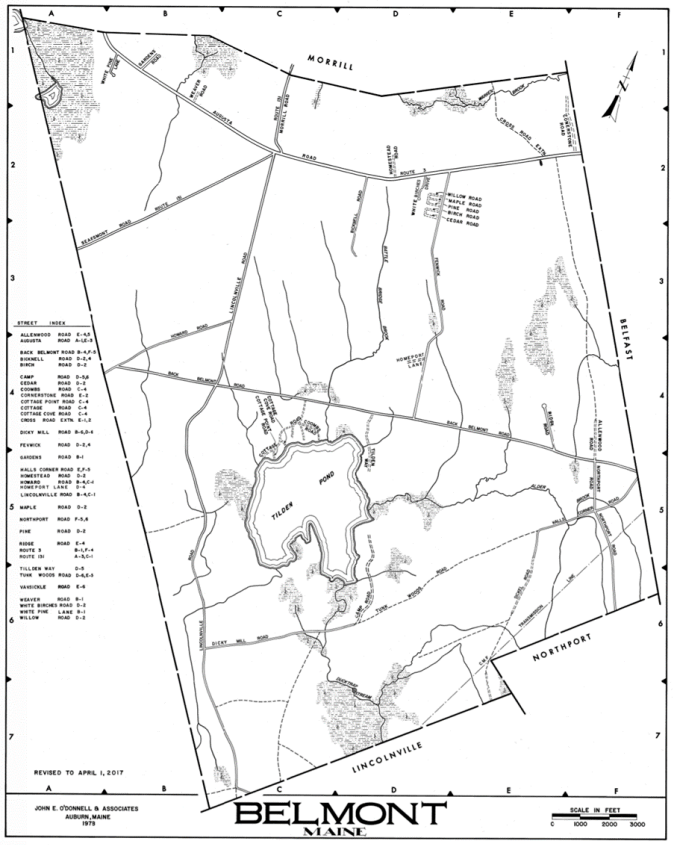
TOWN OF BELMONT

LAND USE ORDINANCE



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November 17, 1998

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LAND USE ORDINANCE

for the Town of

BELMONT, MAINE

SECTION 1 - GENERAL

A. TITLE

This Ordinance shall be known and cited as the Land Use Ordinance of the Town of Belmont, Maine, and will be referred to as "this Ordinance."

B. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), and the State's Comprehensive Planning and Land Use Regulations, Title 30-A, MRSA, Sections 4301 et. seq.

C. PURPOSES

The purposes of this Ordinance are:

1. To implement the provisions of the Town's Comprehensive Plan.
2. To encourage growth in the commercial areas of the community, and to limit growth in the rural areas.
3. To promote the health, safety, and general welfare of the residents of the community.
4. To encourage the most appropriate use of land throughout the community.
5. To promote traffic safety.
6. To provide safety from fire and other elements.
7. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life.
8. To conserve natural resources.

D. APPLICABILITY

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Belmont.

Note: *Also refer to Town of Belmont* ***Shoreland Zoning Ordinance*** *for areas within the Shoreland Zone.*

E. CONFLICTS WITH OTHER ORDINANCES

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 control.

F. 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.

G. EFFECTIVE DATE

The effective date of this Ordinance shall be the date of adoption by Special Town Meeting on June 15th, 2021

H. AMENDMENTS

This Ordinance may be amended by majority vote of the Town Meeting:

I. OFFICIAL LAND USE DISTRICT MAP

The areas to which this Ordinance is applicable are divided into the following districts as shown on the Official Land Use District Map, which is made a part of this Ordinance:

DISTRICT NAME	SYMBOL
1. Commercial	C
2. Rural Residential	RR
3. Rural	R
4. Shoreland Districts	SD
5. Landfill Protection Overlay	PO

SECTION 2 – NON-CONFORMANCE

A. PURPOSE

It is the intent of these provisions to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance or any amendment thereto shall be allowed to continue, subject to the requirements set forth in this section.

B. GENERAL REQUIREMENTS

1. Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance

This Ordinance allows, without a permit pursuant to this Ordinance, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, or local building or safety codes may require.

C. NON-CONFORMING STRUCTURES

1. Expansions

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the non-conformity of the structure.

a. Foundations

Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback and other dimensional requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2, Relocation, below; that the completed foundation does not extend beyond the exterior existing dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

2. Relocation

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage 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 law and said Rules. In no case shall a structure be relocated in such a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback or other dimensional requirements to the greatest practical extent, the Planning Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, 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 the property line, or which otherwise fails to meet the dimensional requirements of this Ordinance, and which is removed or damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal may be reconstructed or replaced provided that such reconstruction or replacement is in compliance with the setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage 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 law and said Rules. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

   Any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

   In determining whether the building reconstruction or replacement meets the setbacks to the greatest practical extent, the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

D. NON-CONFORMING USES

1. **Expansions**
   Expansions of non-conforming uses are prohibited, except that non-conforming uses may, after obtaining a permit from the Planning Board, be expanded within residential structures legally existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that causes such use to be non-conforming.

2. **Resumption prohibited**
   A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. **Change of Use**
   An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds after receiving a written application, that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.

   The determination of appropriateness shall be based on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of

use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

In determining that greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

E. NON-CONFORMING LOTS

1. Non-conforming Lots

A vacant, non-conforming lot of record legally existing as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size or frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals. If more than one residential unit or other use is built, located or created on a non-conforming lot of record, the minimum lot size requirement of the District in which it is located shall be met for each residential dwelling unit and the frontage requirements of the District shall be met.

2. Contiguous Built Lots

If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that lots of at least 20,000 square feet are created and provided further that all such lots meet the requirements of the State Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold as a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

F. VESTED RIGHTS

Non-conforming use rights do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights may arise when actual substantial construction has begun, or, in the case of pending applications, when the substantive review process to determine compliance with substantive performance standards on a complete application commences. Such construction must be legal at the time it is commenced, and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

SECTION 3 – LAND USE DISTRICTS REQUIREMENTS

A. PURPOSE

The purposes of these district requirements are:

1. To implement the Comprehensive Plan policies.
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas.
3. To provide for a separation of land uses that might otherwise be incompatible.
4. To protect the natural resources of the community from degradation.
5. To provide for an orderly future growth pattern for the community.

B. LAND USES

The land uses permitted in each district, in conformance with the Performance Standards of this Ordinance, are shown in the following table.

KEY: **Y** = Yes, permitted; building permit only.

N = No, not permitted.

***** = Permitted, but subject to Site Plan Review and the issuance of a building permit.

TABLE OF LAND USES

Note: *For areas under control of Shoreland Zoning, refer to Shoreland Zoning Ordinance.*

Use/Structure	Commercial	Medium Density Rural Residential	Low Density Rural
1. RESIDENTIAL			
Accessory Use	Y	Y	Y
Cluster Development	Y	Y	Y
Congregate Housing	*	*	N
Duplex	Y	Y	Y
Home Occupation	Y	Y	Y
Manufactured Housing	Y	Y	Y
Mobile Home Park (Refer to Section 6, MOBILE HOME PARK	*	*	N
Multi-family Dwelling	Y	Y	N
Single-family Dwelling	Y	Y	Y

	Use/Structure		Medium Density	Low Density
2.	**COMMERCIAL**	**Commercial**	**Rural Residential**	**Rural**
	Accessory Use	Y	Y	Y
	Amusement Facility, Commercial Recreation	*	*	N
	Auction - Wholesale/Retail	*	*	N
	Automobile, Gasoline Service Station	Y	Y	N
	Automobile Graveyard, Junkyard	N	*	*
	Automobile Repair, Sales	Y	Y	N
	Boat Building, Repair	Y	Y	Y
	Building Materials, Retail Sales	Y	Y	N
	Commercial School	*	*	N
	Consignment Sales	Y	Y	N
	Entertainment, Theater, Indoor	*	*	N
	Entertainment, Theater, Outdoor	*	*	N
	Firewood Processing	Y	Y	Y
	Fisheries Processing, Storage	N	*	*
	Home Service	Y	Y	N
	Kennel, Stable, Veterinary Hospital	*	*	*
	Lodging, Bed and Breakfast	Y	Y	N
	Lodging, Boarding	Y	Y	Y
	Lodging, Hotel/Motel	*	*	N
	Neighborhood Convenience Store	Y	Y	Y
	Offices: Business, Professional, Medical	Y	Y	N
	Publishing, Printing	Y	Y	N
	Radio, Television, Cable Tower	*	N	N
	Restaurant	*	*	N
	Retail Sales Misc. Products	Y	Y	N
	RV Service	Y	Y	N
	Septic Tank Servicing	N	Y	N
	Service Business	Y	Y	Y
	Shopping Center	*	N	N
	Wholesale Business	Y	Y	Y

Use/Structure	Commercial	Medium Density **Rural Residential**	Low Density **Rural**
3. INDUSTRIAL			
Accessory Use	*	*	*
Automobile Graveyard, Junkyard (see COMMERCIAL)	N	*	*
Manufacturing	*	*	N
Sawmill	Y	Y	Y
Warehousing and Storage	*	*	N
4. EDUCATION, INSTITUTIONAL, PUBLIC			
Accessory Use	Y	Y	Y
Church, Synagogue, Parish House	Y	Y	Y
Civic, Convention Centers	*	*	N
Community Centers, Clubs	*	*	*
Day Care	Y	Y	Y
Essential Services	Y	Y	Y
Fire, Police Station	Y	Y	Y
Government Office	Y	Y	N
Group Homes, Hospice, Nursing Home	*	*	N
Hospital, Medical Care	*	*	N
Museum, Library	Y	Y	N
Public Utility Facility	*	*	N
Roads & Trails	Y	Y	Y
School, Public, Private	*	*	N
5. OUTDOOR, RESOURCE BASED USES			
Accessory Use	Y	Y	Y
Agriculture	Y	Y	Y
Agricultural Products Processing	Y	*	Y
Forestry	Y	Y	Y
Hunting & Trapping	Y	Y	Y
Orchards	Y	Y	Y
Trails, Hiking, Horse, Walking	Y	Y	Y
Trails, Snowmobile	Y	Y	Y

C. DIMENSIONAL AND HEIGHT REQUIREMENTS

Lots in the Commercial and Rural Areas shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance). Also see additional requirements.

