not existing prior to the effective date of this Ordinance, shall require review and approval under this Ordinance.
- B. Any design modifications prior to completion of construction to a Medium or Large Scale Ground-Mounted Solar Energy Farm made after issuance of the required town permit(s) shall require reapproval by the Planning Board.
- C. Any modifications to a Private Use Solar Energy System made after issuance of the required town permit(s) shall require approval by the Code Enforcement Officer
- D. Application fees for modifications shall be consistent with the overall size of the SES, not solely the modification.
- E. Removal -When any portion of a ground mounted SES is removed, any earth disturbance must be graded and re-seeded, unless authorized for another developed use.

**12. Effective Date and Duration**

- A. This Ordinance shall take effect on June 18, 2022 upon enactment by the Town of Georgetown unless otherwise provided and shall remain in effect until it is amended or repealed.

**13. Enforcement of violations and Penalties**

- A. This Ordinance shall be enforced by the municipal officers or their designee. Violation of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A, MRSA § 4452.

# WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

for the Town of Georgetown, Maine

*For adoption 18 June 2022*

*DRAFT*

## 1) TITLE

- A) This Ordinance shall be known and cited as the "Wireless Communications Facilities Ordinance" for the Town of Georgetown, Maine (hereinafter referred to as the "Ordinance").

## 2) AUTHORITY

- A) This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1, of the Maine Constitution; the provisions of 30-A MRSA § 3001 (Home Rule); and the provisions of the Planning and Land Use Regulations Act, 30-A MRSA § 4312 et seq.

## 3) PURPOSE

- A) The purpose of this Ordinance is to provide a process and standards for the construction of wireless communications facilities. These standards are designed and intended to balance the interests of the residents of the Town of Georgetown, wireless communications providers, and wireless communication customers utilizing wireless communications facilities within the town.
- B) Wireless Communication Facilities (WCF) standards are also intended to:
  - 1) Implement a municipal policy concerning the provisions of wireless communications services, and the siting of their facilities;
  - 2) Establish clear guidelines, standards, and time frames for the exercise of municipal authority to regulate wireless communications facilities;
  - 3) Ensure that all entities providing wireless communications facilities to the Town of Georgetown comply with the ordinances of the Town of Georgetown;
  - 4) Permit the Town of Georgetown to protect public health, safety, and welfare fairly and responsibly;
  - 5) Encourage the co-location of wireless communications facilities, minimizing adverse visual impacts on the community;
  - 6) Require providers of wireless communications facilities to configure them in a way that minimizes adverse impact through careful design, siting, and landscape screening; and
  - 7) Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes.

## 4) EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE

- A) This Ordinance repeals and replaces the Wireless Communications Facility Ordinance first adopted June 13, 2009 and last amended August 30, 2021
- B) The Ordinance becomes effective upon approval at the Town Meeting in June, 2022.

## 5) FEES

- A) Permit Fees are as follows:

- 1) New WCF: Five Hundred Dollars (\$500) per WCF Application.
- 2) Modification to WCF: Five Hundred Dollars (\$500) per WCF Application.
- 3) If a permit is not obtained until after construction or demolition commences, the fee for an “after the fact” permit shall be double the normal fee. The double fee is in addition to any fine or penalty that may be imposed for failing to obtain a Building Permit or obtain approval of a WCF Application prior to starting construction or demolition.

## **6) APPLICABILITY**

- A) This Ordinance shall apply to all construction, expansion and modifications of Wireless Communications Facilities, except as provided in the following:
- 1) Exemptions. The following are exempt from the provisions of this ordinance:
    - a) Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC);
    - b) Parabolic antennae less than seven feet in diameter that are an accessory use of the property;
    - c) Temporary WCF in operation for a single period, not to exceed 180 days. Such temporary facilities shall be removed within 30 days following the maximum allowed period;
    - d) Antennae as accessory uses to a residential dwelling unit provided that the WCF is not used for commercial purposes;
    - e) A Wireless Communication Tower (WCT) located on the lot for the Center Station or the Five Islands Station, dedicated for use by the Georgetown Volunteer Fire Department and/or Sagadahoc County emergency communications is exempt from the two-acre minimum lot size requirement and shall be set back from the property line a minimum of one hundred percent of the tower height.
    - f) All requirements of this Ordinance shall apply to the Applicant, all successors and assigns. All successors and assigns will be required to provide a letter to the Town accepting the requirements of this Ordinance and the Permit within 30 days of the final transfer of ownership of the WCF.

## **7) REVIEW AND APPROVAL AUTHORITY**

- A) Construction, alteration, repair, or change on any WCF shall require a separate Building/Demolition permit issued by the Planning Board after approval of the WCF Application.
- B) A building permit is required for:
- 1) Any WCF that does not exist as of June 13, 2009;
  - 2) Any additional antenna or antenna array or increase in broadcast capacity in excess of the exemption standards contained in the most current FCC OETC Bulletin 65, the WCF not previously and specifically approved by the Planning Board; and
  - 3) Any increase in tower height not previously and specifically approved by the Planning Board.
- C) Normal maintenance and repairs, as defined in Section 11 of this Ordinance, do not require a building permit.
- D) No construction, alteration, or change shall occur to any WCF unless all required permits are obtained, including, but not limited to, any Federal or State permits.

