Parsonsfield Land Use and Development Ordinance

Town of Parsonsfield

Land Use and Development Ordinance

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ARTICLE I. GENERAL PROVISIONS

Section 1. Title

This Ordinance is known and may be cited as the "Land Use and Development Ordinance of the Town of Parsonsfield, Maine", and will be referred to herein as "this Ordinance".

Section 2. Legal Authority

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated (M.R.S.A.), Chapter 141, Sections 4401-4408, Subdivisions, 4351-4360, Land Use Regulation, and 4451-4452, Certification of Code Enforcement Officers, and Title 38, M.R.S.A., Section 435-448, Mandatory Shoreland Zoning Act, as amended. This Ordinance has also been prepared to be consistent with Parsonsfield's adopted Comprehensive Plan of 1990, as amended.

Section 3. Purpose

The purpose of this Ordinance, in accordance with the Town's adopted Comprehensive Plan, is to promote the health, safety and general welfare of the residents; to encourage the most appropriate use of land throughout the Town by controlling building sites, placement of structures and land uses; to promote traffic safety; to promote fire safety and prevention of harm from natural hazards; to provide adequate light and air and prevent overcrowding of land areas; to prevent housing development in unsanitary or unsafe areas; to provide an adequate street system and public services; to promote the coordinated development of land; to encourage the formation of community neighborhoods and provide an allotment of land area in new developments sufficient for all requirements of community life; to protect and foster existing village and neighborhood areas; to maintain the rural character of the town; to further the maintenance of safe and healthful conditions; to conserve natural resources; to prevent and control water pollution; to protect fish spawning grounds, fish, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 4. Applicability

Notwithstanding the provisions of Title 1, M.R.S.A., Section 302, this Ordinance applies to any and all applications and proceedings pending upon the date of adoption of this Ordinance or filed on or after the date of adoption of this Ordinance.

Section 5. Conformity Required

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted. All lots created shall be in conformity with all regulations herein specified for the district in which it is located.

Section 6. Non-conformance

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall

be allowed to continue, subject to the requirements set forth below. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

A. General Requirements

(Note: For Requirements in the Shoreland Districts, see Section 8)

1. Continuance

   Any use of land, or any building, structure, or parts thereof, legally existing at the time of adoption or amendment of this Ordinance which does not conform to any of its requirements, may continue, but nothing may be repaired, extended, reconstructed, replaced, enlarged or structurally altered, except as specified below.

2. Transfer of Ownership

   Ownership of lots, structures and uses which remain lawful but become nonconforming by the adoption or amendment of this Ordinance may be transferred, and the new owner may continue the non-conforming structure, lot or use subject to the provisions of this Ordinance.

3. Repairs, Maintenance, or Stabilization of Unsafe Structures
   a. This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure and such other changes in a nonconforming use or structure as federal, state or local building and safety codes may require.
   b. Nothing in this Ordinance prevents the strengthening or stabilization of a building or structure declared unsafe by the Code Enforcement Officer, for the purpose of restoring the property to a safe condition.

B. Nonconforming Uses

1. Resumption of Discontinued Use

   A structure in which a nonconforming use is discontinued for a period of eighteen (18) consecutive months or more, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use. If the building or structure is not being used due to pending probate proceedings it will not be considered to have discontinued the use during the probate proceedings.

2. Enlargements of Nonconforming Uses Prohibited
   a. A nonconforming use shall not be enlarged. Any alterations to nonconforming uses shall not be permitted unless a site plan review by the Planning Board finds that all the requirements of this section have been met.
   b. A nonconforming use of part of a structure may not be extended throughout other parts of the structure unless those parts of the structure

were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use nonconforming.

3. Change of Use

   An existing nonconforming use may not be changed to another nonconforming use unless the proposed use is equally or more appropriate in the district than the existing use, and the proposed use is reviewed and approved by the Planning Board according to the standards for review contained in Site Plan Review section of this Ordinance.

4. Use of Land

   a. a. A nonconforming use of land may not be extended into any part of' the remainder of a lot unless a site plan review permit is obtained from the Planning Board.

   b. A nonconforming use of land incidental to or accessory to a nonconforming use of building(s) must be discontinued at the same time the nonconforming use of the building is discontinued.

C. Nonconforming Structures

1. Enlargements

   a. A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the land use district in which it is located and a site plan review by the Planning Board finds that all the requirements of this section have been met.

   b. The addition of one set of unenclosed steps or one unenclosed wheelchair ramp, provided no roof is involved, does not constitute the enlargement of a nonconforming structure or use. The addition of a deck, porch or open patio does constitute the enlargement of a nonconforming structure or use and therefore must meet all applicable dimensional requirements.

   c. In all Land Use Districts, the placing of a foundation below a lawfully existing nonconforming structure does not constitute the enlargement of the structure, provided that the completed foundation does not extend beyond the exterior dimensions of the existing structure and does not cause the structure to be elevated by more than three (3) additional feet.

2. Lack of Required Parking or Loading Space

   A structure or use which is nonconforming because it does not meet the requirements for off-street parking and/or loading space may not be enlarged, added to, or altered unless off-street parking and/or loading space is provided. The off-street parking and/or loading space that is provided must bring the structure or use into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure.

D. Nonconforming Lots of Record

1. Vacant Lots

    a. Nonconforming vacant lots of record that are part of a land subdivision approved by the Parsonsfield Planning Board and recorded in the York County Registry of Deeds at the time of the enactment of this may be built upon, provided that dimensional requirements governing the placement of structures are met and that all other requirements of this Ordinance and State law are met.

    b. Any other nonconforming vacant lot of record as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance from the Zoning Board of Planning Board in the administration, 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 those lot size, lot width or lot frontage requirements which have made the lot nonconforming can be met. Any other requirements shall not be varied, unless a variance is obtained by action of the Board of Appeals. Water setbacks required under Shoreland District Requirements shall not be reduced by variance.

    c. If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the effective date of this Ordinance (or applicable amendments) and these lots do not individually meet the dimensional requirements, if one or more of the lots are vacant or contain only an accessory structure, then the lots must be combined, to the extent necessary, to meet the dimensional requirements for newly created lots.

2. Built Lots

    A nonconforming lot of record that was built upon prior to the enactment of this Ordinance or the applicable amendment to this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) can not meet the dimensional requirements of this Ordinance, a variance must be obtained from the Board of Appeals. If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the enactment (or applicable amendment) of this Ordinance and 1) if either or both of these lots do not meet the dimensional requirements of this Ordinance, and 2) if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together in accordance with the State Minimum Lot Size Law and State Plumbing Code.

3. Rear Lots

    A rear lot (lacks frontage) that meets size requirements but is accessible only by a right-of-way that does not meet the width requirements may be used for a single dwelling or other single permitted use provided that the right-of-way existed at the effective date of this Ordinance or amendment, and that a wider

right-of-way cannot be negotiated with abutting landowners, and that all other relevant provisions of this Ordinance can be met.

E. Creating Rear Lots

Rear lots without the required road frontage may be created if they meet the following requirements:

1. Must meet lot size and dimension requirements (see Article II, Section 5), except road frontage
2. Must have an access at least 50’ wide as part of the property, or a deeded right of way at least 50’ wide from a state, town or private road. If deeded right of way, the deed must state that the rear lot owner has the right to construct an access way at least to the standards the town requires.
3. Access road quality – If serving up to two outbuildings or a single residence with up to two outbuildings, the access road must meet the construction requirements for a driveway (Article II, Section 6, S 2, pg 39). If serving a business or more than one residence, the access road must meet the construction requirements of road construction (see Article II, Section 6, N, pg 27). More than one residence or two outbuildings would require a Site Plan Review. The access road must be maintained year round once any buildings are constructed on the parcel.
4. No building can be erected in the access way.
5. Any business use of a new rear lot, other than a home business, requires a site plan review.
6. A turn around for emergency vehicles must be available. Either a cul-de-sac, constructed to subdivision standards (Property line setback: same as building setback; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet.) or an area to back into that is least 25’ along the road by 50’ deep and perpendicular to the road on flat ground, maintained year-round once any buildings are constructed, must be available within 75’ of all residences or out buildings.
7. Setbacks from all boundaries must meet the rear setback requirement for a lot in the same zone (ie – any buildings on a rear lot in the rural residential zone must be 50’ from all boundaries, the rear setback requirement).
8. The use of the access road to access multiple lots, whether developed or not, will require a Site Plan Review.
9. A lot created under this section will be classified as a rear lot unless the access raod becomes a public road.

F. Exceptions for Utilities

The Planning Board may grant an exception for public utility installation and accessory structures, including substations and pumping stations, occupying lots not meeting lot area, lot width, or lot frontage requirements, provided that no attendant is regularly on

the premises. The usual setback requirements still apply. Such exemptions are subject to Site Plan Review.

Section 7. Repeal of Prior Ordinances

Repeal of Prior Ordinances and Automatic Repeal and Amendment of Timber Harvesting Standards in the Shoreland Zone Land Use and Zoning Ordinance (adopted 5/30/87) and the Building Code (adopted 3/14/70) are repealed, and replaced by this Ordinance, adopted 3/5/1994, along with any subsequent amendments to this Ordinance.