	Commercial	Medium **Rural Residential**	Low Density **Rural**
1. MINIMUM LOT AREA			
Single Family Dwellings	**1 Acre**	**2 Acres**	**3 Acres**
Multi-Family Dwellings	**1 Acre**	**2 Acres**	**3 Acres**
Subdivisions	**1 Acre**	**2 Acres**	**3 Acres**
Mobile Home Parks (See Mobile Home Park Ordinance)	**20,000 sf** **12,000 sf**	**20,000 sf** **12,000 sf**	**NA**
2. MIN. LOT AREA PER DWELLING UNIT	**1 Acre**	**2 Acres**	**3 Acres**
3. MINIMUM STREET FRONTAGE	**200'**	**200'**	**200'**
4. RESERVED			
5. SETBACK REQUIREMENTS			
a. Single/Duplex Residential Units			
Front Line (From the centerline of the road)			
Route 3- 100' R/AW	**75'**	**100'**	**100'**
Collector Roads - 50' R/AW	**50'**	**75'**	**75'**
Local/Private Roads	**40'**	**65'**	**65'**
Side Lines	**15'**	**10'**	**10'**
Rear Line	**25'**	**20'**	**20'**
Other Principal Structures	**20'**	**20'**	**20'**
b. Churches and Public Buildings			
Front Line (From the centerline of the road)			
Route 3 - 100' R/W	**75'**	**100'**	**100'**
Collector Roads -50' R/W	**50'**	**75'**	**75'**
Local/Private Roads	**40'**	**65'**	**65'**
Side Lines	**20'**	**20'**	**20'**
Rear Line	**50'**	**50'**	**50'**
Other Principal Structures	**20'**	**20'**	**20'**
c. Professional-Service Business			
Front Line (From the centerline of the road)			
Route 3 - 100' R/W	**75'**	**100'**	**100'**
Collector Roads - 50' R/W	**50'**	**75'**	**75'**
Local/Private Roads	**40'**	**65'**	**65'**
Side Lines	**20'**	**20'**	**20'**
Rear Line	**50'**	**50'**	**50'**
Other Principal Structures	**20'**	**20'**	**20'**

	Commercial	Medium Density **Rural Residential**	Low Density **Rural**
d. Commercial-Industrial			
Front Line (From the centerline of the road) Route 3 - 100' R/W	**75'**	**100'**	**100'**
Collector Roads - 50' R/W	**50'**	**75'**	**75'**
Local/Private Roads	**40'**	**65'**	**65'**
Side Lines	**25'**	**25'**	**25'**
Rear line	**50'**	**50'**	**50'**
Other Principal Structures	**50'**	**50'**	**50'**
e. Accessory Structures (Barns, Garages, Sheds and Outbuildings)			
Front Line (From the centerline of the road) Route 3 - 100' RAW	**75'**	**75'**	**75'**
Collector Roads - 50' R/W	**40'**	**50'**	**50'**
Local/Private Roads	**40'**	**40'**	**40'**
Side Lines	**15'**	**10'**	**10'**
Rear Line	**15'**	**10'**	**10'**
f. Cluster Development Units and Subdivisions Refer to Town of Belmont Subdivision Ordinance			
g. Mobile Home Parks Refer to Section 6, Mobile Home Park Standards in this Ordinance			
6. HEIGHT REQUIREMENTS			
a. Dwelling Structures	**35'**	**35'**	**35'**
Note: Limited to 2 ½ stories.			
b. Accessory Structures	**65'**	**65'**	**65'**
Front and side land setback distances are increased by one foot for each foot in height in excess of 35'.			
c. Professional, Public & Service Buildings	**35'**	**35'**	**35'**
Note: Limited to 2 ½ stories.			
d. Commercial-Industrial Buildings	**45'**	**45'**	**45'**
Note: Limited to 3 ½ stories.			
e. For Subdivisions and Cluster Developments Refer to Town of Belmont Subdivision Ordinance			

D. ADDITIONAL DIMENSIONAL REQUIREMENTS

1. Density Calculation

2. Multiple Structures

If more than one principal building is constructed on a single parcel of land, the "minimum lot area per dwelling" requirement shall apply, and all structures shall meet the front, side, and rear setback requirements. Refer to State Plumbing Codes for explanation of "minimum lot area per dwelling."

3. Required Frontage

All lots hereinafter created shall possess frontage on

a. A public road, or on

b. A private road, private driveway, right-of-way or easement which is accessible for emergency service and fire protection vehicles.

4. **Cul-de-Sac Frontage**
New building lots located at the end of cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district and meets the normal set back requirements. The lot Width shall be measured along a line that is parallel to a tangent of the mid-point of the curve.

5. **Setback Measurements**
The front setback along a public road shall be measured from the center line of the road to the nearest part of a building, excluding steps, railings, decorative trim, trailer tongues, and overhangs of less than three feet. All side and rear setbacks shall be measured from the property line to the nearest part of the building.

6. **Side Setbacks**
The minimum side setback may be reduced by two-thirds for nonconforming lots of record which were created AND built upon prior to the effective date of this Ordinance.

7. **Driveways, Parking Areas**
Driveways and parking areas may be located within any required setback area provided that they shall not be located within ten (1O) feet of the side or rear lot lines.

8. **Accessory Structures**
When located to the rear of the principal building, accessory buildings no larger than 150 square feet in floor area may be located within the required side or rear setbacks provided that no structure shall be located within ten (10) feet from a side or rear lot line.

9. **Corner Lots**
The front setback requirement shall be observed along all roads abutting the lot.

10. **Corner Lot Obstructions**
All corner lots shall be kept free from visual obstruction for a distance of twenty-five (25) feet measured along the street lines.

11. **Rear Flag Lots**
Allowed provided all dimensional requirements are met except for street frontage and street setback requirements and a private driveway accessible for emergency service and fire protection vehicles is provided. Front set back on flag lots is governed by the width and shape of the lot. The principal building is to be located behind where the lot is at least as wide or equal to the distance normally required for street frontage in that district or at a distance that equals the street frontage requirement in that district.

12. Wetlands, Floodplains Setback

Structures shall be located outside of designated floodplain area and at least 75 feet from 10-acre wetlands identified by the Maine Geological Survey. This requirement shall not apply to pipelines, sewer lines, and electrical transmission lines which need to cross these areas.

NOTE: When *wetlands areas are under the controls of the Resource Protection areas of the Shoreland* Zoning Ordinance, *standards of the Shoreland* Zoning *Ordinance apply.*

E. LANDFILL PROTECTION OVERLAY DISTRICT

1. Purposes

The purposes of these landfill protection requirements are:

a. To encourage the most appropriate use of land adjacent to solid waste disposal facilities.

b. To avoid the contamination of new groundwater drinking supplies in close proximity to potential contamination sources.

c. To avoid the potential hazard of gas migration from the solid waste disposal facility to nearby dwellings.

2. Applicability

These requirements shall govern all land and certain structures within the boundaries of the Town of Belmont which exist or are proposed within 1,500 feet, horizontal distance, of the solid waste boundary of the landfill closed out in accordance with Maine Solid Waste Management Regulations, Chapter 401.7 and 8, or within 1,500 feet of the solid waste boundary of any new solid waste disposal facility licensed in accordance with Chapter 401. These requirements shall be in addition to the requirements of the underlying district.