## 8) PROCEDURES FOR NEW WIRELESS COMMUNICATIONS FACILITIES

### A) Review Procedures

- 1) The Planning Board shall have the authority to engage an independent radio frequency engineer or other expert to review any documentation, guidelines, performance standards, or testimony provided by the applicant to the Planning Board to ensure that the requirements of this Ordinance are met. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant. The costs for any consultants or experts engaged by the Planning Board shall be borne by the Applicant. In all cases, the burden of proof shall be on the applicant to demonstrate that the required standards have been met.
- 2) Pre-Application Conference:
  - a) No less than 30 days before submitting a WCF Application for approval, the applicant or his agent shall appear before the Planning Board to discuss the proposed facility, present a sketch plan for informal review, and make arrangements for an inspection of the site with the Planning Board within the 30-day period from the date of the Pre-Application Conference.
  - b) The sketch plan shall include a rough outline of the proposed facility showing the proposed location of the antenna/antenna tower, support buildings, property boundaries, abutter's buildings, and other features which may be of assistance to the Planning Board in understanding the proposal.
  - c) No binding commitments shall be made between the applicant and the Planning Board at the Pre-Application Conference. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.
  - d) Site Inspection: The Chairman of the Planning Board will appoint one or more individuals to inspect the site, accompanied by the applicant and the Code Enforcement Officer (CEO). The purpose of this inspection is to provide more complete information for the Planning Board on the characteristics of the site and the impact the WCF will have on the surrounding area.
  - e) The Planning Board shall provide the applicant with a checklist of the requirements for an application within 14 days of the pre-application conference as shown in Sections 19 CHECKLIST FOR NEW WCF APPLICATIONS. The Planning Board may, at its discretion, modify the requirements in accordance with Section 14 below if such actions will not unreasonably restrict its ability to review the application.
  - f) A determination of requirements for photo simulations in Section 8).A).3).d).(2).
- 3) WCF Application: All persons seeking approval of the Planning Board under this ordinance shall submit an application for a WCF and shall provide the following information as a minimum:
  - a) General
    - (1) Names, addresses, phone numbers, and other means of contacting owner, lessee, companies, and persons that will function as contacts for the required inspections and monitoring of the WCF;
    - (2) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant;
    - (3) Evidence of the need for wireless telecommunications improvements within the Town of Georgetown and/or surrounding areas;

- (4) Evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services;
  - (5) Written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required;
- b) Tower and site:
- (1) Evidence that the applicant has notified all other tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the area, by registered mail, return receipt requested. This notice shall state the applicant's siting needs and request information on the co-location capabilities of the existing or previously approved facilities. This evidence shall include a name and address list and a copy of the notice sent.
  - (2) A letter of commitment, binding upon the tower owner and all successors in interest, to lease excess space on the tower to other potential users at reasonable rates, which shall be economically viable and not unduly burdensome. This letter of commitment shall be recorded in the Sagadahoc County Registry of Deeds before the WCF Permit can be issued.
  - (3) Evidence that previously approved towers and alternative tower structures in the Town cannot accommodate the communications equipment planned for the proposed tower. Such evidence shall include documentation from a licensed wireless communications provider or a qualified licensed professional engineer that:
    - (i) The planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering:
      1. The existing and planned use of those towers and alternative tower structures, and
      2. The inability to reinforce or enlarge existing and approved towers to accommodate planned or equivalent equipment at a reasonable cost; or
    - (ii) Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost; or
    - (iii) Existing or approved towers and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
    - (iv) Other reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures:
  - (4) Documentation that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved tower site.
  - (5) A report from the manufacturer or a qualified, licensed professional engineer that describes the tower, the technical reasons for the tower design, the structural integrity for the proposed use at the proposed location, and the capacity of the tower, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.

- (6) A letter of intent that commits the tower owner and his or her successors in interest to:
  - (i) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
  - (ii) Negotiate in good faith for shared use by third parties that have received an FCC license or permits; and
  - (iii) Allow shared use if an applicant agrees in writing to pay reasonable charges.
- (7) Proof of financial capacity to build, maintain, and remove the proposed tower.
- (8) The maximum tower height shall be no more than necessary to provide for service and public safety, and in no case higher than 175 feet. Factors to be considered are geography of the site, technology to be used, power to be transmitted, proposed range of reception, number of expected users, number of expected carriers, and the technology each will use.
- (9) There shall be no more than one tower on each lot.
- c) Construction Documents
  - (1) All Construction Drawings and Specifications shall comply with all applicable statutes, regulations, standards, and ordinances issued by Federal, State and local jurisdictions.
  - (2) All Construction Documents and Specifications shall be prepared and stamped by a registered professional engineer in the State of Maine.
  - (3) Required drawings and specifications, including but not limited to the following:
    - (i) Boundary Survey: A boundary survey for the project performed by a licensed land surveyor, including but not limited to:
      1. Comprehensive deed research investigation of the County Registry of Deeds.
      2. Define the limits of the property including all property corners and tangents, monuments and exceptions.
      3. Adjacent properties with lot number, acreage and property owner.
      4. Locate all major structures, roads and parking.
      5. Report Notes containing purpose of the survey, ownership and deed references, method of measurements, and past survey references. Also include any conflicts, exceptions, findings and opinions.
    - (ii) Site Plan: A set of large-scale drawings showing the improvements to the property. This includes:
      1. Site boundaries and delineation of the property and adjacent properties, showing Lot Numbers.
      2. Location of all structures and their relationship to the boundaries and adjacent structures. Include all new, existing and demolished structures.
      3. Location of Land Use Zones and setbacks from the Shoreland Zoning Ordinance.
      4. Location of all roads and parking areas and their relationship to the boundaries and adjacent structures.
      5. Any zones such as floodplain or wetland zones.
      6. Easements and other similar entitlements.
      7. Other site features and components the Planning Board may require.
    - (iii) Specific WCF Drawings: Plan and elevation drawings, cross sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides, and rear of the proposed

facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

1. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the existing structure.
  - (iv) If required, a stormwater management plan developed in accordance with Maine's Department of Environmental Protection regulations for Storm Water Management in Title 38, §420D of the Maine State Statutes, stamped and signed by a licensed Maine engineer.
  - (4) Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.
- d) Lot Assessment, consisting of the following:
- (1) A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features such as streams, marshes, etc.; existing plant materials to be retained and trees and shrubs to be removed; land uses on the proposed parcel and on abutting properties; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure; and the proposed lighting method.
  - (2) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or its designee, during the Pre-Application Conference. Each photo must be labeled with the line of sight and elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
  - (3) A written analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, significant scenic resources, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing communication facilities in the area.
- e) Location
- (1) No WCF shall be located so as to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species. WCFs shall not be sited in a Resource Protection District.
  - (2) An equipment compound may be erected in connection with a tower provided that:
    - (i) It shall consist of no more than 2,500 sq. ft. in area;
    - (ii) It shall be situated behind any existing buildings, structures or terrain features that will help shield the compound from public view;
    - (iii) The maximum height of any building within the equipment compound shall be no taller than one story in height, up to a maximum height of twenty feet,