The municipal regulation of timber harvesting is repealed on the statutory date established under Title 38, M.R.S.A. Section 438-B, at which time the State of Maine Department of Conservation's Director of the Bureau of Forestry shall administer timber harvesting standards in the Shoreland Zone within the Town of Parsonsfield. On the date established under Title 38, M.R.S.A. 438-B, the following provisions of this Chapter shall be repealed or amended as follows:

1. Section 8.E, Table 1A, Table of Land Uses in the Shoreland Districts, delete the symbols "Y" or "P" indicated in each district next to the uses "Timber Harvesting*", "Forest management activities except for timber harvesting & land management roads," and "land management roads," (items 3,4 & 27) and replace with the symbol "BF." Amend the table key to indicate that "BF" means "Allowed use, requires permit issued by Maine Bureau of Forestry"
2. Section 8.E.14 Timber Harvesting, repeal in its entirety.
3. Appendix A, Definitions, Section 2, repeal definitions of the following terms:
    - Harvest area
    - Residual basal area
    - Residual stand

Section 8. Conflict with Other Ordinances

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the town or state or federal regulation or statute, the provision establishing the higher standard for the promotion and protection of health and safety will prevail.

Section 9. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision does not invalidate any other section or provision of this Ordinance.

Section 10. Amendment

A. Initiation

A proposal for an amendment to this Ordinance may be initiated as permitted below and then must be acted on according to the procedures in subsection B and C below.

1. The Planning Board, by favorable majority vote of the entire regular membership of the Board;
2. The Town Selectmen, through a request to the Planning Board;

3. An individual or group through: (a) a request to the Planning Board and subsequent favorable majority vote of the Board, or (b) by a written petition with the signatures of registered Parsonsfield voters equal to at least ten percent (10%) of the votes cast in Parsonsfield in the last State gubernatorial election.

B. Procedure

1. Any proposal to amend this Ordinance must be made to the Planning Board in writing stating the specific changes requested. Amendments initiated by petition must be presented to the Town Clerk and Board of Selectmen who shall then transmit them to the Planning Board within ten (10) working days of having received the petition with a finding whether the requirements of Section 10A(3) above have been or have not been met. When a change in district boundaries is proposed, the application must state the nature, extent, and location of the proposed boundary change and the application must be accompanied by a scale drawing with dimensions showing the areas to be changed. When an amendment is proposed by the petition process, a fee to cover the costs of public hearings must be paid by the petitioners. The amount of said fee is to be determined by the Planning Board.

2. Within thirty (30) days of receiving a properly initiated amendment, the Planning Board shall hold a public hearing on the proposal. Notice of the hearing must be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing. The notice must contain the time, date and place of the hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office, is adequate notice.

3. Within thirty (30) days following the public hearing, the Planning Board shall make a written recommendation regarding passage to the Selectmen and for use at a Town Meeting prior to any action on the amendment.

C. Adoption

1. If it has a favorable majority vote of the Planning Board, any amendment to this Ordinance may be adopted by a majority vote of a Town Meeting.

2. If the proposed amendment has not received a favorable majority vote of the Planning Board, it must be adopted by a two-thirds (2/3) super-majority vote at a Town Meeting.

D. Repetitive Petition

Proposed changes to this Ordinance which have been unfavorably acted upon may not be considered again within two (2) years of the date of the town meeting action unless the proposed change is recommended by the vote of eighty percent (80%) of the entire regular membership of the Planning Board. Alternate Planning Board members are not counted as regular Planning Board members, but may vote in the place of regular Planning Board members if the regular member is absent.

E. Shoreland District Amendments to Be Submitted to State DEP

Copies of amendments adopted affecting the Shoreland District, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 11. Effective Date

This Ordinance takes effect and is in force from the date of its adoption. Provisions of this ordinance affecting the Shoreland District, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

Section 12. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

ARTICLE II: LAND USE DISTRICTS AND USES

Section 1. Establishment of Districts

To implement the provisions of this Ordinance the Town of Parsonsfield is hereby divided into the following land use districts that are depicted on the Parsonsfield Land Use District Map.

A. Village (V)

The purpose of this district is to preserve the historic villages in Parsonsfield and to promote the traditional village atmosphere that is common to New England towns. This District allows a mixed use of residential, commercial and institutional uses.

B. Village Residential (VR)

The purpose of this District is to provide for residential growth and commercial uses appropriate for a village area. This district is intended to be compatible with

the Village District. The District provides for a mixed use of residential, commercial and institutional uses.

C. Rural Residential

The purpose of the Rural Residential District is primarily to provide for low-density residential housing in areas of Parsonsfield where a pattern of rural housing exists. The District allows a mixture of residential uses and institutional uses. Limited commercial uses are allowed.

D. Light Industrial/Office (LIO)

The purpose of the Light Industrial/Office District is to provide locations in Parsonsfield for the development of light manufacturing and professional commercial uses. This District is located near three-phase electrical power, public water, telecommunications services and major roads that are necessary to support more intense commercial development. This District is intended to encourage economic growth and diversity in Parsonsfield that will strengthen the local economy. The allowed uses are primarily industrial and commercial in nature.

E. Forest and Farm (FF)

The purpose of the Forest and Farm District is to promote and encourage natural resource-based uses like forestry and farming. The District also serves to protect those areas of town characterized by steep slopes and soils not suitable for intense development. The District provides for low-density housing, farming, forestry and related commercial uses as well as outdoor recreational uses.

F. Resource Protection (RP)

See the Shoreland District section (Section 8) for language regarding specific Shoreland Districts.

G. Resource Conservation (RC)

The purpose of the Resource Conservation District is to conserve natural resources for forestry related activities, outdoor recreational uses, wildlife habitat and agriculture. This District includes areas where development rights may have been purchased or restricted. No development is permitted in this District.

H. Shoreland Districts

See the Shoreland District section (Section 8) for language regarding specific Shoreland Districts.

I. Public Water Protection (PW)-Overlay District

The purpose of the Public Water Protection District is to protect the ground water aquifer and recharge area that is the source of water for the public water system. The Public Water Protection District is shown on the Parsonsfield Land Use District Map as an ellipsoidal area beginning on the shore of the Ossipee River where the public water wells are located and continuing to the peak of Cub Hill. The protection of the public water supply from toxic and hazardous contamination

is essential to the health and well-being of the community and its citizens. The public water supply consists of the wells that supply the water, the aquifer that stores the water for the wells and the recharge area that replenishes the aquifer.

Section 2. Location of Districts

The Land Use Districts are located and bound as shown on the official Land Use District Map for the town of Parsonsfield, Maine, and are made part of this Ordinance. The official Land Use District Map must be signed and dated by the chairperson of the Planning board and shall be certified by the attested signature of the Town clerk following the adoption or any amendment of the Map The signed map shall be located in the municipal office and be available for public inspection, within thirty (30) days after the adoption or any amendment, or in the case of amendments affecting the Shoreland District, within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection. The official Land Use District Map shall be drawn at a scale of not less than 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

Section 3. Interpretation of District Boundaries

A. Uncertainty of Boundaries

Where uncertainty exists with respect to boundaries of various districts as shown on the official Land Use District Map the following rules apply:

1. Boundaries indicated as approximately following the center-lines of streets, highways or rights-of-way must be construed as following the centerline of such streets, highways or rights-of-way.
2. Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.
3. Boundaries shown as approximately following municipal limits must be construed as following municipal limits.
4. Boundaries shown as following shorelines must be construed to follow the normal highwater line and in the event of natural changes in the shoreline must be construed as moving with the actual shoreline.
5. Boundaries shown as approximately following the center-line of streams and other water bodies must be construed to follow such center-lines and in the event of natural changes in the location of the water body, must be construed as moving with the actual center-line.
6. Boundaries indicated as parallel or extensions of features indicated in paragraphs 1 through 5 above must be so construed. Distances not specifically shown on the official district map are to be determined by the scale of the map.
7. Boundaries indicated as approximately following natural features such as flood plains, wetlands, aquifers, or watershed boundaries are to be construed to follow said natural features. The area indicated on the official district map as the public water protection area must be construed so that the source of the public water supply lies within the protected area.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official district map, or in other circumstances not covered by sections 1 through 7 above, or where uncertainty exists as to the exact location

of district boundary lines, the Board of Appeals shall be the final authority as to location.

B. Division of Lots by District Boundaries

When a lot is divided by a land use district boundary other than a boundary to an overlay area, the following rules apply:

1. On lots 80,000 square feet or less in area, the lot shall be used as if the entire lot is in the District that comprises the larger portion.
2. On lots larger than 80,000 square feet, the requirements of the District in which that portion of the lot lies shall govern.