3. Special Exception Permit

In addition to the setback requirements established in Section E.4, below, a single-family dwelling and the well serving the same only. may be permitted by the Planning Board as a special exception within the required setback provided the applicant demonstrates that all of the following criteria are met:

a. That there is no location on the property, other than a location within the required setback area, where the structure can be located.

b. The lot on which the structure(s) is proposed is undeveloped and was established and recorded in the Waldo County Registry of Deeds prior to the adoption of this Ordinance.

c. The total floor area of the single-family dwelling unit is less than 1,000 square feet or the septic system design is 360 gallons per day or less.

d. All structures are set back from the solid waste boundary to the greatest practical extent. In determining the greatest practical extent, the Planning Board shall base its decision on the size of the lot, the physical condition and type of foundation present, if any, relationship to neighboring properties, presence of limiting factors such as presence of ledge or wetlands, the amount of vegetation to be removed, and the location of the septic system and other on-site soils
suitable for a septic system, the configuration of the lot, the slope of the land in relation to the disposal facility, and the movement of groundwater if

the information is made available. The Planning Board may require the applicant to undertake hydrogeological studies which shall be paid for by the applicant.

4. Establishment of Land Use Setbacks

The location and placement of all proposed structures Within 1,500 feet of solid waste boundaries as defined, shall be determined by the following point system:

a. The applicant must obtain the latest version of Significant Sand and Gravel Aquifer maps, where applicable, and determine if the proposed structure and solid waste facility are located over a sand and gravel aquifer. The maps are available from the Maine Geological Survey. Add four points if both the proposed structure and the solid waste facility are located over a sand and gravel aquifer.

b. The applicant must determine the extent (area) of the solid waste boundary. The Town Office may be able to supply this information. If the solid waste boundary (area) is 0-2 acres in size, then no points are added. Add 1 point for 2-3 acres, 2 points for 3-4 acres, and 3 points for facilities that are 4 or more acres in size.

c. The applicant must determine if the proposed structure is to be located up-gradient or down-gradient from the solid waste facility and the orientation of the proposed structure and solid waste facility to any perennial streams as depicted on the most recent United States Geological Survey 7.5 minute topographical maps or any Great Ponds as identified in the Town of Belmont's Shoreland Zoning Ordinance. The applicant must determine which of the following criteria applies:

   i. If the proposed structure is determined to be located up-gradient of the solid waste facility, then add zero points.

   ii. If the proposed structure is determined to be located downgradient of the solid waste facility, then add two points.

   iii. If the proposed structure is proposed to be located down-gradient of the solid waste facility and the solid waste facility is located within 1,000 feet (measured on a horizontal plane) of a perennial stream or water body, then add six points. The slope (gradient) between the proposed structure, solid waste boundary, and any water body shall be determined by a site visit (however, a United States Geological Survey 7.5-minute topographical map is acceptable if the relief pattern is easily distinguishable). The reference elevation of the solid waste facility shall be the base (ground level) of the solid waste facility. Refer to Table 1 for more information on determining the number of points.

   iv. The applicant must determine the permeability of the solid waste facility cap. The information may be available at the Maine Department of Environmental Protection (MDEP) or the Town Office. Points assessed for cap permeability are to be determined as follows: $1x10^{-4}$ cm/sec, add five points; $1x10^{-5}$ cm/sec, add four points; $1x10^{-6}$ cm/sec, add three points; $1x10^{-7}$ cm/sec, add two points; and if the cap permeability is $1x10^{-8}$ cm/sec, or less permeable, add zero points. If cap permeability is unknown, add five points. See Table 1 for point assessment system.

   v. New public drinking water supplies or wells are prohibited within 1,500 feet of the solid waste boundary.

   vi. The setback requirements of Section E.4.a through E.4.d (above) are to determine the setback requirements for drinking water wells. All structures other than wells shall be set back a minimum of 300 feet from the solid waste boundary.

The applicant shall use Table 1 to determine the total number of points. The total number of points will determine the total setback distance of the well location. A total of 0-7 points requires a 300' minimum setback; 8-11 points require a 600' setback; 12-14 points require a 900' setback; and. 15-18 points requires a 1,500' setback from the solid waste boundary.

5. Establishment or Uncertainty of Setback Boundary Locations

Where uncertainty exists as to the solid waste boundary or measured setbacks as determined by the Code Enforcement Office, the following rules shall apply:

a. The solid waste boundary shall be as depicted on any drawings submitted as part of a closure plan submitted to the Department of Environmental Protection in accordance with Maine Solid Waste Regulations Chapter 401.7 and 8 or other plans developed by a registered engineer or surveyor.

b. The Code Enforcement Officer (CEO) shall use the plans mentioned in subsection a., above and the total number of accumulated points in Section E.4 as a beginning reference for establishing the structure setback distances from the solid waste boundary. If for any reason of uncertainty on the part of the CEO or at the applicant's request, a survey shall be completed to determine the setback distance from the solid waste boundary.

c. Where physical or cultural features existing on the ground are at variance with those shown on the plans referenced in subsection a., above, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the district boundaries and be the final local authority as to their location.

ENVIRONMENTAL FACTORS FOR DETERMINING WELL LOCATION SETBACKS FROM CLOSED MUNICIPAL LANDFILLS

Environmental Concern	Limiting Factor	Required Set Back Points	SUB-TOTAL: Required Set Back Points
Sand and Gravel Aquifer	Y	4	
	N	0	
Landfill Size	0-3 Acres	1	
	3-4 Acres	2	
	4 or More Acres	3	
Slope/Gradient	Up Gradient	0	
	Down Gradient	2	
	Down Gradient/Near Stream/Water Body	6	
Cap Permeability	1×10^{-4} cm/sec	5	
	1×10^{-5} cm/sec	4	
	1×10^{-6} cm/sec	3	
	1×10^{-7} cm/sec	2	
	1×10^{-8} cm/sec or less	0	
	Unknown	5	
TOTAL SETBACK POINTS For Well Location			
TOTAL SETBACK DISTANCE From Solid Waste Boundary (in feet)			

POINT SYSTEM FOR SETBACK REQUIREMENTS

0-7 = 300′
8-11 = 600′
12-14 = 900′
15-18 = 1500′

TABLE 1

d. The Code Enforcement Officer may require that an independent consultant(s) review one (1) or more submissions of an application prior to establishing required setbacks on the ground. The cost of the independent review shall be paid for by the applicant.

F. ROAD ACCESS CONTROL SYSTEM

1. Purpose

a. To promote the general safety and welfare of the community.

b. To establish the principal collector and arterial traffic routes of the Town.

c. To reduce the proliferation of driveway entrances onto the Town's principal thoroughfares.

d. To protect the capability of such principal thoroughfares to conduct traffic smoothly and efficiently.

e. To minimize town costs in assuming more maintenance responsibilities for roads presently maintained by the state.

f. To help conserve the open rural character along certain public roads.

g. To encourage in-fill development.

2. Classification

The following collector and arterial roads, identified in the Town of Belmont Comprehensive Plan, are hereby designated as "principal thoroughfares," except where they pass through a designated growth district:

Route 3
Route 131
Howard Road
Lincolnville Road

3. Access Control

a. The capacity of a road to move traffic is related inversely to the amount of access provided to abutting properties. To maintain the capacity of the Town's road network, it-is necessary to provide for the coordination and combination of access points along major roads.

a. Along the principal thoroughfare, Route 3, new curb cuts shall not exceed 35 feet in width and shall also be limited to one curb cut per lot or one curb cut per 250 feet of frontage.

b. A cumulative traffic impact study by a Registered Engineer (with traffic experience) shall be performed for any new curb cuts that generate 100 trips or more per day on Route 3.

c. Any lot of record legally existing as of the date of the adoption of this Ordinance shall be permitted vehicular access points to a "principal thoroughfare," notwithstanding the provisions of this Ordinance, unless such lot also has frontage on a local street. New access points developed after the effective date of this Ordinance shall be constructed according to the performance standards outlined in Section 4.

d. All major developments as outlined in Section 5.C, Site Plan Review, created after the effective date of this Ordinance shall have their required street frontage and entrance ways on a local street or private way, unless the Board of Appeals determines that conditions particular to the parcel justify a granting of a waiver from this requirement.

SECTION 4 – PERFORMANCE STANDARDS

A. GENERAL STANDARDS

1. Access to Property

Public or Private Road Access: Each property shall be provided with vehicular access to the property by abutting public or private ways or private driveways. Private rights-of-way shall be protected by permanent easements.

2. Driveways

a. Driveways for Single and Two-Family Dwellings

Driveways, roads, rights-of-way, or other means of access from single and two-family dwellings to public or private ways or roads shall not have an average slope in excess of eight percent (8%) within fifty (50) feet of the point of intersection. The angle of intersection between the access road and the way shall not be less than sixty degrees (60°), nor exceed one hundred twenty degrees (120°).

b. Driveways for Other Uses

The following criteria shall be followed for driveways to any use other than single and two-family dwellings:

i. No access drive or driveway or other means of ingress and egress shall be located in any residential district to provide access to uses other than:
   (a) those permitted in such residential district, and
   (b) uses which legally existed prior to the effective date of this Ordinance.

ii. All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic and shall not have an average slope in excess of eight percent (8%) within fifty (50) feet of the point of intersection.

iii. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

iv. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

c. Sight Distances

Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and one-half (3 ½) feet to the top of an object four and one quarter (4 ¼) feet above the pavement.