- and shall be created to look like a building or facility typically found in the area;
- (iv) Equipment buildings, lockers, or cabinets shall be located within the equipment compound, which shall be enclosed within a solid wooden fence of at least seven feet in height and no more than eight feet in height as measured from the finished grade. The fence shall include a locking security gate; and
  - (v) Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.
- f) Buffer Requirements
- (1) Vegetative buffering must be provided to screen, at ground level, the tower and any accessory buildings and structures from adjacent land uses. The preservation of existing mature vegetation and natural land forms on the site shall be preserved to the greatest extent possible.
  - (2) If existing vegetation at the time of application does not provide adequate buffering to minimize visual impact of the structure and if location out of public view is not possible, the Planning Board may require additional plantings in the buffer area to enhance the effectiveness of the buffer area as a visual screen. In any case, a landscaped buffer 20 feet in depth shall be provided around the compound to shield the facility from public view. The landscaped buffer shall include evergreen trees at least eight feet in height at the time of planting and shall be planted in staggered double rows at 15 feet on center, or screening that will provide equivalent buffering - the size and quantity of plantings shall be subject to Planning Board approval. If any additional plantings within landscaped buffered area(s) do not survive a minimum of two years, they must be replaced.
- g) Finish and Color: Facilities installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Buildings and equipment that will be visible to the public should be designed in a manner and constructed of materials consistent with their surroundings. The tower and equipment associated with the antennas shall be of such a color or finish as to blend with their surroundings.
- h) Space and Bulk Requirements: Any WCF not existing as of June 13, 2009 shall conform to the following standards:
- (1) Mounting and Dimensions: The mass and dimensions of antennae on a tower or alternative tower structure shall be governed by the following criteria:
    - (i) Whip Antennae shall not exceed 20 feet in length for an individual antenna, and shall be limited to two per mount, with no more than three mounts at a given level.
    - (ii) Panel Antennae - The horizontal centerline of all panel antennae of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed eight feet in length or two feet in width.
    - (iii) Panel Antenna Volume Per Array - The volume of antennae, including required antenna support structures, shall not exceed 500 cubic feet per antenna array, with no one dimension exceeding 15 feet per array. The volume shall be determined by appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal

geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.

(2) Lot Area: A WCF shall not be constructed on a lot that does not conform to the Georgetown Minimum Lot Size Ordinance, most current amended version, even if such a lot is a lawful, non-conforming lot of record.

(3) Setbacks:

(i) The center of the tower base shall be set back from the property line by a distance of at least one hundred and ten percent of the total tower height. If guy wires are used, they shall meet the applicable building setback requirements from the property line. This provision shall apply to both leased and owned property. Equipment facilities and other non-residential structures deemed functionally dependent for the WCF by the Planning Board may be permitted within the antenna setback area if desired by the applicant, but not within the normal building setback requirements.

(ii) All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road.

(iii) There shall be no setback requirements for antennae mounted on alternative tower structures. The standard building setbacks shall apply for alternative tower structures and equipment facilities where applicable.

i) Co-Location is strongly encouraged in order to avoid the construction of multiple towers. All wireless communication towers and equipment compounds shall be built so as to facilitate co-location with additional service providers provided that the height limits and other bulk restrictions of this Ordinance are not exceeded.

#### B) Planning Board Review Guidelines

- 1) The Planning Board review of the application shall be advertised in a local newspaper and the Town's website by the Town for at least three days prior to the review, at the Applicant's expense. In addition, the applicant shall notify all abutters by registered mail, return receipt requested, at least 14 days prior to the review.
- 2) The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF Application by the following parameters:
  - a) All standards contained in Section 8.C, Performance Standards, of this Ordinance.
  - b) The height of the proposed tower, alteration, or other necessary structure does not exceed what is essential for its intended use.
  - c) The proximity of the tower and impact to residential development shall be minimized.
  - d) The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.
  - e) The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.
  - f) The design of the WCF including the tower, antenna, antenna array, and any functionally dependent structures shall have the effect of reducing or eliminating visual obtrusiveness.
  - g) The WCF shall minimize visual impacts on viewsheds, ridgelines, and other areas of impacts by means of tower location, tree and foliage clearing, and placement of incidental structures.
  - h) The proposed facility shall not be constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports.