Section 4. Land Uses

Land uses allowed in each District in Parsonsfield, other than the Shoreland Districts, are shown on Table 1 (Table of Permissible Uses) by the type of permit required within each Land Use District. For any land use not listed on this Table the Planning Board shall determine which listed land use type is most similar to the non-listed land use and determine the appropriate procedure and the type of permit required. Land uses allowed in the Shoreland Districts are shown in Table 1A, found in section 8.

TABLE 1

Table of Permissible Uses

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
RESIDENTIAL							
Accessory Structure	P	P	P	P	P	R	N
Group Homes	R	R	R	R	N	R	N
Duplex/Two Family Dwelling	P	P	P	P	N	R	N
Home Occupation	P	P	P	P	P	R	N
Manufactured Housing	P	P	P	P	N	R	N
Mobile Home Park	N	N	R	N	N	N	N
Multi-Family Dwelling	R	R	R	S	N	R	N
Single-family Dwelling	P	P	P	P	N	R	N
Subdivision	R	R	R	R	R	R	R
COMMERCIAL							
Accessory Structure	1	1	1	1	1	1	1
Adult Use Cannabis Store	C	C	N	N	N	N	N
Adult Use Cannabis Cultivation Facility (Tier 1 or Tier 2)	C	C	N	N	N	N	N
Adult Use Cannabis Products Manufacturing Facility	C	C	N	N	N	N	N
Adult Use Cannabis Testing Facility	C	C	N	N	N	N	N
Amusement Facilities	R	R	S	N	N	R	N
Auto, Rec. Vehicle, Small Engine Repair Shop	R	R	S	N	N	N	N
Automotive Body Shop	R	N	N	N	N	N	N
Automotive Service Station	R	S	N	N	N	N	N
Auto, Rec. Vehicle, Small Engine Sales	R	R	N	N	R	N	N
Banks	R	R	N	N	N	R	N
Bed and Breakfast	P	P	P	P	N	R	N
Boarding, Lodging (4 or Less Persons)	P	P	P	P	N	R	N
Car Wash	R	N	N	N	N	N	N
Commercial Communication Tower	R	R	R	R	R	R	R
Dry Cleaners; Laundromat	R	S	N	N	N	N	N
Firewood Processing	N	N	R	Y	N	N	R
Funeral Home	R	R	R	N	N	R	N
Hotel/Motel/Inns	R	R	R	R	R	N	N
Junkyard, Minor	N	N	N	R	S	N	N
Medical Cannabis Caregiver Retail Store	N	N	N	N	N	N	N
Medical Cannabis Manufacturing Facility	N	N	N	N	N	N	N
Medical Cannabis Testing Facility	N	N	N	N	N	N	N
Neighborhood Convenience Store	P	P	R	N	N	R	N
General Convenience Store	R	R	N	N	N	N	N
Offices: Business, Professional Medical, Clinics	R	R	S	N	R	R	N

Printing/Photocopying	R	R	S	N	R	N	N
Recreational/Indoors (bowling, skating, tennis, squash, racquetball, billiards, exercise, etc.)	R	R	S	N	R	R	N
Recreational/Outdoors (golf driving ranges, miniature golf, water slides)	N	R	R	R	N	R	N
Registered Dispensary	N	N	N	N	N	N	N
Restaurant	R	R	R	S	R	R	N
Retail Fuel Distributor (petroleum products)	R	S	N	N	S	N	N
Retail Business (less than 4000 sq. ft.)	R	R	R	N	N	R	N
Retail Business (more than 4000 sq. ft.)	S	N	N	N	R	N	N
Shopping Center	S	N	N	N	R	N	N
Taverns	R	N	N	N	N	N	N
Transmission Tower	N	N	S	R	N	S	R
Vendor, Mobile or Temporary, 3 or more days	P	P	P	N	N	N	N
Veterinary Hospital	R	S	S	R	S	N	N
Wholesale Business	S	N	N	N	R	N	N
INDUSTRIAL							
Manufacturing - Light	R	N	N	N	R	N	N
Manufacturing - Heavy	N	N	N	N	R	N	N
Adult-Use Cannabis Products Manufacturing Facility	C	C	N	N	N	N	N
Adult-Use Cannabis Testing Facility	C	C	N	N	N	N	N
Medical Cannabis Caregiver Facility	C	C	C	C	C	N	N
Medical Cannabis Manufacturing	N	N	N	N	N	N	N
Sawmill and Related Operations	N	N	N	R	S	N	N
Sludge and Ash Spreading/Disposal	N	N	N	S	N	N	N
Trucking, Distribution Terminal	N	N	S	N	R	N	N
Warehousing and Storage	R	N	S	N	R	N	N
Waste Disposal/Landfill	N	N	N	S	N	N	N
EDUCATION, INSTITUTIONAL, PUBLIC							
Accessory Structure	1	1	1	1	1	1	1
Church, Synagogue, Parish House	R	R	R	N	N	R	N
Community Centers, Clubs	R	R	S	N	N	R	N
Day Care Facility	R	R	R	R	N	R	N
Essential Services	R	R	R	R	R	R	R
Fire, Police Station	R	R	R	R	R	R	N
Government Office	R	R	S	N	N	R	N
Congregate Housing/Nursing Home	R	R	R	N	N	N	N
Museum Library	R	R	S	S	N	R	N
Nursery School	R	R	R	R	N	R	N
Public, Private School	R	R	R	S	N	R	N
Utility Facility	R	R	R	S	R	R	N

Transfer Station	N	N	R	R	N	N	N
Residential Treatment Facility	R	R	R	N	N	N	N
OUTDOOR, RESOURCE BASED USES							
Accessory Structure	1	1	1	1	1	1	1
Agriculture	N	R	R	Y	N	R	R
Agricultural Packaging and Storage	R	R	R	R	R	S	N
Agricultural Products Processing	R	N	R	R	R	N	N
Animal Breeding/Care and Kennels	N	R	R	R	N	N	N
Campground	N	N	R	R	N	N	N
Cemetery	N	R	R	R	R	R	N
Extractive Industry	N	N	R	R	N	N	R
Large Scale Water Extractions	N	N	C	C	N	N	N
Farm Stands	R	R	R	R	N	R	N
Forestry (meet applicable requirements)	Y	Y	Y	Y	Y	R	Y
Golf Course (excluding miniature golf)	N	N	R	R	N	N	N
Mass Gathering (more than 1,000 people for more than 4 consecutive hours)	R	R	R	R	R	N	R
Parks	R	R	R	R	R	R	R
Stables/Barns	R	R	P	P	N	S	N

Legend:

V= Village
VR= Village Residential
R= Rural Residential
FF= Forest & Farm
LIO=Light Industrial Office District PW= Public Water Protection (overlay)
RC= Resource Conservation

*For any land use not listed on this Table, the Planning Board shall determine which listed land use type is most similar to the non-listed land use and determine the appropriate procedure and the type of permit required.

Key	
Y	Allowed use (no permit required, but the use must comply with all applicable land use standards).
P	Allowed use requires building or use permit from CEO.
R	Use requires site plan review permit from Planning Board following site plan review (may be a minor or major review).
C	Use requires conditional use permit from Planning Board following conditional use review.
S	Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:

	a. there is no alternate site which is both suitable to the proposed use and reasonably available to the applicant. b. that an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.
N	Prohibited use.
1	Requires the same permits as the primary structure or if the primary structure is a non-conforming use it requires a site plan review permit.

Section 5. Dimensional Requirements

Unless otherwise permitted by this Ordinance, lots and structures must meet or exceed the requirements as set forth in Table 2. Dimensional requirements for Shoreland Districts are set forth in Table 2A in section 8.

Any lot created by any means must have a minimum lot width and a minimum lot depth so that a rectangle the size of the minimum lot frontage by the minimum lot depth as specified in Table 2 can be enclosed within the lot boundaries.

If more than one residential dwelling unit, principal governmental, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

In all zones where Single-family homes are allowed, No more than 2 dwelling units shall be allowed on a parcel unless the minimum lot size per home can be met in the base zone within the R and the FF zones. In the vicinity of V and the VR zones up to 4 homes may be allowed on vacant land provided the lot can meet the minimum lot size per unit for that zone.