Allowable Speed (miles per hour)	Required Sight Distance (feet)
25	250
40	400
45	450
50	500
55	550

d. Driveway Entrance Near Intersecting Roads
Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.

e. Driveway Setback from Side Property Lines
No part of any driveway shall be located within ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located within ten (10) feet of a side property line between the adjacent sites.

f. Two-way Driveways
Where two (2) or more two-way driveways connect a single site to any one (l) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one driveway is two-way and one is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

g. Angles:

i. Two-way operation: Driveways used for two-way operation shall intersect the road at an angle of as near ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60°) or more than one hundred twenty degrees (120°).

ii. One-way operation: Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road.

3. Buffer Strips
The purpose of buffer strips is to separate and partially obstruct the view of one or more land uses or properties from one another. In addition, buffer strips can be used to minimize the noise of different land uses.

No non-residential use may be erected, or any use permitted unless a buffer strip at least thirty (30) feet wide is provided and maintained between any adjoining residential district or use and the non-residential structure or use.

a. Natural Features
The side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a buffer of at least the setback distance.

b. Landscaping
When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall provide a landscaped area at least
thirty (30) feet wide. Where such landscaping is not feasible. as determined by the Code Enforcement Officer, the developer shall provide

a fence at least six (6) feet high between the adjoining residential district and the non-residential use.

c. Effect of Buffering
Natural features, landscaping, or, if necessary, fencing or screening, should be expected to obstruct the view of the proposed development from abutting properties.

d. Fencing and Screening
Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the developer's property.

4. Explosive Materials

No flammable or explosive liquids, solids or gases shall be stored in bulk (more than 500 gallons) above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet for underground storage, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate Federal, State, and local regulations.

5. Sanitary Provisions

a. The approval of building permits for developments requiring subsurface wastewater disposal shall be subject to presentation of a site evaluation form which evidences adequate soil conditions for subsurface wastewater disposal.

b. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owner's association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

c. Industrial or commercial waste waters may be discharged into subsurface wastewater disposal systems only as authorized and outlined within the State Plumbing Codes. The disposal of industrial or commercial wastewater by other means shall comply with the laws of the State of Maine concerning water pollution.

6. Storage of Construction and Building Materials

All construction and building materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin.

7. Water Quality Protection

No hazardous materials of any kind shall be permanently or temporarily placed or deposited directly into on in the flood plains of any river, stream, or pond or on the ice thereof where such material may fall or otherwise find its way into said water courses, nor shall such material be placed or deposited directly in pits, wells or on the ground surface except in conformity with applicable local, State, and Federal laws.

8. Right to Farm and Right to Manage Woodlots

Agricultural and woodlot operators are allowed the full use, benefit and

enjoyment of their land without being subject to odor, noise, or other nuisance suits by adjacent non-farm and non-forest land uses.

9. Timber Harvesting Operations

a. Persons carrying on timber harvesting operations must meet the most appropriate Best Management Practices (BMPs) options contained in the publication entitled *Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations: Best Management Practices,* Maine Forest Service, June 1991 and as amended. The *Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations: Best Management Practices* is hereby specifically incorporated herein and shall be in accordance with this Ordinance.

b. Prior to the commencement of timber harvesting operations of 10 or more acres, the landowner or legally designated agent as defined herein shall notify the Town of Belmont Code Enforcement Officer of the intent to conduct or cause to be conducted forest harvesting operations. Notification shall consist of:

i. The name, address and phone number of the landowner, any designated agent, and, if known, any harvester or harvesters.

ii. The name and address of any licensed professional forester consulting the landowner on forest management or harvesting practices.

iii. The name of the nearest public or private all-weather road.

iv. The definite date the harvest will begin and the approximate date of finish.

v. The anticipated acreage to be harvested.

vi. Whether the land is being harvested to convert to another use within two (2) years and, if so, what that use is to be.

vii. The signature or signatures of the landowner or legally designated agent filing the form together with a clear statement of their capacity.

viii. A map locating the harvest site in relation to known or easily identifiable terrain features, such as a road junction or a stream and road junction, that includes the Town of Belmont Tax Map and Lot Number(s), drawn or copied onto 8½" x 1l" white paper and signed by the preparer. Any map must be acceptable to the Code Enforcement Officer; a copy of that portion or portions of the Town of Belmont Tax Maps may be used; a north arrow and a scale shall be included.

ix. The date of notification.

x. As an alternative and in lieu of the above, any operation may submit a copy of the State of Maine Form: Notification-l, "Notification of Intent to Harvest Forest Products" with the Town of Belmont Tax Map and Lot Number(s) of the site of the operation appended thereto as their notification.

10. Parking

All parking shall be to the side or rear of any structures and uses, except residential, along Route 3.

B. SPECIFIC STANDARDS

1. Cluster Developments

Cluster Development must meet the requirements of the Town of Belmont Subdivision Ordinance Cluster Development Provisions as well as the requirements of the Land Use Ordinance.

2. Extractive Activities

a. Any extractive industry in excess of three (3) acres which requires a permit from the Maine Department of Environmental Protection (MDEP) under the *Site Location of Development Act* shall obtain written approval from the MDEP in addition to approval by the Planning Board under the site plan review procedures of this Ordinance. Site plan approval by the Planning Board shall be conditioned upon State approval.

b. The Planning Board may require a performance guarantee sufficient to cover the cost of rehabilitation of the site at the conclusion of operations.

c. A buffer strip of not less than one hundred (100) feet shall be maintained between the location of any extraction of materials and all property lines.

d. All areas of standing water exceeding two (2) feet in depth shall be entirely enclosed by a fence.

e. No- extraction of materials shall be permitted which creates a slope steeper than two (2) feet horizontal to one (l) foot vertical.

f. Operation of equipment and extraction of materials from the site shall be permitted only Monday through Friday between the hours of 7:30 a.m. and 5:30 p.m.

g. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets unless otherwise specified by the Planning Board. All loads shall be covered or trimmed a minimum of three (3) inches below the edges of the sideboard of the truck bodies to prevent spillage of materials being transported.

h. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved and endorsed by the County Soil Conservation Service and approved by the Planning Board, and which shall include the replenishment of topsoil.

3. Home Occupations

a. Permitted home occupations shall be carried out Without altering the exterior residential character of the structure or neighborhood or changing the character of the lot from its principal use as a residence. A home occupation shall be permitted if it complies with all of the requirements of this section.

b. A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than two (2) employees who are not residents

of the dwelling unit.

c. The home occupation shall be carried on wholly within the principal or accessory structures.

d. The Performance Standards of this Ordinance shall apply.

e. One non-illuminated sign, no larger than two (2) square feet may be erected on the premises.

f. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.

4. Commercial, Industrial Facilities and Related Uses

a. All business, service, repair, manufacturing, storage, processing, or display on property abutting or facing a residential use or property shall be conducted wholly within an enclosed building unless screened from the residential area.

b. Doors, windows, loading docks, and other openings in structures shall be prohibited on sides of the structure adjacent to or across a street from a residential use or property.

c. All other yards abutting or across a street from a residential use or property· shall be continuously maintained in lawn or other landscaping unless screened from the residential use.

d. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

e. All materials including wastes shall be stored, and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

5. Recreational Facility

All recreational facilities shall meet the provisions below:

a. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.

b. Containers and facilities for rubbish collection and removal shall be provided.

c. Screening, buffer areas, or landscape provisions shall be built, planted, or maintained, according to the "Buffer Zone" standards of this Ordinance, to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

d. The proposed use shall not create a traffic hazard.

e. Adequate sanitary facilities shall be provided.

SECTION 5 – SITE PLAN REVIEW

A. PURPOSE

The purposes of site plan review are to:

1. Provide a level of municipal review, that would not otherwise occur. of projects that potentially could impact the Community.

2. Conserve the Town's natural beauty and visual character by ensuring that structures, signs, and other improvements are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, and other improvements.

3. Sustain the comfort, health, tranquility, and contentment of residents, and thus to promote and protect the health, welfare, and safety of the Town.

B. APPLICABILITY

Site plan approval by the Planning Board in conformity with the criteria and standards of this Section shall be required for uses in each district which specifically require site plan approval as required under Section 3.B of this Ordinance, regardless of size, and a change of use when the new use is subject to site plan review. This section shall apply to the construction or establishment of a multi-family dwelling, cluster development, mobile home park, or non-residential use.

C. CLASSIFICATION OF PROJECTS

Projects subject to site plan review under Section 3.B of this Ordinance shall be divided into two (2) classes, minor developments, and major developments.

Minor Developments shall include those projects involving construction or addition of less than five thousand (5,000) square feet of gross non-residential floor area, projects involving the installation of less than 5,000 square feet of impervious surfaces, projects involving the creation of less than five dwelling units, or projects involving the conversion of existing buildings or structures from one use to another use which requires site plan approval.

Major Developments shall include projects involving the construction or addition of 5,000 or more square feet of gross non-residential floor area, projects involving the installation of 5,000 or more square feet of impervious surfaces, projects involving the creation of five or more dwelling units, projects involving the establishment or expansion of a campground or mobile home park, projects involving extraction industries, or other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the

project, he/ she may request a determination.