- i) Based on information submitted by the applicant, the Planning Board shall ensure that other technically feasible sites have been investigated and the proposed facility has been located in order to minimize the effect of the location on visually sensitive areas such as residential use, historical areas, open space areas, and marshes.
  - j) The Planning Board may require a performance guarantee in accordance with Section 10.B of this ordinance.
  - k) The applicant shall pay all reasonable and customary fees incurred by the Town necessary to review the application, including, but not limited to, independent engineering, planning, legal, or similar professional consulting services, and advertising and reproduction expenses. Any such fees shall be assessed for review and shall be payable without regard to consultation results or the outcome of the application review. Any fees incurred shall be paid in full at the time of application.
- C) Performance Standards
- 1) All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.
  - 2) Structural Design Standards
    - a) Any new single-use tower shall be designed to structurally support a minimum of two additional antenna arrays.
    - b) Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
    - c) The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute (ANSI) for Sagadahoc County relative to wind and ice loads when the tower is fully loaded with antennae, transmitters, and other equipment as described in the submitted plan.
    - d) For towers or antennas placed on buildings or Alternative Tower Structures (ATS), the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
    - e) A proposal to construct a new co-located WCT at or below the maximum height allowable permitted for a single wireless communication service must include evidence that the tower can structurally support a minimum of two antennae arrays for each anticipated co-locating entity.
  - 3) Radiation Emission Standards: The design, siting, and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.
  - 4) Aesthetics
    - a) Except where otherwise dictated by Federal or State requirements, the Planning Board may require that a proposed tower be designed to blend with its surroundings. Blending may include, but is not limited to, having a galvanized finish or being painted flat blue-gray or in a sky tone above the tops of surrounding trees and earth tone below treetop level.
    - b) If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding properties and views.

- c) Antenna arrays and microwave dishes located on an ATS shall be placed in such a manner as to be as indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.
  - d) The Planning Board may require special design of the facilities where findings of particular sensitivity are made (for example, proximity to historic or aesthetically significant structures, views, or community features).
  - e) No advertising or signage shall be permitted on any tower or antenna except for safety or other signage that may be required by the FCC.
- 5) Access: The operator shall keep the access to the facility free from snow and debris to ensure emergency access if required.

## **9) PROCEDURE FOR MODIFICATIONS TO EXISTING FACILITIES**

### **A) Review Procedures**

- 1) The Planning Board shall have the authority to engage an independent radio frequency engineer or other expert to review any documentation, guidelines, performance standards, or testimony provided by the applicant to the Planning Board to ensure that the requirements of this Ordinance are met. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant. The costs for any consultants or experts engaged by the Planning Board shall be borne by the applicant. In all cases, the burden of proof shall be on the applicant to demonstrate that the required standards have been met.
- 2) Pre-Application Conference:
  - a) No less than 30 days before submitting a WCF Application for approval, the applicant or his agent shall appear before the Planning Board to discuss the proposed facility, present a sketch plan for informal review, and make arrangements for an inspection of the site with the Planning Board within the 30-day period from the date of the pre-application conference.
  - b) The sketch plan shall include a rough outline of the proposed modifications of the facility showing the proposed location of the antenna/antenna tower, support buildings, property boundaries, abutter's buildings, and other features which may be of assistance to the Board in understanding the proposal.
  - c) No binding commitments shall be made between the applicant and the Planning Board at the Pre-Application Conference. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.
  - d) Site Inspection: The Chairman of the Planning Board will appoint one or more individuals to inspect the site, accompanied by the applicant and the CEO. The purpose of this inspection is to provide more complete information for the Planning Board on the characteristics of the site and the impact the WCF will have on the surrounding area.
  - e) The Planning Board shall provide the applicant with a checklist of the requirements for an application within 14 days of the pre-application conference as shown in Section 20) CHECKLIST FOR MODIFICATION TO AN EXISTING WCF . The Planning Board may, at its discretion, modify the requirements in accordance with Section 14 below if such actions will not unreasonably restrict its ability to review the application.

- f) A determination of requirements for a photo simulations in Section 9).A).3).d).(1).
- 3) WCF Application: All persons seeking approval of the Planning Board under this ordinance shall submit an application for a WCF and shall provide the following information as a minimum:
- a) General
- (1) Names, addresses, phone numbers, and other means of contacting owner, lessee, companies, and persons that will function as contacts for the required inspections and monitoring of the WCF;
  - (2) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant;
  - (3) Evidence of the need for wireless telecommunications improvements within the Town of Georgetown and/or surrounding areas;
  - (4) Evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services.
  - (5) Written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required;
- b) Tower and site:
- (1) The maximum tower height shall be no more than necessary to provide for service and public safety, and in no case higher than 175 feet. Factors to be considered are geography of the site, technology to be used, power to be transmitted, proposed range of reception, number of expected users, number of expected carriers, and the technology each will use.
- c) Construction Documents
- (1) All Construction Drawings and Specifications shall comply with all applicable statutes, regulations, standards, and ordinances issued by Federal, State and local jurisdictions.
  - (2) All Construction Documents and Specifications shall be prepared and stamped by a registered professional engineer in the State of Maine.
  - (3) Required drawings and specifications, including but not limited to the following:
    - (i) Boundary Survey: A boundary survey for the project performed by a licensed land surveyor including but not limited to:
      1. Comprehensive deed research investigation of the County Registry of Deeds.
      2. Definition of the limits of the property including all property corners and tangents, monuments and exceptions.
      3. Adjacent properties with lot number, acreage and property owner.
      4. Locating all major structures, roads and parking.
      5. Report Notes containing purpose of the survey, ownership and deed references, method of measurements, and past survey references. Also include any conflicts, exceptions, findings and opinions.
    - (ii) Site Plan: A set of large scale drawings showing the improvements to the property. This includes:
      1. Site boundaries and delineation of the property and adjacent properties, showing Lot Numbers.
      2. Location of all structures and their relationship to the boundaries and adjacent structures. Include all new, existing and demolished structures.