TABLE 2

Dimensional Requirements

Land Use Districts: Dimensions: See Notes	**V 1 & 4**	**VR 4**	**R**	**FF**	**LIO**	**RC**
Minimum lot area (with public water)	0.46 acre	0.46 acre	1 acre	3 acre	0.92 acre	NB
Minimum lot area (without public water)	0.92 acre	0.92 acre	2 acre	3 acre	1.84 acre	NB
Minimum road frontage; Note 3 (Public or private road)	100'	100'	200'	250'	150'	NB
Minimum shore frontage; Note 5	5	5	5	5	5	5
Minimum lot depth	100'	100'	200'	250'	150'	NB
Front setback (from centerlines) (principal & accessory structures)	50'	50'	75'	75'	100'	NB
Side setback (principal & accessory structures)	10'	10'	25'	25'	25'	25'
Rear setback (principal & accessory structures)	25'	25'	50'	50'	25'	25'
Maximum lot coverage (%) (Building & Impervious area)	60%	60%	30%	20%	70%	NB
Maximum height of Structure - See Note 2	35'	35'	35'	35'	35'	NB
Maximum Building Size	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	NB
Residential structures, Minimum Floor area (sq. ft.)	600	600	600	600	600	NB

Legend

V= Village District
R= Rural Residential
VR= Village Residential District
LIO= Light Industrial Office District
FF= Forest and Farm District
RC= Resource Conservation District
PW= Public Water Protection (overlay)
NB= Not Buildable

Notes:

1. Planning Board may permit zero front and side lot line setbacks if the Board determines it is appropriate and may waive density requirements.
2. Utility transmission towers are exempted from the height requirements, except in V, VR
3. Except rear lots
4. Planning Board may reduce lot size and frontage requirements if waste water disposal and other requirements in Ordinance can be met

Equivalence: 1 acre = 43,560 sq. ft.; 0.46 acre = 20,000 sq. ft.; 0.92 acre = 40,000 sq. ft.; 1.84 acre = 80,000 sq. ft

Section 6. General Performance Requirements

The following standards apply to all lots created and all land use activities undertaken, where applicable.

A. Access to Lots

1. Each lot must be provided with right of access to the property from public or private ways.
2. No building permit may be issued to erect a principal structure on any lot created, effective date 9/16/2005, that does not have frontage on a public way, unless an access road meeting the criteria in subsection 3 below has been constructed with a minimum width of fifty (50) feet within a deeded right-of-way.
3. All access roads (new and existing) must be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two or more dwelling units. The access road must contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface gravel for the surface gravel course. It must have drainage ditches and culverts at all appropriate points and must provide sufficient area to allow a fire truck or other emergency vehicle to maneuver.
4. At a minimum, existing access roads must be upgraded to meet the criteria in subsection 3 above for any new lot created.

B. Agriculture

Agricultural activities must comply with applicable state and federal regulations. Further, all spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land", published by the University of Maine and the Maine Soil and Water Conservation Commission, July 1972.

C. Air Emissions

All uses, regardless of size, must meet the air emission standards set by the Maine Department of Environmental Protection.

D. Beach Construction

Under State law, beach construction on any great pond, or any river, stream, or brook capable of floating water craft shall require a permit from the Department of Environmental Protection.

E. Buffers/Screening

The following regulations regarding buffers apply to multi-family residential, commercial, industrial, institutional or other non-residential structures or uses:

1. No such buildings or uses may be established or abut a residential, agricultural, institutional, public or recreational use, unless natural vegetation or a landscaped buffer strip at least twenty-five (25) feet wide is provided to visually screen the uses to the extent practical. Where no natural vegetation can be

maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or a combination thereof.

2. Natural landscape features must be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers must be utilized. The buffering must minimize the adverse impacts on adjacent properties (including public roads) and must meet the following standards:
    a. Outdoor off-street parking and loading spaces must be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single-family residential properties, except that driveways must be kept open to provide visibility for entering and exiting.
    b. To prevent confusion, particularly at night, buffers must be provided along interior roads running parallel to roads exterior to the site.
    c. Exposed storage and waste disposal areas, sand and gravel extraction operations, and areas used for the storage or collection of any articles of salvage or refuse must have sufficient setbacks and screening, such as a stockade fence, a wooden or masonry screen or a dense, evergreen, hedge that is six (6) feet or more in height so that they do not adversely affect other land uses and properties in the area.
    d. For any use or area presenting a potential safety hazard to children, physical screening and/or barriers sufficient to deter small children from entering the hazardous area must be provided and maintained in good condition.
3. The owner must maintain all buffered areas in a neat and sanitary condition. Fencing and screening must be durable and properly maintained and must be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.
4. All plantings required under this Ordinance must be of a type and species appropriate for the soil types and conditions of the site.

F. Clearing of Vegetation for Development

See the Shoreland District section for requirements regarding the clearing of vegetation for development in the Shoreland Districts. In any other land use district, the clearing of vegetation must be limited to that area which is necessary for uses expressly authorized in that district.

G. Emergency Vehicle Access

Provisions must be made for convenient and safe emergency vehicle access to all principal structures at all times.

H. Glare and Illumination

All exterior lighting and all reflective properties of the proposed development must be designed to minimize adverse impact on neighboring properties. Specifically, lighting fixtures must be focused, shielded, or hooded so that the lighting does not have an adverse impact on motorists, pedestrians, adjacent dwellings or public places. Direct or indirect illumination emanating from any land use activity on one lot may not exceed 0.5 foot candles upon abutting residential properties.

I. Height of Structures or Buildings

No structure or building shall exceed those heights specified in Table 2, unless specifically exempted by this Ordinance. Non-flammable or decorative features of buildings and structures, such as chimneys, towers, ventilators, cupola and spires may exceed the Ordinance's maximum building height, but must be set back from the nearest lot line a distance not less than the height of such feature or structure, except if a greater setback is required by other provisions of this Ordinance. Chimneys on residential structures are exempt from the requirements of this paragraph.

J. Landscaping

The landscape must be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring areas. Landscaping must be designed to soften, screen or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

a. General Requirement - All uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings and structures as a green strip (excluding driveways). The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery) or natural growth.

b. Commercial and Industrial Uses - Active, non-residential uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings, structures and designed impervious areas as a green strip (excluding driveways). The green strip must consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery), with a minimum 2-1/2" DBH. or larger deciduous shade tree, spaced approximately every twenty-five (25) feet or a shrub at least three (3) feet in height placed at least every ten feet, along the green strip and parallel to the right-of-way. In order to ensure proper visibility for entering and departing vehicles, all driveway entrances and exits will be kept free from visual obstructions higher than three (3) feet above street level for a

distance of twenty-five (25) feet measured along the intersecting driveway and street lines.

c. Type of Plantings - All plantings required under this Ordinance must be of a type and species appropriate for the soil types and climatic conditions in Parsonsfield.

K. Noise Abatement

1. Excessive noise at unreasonable hours must be muffled, so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance is established by the time period and type of land use district listed below. Sound pressure levels must be measured at all lot lines, at a height of at least four (4) feet above the ground surface. Sound from any source controlled by this ordinance must not exceed the following limits at the property line of said source:

Sound Pressure Level Limits Measured in Db(A)'s:
Light Industrial Office District 65 (Applies 24 hours per day)
(Also see standards for Light Industrial Office District)
Other Districts 55 Applicable Hours: 10:00 p.m. - 7:00 a.m.

a. Where the emitting and receiving actors are in different land use districts, the noise limits governing the more restrictive district apply to any regulated noise.

b. The levels specified may be exceeded by 10 Db(A) for a single period, no longer than fifteen (15) minutes in any one day.

c. Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 American Standards Meter for the Physical Measurements of Sound.

d. These noise regulations are enforceable by law enforcement officers and by the Code Enforcement Officer (who may measure noise levels and who shall report documented violations to the police).

L. Off-Street Parking and Loading

1. <u>Basic Design</u>

Off-street parking is required for all new, enlarged, or remodeled uses in Town, including change of uses, unless otherwise approved by the Planning Board. No parking space may serve more than one use, unless the approved by the Planning Board in accordance with subsection 2(e) below. Spaces must be arranged so vehicles can be turned around within such area and are not required to back into the street or road.

2. <u>Multi-Family Residential, Commercial, Industrial and Institutional Development</u>.

a. Development in any district may not be extended, and no structure may be constructed or enlarged, unless off-street vehicular parking is provided in accordance with the following requirements:

a. Access points from a public road to commercial and industrial operations must be located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

b. All parking areas and driveways must have a gravel sub-base at least twelve (12) inches in thickness and two (2) inches of finish gravel or bituminous concrete, and shall have appropriate bumper or wheel guards where needed.

c. Required off-street parking for all land uses must be located on the same lot as the principal building or facility, unless otherwise approved by the Planning Board.

d. Loading facilities must be located entirely on the same lot as the building or use to be served. Trucks, trailers, and containers for loading or storage may not be located upon any Town way. Loading facilities must be designed so that they do not interfere with customer traffic flows and parking.

e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

3. Parking Lot Design Criteria (Not applicable to single- or two-family dwellings)

a. Vehicular Entrance and Exit

i. Entrances and exits must be clearly identified by the use of entrance and exit signs, curb cuts, and landscaping.

ii. Entrance and exit design must be in conformance with the standards for street access and driveways.

b. Interior Vehicular Circulation

i. Major interior travel lanes must be designed to allow continuous and uninterrupted traffic movement.

ii. Enclosures, such as guardrails, curbs, fences, walls and landscaping, must be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

iii. Entrances and exits must be designed to allow adequate stacking of vehicles without restricting interior vehicle circulation lanes.

c. Minimum Parking Requirements

i. Access to parking stalls may not be provided from any public way or from major interior travel lanes serving fifty (50) or more vehicles.

ii. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

iii. All parking spaces and access drives must be at least ten (10) feet from any side or rear lot line, except where additional requirements apply in the buffering and screening section of this Ordinance.

iv. Parking stalls and aisle layout must conform to the design standards in Table 3:

TABLE 3

Parking Design Standards

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'0"	NA	18'5"	24'0"
60°	8'6"	10'5"	18'0"	16'0" one way
45°	8'6"	12'9"	17'5"	12'0" one way
30°	8'6"	19'0"	17'0"	12'0” one way

v. In paved parking areas, painted stripes must be used to delineate parking stalls. Stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of one (1) foot on center. vi. In unpaved parking areas, provisions must be made to delineate the parking spaces.

vi. In aisles utilizing diagonal parking, arrows must be painted on the pavement to indicate proper traffic flow.

vii. Bumpers and/or wheel stops must be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

viii. All non-residential uses must provide at least one (1) parking space for each employee on the largest work shift. In addition, parking spaces must be provided to conform to the number required in Table 4.