D. ADMINISTRATION

1. Pre-application Meeting

Applicants are encouraged to schedule a meeting with the Planning Board, prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards. The Planning Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the specific project.

2. Applications in Writing

All applications for site plan approval shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose.

For major projects, applications for site plan approval shall not be submitted until a site inventory and analysis is first submitted to the Code Enforcement Officer and reviewed by the Planning Board. The Planning Board shall act on the completeness of the site plan inventory and analysis within 30 days of its receipt.

All applications shall be made by the owner of the property or agent, as designated in writing by the owner. The Code Enforcement Officer shall make an initial determination of the completeness of the application, which shall be subject to the determination of the Planning Board.

3. Fees

See Fee Schedule.

4. Planning Board Agenda

The application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board's agenda for consideration within thirty (30) days of its receipt.

a. However, any application which the Code Enforcement Officer initially determines to be incomplete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with an indication of the additional information required. When this additional information has been supplied, the Code Enforcement Officer shall place the application on the Planning Board's agenda.

b. The Planning Board shall make a final determination of the completeness of the application. Within sixty (60) days of the receipt of a completed application, as determined by the Planning Board, the Board shall act to approve or disapprove the site plan as submitted or amended.

c. If the Board shall vote to disapprove an application, the owner or his authorized agent shall be notified in writing and the specific reasons shall be noted.

d. If the Board shall vote to approve the site plan application, the Code Enforcement Officer shall issue a building permit, provided that all other requirements of the Ordinance are met.

5. **Professional Review**

   a. **Professional Services**
   The Planning Board may require that an expert consultant or consultants review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance, and advise, if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.

   b. **Additional Studies**
   The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to ensure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

6. **Public Hearing**
   Prior to taking final action on any site plan review application, the Planning Board may hold a hearing to afford the public the opportunity to comment on the application.

7. **Notice to Abutters**
   Abutting property owners shall be notified by mail within seven (7) days of accepting a completed application, by the Planning Board, of a pending application for Site Plan Review. This notice shall indicate the time, date, and place of Planning Board consideration of the application.

8. **Financial Guarantee**
   The Planning Board may require a letter of credit and/ or the posting, prior to final approval of any plan, of a bond or escrow agreement in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.

9. **Conditions**
   The Planning Board may attach reasonable conditions to Site Plan approvals to ensure conformity with the standards and criteria of this ordinance.

10. **Expiration of Approvals**
    All Site Plan approvals shall expire within 1 year of the date of issuance unless work thereunder is substantially commenced. If work is not completed within two years from the date of issuance, a new application must be made. There will be no additional charge.

E. CONTENTS OF SITE INVENTORY AND ANALYSIS

The site inventory and analysis for major developments is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities and constraints to its use created by both the natural environment and the built environment. Therefore, the requirements provide that both basic

information about the site and an analysis of that information be submitted.

The site inventory and analysis submission shall contain, at a minimum, the following information:

1. The names and addresses of the owner of record and the applicant.

2. The names and addresses of all consultants working on the project.

3. Five (5) copies of an accurate scale plan of the parcel at a scale of not more than one hundred (100) feet to the inch showing at a minimum:

   a. The name of the development, north arrow, date and scale.

   b. The boundaries of the parcel.

   c. The topography of the site at an appropriate contour interval (2 foot to 5 foot) depending on the nature of the use and character of the site.

   d. Major natural features of the site including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features.

   e. Existing restrictions or easements on the site.

   f. The location and size of existing utilities or improvements servicing the site.

   g. Soils information if onsite sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.

4. Five copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.

5. Five copies of a site analysis plan at the same scale as the inventory plan highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine which portions of the site are unsuitable for development or use, which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available, which areas of the site have development limitations (steep slopes, poor soils, wetlands, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc.) which must be addressed in the development plan, areas where there may be off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.) and areas well suited to the proposed use.

6. A summary narrative of the key constraints and opportunities which need to be addressed in the development plan.

F. REVIEW OF THE SITE INVENTORY AND ANALYSIS

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and the opportunities and constraints they create for its use and development. If additional

information or analysis is required, the Board shall advise the applicant of this in writing.
The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application. The Planning Board may waive the information; requirements upon a determination that the information is not applicable.

G. SITE PLAN REVIEW APPLICATION

Applications for site plan review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer who shall forward it to the Chairman of the Planning Board. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for development review.

2. One (1) original of all maps and drawings on durable, permanent, transparency material.

3. Five (5) copies of written materials plus five (5) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report. The maps or drawings shall be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

   a. General Information

      i. Name of owner of record and address and applicant's name and address if different.

      ii. The name of the proposed development.

      iii. Names and addresses of all property owners within five hundred (500) feet of the edge of the property line.

      iv. Sketch map showing general location of the site within the Town.

      v. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

      vi. The tax map and lot number of the parcel or parcels.

      vii. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

      viii. The name, registration number and seal of the land surveyor, architect, engineer and/ or similar professional who prepared the plan.

   b. Existing Conditions

      i. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two (2) or more

zoning districts or abuts a different district.

ii. The bearings and distances of all property lines of the property to be developed and the source of this information.

iii. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land.

iv. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

v. The location, dimensions and ground floor elevations of all existing buildings on the site.

vi. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.

vii. Location of intersecting roads or driveways within two hundred (200) feet of the site.

viii. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.

ix. The direction of existing surface water drainage across the site.

x. The location, front view, and dimensions of existing signs.

xi. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

c. Proposed Development Activity

i. The location of all building setbacks, yards and buffers required by this ordinance.

ii. The location, dimensions, and ground floor elevations of all proposed buildings on the site.

iii. The location and dimensions of proposed driveways, parking and loading areas, and walkways.

iv. The location and dimensions of all provisions for water supply and wastewater disposal.

v. The direction of proposed surface water drainage across the site.

vi. Location, front view, and dimensions of proposed signs.

vii. Location and type of exterior lighting.

viii. Proposed landscaping and buffering.

ix. Copies of applicable State approvals and permits, provided however, that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.

x. A schedule of construction, including anticipated beginning and completion dates.

Space shall be provided on the plan for the signatures of the Planning Board and date together with the following words, "Approved: Town of Belmont Planning Board."

4. Applications for major developments shall include the following additional information:

   a. Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.

   b. A storm water drainage and erosion control program showing:

      i. The existing and proposed method of handling storm water runoffs.

      ii. The direction of flow of the run-off through the use of arrows.

      iii. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

      iv. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors such as the amount of new impervious surfaces (such as paving and building area) being proposed.

      v. Methods of controlling erosion and sedimentation during and after Construction.

   c. A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day.

   d. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

   e. A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs, and other plants to be planted on the site.

   f. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

   g. A written statement from the developer as to whether or not the site has the potential capacity for and whether or not there are potential locations for the installation of fire protection pond(s).

   h. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

   i. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.

   j. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/ or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be

executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.

k. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced in the plan.

l. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.

m. If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of the Town of Belmont Subdivision Ordinance pertaining to clustered development have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.

n. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.

5. A narrative and/ or plan describing how the proposed development scheme relates to site inventory and analysis if the application is for a major development.

The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

H. CRITERIA AND STANDARDS

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan approval: The standards are not intended to discourage creativity, invention, and innovation. The Planning Board may waive the criteria presented in this section upon a determination by the Planning Board, the criteria are not applicable to the proposed action or upon a determination by the Planning Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Planning Board shall approve the site plan unless the plan does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Planning Board.

1. **Preservation of Landscape**
   The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vistas.

   Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features shall be maintained and preserved to the maximum extent. Natural drainage areas shall be preserved to the maximum extent.

2. **Access to the Site**
   Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site which are functioning at a Level of Service of C or better prior to the development shall function at a minimum at Level of Service C after development. The determination of level of service shall be based on the Highway Capacity Manual, Special Report 209, published by the Research Board, National Research Council, Washington, D.C., 1985. If any intersection is functioning at a Level of Service D or lower prior to the development, the project shall not reduce the current level of service. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

   a. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
   b. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

3. **Access into the Site**
   Vehicular access into the development shall provide for safe and convenient access.

   a. Any exit driveway or proposed street shall be so designed as to provide a minimum sight distance of ten times the posted speed limit in each direction, as measured from the point at which the driveway or street meets the public or private right-of-way.
   b. Points of access shall be located to avoid hazardous conflicts with existing turning movements and traffic flows.
   c. The grade of any exit driveway or proposed street for a distance of one hundred feet from its intersection with any existing street shall be a maximum of three percent (3%).
   d. The intersection of any access drive or proposed street shall function at a Level of Service of C following development if the project will generate four hundred (400} or more vehicle trips per twenty-four (24) hour period or at a level which will allow safe access into and out of the project if less than four hundred (400) trips are generated.

e. Projects generating four hundred (400) or more vehicle trips per twenty-four (24) hour period shall provide two (2) or more separate points of vehicular access into and out of the site.