3. Location of Land Use Zones and setbacks from the Shoreland Zoning Ordinance.
  4. Location of all roads and parking areas and their relationship to the boundaries and adjacent structures.
  5. Any zones such as floodplain or wetland zones.
  6. Easements and other similar entitlements.
  7. Other site features and components the Planning Boards may require.
- (iii) Specific WCF Drawings: Plan and elevation drawings, cross sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides, and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
1. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the existing structure.
- (iv) If required, a stormwater management plan developed in accordance with Maine's Department of Environmental Protection regulations for Storm Water Management in Title 38, §420D of the Maine State Statutes, stamped and signed by a licensed Maine engineer.
- (4) Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions.
- d) Lot Assessment, consisting of the following:
- (1) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or its designee, during the Pre-Application Conference. Each photo must be labeled with the line of sight and elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
  - (2) A written analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, significant scenic resources, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing communication facilities in the area.
- e) Location
- (1) No WCF shall be located so as to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species. WCFs shall not be sited in a Resource Protection District.
  - (2) An equipment compound may be expanded in connection with a tower provided that:
    - (i) It shall consist of no more than 2,500 sq. ft. in total area;

- (ii) The maximum height of any building within the equipment compound shall be no taller than one story in height, up to a maximum height of twenty feet, and shall be created to look like a building or facility typically found in the area;
  - (iii) The equipment compound shall retain the design of the original compound including the setbacks, enclosure, maximum height, and landscape buffers.
- f) **Finish and Color:** Facilities installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Buildings and equipment that will be visible to the public should be designed in a manner and constructed of materials consistent with their surroundings. The tower and equipment associated with the antennas shall be of such a color or finish as to blend with their surroundings.
- g) **Space and Bulk Requirements:** Any WCF not existing as of June 13, 2009 shall conform to the following standards:
  - (1) **Mounting and Dimensions:** The mass and dimensions of antennae on a tower or alternative tower structure shall be governed by the following criteria:
    - (i) Whip Antennae shall not exceed 20 feet in length for an individual antenna, and shall be limited to two per mount, with no more than three mounts at a given level.
    - (ii) Panel Antennae - The horizontal centerline of all panel antennae of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed eight feet in length or two feet in width.
    - (iii) Panel Antenna Mass Per Array - The mass of antennae, including required antenna support structures, shall not exceed 500 cubic feet per antenna array, with no one dimension exceeding 15 feet per array. The mass shall be determined by appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.
  - (2) **Setbacks:**
    - (i) All existing setback requirements of the original WCF and tower shall be maintained. This includes the requirement for the center of the tower base to be set back from the property line by a distance of at least one hundred and ten percent of the total tower height.
    - (ii) All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road.
    - (iii) There shall be no setback requirements for antennae mounted on alternative tower structures. The standard building setbacks shall apply for alternative tower structures and equipment facilities where applicable.

**B) Planning Board Review Guidelines**

- 1) The Planning Board review of the application shall be advertised in a local newspaper and the Town's website by the Town for at least three days prior to the review, at the Applicant's expense. In addition, the applicant shall notify all abutters by registered mail, return receipt requested, at least 14 days prior to the review.
- 2) The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF Application by the following parameters:
  - a) All standards contained in Section 9.C, Performance Standards, of this Ordinance.

- b) The height of the proposed tower, alteration, or other necessary structure does not exceed what is essential for its intended use.
  - c) The WCF shall minimize visual impacts on viewsheds, ridgelines, and other areas of impacts by means of tower location, tree and foliage clearing, and placement of incidental structures.
  - d) The proposed facility shall not be constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports.
  - e) The applicant shall pay all reasonable and customary fees incurred by the Town necessary to review the application, including, but not limited to, independent engineering, planning, legal, or similar professional consulting services, and advertising and reproduction expenses. Any such fees shall be assessed for review and shall be payable without regard to consultation results or the outcome of the application review. Any fees incurred shall be paid in full at the time of application.
- C) Performance Standards
- 1) All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.
  - 2) Structural Design Standards
    - a) Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
    - b) The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute for Sagadahoc County relative to wind and ice loads when the tower is fully loaded with antennae, transmitters, and other equipment as described in the submitted plan.
    - c) For modifications of towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
    - d) All existing structures shall be examined on site by a Professional Structural Engineer, licensed in the State of Maine.
      - (1) The condition of all connections and structural components shall be visually reviewed for compliance with the original drawings and specifications and the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures. If visual examination cannot determine the condition of the structure, invasive investigation techniques shall be utilized to determine adequacy of the structure. All costs shall be paid in whole by the Applicant.
      - (2) The Planning Board shall be provided with a stamped and signed report by the Professional Structural Engineer delineating the condition of the tower in respect to the required standards.
      - (3) Any examination revealing deficiencies shall require repairs designed by the Professional Structural Engineer to bring the structure into compliance with the drawings and specifications. In all cases, the burden of proof shall be on the Applicant to demonstrate that the required standards have been met.
  - 3) Radiation Emission Standards: The design, siting, and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or



contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.

- 4) Aesthetics
  - a) Except where otherwise dictated by Federal or State requirements, the Planning Board may require that the modifications to the tower be designed to blend with its surroundings. Blending may include, but is not limited to, having a galvanized finish or being painted flat blue-gray or in a sky tone above the tops of surrounding trees and earth tone below treetop level.
  - b) If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding properties and views.
  - c) Additional antenna arrays and microwave dishes located on an ATS shall be placed in such a manner as to be as indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.
  - d) The Planning Board may require special design of the facilities where findings of particular sensitivity are made (for example, proximity to historic or aesthetically significant structures, views, or community features).
  - e) No advertising or signage shall be permitted on any tower or antenna except for safety or other signage that may be required by the FCC.
- 5) Access: The operator shall keep the access to the facility free from snow and debris to ensure emergency access if required.