TABLE 4

Parking Requirement Schedule

ACTIVITY	MINIMUM REQUIRED PARKING
Residential Units	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling unit
Elderly Housing	1.25 spaces per dwelling unit
Affordable Housing Developments	.66 Spaces per dwelling unit
Accessory Dwelling Units	No parking spaces required
Bed and Breakfast, Boarding and Lodging Houses, Motels, Hotels and Inns	1 space per room/rental unit
Campgrounds	1 space per rental site
Churches	1 space per three (3) seats based upon maximum seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every four (4) children for whom the facility is licensed to care for
Private Clubs or Lodges	1 space for every fifty (50) sq. ft. of floor space
Theater, Auditorium, Public Assembly Areas	1 space per three (3) seats based upon maximum seating capacity
Libraries, Museums, Art Galleries	1 space for every 200 sq. ft. of floor area
Commercial Recreation Facilities	1 space for every 100 sq. ft. of floor area
Medical Care Facilities	1 space for every two (2) beds
Professional Services such as	1 space for every 250 sq. ft. of floor area
Accountants, Barbers, Hair Dressers, Real Estate Agents, Veterinarians, Doctors, Lawyers, Insurance Agents	
Retail and Service Businesses	1 space for every 150 sq. ft. of floor area
Automobile Repair Garages	5 spaces for each bay or area used for repair work
Motor Vehicle Sales	1 space reserved for customer per twenty-five (25) vehicles displayed on the lot
Restaurants	1 space per three (3) seats based upon maximum seating capacity
Drive-In and Take Out Restaurants	1 space for every fifty (50) sq. ft. of floor area

Industrial Businesses, Warehouses and Wholesalers	1 space for each vehicle parked overnight on the premises
Flea Markets	2 spaces per eight (8) linear feet of table
Mixed Uses	Total of individual uses

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.

2. The above are minimum standards, and additional parking spaces may be required if these prove to be inadequate to the Planning Board.

3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area must be used unless otherwise noted.

4. The Planning Board may permit shared parking where it can be demonstrated that adequate parking will be provided.

M. Public Water Protection District

The discharge of any substance or disposal of any material that may result in the contamination of the public water supply in the Public Water Protection District is strictly prohibited. The Planning Board shall carefully review all applications designated for their review that are located in this District for the potential discharge of contaminates into the ground water system. The Planning Board shall attach all conditions to the permit necessary to protect the water supply.

Potential contaminates include, but are not limited to, petroleum products, malfunctioning septic systems, organic chemicals, heavy metals, radioactive or infectious waste, acids and alkaline, pesticides, herbicides, solvents and thinners.

Because of the potential for ground water contamination, the following uses, in addition to those listed in the Table of Permissible Uses, are prohibited in this District. This list is by way of example only and does not restrict the Planning Board from prohibiting other uses that may contaminate the water supply as well. Prohibited uses include: dry cleaning and self-service laundries; sanitary landfills; stockpiles of road salt or other ice-control chemicals that are not under a state approved shelter; dumping of snow from outside the District; commercial printing, photocopying or photographic facilities; golf courses; storage of herbicides, fertilizers, fungicides other than for the property owners use on site, and underground storage tanks for petroleum products.

When an application for Planning Board review is received, the public water utility must be notified and provided with an opportunity to comment on the application before the Planning Board takes final action on the application.

N. Road Construction and/or Acceptance

1. Waiver and Modification

   A variation in the strict application of the standards outlined in this Ordinance may be permitted when, in the opinion of the Planning Board and Road Commissioner, topography, soil conditions, and/or special project design features warrant such variation provided that public convenience, safety, health and welfare will not be affected adversely and the general intent of the standards is not violated.

2. Applicability

   This Section applies to the construction and/or acceptance of new Town roads, streets, ways, and/or the relocation or major alteration thereof. Streets or ways dedicated, partially constructed, or used for public travel prior to the passage of this Ordinance must comply with the requirements of this Ordinance before formal acceptance by the Town, except that in such cases, the Town may, by vote at a legal Town Meeting, modify certain of these requirements upon concurrent recommendation of the Board of Selectmen, the Planning Board, and the Road Commissioner.

3. Application for Proposed Construction

   i. Information on Application

   An application for acceptance of a new street or way must include a plan showing the following:

   1. Plan and profile of roadway drawn to a scale of 1" = 50' Horizontal and 1" = 5' Vertical, showing the contours of the proposed street.
   2. The direction of magnetic north.
   3. The starting and ending points with relation to established roads, streets or ways.
   4. The street lines, with relation to existing buildings and landmarks.
   5. Dimensions, both lineal and angular, necessary for locating boundaries, and for locating subdivision, lots, easements and building lines.
   6. The lots as laid out on said street, and showing the names of all owners of abutting property.
   7. All natural waterways and water courses that will be impacted or affected by said streets or ways.
   8. If the street is part of a sub-division the name of the sub-divider, date of Planning Board approval and

date of recording in the Registry of Deeds must be provided.

9. Any streets or rights-of-way adjacent to the proposed street must be located on the plan.
10. Proposed street names must be noted on the plan and be approved by municipal officials in accordance with 911 street naming criteria.
11. A Profile must show centerline finish grades at minimum fifty feet intervals.
12. All necessary horizontal and vertical contours must be shown on the plan.
13. The Plan must show typical road sections.
14. With the plan, the applicant shall submit a written application for the construction and/or acceptance, giving the following information:
    i. The name of the owner or owners of the land containing the street or way.
    ii. The name or names of the developers.
    iii. A statement of any legal encumbrances on the property.
15. All applications must be made to the Planning Board.
16. The Selectmen and a representative of the Water District and any other utilities that are proposed to have or do have installations in the proposed street must be invited to comment on the plan and/or application.

ii. <u>Permits</u>

A permit for the construction must be obtained from the Selectmen. Assurance of the Ordinance requirements must be provided to the Board of Selectmen prior to issuance of the permit.

1. Provision for a bond, letter of credit or acceptable cash equivalent covering the cost of the construction for the proposed road must be supplied to the Town prior to beginning construction. The bond must not expire for one year after the road has been inspected and certified by the Town to meet the standards of this Ordinance.

2. Permits for the construction of roads must be obtained for streets proposed as part of new subdivisions.

3. A permit is only valid for two (2) consecutive construction seasons.

b. Construction Inspection

The developer shall pay the Town of Parsonsfield, before any construction begins, a Construction Inspection Fee to cover the costs by the Town to have the road inspected during the construction. The inspection fee will be determined by the Selectmen. In the event the actual cost to the Town is less than the estimated amount, the Town will reimburse the developer that difference. In the event the actual cost to the Town is greater than the estimated amount, the developer will pay the Town the difference. Neither party is entitled to interest on any amount due upon completion or on the amount advanced by the developer.

4. Street Design Standards

a. These design standards must be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, drainage systems, culverts, and other appurtenances.

b. Streets must be designed to discourage through-traffic on minor streets within a residential subdivision.

c. The standards shown in Table 5, apply according to street classification (both private and Town owned).

d. The centerline of the roadway must be at the centerline of the right-of-way.

e. Dead-end streets must be provided with an adequate turn around (T-shaped, Lshaped or Cul de Sac) and must be approved by the Planning Board.

f. Adequate provisions must be made for the disposal of surface water through ditches, culverts and/or other similar means. Culverts must be not less than fifteen inches (15") in diameter.

g. Grades, Intersections and Sight Distances

i. Grades of all streets shall conform, in general, to the terrain, so that the cuts and fills are minimized while maintaining the grade standards in Table 5.

ii. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	25	30	35	40	50
Stopping Sight Dist.	150’	200’	250’	325’	400’

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object

of 0.5 feet.