4. Internal Vehicular Circulation

The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

a. Nonresidential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.

b. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

c. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.

d. All streets and access ways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

5. Pedestrian Circulation

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood.

6. Environmental Standards

The site plan shall be designed in accordance with applicable standards designed to protect the environment.

a. **Site Preparation**

Appropriate fill shall be used.

b. **Conservation, Erosion and Sediment Control**

The following measures shall be included where applicable as part of any site plan review and approval.

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

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

iii. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

iv. Disturbed soils shall be stabilized as quickly as practicable.

v. Temporary vegetation or mulching shall be used to protect

exposed critical areas during development.

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

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

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

ix. Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38 M.R.S.A. Sections 480A-480S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

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

c. Site Conditions

i. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.

ii. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer. The developer shall show evidence of a written contract with an outside private waste disposal firm for the timely disposal and site clearance of debris material at his/her expense.

iii. Changes in elevation. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Code Enforcement Officer.

d. Critical. natural resources will not be adversely affected by any proposed development activity. Developers shall obtain an assessment performed by the Maine Natural Areas Program to determine the presence, if any, of critical natural resources. If such resources are found to be present, the developer shall design the project in such a way that will not adversely affect the resources present.

7. Open Space

a. Common open space areas shall be contiguous, where possible.

b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.

c. When reviewing the location and type of open space designated on an application, the Planning Board shall require:

i. Individual lots, buildings, streets, and parking areas shall be designated and situated:
(a) To minimize alterations of the natural site.
(b) To avoid the adverse effects of shadows, noise, and traffic on the residents of the site.
(c) To relate to surrounding properties, to improve the view from and of buildings.

ii. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.

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

iv. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.

8. Relation of Proposed Buildings to Environment

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures as judged by the Planning Board, so as to have a minimal adverse effect on the environmental and aesthetic qualities of the developed and neighboring areas.

9. Surface Water Drainage

Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system and shall be held to a zero percent or less off-site increase in quantity after development. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five year storm frequency. Emphasis shall be placed on the protection of flood plains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on site and off site, to adequately control the rate, volume, and velocity of storm drainage. Maintenance responsibilities shall be reviewed to determine their adequacy.

10. Groundwater Protection

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as

established by the State of Maine.

11. Water Supply

The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

12. Sewage Disposal

A sanitary sewer system shall be installed at the expense of the developer, or, if in the opinion of the Planning Board, service by a sanitary sewer system is not feasible, the Board may allow individual underground waste disposal systems to be used.

a. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

b. All individual on-site systems shall be designed by a licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the Local Plumbing Inspector, the Planning Board may require the location on the individual lots of reserve areas for replacement systems.

13. Utilities

Any utility installations above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view.

14. Advertising Features

The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians as judged by the Planning Board.

15. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

16. Exterior Lighting

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways.

Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

17. Emergency Vehicle Access

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

18. Landscaping

Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention shall be paid to the use of planting to break up parking areas.

19. Waste Disposal

The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.

a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

20. Air Pollution

Uses which would cause emission of dust, fly ash, fumes, vapors or gases which will have an adverse impact on human health, animals, vegetation, or property, or strain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations. Construction is not a use, for the purposes of this paragraph.

21. Municipal Facilities Impact Analysis

After receiving comments from the Board of Selectmen, Road Commissioner, Fire Chief, and others, the Planning Board may require the applicant to conduct an analysis of the impact of the proposed major development upon public or municipal facilities and services, including, but not limited to fire protection, roads, solid waste and drainage, along with all costs estimated for correcting any negative impact on public or municipal facilities or decline in the level of public or municipal services resulting from the major development. Once completed, the analysis shall be submitted to the appropriate public agency or municipal board or department for review and comment. Where it is demonstrated that the major development will result in a negative impact or decline in public or municipal facilities and services, the Planning Board may require the applicant to make improvements to community facilities and services or to provide for acceptable equivalent improvements as a condition of plan approval.

SECTION 6 – MOBILE HOME PARK STANDARDS

A. APPLICABILITY

All developers or applicants planning to set up or establish a Mobile Home Park or expand an existing Mobile Home Park within the Town of Belmont after the date of the adoption of this Ordinance shall be required to submit an application to the Planning Board for review and approval under the guidelines and requirements of this section.

In addition to the requirements of Section 6 of this Ordinance applicants must also meet the requirements of Section 5-Site Plan Review and the requirements of the Town of Belmont Subdivision Ordinance and shall conform to all applicable State and local regulations. When the requirements and provisions of Section 5-Site Plan Review and the Subdivision Ordinance conflict the requirements and provisions of the Mobile Home Park Standards shall prevail.

B. DESIGN AND PERFORMANCE STANDARDS

1. Lot Area and Lot Width Requirements

For parks shall be in accordance with the following minimum standards.

a. Lots served by individual subsurface wastewater disposal systems

Min. lot area: ..... 20,000 square feet

Min. lot width: .....100 feet

b. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:

Min. lot area: ..... 12,000 square feet

Min. lot width: .....75 feet

c. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area because the Town of Belmont does not have a public sewer system.

d. Lots located within any shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

2. Unit Setback Requirements

For all structures on individual lots shall not be located less than 15 feet from any boundary line of the lot. When said lots are located within a shoreland zoning district or abuts a public way either within the park or adjacent to the park, the setback requirements shall be the same as applicable to other residential development within the designated district.

3. Buffering and Open Space Reservation

If a park is proposed with a residential density at least twice the density of adjacent development in existence or permitted within the zoning district then the park shall be designed with a continuous landscaped area not less than fifty feet in width which shall contain no structures or streets. The first twenty-five feet of this buffer strip shall retain its natural environmental appearance of tree growth, stone walls, etc. if applicable or be landscaped to contain evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual

barrier along all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

No specific requirements for open spaces within the park are specified, however, the developer is encouraged to look at the advantages of open spaces and the use of the less desirable sites for this purpose.

4. Road Design, Circulation, and Traffic Impacts

All street work, including ditching and draining basins etc. shall be designed by a professional engineer, registered in the State of Maine.

a. Streets that the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Belmont Subdivision Ordinance.

b. Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.

   i. Minimum right of way width equal to at least 23 feet.

   ii. Minimum width of traveled way equal to at least 20 feet.

c. All mobile home parks shall have traffic and street entrances that connect to arterial, or collector classified roadways within the Town of Belmont as listed in the Town's Comprehensive Plan.

   i. Mobile home parks designed for or expected to be expanded to 40 units or more shall have at least two street connections onto an arterial or collector classified roadway.

   ii. No individual lot within the park shall have direct vehicular access onto an existing public street.

d. The intersection of any street within a park and an existing public street shall meet the following standards.

   i. The minimum angle of intersection shall be 75 degrees with a desired angle of shall be 90 degrees.

   ii. The maximum grade within 75 feet of the intersection shall be 2%.

   iii. A minimum sight distance of l 0 feet for every mile per hour of the designated speed limit of the public way shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4½ feet.

   iv. The center line of any street within a park intersecting an existing public street shall be no less than 125 feet from the center line of any other street intersecting that public street.

e. Any park that is projected to generate more than 400 vehicle trip ends per day shall be required to include a traffic impact analysis study, completed by a registered professional engineer with experience in transportation engineering, as part of the application process.

5. Ground Water Impacts

a. All applications for development of mobile home parks shall include an analysis of the impacts of the proposed park on ground water quality. The hydrogeologic assessment shall be prepared by a certified geologist or

registered professional engineer, experienced in hydrogeology, and shall contain at least the following information.

i. A map showing the basic soil types.

ii. The depth to the water table at representative points throughout the park area.

iii. Drainage conditions throughout the mobile home park.

iv. Data on the existing ground water quality, either from test wells in the park or from existing wells on neighboring properties.

v. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.

vi. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

b. Standards for Acceptable Ground Water Impacts

i. Projections of ground water quality shall be based on the assumption of drought conditions, assuming 60% of annual average precipitation.

ii. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards or more than the Secondary Drinking Water Standards.

iii. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

iv. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

c. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

6. Application Requirements and Deed Restrictions

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board of the Town of Belmont and only after meeting the appropriate lot size, lot width, setback and other requirements mandated for its new use if approved. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as

any other notes or conditions of approval

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

c. Being a residential subdivision in nature, the applicant shall submit an application for a mobile home park under the requirements and procedures of the Town of Belmont's Subdivision Ordinance. All forms and fee schedules are as listed within the Subdivision Ordinance unless modified within this amendment section.

d. The applicant shall, at the time of the initial application submission, verify with the Planning Board that the planned Mobile Home Park site is located within an approved area of Town and on soil types that carry an 80% soil rating or better. Applications that do not meet this criteria shall not be accepted and no fees charged. Once the application is accepted and the approval process is started, all permit and application fees paid are non-refundable unless they are specifically identified as escrow account funds.