## **10) ADDITIONAL STANDARDS AND CRITERIA**

- A) Operators of wireless communications facilities and their successors and assigns shall, on an annual basis, provide to the CEO of the Town of Georgetown a letter certifying that the tower is still in use and that the tower and its component equipment have not been superseded by more modern and preferred technology, thus rendering their use obsolete.
- B) Performance Guarantee for New WCFs.
  - 1) Any application that requires Planning Board review and approval shall require the posting of a Performance Guarantee for 125% of the removal cost of the WCF and associated land restoration costs. The amount of the guarantee shall be sufficient to restore the land to a condition as defined in Section 10).C).1) below. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors.
  - 2) Estimated removal costs of the WCF shall include, but are not limited to, all above-ground structures, equipment, foundations, guy anchors, utilities, fencing, access roads, or driveways specifically constructed to serve the tower, structures, equipment, or utilities.
  - 3) The type and form of the guarantee shall be subject to review and approval by the Town Attorney and the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Georgetown, a savings account passbook issued in the name of the Town, an irrevocable letter of credit in favor of the Town from a financial institution authorized to do business in Maine, or a faithful performance bond running to the Town and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.

- 4) All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that the Town must be given at least 30 days notice of cancellation. The performance guarantee covering removal shall be for a minimum term of three years. It shall contain a mechanism satisfactory to the Planning Board for reviewing the cost of removal of the structure every three years, and a mechanism for increasing the amount of the guarantee, should the revised cost estimate so necessitate. The performance guarantee shall be released by the Planning Board only upon the completion of tower and facility removal and land restoration (as required by this Section) to the satisfaction of the Code Enforcement Officer.
- C) Removal of Abandoned Wireless Communication Facilities, Equipment and Components
- 1) Wireless communications facilities that are not in use for wireless communications purposes for six consecutive months shall be considered abandoned and removed by the facility owner or the contractually responsible party at their own expense. Removal, including the removal of any and all components associated with the facility, shall occur within 90 days of the end of such six-month period. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the surrounding vegetation at the time of abandonment, or to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.
  - 2) The owner of a WCF shall notify the CEO of the date of cessation of use of the facility or any component thereof within one month from the date of such cessation. If the owner fails to give the notice required by this paragraph, the CEO shall make a determination of such date, which determination shall be conclusive.
  - 3) If two or more operators use a single WCF or tower, these provisions shall not apply until all users cease using the WCF or tower. All equipment and components utilized by the operator abandoning the WCF must be removed.
  - 4) If all antennae above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall be removed within three months.
  - 5) If the owner goes out of, the WCF shall be considered abandoned. The owner shall meet the removal and land restoration requirements in this Section.
  - 6) Should the specific use of these wireless communication facilities be superseded by more modern and preferred technology, thus rendering their use obsolete, the tower and associated equipment and components shall be dismantled and the site restored.
  - 7) If the owner fails to remove the abandoned WCF or component thereof as required, the Town has the right to utilize the Performance Guarantee and shall cause the removal of the abandoned equipment and any required site restoration.
  - 8) The replacement or removal of all or portions of a WCF requires a new WCF Application and Building Permit as established in this Ordinance.
- D) Time Schedule: The WCF must be completed for operational use by the end of a 12-month period after issuance of the Building Permit.
- E) Liability: The Town of Georgetown is excluded from any liability relating to the loss of life, personal injury, or property damage as a result of the use of this wireless communications facility, its equipment, and component thereof.

## **11) MAINTENANCE AND REPAIRS TO EXISTING FACILITIES**

- A) Normal maintenance and repairs of any conforming WCT and its related buildings may be performed without a permit from the Planning Board (PB) or CEO.

- B) Planning Board review and approval in accordance with the standards of this Ordinance shall be required if any of the following changes are proposed:
- 1) Any increase in the number or size of antenna(s), antenna array(s), or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin 65.
  - 2) Any increase in tower height.
  - 3) Any change to tower lighting or existing buffering.
  - 4) Any change to the access road or the size (square feet or volume) of any structure on site.

## **12) BUILDING PERMIT REQUIREMENTS**

- A) The Planning Board shall ensure that the following requirements are met before issuing a building permit for a WCF. Building permits shall be issued in accordance with the requirements of the Building Permit Ordinance and Shoreland Zoning Ordinance except for the additional requirements or standards cited in this Ordinance.
- B) A building permit for the construction of a new WCF or any change to an existing WCF shall not be issued until the Planning Board has approved the WCF Application for the facility and all applicable conditions have been met.
- C) The Planning Board shall not issue a building permit for a WCF unless all required permits are obtained and filed with the Town including, but not limited to, any applicable Federal or State permits or licenses.
- D) The Planning Board shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.
- E) If the Planning Board requires inspections and/or proof of insurance, all necessary forms and inspection schedules shall be submitted.
- F) If the Planning Board requires a performance guarantee and/or abandonment/removal bond for the proposed WCF, it must accept the bond required before acting on the application.

## **13) INSPECTIONS**

- A) Inspections of towers by either a registered professional engineer or a qualified third party mutually agreed upon by the applicant and the CEO shall be performed to assess structural integrity. Such inspections shall be performed as follows:
- 1) Monopole towers - at least once every six years following completion of construction. The inspection shall take place between the fifth and sixth year of the repeat sequence.
  - 2) Self-supporting towers - at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
  - 3) Guyed towers - at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.
- B) The owner shall submit the inspection report to the CEO or designee 30 thirty days of its receipt. Based upon the results of the inspection, the CEO, or upon recommendation by the CEO, the designee may require repair or demolition of the tower.
- C) The cost of such inspections, reports, repairs, or demolition required shall be borne entirely by the tower owner. Required repairs shall be completed within 90 days or less, as required by the CEO or designee for safety reasons.
- D) Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

#### **14) WAIVERS**

- A) The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. It may grant a waiver of any submission requirement only if it finds in writing that the information is not required to determine compliance with the standards of this Ordinance. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety and welfare of the Town. The burden of proof rests solely with the applicant and must be shown to be consistent with Federal and State law and with the purpose of this Ordinance.

#### **15) APPEALS**

- A) Appeals shall be in accordance with the standards established in the Building Permit Ordinance or Shoreland Zoning Ordinance. Appeal applications and variance requests shall be in accordance with Board of Appeals Ordinance Section VI.