TABLE 5

Street Standards

Type of Street

Description	Coll.	Residential & Rural	Industrial & Commercial
Minimum Right-of-way Width	50’	50’	60’
Minimum Pavement Width	24’	20’	30’
Minimum Shoulder Width	4’	3’	9’
Minimum Grade	1%	1%	1%
Maximum Grade	8%	8%	5%
Minimum Center Line Radius			
without super elevation(Banks)	280’	280’	400’
with super elevation(Banks)	175’	175’	300’
Minimum Tangent Between Reverse Curves	100’	100’	200’
Roadway Crown	1/4"/ft	1/4"/ft	1/4"/ft
Shoulder Crown	3/4"/ft.	3/4"/ft.	3/4"/ft.
Minimum Angle of Street Intersections$_1$	75°	75°	90°
Maximum Grade w/in 75' of Intersection	3%	3%	3%
Maximum Negative Grade at Cul-De-Sac	4%	4%	3%

Minimum Turning Radii at Intersections	25’	25’	30’
Minimum Sidewalk Width	5’	5’	8’

[1] Street intersection angles shall be as close to ninety degrees (90o) as feasible, but no less than the listed angle.

iii. Where new streets intersections or driveways are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the standards below. Sight distances must be measured from the driver's seat of a vehicle standing on the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of the shoulder, with the height of the eye 3-1/2 feet, to the top of a 4-1/2 inch object above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250’	300’	350’	400’	450’	500’	550’

Where necessary, corner lots must be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

iv. Cross (four-cornered) street intersections must be avoided insofar as possible. A minimum distance of two hundred feet (200') must be maintained between center lines of side streets.

5. Street Construction Standards.

   a. The minimum thickness of materials after compaction is listed in Table

   b. Preparation

      i. Before any clearing has started on the right-of-way, the center-line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.

      ii. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps must be removed from the right-of-way.

TABLE 6

Minimum Requirements Street Materials

Street Materials	**Collector**	**Residential Rural**	**Industrial & Commercial**
Gravel Base Course (Maximum size stone 6")	21”	21”	24”
Crushed Surface Gravel Course	3”	3”	3”
Hot Bituminous Pavement Total Thickness	3”	3”	4”
Surface Course	1 ¼”	1 ¼”	1 ¼”
Base Course	1 ¾”	1 ¾”	2 ¾”

iii. All organic and unsuitable materials shall be removed from the roadway subgrade to a depth of two feet. All rocks and boulders visible at the subgrade and exceeding six (6) inches in size shall also be removed. All sub-soils that have been identified by the Town as not suitable for roadways must be removed from the road site and replaced with material meeting the specifications for gravel base course or a MDOT approved stabilization geotextile may be used.

iv. Except in a ledge cut, side slopes shall be no greater than a slope of three (3) feet horizontal to one (1) foot vertical, and must be graded, loamed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four feet vertical to one feet horizontal is permitted.

v. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Base and Pavement

i. Bases

1. The Gravel Base Course shall be gravel of durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square sieve shall meet the grading requirements, shown in Table 7.

TABLE 7

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
¼ inch	25-70%
No. 40	0-30%
No. 200	0-5%

Gravel Base MaterialAggregate for the Gravel Base shall contain no particles of rock that will not pass the six (6) inch square mesh sieve.

2. The Surface Gravel Course shall be crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the grading requirements, shown in Table 8.

TABLE 8

Crushed Surface Gravel Streets

Sieve Designation	Percentage by Weight Passing Square Mesh Sieve
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the surface gravel must contain no particles of rock that will not pass the two (2) inch square mesh sieve.

ii. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

iii. Pavements

1. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation's specifications for plant mix grade "B" with an aggregate size no more than 1" maximum.
2. Minimum standards for the surface layer of pavement shall meet the Maine Department of Transportation's specifications for plant mix grade

"C" or "D" with an aggregate size no more than 3/4" maximum.

3. Placement of the hot bituminous pavements shall meet the Maine Department of Transportation's specifications 401.07 through 401.20, or as revised.

6. Erosion Control

a. Erosion and sediment shall be controlled through appropriate management practices to prevent any adverse downstream water quality impact.

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

c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. The developer shall maintain all components of the erosion and sediment control and storm water management system.

e. Stabilization Timelines

i. In general, all activities regulated by these standards shall be conducted after March 1st and before October 30th. All other times will require special permission from the Parsonsfield Code Enforcement Officer.

ii. Disturbed soil shall be stabilized within one (1) week from the time it was last actively worked using temporary or permanent measures such as placement of riprap, sod, mulch or erosion control blankets or other comparable measures.

iii. Permanent re-vegetation of all disturbed areas, using native plant material wherever possible, shall occur:

1. within thirty (30) days from the time when last actively worked,

2. for spring and summer activities, by October 21st;

3. for fall and winter activities, by June 15th;

4. except where precluded by type of disturbance (e.g., rip-rap, road surfaces, etc.). The vegetation cover shall be maintained.

f. If mulch is likely to be moved because of steep slopes or wind exposure, it shall be anchored with netting, peg and twine or other suitable method and shall be maintained until a catch of vegetation is established over the entire disturbed area.

g. Mulch or other temporary erosion control measures shall be maintained until the site is permanently stabilized with vegetation or other permanent control measures.

7. Driveway Entrances

Each abutting property owner or developer, as the case may be, shall not obstruct the flow or drainage of any ditch existing on any road or street within the jurisdiction of the Town by the construction of a driveway or entrance to his property. To comply with this, all culverts that may be necessary shall be furnished by the owner or developer. On accepted streets, the culverts furnished will be installed and maintained by the Town. Prior to acceptance of any street, such culverts shall be installed in accordance with this Ordinance by the property owner or developer, but will be maintained by the Town following acceptance of the street. Culverts shall be not less than fifteen inches (15") in diameter. Lengths shall be a minimum of thirty feet (30').

8. Sidewalks

The Planning Board shall have the authority to designate whether sidewalks shall be required or not, and whether sidewalks shall be constructed on both sides of the street or way, or only on one (1) designated side. When determining if sidewalks will be required, the Planning Board shall be guided but not limited to, the following guidelines. Existing sidewalks adjacent to proposed development, density of the area, traffic volume and speed, potential growth of the area, pedestrian usage, location of schools or other public facilities, and public safety.

9. Application for Acceptance

Whenever an application for accepting any street or way is presented to the Board of Selectmen, it shall refer the same to the Planning Board and Town Road Commissioner, which shall proceed to examine the application and the site. No street or way shall be presented to the Town for acceptance until the Planning Board and Road Commissioner shall have made a careful

investigation and shall have reported to the Board of Selectmen that the provisions of this Ordinance have been complied with.

The Planning Board and Road Commissioner shall make its report to the Board of Selectmen within sixty (60) days of receipt of an application.

10. Recommendation for Acceptance

At such time as the developer has complied with the above specifications and provided for the road to the satisfaction of the Board of Selectmen, the Road Commissioner, and the Planning Board, the Board of Selectmen may give such developer written statement that he has complied with the specifications of the Ordinance, and that such Board will recommend the acceptance of such street or way at the next regular Town Meeting, or a Special Town Meeting called for that purpose or other purposes within a reasonable and feasible time. The Owner of the road prior to acceptance by the Town shall supply the Town with a warranty deed for the road right-of-way at time of formal acceptance by the Town.

O. Sanitary Standards

1. All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as revised.

2. 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 owners' 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.

P. Signs

1. Residential - Residential use may display a single non-illuminated sign advertising uses. Said sign must:

    a. not exceed six square feet in area,

    b. be located on the premises,

    c. be related to uses, goods and sold services rendered on the premises and to the sale, rental or lease of said premises.

2. Nonresidential - Nonresidential uses may display attached, detached or projection signs, single- or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four square feet of sign area for every foot of street frontage to a maximum of two hundred square feet for each premises. No free standing signs may extend to an

elevation greater than twenty feet above the ground. Projecting signs must be set back at least 15 feet from the front yard line. No attached sign or supporting structure may extend above the level of a roof or the level of the eaves on other types of roofs.

3. General

    a. Any sign where illumination is permitted may be illuminated only by non-flashing lights. All illumination must be designed as to prevent direct or obtrusive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding directional lights or by colored and/or interior illumination techniques.

    b. All signs must comply with Article VI of the National Building Code, “Signs and Outdoor Display Structures” as the same may be amended from time to time, which covers structural and safety regulations for signs.

    c. Billboards are not permitted in the Town of Parsonsfield. Off-site business directional signs as permitted by the State of Maine and are governed by the regulations of the Maine Department of Transportation are permitted.

Q. Soil and Water Quality Protection

1. Soils

    No construction activity shall be permitted in the Shoreland District in any area where slopes exceed twenty percent (20%), depth to groundwater is less than twelve (12) inches, depth to bedrock is less than twelve (12) inches, the K factor for soils exceeds four-tenths (0.4) or the soils fall in hydrologic soils group D unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, or to the Planning Board, within the application for site plan review, that construction methods will overcome any pertinent soil inadequacies.

2. Soil Erosion Control

    Erosion of soil and sedimentation of drainage ways, wetlands and surface water must be minimized by employing the following "best-management" practices:

    a. The least possible amount of disturbance must occur during site development in regard to tree removal, de-vegetation and soil disturbance. In particular, strips of naturally vegetated areas existing on the down-slope side of the construction site must be maintained as undisturbed buffer areas.

    b. All exposed soils during construction must be stabilized (i.e. mulched, covered, or re-seeded) within fifteen (15) calendar days of disturbance or at the completion of work, whichever is sooner.