7. Mobile Home Park Fee Schedule Requirements

See Fee Schedule

SECTION 7 – ADMINISTRATION, ENFORCEMENT & PENALITIES

A. ADMINISTERING BODIES AND AGENTS

1. Code Enforcement Officer

a. Appointment
A Code Enforcement Officer shall be appointed or reappointed annually after Town Meeting.

b. Powers and Duties
The Code Enforcement Officer shall have the following powers and duties:

i. Enforce the provisions of this Ordinance.

ii. Act upon building, construction and use applications, refer permits requiring site plan approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.

iii. Enter any property at reasonable hours with the consent of the owner, occupant, or agent to inspect the property or building for compliance with this Ordinance.

iv. Investigate complaints and reported violations.

v. Keep written inspection reports and thorough records.

vi. Issue violation notices.

vii. Participate in appeals procedures.

viii. Appear in court when necessary.

ix. Confer with citizens in the administration and enforcement of this Ordinance.

x. Regularly attend meetings of the Board of Appeals and meetings of the Planning Board as necessary.

xi. Revoke a permit after notice and hearing if it was issued in error or if it was based on erroneous information.

2. Planning Board

The municipal Planning Board shall be responsible for reviewing and acting upon applications for site plan review approval. Following site plan review approval, applicants shall return to the Code Enforcement Officer for a building permit.

3. Board of Appeals

The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of Section 12.

B. PERMITS REQUIRED

After the effective date of this ordinance no person shall, without first obtaining a permit engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. No permit fee for detached accessory structures of less than 200 square feet.

1. Building Permit

A building permit shall be obtained from the Code Enforcement Officer for

uses which are listed as permitted uses in Section 3 of this Ordinance.

2. **Site Plan Review Permit**
   Site plan review approval shall be obtained from the Planning Board for all uses which are listed as uses requiring site plan approval in Section 3 of this · ordinance.

C. PERMIT APPLICATION

1. **Application Form**
   Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate officials as indicated by Section 3 of this Ordinance.

2. **Authorization**
   All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

3. **Date**
   All applications shall-be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. **Plumbing Permit**
   If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

5. **Application Fee**
   See Fee Schedule.

D. PROCEDURE FOR ADMINISTERING PERMITS

1. **Determination of Complete Application**
   Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 3, shall notify the applicant in writing either that the application has been accepted as a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.

2. **Public Hearing**
   If a public hearing is held, it shall be held within 30 days of the date of acceptance of the complete application.

3. **Timing of Actions**
   The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 30 days of a public hearing or, if no public hearing is held, within 30 days of the date of acceptance of the application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 30 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 30 days of

the public hearing, if one is held, or following acceptance of the complete application if no hearing is held.

4. **Approval**
   Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

5. **Burden of Proof**
   The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

E. SPECIAL EXCEPTIONS

The Planning Board may approve a Special Exception Permit for a property owner(s) to convert or add a dwelling unit or apartment onto a principal residence or the placement of a housing unit, usually a manufactured unit, on the same lot as a principal structure for temporary occupancy by a person(s) related to the owner (s) by blood, marriage, or adoption or by a person under the owner's guardianship.

The property owner must submit to the board documentation, evidence, or certification that any conversion or addition or the placement of a housing unit can meet the requirements of the *Maine State Plumbing Code, Subsurface Waste Disposal Rules*, the requirements of Section 3(C) 1, 2 and 3 of the Land Use Requirements and if applicable, the Shoreland Zoning Ordinance prior to the approval of the permit.

The board may impose any of the following conditions on the permits.

1. Limiting the occupancy to the duration of the emergency situation.
2. Limiting the occupancy to the time the person(s) lives on the property.
3. Requiring the apartment or dwelling unit to be converted back to being part of the principal residence.
4. Requiring the housing unit to be removed from the property.

F. EXPIRATION OF PERMIT

Following the issuance of a permit, if no substantial start is made in construction or in use of the property within one year of the date of the permit, the permit shall lapse and become void.

G. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. ENFORCEMENT

1. Enforcement Procedure

a. 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 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 municipal officers and be maintained as a permanent record.

b. 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.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. In the case of violations in the 250-foot shoreland zone, the Code Enforcement Officer shall, on an annual basis, submit a summary of the record of such violations to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

2. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, 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 municipality. The municipal officers or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recording 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 municipal official and there is no evidence that the owner acted in bad faith or unless the removal of the structure or use will result in substantial environmental damage.

3. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30A MRSA Section 4452.

SECTION 8 – APPEALS

A. APPOINTMENT AND COMPOSITION

1. The Municipal Officers shall appoint members of the Board of Appeals.

2. The Board shall consist of three (3) members serving staggered terms of three (3) years.

3. The Board shall elect annually a chairman and secretary from its membership. The secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record.

B. POWERS AND DUTIES

1. Administrative Appeals
To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.

2. Variance Appeals
To authorize variances upon appeal, within the limitations set forth in this Ordinance.

a. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, structure height, percent of lot coverage, and setback requirements.

b. Valiances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a valiance unless it finds that:

i. The proposed structure or use would meet the performance standards of this ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and

ii. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean all of the following:

a) That the land in question cannot yield a reasonable return unless a valiance is granted; and
b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
c) That the granting of a variance will not alter the essential character of the locality, and
d) That the hardship is not the result of action taken by the applicant or a prior owner.

d. 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.

e. In areas subject to the Mandatory Shoreland Zoning Act, a copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

f. If a variance is granted under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. The certificate must be recorded in the local registry of deeds within ninety (90) days of final approval of the variance or the variance is void. The variance is not valid until recorded as provided in this provision.

3. Disability Variance

The board may grant a variance to the property owner for the purpose of making that property accessible to a person with a disability who resides in that dwelling or who regularly uses the dwelling. The board shall restrict any variance granted under this section solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The board 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 on the property. For the purposes of this subsection. a disability has the same meaning as a physical or mental handicap under Title 5 MRSA Section 4553. (This subsection is adopted pursuant to Title 30-A Section 4353, Subsection 4-A.)

4. Variance Recorded

If the board grants a variance under Sub-section 3 a certificate indicating (1) the name of the current property owner, (2) identification of the property by reference to the last recorded deed in the chain of title, (3) the Town of Belmont property tax map and lot number (4) indication of the fact that the variance, including any conditions on the variance, has been granted, and (5) the date of the granting shall be prepared in recordable form. This certificate must be recorded in the Waldo County Registry of Deeds within 90 days of the date of the final written approval or the variance is void. The variance is not valid until recorded as provided in this subsection. The date of the final written approval shall be the date stated on the written approval. (This subsection is adopted pursuant to Title 30-A, MRSA, Section 4353, Subsection 5.)

C. APPEAL PROCEDURE

1. Time Limit

An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the decision appealed from.

2. Written Notice

Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why it should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.

3. Record of Case

Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

4. Public Hearing

The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

5. Decision by Board of Appeals

a. **Quorum**

A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

b. **Majority Vote**

The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, remand the matter to the Code Enforcement Officer or the Planning Board. or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms.

c. **Burden of Proof**

The person filing the appeal shall have the burden of proof.

d. **Action on Appeal**

Following the public hearing on an appeal the board may affirm, affirm with conditions, or reverse the decision of the Code Enforcement Officer or Planning Board. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance. When errors of administrative procedures or interpretations are found, the case shall be remanded back to the Code Enforcement Officer or Planning Board for correction.

e. **Time Frame**

The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.

f. **Findings**

All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief, or denial thereof.

6. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may appeal to Superior Court in accordance with State

laws within forty-five (45) days from the date of any decision of the Board of Appeals.

7. **Reconsideration**
   The Board of Appeals may reconsider any decision reached within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

SECTION 9 – DEFINITIONS

A. CONSTRUCTION OF LANGUAGE.

1. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.
2. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
3. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
4. The words "shall" and "will" are mandatory; the word "may" is permissive.
5. The word "lot" includes the words "plot" and "parcel."
6. The word "building" includes the word "structure."
7. The word "used" or "occupied," as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
8. The words "Town" or "municipality" means the Town of Belmont, Maine.

B. DEFINITIONS

In this ordinance the following terms shall have the following meanings:

Abutter: The owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Accessory Use or Structure: A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term "incidental" in reference to the principal use or structure shall mean:

a. subordinate and minor in significance to the principal use or structure, and
b. attendant to the principal use or structure, and
c. Barn, stable, shed, outbuilding or other building which is suitable for a permitted use in the specified district.

Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

Agriculture: The cultivation of soil, producing or raising crops, including gardening as a commercial operation. The Term shall also include greenhouses, nurseries, and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change or modification in construction or change in the structural

members of a building or structure such as bearing walls, columns, beams, or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Breeding or Care: The keeping or raising of four or more animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner(s).

Automobile Body Shop: A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automotive repair shall not mean body, - frame, or fender straightening and repair or painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil.