#### **16) ENFORCEMENT**

- A) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- B) Code Enforcement Officer
  - 1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Town officers and be maintained as a permanent record.
  - 2) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
  - 3) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, inspections submitted, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- C) Legal Actions. When the action above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Selectmen 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 an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner or owner's agent acted in bad faith, or unless the removal of the

structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

- D) Fines. Any legal entity, including but not limited to, a corporation, landowner, a landowner's agent, a landowner's lessee, or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A MRSA § 4452.

## 17) CONFLICT AND SEVERABILITY

- A) Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall apply. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance.

## 18) DEFINITIONS

- A) In addition to those terms defined in the Building Permit and Shoreland Zoning Ordinances, the following terms are applicable for reviewing an application for a WCF and for ensuring that applicable standards are met.
- 1) **ANSI:** the American National Standards Institute, documents inclusive of the most current publication.
  - 2) **ATS (Alternative Tower Structure):** Clock towers, steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennae or towers associated with a WCF.
  - 3) **Antenna/Antenna Array:** (1) A device used in communication that transmits or receives radio or electromagnetic frequency signals. (2) A system of one or more rods, panels, discs, or similar devices used for transmitting or receiving radio frequency (RF) signals through electromagnetic energy. These include, but are not limited to, omni-directional antennae (whip or rod), directional antennae (panel), and parabolic antennae (dish or disc).
  - 4) **Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna.
  - 5) **Code Enforcement Officer (CEO):** Person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface waste water disposal, and building standards.
  - 6) **Co-location:** The use of a WCF by more than one wireless telecommunications provider.
  - 7) **EIA:** the Electronics Industries Association or its lawful successor.
  - 8) **Equipment Facility:** Any structure used to contain ancillary equipment for a WCF, including cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.
  - 9) **FAA:** the Federal Aviation Administration or its lawful successor.
  - 10) **FCC:** the Federal Communication Commission or its lawful successor.
  - 11) **Maintenance:** The regular, routine maintenance of a WCF, including but not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC OET Bulletin 65. This definition specifically includes painting provided that it is done in accordance with the standards established in tower height, replacing light

- fixtures, and increasing the broadcast capacity of a WCF within the exemption standards contained in Bulletin 65.
- 12) **Modification:** Any changes to the wireless Communications facility to increase or alter the facilities capabilities, including but not limited to, equipment upgrades, tower enhancements, additional supports, etc.
  - 13) **HAM Radio:** Amateur radio is the use of radio frequency spectrum for purposes of non-commercial exchange and messages, wireless experimentation, self-training, private recreation, radio sport, contesting and emergency communication.
  - 14) **OET:** The FCC Office of Engineering and Technology.
  - 15) **Ordinance:** Town of Georgetown, Maine's *Wireless Communications Facilities Ordinance*, most current amended and approved version.
  - 16) **Parabolic Antenna:** (also known as a satellite dish antenna): An antenna that is bowl shaped, designed for receiving or transmitting RF communication signals in a specific directional pattern.
  - 17) **Repairs:** Any actions replacing or restoring a part or piece of equipment in order to return it to the previous state of operation.
  - 18) **Tower Height:** The vertical distance measured from the mean elevation of a 25' radius of a circle whose center is the base of the tower to the highest point of the tower or ATS, including the base pad, all antennae, and other attachments. When towers are mounted on buildings or other structures, the total vertical height is measured from the ground level as stated above.
  - 19) **Town:** The Town of Georgetown, Maine.
  - 20) **Wireless Communications:** Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television, and similar services that exist or may be developed.
  - 21) **WCF (Wireless Communication Facility) or Facility:** A facility that transmits, receives, distributes, provides, or offers wireless communications. This definition includes the facility's associated antennae, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics, and other types of equipment for transmitting, receiving, distributing, or offering such signals, wireless communication towers, antenna support structures, and other structures supporting the equipment, and any attachments to those structures, including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways, roads, and other accessory features.
  - 22) **Wireless Communication Towers - Co-Located:** A Wireless Telecommunications Tower or ATS supporting one or more antennae or antenna arrays owned or used by more than one public or private entity. A Co-Located Tower may include two or more antenna arrays serving the same company provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.
  - 23) **Wireless Communication Tower or Tower (WCT):** A structure designed and constructed specifically to support an antenna array that provides wireless communication. A tower may be a monopole (ie "flagpole"), self-supporting (lattice) tower, guy-wire support tower, or other similar structure, and includes all supporting lines, cables, wires, and braces.

**19) CHECKLIST FOR NEW WCF APPLICATION (SECTION 8)**

The following checklist is for use by the Planning Board and a completed list will be provided to the Applicant within 14 days after the Pre-Application Conference. The excerpts to the right of the reference are only partial descriptions to the referenced section. See the actual Ordinance section for complete contents of the section and any requirements not listed below.

SECTION 8).A).3).a) General:

- |       | Not   |   |
|-------|-------|---|
|       | Req'd | Req'd   |
| _____ | _____ | (1) Names, addresses, phone numbers                               |
| _____ | _____ | (2) Documentation of the applicant's right, title, or interest    |
| _____ | _____ | (3) Evidence of the need for WCF                                  |
| _____ | _____ | (4) Evidence of commitment to utilize WCF                         |
| _____ | _____ | (5) Written approval by all applicable State and Federal agencies |

SECTION 8).A).3).b) Tower and site:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | (1) Evidence that the applicant has notified all other owners   |
| _____ | _____ | (2) A letter of commitment                                      |
| _____ | _____ | (3) Evidence that previously approved towers cannot accommodate |
| _____ | _____ | (4) Documentation that the proposed tower cannot be co-located  |
| _____ | _____ | (5) A report from the manufacturer or a professional engineer   |
| _____ | _____ | (6) A letter of intent that commits the tower owner             |
| _____ | _____ | (7) Proof of financial capacity                                 |
| _____ | _____ | (8) Maximum tower height  |
| _____ | _____ | (9) There shall be no more than one tower on each lot           |