Mulch in drainage ways, on slopes over 20% and in areas exposed to wind must be stabilized by mulch netting.

The mulch rate is as follows:

Method of Stabilization	Rate of Application
Hay mulch/straw	2 tons/acre
Wood chips/bark	4” thick
Re-Seeding (only between April 30 and September 30)	In accordance with application rates in the S.C.S Environmental Quality Handbook, Revised 3/86

c. All drainage ways, swales, wetlands and surface water must be protected from sedimentation by the installation of silt-fence barriers and/or hay-bale barriers. Such barriers must be installed prior to any digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind. The barriers must be installed at all points immediately down-slope of all soil exposing activities.

   In addition, in areas where slopes exceed fifteen percent (15%), all drainage ways, swales, wetlands and surface water must be protected from sedimentation by the maintenance of a one-hundred (100) foot wide vegetative buffer.

d. Permanent (final) vegetation and mechanical erosion control measures must be installed by the time construction is completed.

e. Whenever any portion of a designed impervious area over 10,000 square feet falls within the Shoreland District, or within five-hundred (500) feet of a drainage way, wetland, or surface water, the Planning Board shall initiate a review in conjunction with the York County Soil and Water Conservation District, or other qualified professionals, as appropriate. If it is determined that because of the slope, soil erodibility, designed impervious area, and site location there is a need for temporary or permanent sedimentation control mechanisms, the Planning Board, in consultation with the reviewing professionals (in accordance with the guidelines established in the S.C.S Environmental Quality Control Handbook, Revised March 1986, as applicable), shall require the use of debris basins, sediment basins, silt traps, or other acceptable methods to trap sediment in run-off water.

f. Erosion control measures shall be effectively maintained at all times.

g. It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the flood-way or

right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, flood-way or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it is the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

h. When a proposed project is within the direct watershed of a great pond, the applicant shall make provisions to limit the export of phosphorus from the site following completion of the project, as established by the Planning Board, consistent with DEP requirements for specific water bodies.

   At a minimum, vegetative buffer strips must be provided on the downhill side of all lots, along all tributaries to great ponds and along the great pond. The minimum required widths of buffer strips are designated in Table 9 and depend on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

3. Storm Water Management

   The following standards shall apply to all development activities that require site plan review:

   a. All new construction and development, whether or not served by a storm water collection and transportation system, must be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.

   b. Prior to the initiation of any construction or development, an evaluation must be made of pre-development and post-development peak storm water runoff rates. Such evaluations must be based on a 24-hour for 2-year, 10-year, and 25-year recurrence interval storm, and estimates of peak storm water discharge and volume must be completed using Urban Hydrology for Small Watersheds, TR-55, Soil Conservation Service, June 1986 Edition, or the most current edition.

TABLE 9

Buffer Requirements

Hydrologic Buffer Width (ft.) per lot

	Soil Group	Clearing Restricted to 12,500 sq. ft.	No Clearing Restrictions
< 1 Acre	A	75	85
	B	130	150
	C	NA	NA
	D	NA	NA
1-1.99 Acres	A	25	25
	B	25	25
	C	55	190
	D	200	NA
2-2.99 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200

All lots three (3) acres and larger shall provide a minimum twenty-five (25) foot buffer.

c. If runoff after development exceeds pre-development runoff conditions, all appropriate controls as presented in the S.C.S. Environmental Quality Handbook, as revised, shall be utilized to eliminate such off-site impacts as soil erosion and sedimentation, reduced drainage capacity, and impaired land use or land cover characteristics.

d. When two or more lots or buildings in different ownership will share a common, non municipal, storm water runoff control system requiring maintenance, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association, or other terms, to ensure adequate maintenance of the system.

e. Storm water runoff systems must be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs must

avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities must consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows and open drainage channel and swale locations are the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) must be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipaters (to reduce high flow velocities), rip rap, and other forms of out-fall protection must be employed where enclosed drains discharge onto erodible soils.

4. Water Quality Degradation

To the extent necessary to protect water quality, no activity may locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials. This regulation applies to all discharges of such nature, quality, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters, if these discharges may contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or that is harmful to human, animal, plant, or aquatic life. All above ground storage facilities for liquid fuel, chemicals, or industrial wastes must be located on impervious pavement, and must be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept within the storage area, including rain from a twenty-five (25) year storm. Storage tanks for home heating oil and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement, in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

R. Storage of Materials

Outdoor Storage

All materials stored outdoors, except agricultural materials, must be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by: enclosing the material in containers; raising the material above ground; separating the material, preventing stagnant water; extermination procedures or by other means.

S. Street Access and Driveways

1. Street Access

Provisions must be made for vehicular access to the development and circulation upon the parcel in such a manner as to safeguard against hazards to traffic and pedestrians in the street within the development.

Also, vehicular access must be developed to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation must also conform to the following standards and design criteria:

a. The vehicular access to the development shall be arranged to avoid through traffic use of local residential streets, unless planned, laid out and constructed to accommodate such use.

b. Where the entire parcel and individual lots have frontage on two or more streets, the access to the parcel or lots must be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

c. The street giving access to the parcel and neighboring streets which can be expected to carry traffic to and from the development must have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.

d. Where necessary to safeguard against hazard to traffic and pedestrians and/or to avoid traffic congestion, provisions must be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

e. Access ways must be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

f. Where topographic and other conditions allow, provision must be made for circulation driveway connections to adjoining lots of similar existing or potential use:

    i. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or,

    ii. When such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

2. <u>Driveways</u>

    a. The number of driveways accessing off-site public streets must be kept to a minimum.

    b. The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways must be used where appropriate to minimize the number of curb cuts required.

        i. The maximum number of units served by a common driveway is four (4).

ii. The Minimum common driveway width is fifteen (15) feet. The common driveway must contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface gravel for the surface gravel course. Also, drainage ditches and culverts at all appropriate points must be installed and sufficient area to allow a fire truck or other emergency vehicle to maneuver must be provided.

iii. The maximum length of common driveway is 1,000 feet.

iv. All lots using common driveways must provide a driveway maintenance agreement to be reviewed and approved by the Town attorney at the expense of the applicant.

c. Paving is required in areas where driveway grades are in excess of six percent (6%) per one-hundred (100) feet and must meet standards for common driveway construction.

d. All driveways in excess of 500 feet must provide a 10' x 30' turnout. The location of the turnout is to be determined by the Planning Board in consultation with the Fire Chief.

e. All driveway areas must be included in the total lot disturbance calculation for the lot on which the driveway is located.

3. Driveway Design

The following standards apply to major and minor arterials in the Town of Parsonsfield:

a. Sight Distances Driveways must meet the requirements set forth in Article II, Section 6, N 4 g.

b. Driveway Intersections

i. Skew Angle Driveways must intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

ii. Driveway Location and Spacing Curb radii will vary depending on whether the driveway is one-way or two-way operation. On a two-way driveway, the curb radii must be between twenty-five (25) feet and forty (40) feet, with a preferred radius of thirty (30) feet. On one-way driveways, the curb radii must be thirty (30) feet for right turns into and out of the site, with a five (5) foot radius on the opposite curb.

iii. Culverts: Culverts shall be located not closer to the intersecting road than four (4) feet, measured from the closest edge of the road shoulder.

c. Driveway Location and Spacing

i. Minimum Corner Clearance Corner clearance is measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on site constraints. Special case driveways are one-way and two-way drives with partial access (right turn only) permitted.

TABLE 10

Minimum Corner Clearance (feet)

Driveway Type	Intersection Signalized	Intersection Un-signalized
Full Access	150	50
Special Case		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out	100	50

ii. Driveway Spacing Driveways must be located at least fifty (50) feet from adjacent driveways and fifteen (15) feet from property lines (except in the case of shared drives between adjacent parcels or lots), in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance is measured from the driveway point of tangency to the next driveway point of tangency for spacing between driveways and from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

iii. Special Case Drives Where the minimum standard for a full access drive cannot be met, only a special case driveway is permitted. If based on the criteria in a. and b. above, full access to the site cannot be provided on either the major or minor streets, the site must be restricted to

partial access. Alternatively, construction of a shared access drive with an adjacent parcel is recommended.

d. Number of Driveways The maximum number of driveways onto a single street is controlled by the available site frontage and the above driveway spacing. In addition, no traffic generators, except agricultural uses or timber harvesting activities, are allowed more than two driveways in total onto a single roadway.

e. Construction Materials/Paving

i. All driveways entering a curbed street must be curbed at the entrance. Curbing is required around all raised channelization islands or medians.

ii. All commercial driveways regardless of driveway volume may be required by the Planning Board to be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

f. Driveway Grade: The maximum grade for a driveway shall be eight percent (8%) per one hundred (100) feet for the first fifty (50) feet from the intersecting road.

T. Structure Elevation

The first floor elevation or openings of all buildings and structures must be elevated at least two (2) feet above the elevation of the 100-year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identifiable as recent flood plain soils.