Automobile Graveyard, Junkyard: A place where three or more unregistered, unserviceable, discarded, worn-out, or junked automotive vehicles, or bodies, or engines thereof are gathered together.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. This dwelling shall also be the fulltime, permanent residence of its owner; otherwise, it shall be classified as a hotel/motel. There shall no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: Any residential structure where lodging and/ or meals are provided for compensation for a period of at least one week and where a family residing in the building acts as proprietor or owner. When the criteria for a family residing in the building cannot be met, the building shall be classified as a hotel/motel. There shall be no provision for cooking in any individual guest room.

Building: Any three-dimensional enclosure by any building materials or any space for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, parking lots, electrical transmission and distribution lines, and field or garden walls or embankment retaining walls.

Building Height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building, whichever distance is greater.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial, or clerical operations including banks and other financial services but not retail sales, nor activities utilizing trucks as part of the business operation.

Campground: Land upon which one or more tents are erected or trailers are parked for temporary use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground," and "tenting grounds."

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Civic, Convention Center: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/ or operated by a governmental agency.

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, and social clubs generally.

Cluster Development: A development consisting exclusively of residential units, planned, developed as a whole or in a programmed series of developments, and controlled by one developer on a tract of 5 or more lots which contemplates an innovative, more compact grouping of dwelling units. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the permanent retention of the natural characteristics of the land.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to campgrounds, racquet and tennis clubs, health facility, amusement parks, golf courses, gymnasiums and swimming pools etc., but not including bowling alleys or amusement centers, as defined herein.

Commercial School: An institution which is operated for profit but is not authorized by the State to award baccalaureate or high degrees, which offers classes in various skills, trades, professions, or fields of knowledge.

Commercial Use: Any activity carried out for pecuniary gain.

Community Center: A building which provides a meeting place for local, nonprofit community organizations on a regular basis. The Center shall not be engaged in activities customarily carried on by a business.

Conforming: A building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the

provisions of Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Day Care: Homes and Centers licensed as such by the Maine Department of Human Services.

Density: The number of dwelling units per area of land.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

District: A specified portion of the municipality, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

a. Single Family Dwelling - Any structure containing only one (l) dwelling unit for occupation by not more than one (1) family.

b. Two-Family Dwelling - A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

c. Multi-Family Dwelling - A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

d. Dwelling Unit - A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications or for the collection, treatment or disposal of wastes, including without limitation, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories but not buildings.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including:

a. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas.

b. The excavation of material incidental to and at the site of construction or repair of streets; and

c. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel, or inn.

Filling: Depositing or dumping any matter on or into the ground or water.

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

i. The overflow of inland or tidal waters.

ii. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves as a result of erosion or anticipated cyclical levels or suddenly caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similar unusual and unforeseeable event which results in flooding as defined in paragraph (a.) of this definition.

Flood Insurance Rate Map: The official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones.

Flood Plain: The lands area susceptible to being inundated by water from any source (see definition of "flooding").

Floodway or Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and in Zone A is considered to be the channel of a river or other water coarse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high-water elevation.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.
Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Hardship: See "Undue Hardship."

Hazardous Material: Any gaseous, liquid, or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

Home Occupation: An occupation or profession which is carried on within a detached, single family dwelling unit by the full-time permanent occupant of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include the making of foods such as breads, cookies or preserves, rugs, birdhouses, fishing flies, and quilts). The term "home occupation" shall include both professional and personal services, within the limits on number of employees established in other sections of this ordinance. A retail sales outlet does not qualify as a home business unless the item sold is a product of the owner's labor, (e.g., manufactured, produced, created, grown).

Hospital: An institution providing, but not limited to, over-night health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate for a fee

travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared, and meals served to its guests and other customers.

Kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and regarded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right of way.
Lot, Coverage: The percentage of a lot covered by all buildings.

Lot Lines: The lines bounding a lot as defined below.

a. **Front Lot Line:**

    i. Interior lots: the line separating the lot from a street right-of-way.

    ii. Corner lot or through lot: the line separating the lot from either street right-of-way. Where a right-of-way does not exist or cannot be determined the front lot line shall be the edge of the paved or graveled area of the road.

b. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a comer lot, the rear lot line shall be opposite the front lot line of least dimension.

c. **Side Lot Line:** Any lot line other than the front lot line or the rear lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Registry of Deeds.

Lot, Shorefront: Any lot abutting a body of water that is regulated by the shoreland zoning ordinance.

Lot, Through: Any interior lot having frontages on two more or less parallel streets or rights of way or between a street and a body of water, or a right of way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot. Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing Unit: Structures transportable in one or two sections, which were constructed in a manufacturing facility and are transported by the use of its own chassis or an independent chassis to a building site and designed to be occupied as a dwelling when connected to the required utilities including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership designed and/ or used to

accommodate three or more manufactured housing units and which must meet the requirements of Section 6, Mobile Home Park Standards, of this Ordinance.

Mobile Home Subdivision or Development: A parcel of land approved by the Belmont Planning Board for the placement of manufactured houses on individually owned lots. (Refer to Belmont's Subdivision Ordinance.)

Mobile Home Park Lot: The area of land within a park that an individual home is situated, and which is reserved for use by the occupants of that home.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows.

Net Residential Density: The number of dwelling units per net acreage.

Non-Conforming: A building, structure, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Parks and Recreation: Non-commercially operated recreation facilities open to the public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open space, and other site features.

Planning Board: The Planning Board of the Town of Belmont.

Principal Use: The primary- use and chief purpose of a lot or structure.

Private Driveway: A privately owned vehicular accessway, not a road, which provides access to a structure, or use on a lot.

Public and Private Schools: Primary and secondary schools or parochial schools, which satisfy either of the following requirements:

a. The school is not operated for profit or as a gainful business; or

b. The school teaches courses of study which are sufficient to qualify attendance in compliance with State compulsory education requirements.

Public Utility: Any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, or water to the public.

Rear Flag Lot: Lots or parcels with less frontage on a public street than is normally required.

The panhandle is a narrow access corridor to the bulk of the lot or parcel located behind lots or parcels with normally required street frontage.

Recreational Vehicle: A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling, and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Restaurant: An establishment where meals are prepared and served to the public for consumption on or off the premises.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing State, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term shall also include private, undedicated roads which are described in a recorded document. The term "road" shall not include those ways which have been discontinued or abandoned.

Road Frontage: See "Frontage, Road."

Setback: The minimum horizontal distance between two given reference points, when used to determine the location of structures in relation to other structures, roads, property lines, etc.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

Shore Frontage: See "Frontage, Shore."

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including, but not limited to, rubbish, garbage, refuse derived fuel, scrap metals, junk, refuse, inert fill material and landscape refuse. The fact that a solid waste or constituent of the waste may have value or any other use or may be sold or exchanged, does not exclude it from this definition.

Solid Waste Boundary: The outermost limit of the solid waste, projected on a horizontal plane, as it would exist at completion of a Department of Environmental Protection approved solid waste disposal facility, whether open or closed for the acceptance of solid waste materials.

Solid Waste Disposal Facility: Means a solid waste facility for the landfilling of solid waste.

Special Exception: A use which would not be appropriate without restrictions but is acceptable if controlled as to duration, number, location, and relationship to neighborhood.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Timber Harvesting: The cutting and removal of trees from the growing site and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber

harvesting does not include the clearing of land for approved construction.

Undue Hardship: As used in this Ordinance, the words "undue hardship" shall mean all of the following:

a. That the land in question cannot yield a reasonable return unless a variance is granted; and

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of this Ordinance would result in undue hardship. Variances permissible under this Ordinance are limited to height of buildings, structures, lot size, yard and open spaces sizes, frontage, and setbacks. No variance can be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent districts. Variances are authorized by the Board of Appeals.

Well: Any groundwater derived human drinking water supply, whether public or private, or water source for commercial applications,

Wetland: Fresh water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407 A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

Belmont Official Shoreland Zoning and Zoning Map

MORRILL

SEARSMONT

BELFAST

LINCOLNVILLE

NORTHPORT

LAND FILL

Tilden Pond

Augusta Rd

Morrill Rd

Searsmont Rd

Bicknell Rd

White Birches Dr

Fenwick Rd

Howard Rd

Back Belmont Road

Hidden Acres

Ridge Rd

Allenwood Rd

Halls Corner Rd

Northport Rd

Dickey Mill Rd

Lincolnville Rd

Duck trap River

CMP ROW

3

131

N

W

E

S

0 0.5 1

Miles

Legend

- Tax Map Lots
- Commercial
- Rural
- Rural Residential
- Limited Residential District
- Stream Protection District
- Resource Protection District
- Non-forested wetlands
- Lakes and ponds

Note: The depiction of shoreland zones shown on the map is merely illustrative of their general location. The boundaries of shoreland districts shall be determined by measurement of the distance indicated in the ordinance from the normal high waterline of the waterbody or upland edge of wetland vegetation regardless of the location of the boundary shown on this map. Landowners may, at their own expense, consult with a professional wetland scientist to determine the location and extent of wetlands on their property.

Saco River GIS, LLC
Morse Environmental Consulting, LLC

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Data sources: Maine GIS, U.S. Geological Survey, U.S. Fish and Wildlife Service, Town of Belmont, Saco River GIS