SECTION 8).A).3).c) Construction Documents:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | (3) Required Drawings and Specifications |
| _____ | _____ | (4) Certification by the applicant       |

SECTION 8).A).3).d) Lot Assessment:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | (1) Landscaping plan                      |
| _____ | _____ | (2) Photo simulations                     |
| _____ | _____ | (3) Written analysis of the visual impact |

SECTION 8).A).3).e) Location:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | (1) No WCF shall be located so as to create a significant threat |
| _____ | _____ | (2) Equipment compound characteristics                           |

SECTION 8).A).3).f) Buffer Requirements

- |       |       |                      |
|-------|-------|----------------------|
| _____ | _____ | Vegetative buffering |
|-------|-------|----------------------|

SECTION 8).A).3).g) Finish and Color

\_\_\_ \_\_\_ Suitably finished so as to minimize their visual impact

SECTION 8).A).3).h) Space and Bulk Requirements

\_\_\_ \_\_\_ (1) Mounting and Dimensions

\_\_\_ \_\_\_ (2) Lot Area

\_\_\_ \_\_\_ (3) Setbacks

SECTION 8).A).3).i) Co-Location

\_\_\_ \_\_\_ Co-Location is strongly encouraged

SECTION 8).C).2) Structural Design Standards

\_\_\_ \_\_\_ (a) support structurally two additional antenna arrays

\_\_\_ \_\_\_ (b) Standards in compliance with of the EIA

\_\_\_ \_\_\_ (c) Applicant's engineer shall provide documentation meets ANSI

\_\_\_ \_\_\_ (d) Antennas placed on buildings or alternative tower structures

\_\_\_ \_\_\_ (e) Proposal to construct a new co-located WCT

SECTION 8).C).3) Radiation Standards

\_\_\_ \_\_\_ Potentially hazardous radiation is controlled

SECTION 8).C).4) Aesthetics

\_\_\_ \_\_\_ (a) Require that a proposed tower be designed to blend

\_\_\_ \_\_\_ (b) Lighting alternatives

\_\_\_ \_\_\_ (c) Equipment placement

\_\_\_ \_\_\_ (d) Special design of the facilities

\_\_\_ \_\_\_ (e) No advertising or signage

OTHER REQUIREMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Partial listing of requirements approved for New WCF:

Georgetown Planning Board

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**END OF CHECKLIST FOR SECTION 8**



**20) CHECKLIST FOR MODIFICATION TO AN EXISTING WCF (SECTION 9)**

The following checklist is for use by the Planning Board and a completed list will be provided to the Applicant within 14 days after the Pre-Application Conference. The excerpts to the right of the references are only partial descriptions to the referenced section. See the actual Ordinance section for complete contents of the section and any requirements not listed below.

SECTION 9).A).3).a) General:

- | Req'd | Not Req'd |   |
|-------|-----------|---|
| ___   | ___       | (1) Names, addresses, phone numbers                               |
| ___   | ___       | (2) Documentation of the applicant's right, title, or interest    |
| ___   | ___       | (3) Evidence of the need for WCF improvements                     |
| ___   | ___       | (4) Evidence of commitment to utilize WCF                         |
| ___   | ___       | (5) Written approval by all applicable State and Federal agencies |

SECTION 9).A).3).b) Tower and site:

- |     |     |                          |
|-----|-----|--------------------------|
| ___ | ___ | (1) Maximum tower height |
|-----|-----|--------------------------|

SECTION 9).A).3).c) Construction Documents:

- |     |     |  |
|-----|-----|--|
| ___ | ___ | (3) Required Drawings and Specifications |
| ___ | ___ | (4) Certification by the applicant       |

SECTION 9).A).3).d) Lot Assessment:

- |     |     |   |
|-----|-----|---|
| ___ | ___ | (1) Photo simulations                     |
| ___ | ___ | (2) Written analysis of the visual impact |

SECTION 9).A).3).e) Location:

- |     |     |  |
|-----|-----|--|
| ___ | ___ | (1) No WCF shall be located so as to create a significant threat |
| ___ | ___ | (2) Expanded equipment compound characteristics                  |

SECTION 9).A).3).g) Finish and Color

- |     |     |   |
|-----|-----|---|
| ___ | ___ | Suitably finished so as to minimize their visual impact |
|-----|-----|---|

SECTION 9).A).3).h) Space and Bulk Requirements

- |     |     |                             |
|-----|-----|-----------------------------|
| ___ | ___ | (1) Mounting and Dimensions |
| ___ | ___ | (2) Setbacks                |

SECTION 9).C).2) Structural Design Standards:

- |     |     |   |
|-----|-----|---|
| ___ | ___ | (a) Standards in compliance with of the EIA                     |
| ___ | ___ | (b) Applicant's engineer shall provide documentation meets ANSI |

- \_\_\_\_\_ (c) Antennas placed on buildings or alternative tower structures
- \_\_\_\_\_ (d) Existing structure site review and analysis

SECTION 9).C).3) Radiation Standards  
 \_\_\_\_\_ Potentially hazardous radiation is controlled

- SECTION 9).C).4) Aesthetics
- \_\_\_\_\_ (a) Require that a proposed tower be designed to blend
  - \_\_\_\_\_ (b) Lighting alternatives
  - \_\_\_\_\_ (c) Equipment placement
  - \_\_\_\_\_ (d) Special design of the facilities
  - \_\_\_\_\_ (e) No advertising or signage

OTHER REQUIREMENTS:

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Partial listing of requirements approved for modifications to an existing WCF:  
 Georgetown Planning Board

Name	Title	Date

**END OF CHECKLIST FOR SECTION 9**