Section 7. Building Code

This Building Code applies to new construction, alterations, additions, relocations, and replacement of buildings and structures. It applies to existing buildings and structures if they are enlarged, repaired, moved or converted to other uses.

A. Good Practice Standards

All building material used and practices followed in the construction of buildings must conform to the generally accepted standards of good practice, and other State and Federal regulations.

B. Minimum Construction Standards

1. Wooden beams or joists which are not headers or tail joists must have bearings of at least three inches.
2. A wooden girder, beam or joist may not be cut or pierced in any manner that would cause it to be of insufficient strength for its load.
3. Except for pitched roofs, wooden floors or roof joists of spans in excess of eight feet must be rigidly braced with continuous rows of 1 x 3 bridging at intervals of not less than eight feet.

4. The sills must be anchored to the foundation walls at no more than six-foot intervals by bolts at least one-half inch in diameter embedded at least six inches in the foundation walls.
5. Wooden columns in basements or cellars must rest on rigid masonry or metal footings that extend at least six inches above floors.
6. All wooden beams and joists must be trimmed away from flues and chimneys so that there is at least two inches of clearance from the outside face of the chimney.

C. Exterior Finish

The exterior walls must be finished after the outside studding is in place with a covering of clapboards, wood siding, wood, masonry, brick, stone, vinyl, aluminum or other approved material. Such covering must be completed within twelve (12) months or before the expiration of the original permit. Tarred paper or tarred felt or similar substances may not be used unless completely hidden from view by the finished exterior wall covering, as required above.

D. Roof Covering

The roof must be covered with materials which are non-combustible or fire-resistant, and which will remain so during their useful life. Fire-resistant materials must have at least a Class C fire resistance rating as determined in accordance with ASTNI test standard E108-75, NFPA test standard 256, or another equivalent standard. The use of tarred felt or tarred paper as a permanent roof covering is prohibited. Also untreated wood shingles are prohibited.

E. Chimneys

Chimneys must be constructed of solid masonry units or reinforced concrete walls not less than four inches thick, or other approved materials.

1. Chimney Liners

   Chimneys must be lined with approved fire clay or tile flue liners, or other approved material.

2. Chimney Supports

   Chimneys must be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, must extend to one (1) foot below the normal frost line.

3. Chimney Height

   Chimneys must extend at least three (3) feet above the highest point of roof penetration, and at least two (2) feet above the highest point of the roof within ten (10) feet horizontally of the chimney.

4. Chimney Cleanout Doors

   Every chimney must be provided with a clean out opening at or near the base equipped with a metal door and frame arranged to remain tightly closed when not in use.

5. Corbeling

   Chimneys may not be corbeled from a wall more than 6 inches; nor may a chimney be corbeled from a wall which is less than 12 inches thick unless it projects equally on each side of wall. Corbeling may not exceed one-inch projection for each course of brick projected.

6. Factory-Built Chimneys

   Chimneys that have been tested and approved by an accredited authoritative agency may be installed in accordance with the clearances and details of their approval.

F. Wood Burning Stoves and Stovepipe

Wood burning stoves and stovepipe must be installed safely, in a manner consistent with the manufacturer's recommendations and the "Recommended Standards for the Installation of Wood Burning Stoves" (Nov.1979 as amended) prepared by the State Fire Marshall's Office.

G. Fireplaces

The back and sides of a fireplace must be of solid masonry or reinforced concrete not less than eight inches of thickness and lined with firebrick at least two (2) inches thick. A fireplace must have a hearth of non-combustible material that is supported by a fire-proof slab or brick trimmer arch and must extend at least twenty (20) inches beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting constructions may not be less than six (6) inches. This section does not prohibit the use of "heatilator"-type fireplaces.

H. Electrical Installations

Any building having electricity must have a safe and adequate electrical service and all work throughout must be done in accordance with the State of Maine Electrical Code. No electrical wiring may be covered or concealed until it has been inspected and the Building Inspector has given permission to conceal it.

I. Plumbing

All plumbing and sewage disposal must be in strict conformance with State of Maine Subsurface Wastewater Disposal Law and the State Plumbing Code.

J. Means of Exit

Buildings built or used for human occupancy must have at least two (2) suitable means of exit.

K. Size of Dwelling

Each year-round dwelling, constructed or located within Parsonsfield after the date of adoption of this ordinance, must have a minimum ground floor area of 600 square feet calculated from the exterior dimensions of the dwelling's structure. Living space means actual enclosed space suitable for year-round

occupancy and does not include porches, patios and similar areas whether or not enclosed.

L. Foundations

All buildings must be connected to the ground in a manner that will avoid damage and injury due to frost action and will safely support and/or resist all anticipated vertical and lateral loads. Any design that will meet this standard may be used, including but not limited to a reinforced concrete slab at least six (6) inches thick and properly drained. Also walls, posts, piers, or other supports extending one (1) foot below frost line and made of materials designed to provide a safe and permanent foundation may be used. Foundation walls must be at least eight (8) inches thick.

Masonry walls and concrete slabs must rest upon solid ground or leveled rock, or on piles or ranging timbers when solid rock or earth is not found. The Building Inspector may require an engineering report at the applicant's expense to certify that the foundation design will meet the standards of this Ordinance.

M. Light and Ventilation

Every room in a dwelling must have an exterior window. However, kitchens, bathrooms and water closet compartments may have a skylight or a connection to a vent shaft extending to the roof, or may be provided with mechanical ventilation instead of an exterior window.

N. Manufactured Homes

1. The minimum horizontal dimension of a manufactured home as installed on the site must be fourteen feet (14').
2. All manufactured housing units must comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, as amended.
3. The exterior wall surface must be covered with materials similar to conventional residential siding.
4. Each manufactured home must have a foundation that meets the following requirements.
    a. All manufactured homes must be connected to the ground or supported to avoid damage and injury due to frost and wind action and which safely supports and/or resists all anticipated vertical and lateral loads. All manufactured homes must be secured or anchored to the foundation or slab.

    b. Any design meeting these requirements may be used, including a reinforced concrete stab at least six (6) inches thick, or walls or other supports extending one (1) foot below the frost line and made of materials designed to provide a safe and permanent foundation

5. Each manufactured home must have either a permanent, continuous connection with its foundation (around its perimeter), or must have

continuous skirting or some other type of enclosure enclosing the area between the manufactured home and the ground.

Section 8. Shoreland District Requirements

A. Applicability

This section applies to the Shoreland District which is defined as all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

B. Shoreland District Map

The Shoreland Districts in this Ordinance are as follows and are shown on the Official Land Use District Map.

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection

C. Non-conformance

1. Non-conforming Structures
    a. Expansions: All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section (8)(E)(2)(a) 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 and is in accordance with subparagraphs 1 and 2 below.
        i. Expansion of any portion of a structure within 25 feet of the normal highwater line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
        ii. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal highwater line of a water body, tributary

stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section (8)(C)(1)(a)(a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

iii. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section (8)(C)(1)(a) or Section (8)(C)(1)(a)(i), above.

a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

b. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section (8)(C)(1)(a)(ii)(a) and Section (8)(C)(1)(a)(iii)(a) above.

c. In addition to the limitations in subparagraphs (a) and (b), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot,

whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section (8)(C)(1)(a)(ii)(a) and Section (8)(C)(1)(a)(iii)(a), above.

iv. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

b. Foundations: Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section (8)(C)(1)(c) Relocation, below.

c. 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 requirements to the greatest practical extent as determined by the Planning Board or its designee, 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 (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 a manner that causes the structure to be more non-conforming.

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section (8)(E)(21). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

i. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established.An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

ii. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

d. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section (8)(C)(1)(a) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section (8)(C)(1)(c) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal

maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section (8)(C)(1)(c) above, the physical condition and type of foundation present, if any.

e. Change of Use of a Non-Conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no 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, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

2. Non-conforming Uses
   a. Expansions. Expansions of non-conforming uses are prohibited, except those nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Article II, Section 8, C (1) (a) (i) above.
   b. Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming 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.
   c. Change of Use. An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact must be made according to criteria listed in Article II, Section 8,C (1) (d) above.
3. Non-conforming Lots
   a. Non-conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without

the need for a variance from the Zoning Board of Appeals, 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 those lot size, lot width and shore frontage requirements which have made the lot nonconforming can be met. Any other requirements shall not be varied, unless a variance is obtained by action of the Board of Appeals.Water setbacks required under Shoreland District Requirements shall not be reduced by variance.

b. Contiguous Built Lots. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption 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 the State Minimum Lot Size Law (Title 12 M.R.S.A., Section 4807-A through 4807-G) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

   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 on 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.

c. Contiguous Lots-Vacant or Partially Built. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

   This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

   i. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
   ii. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

D. Establishment of Districts

1. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland District, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, or General Development need not be included within the Resource Protection District.

a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

b. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or, in the absence of these, by soil types identified as recent flood plain soils.

c. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

d. Areas of two (2) or more contiguous acres supporting wetland vegetation, vernal pools and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during normal spring high water.

e. Land along rivers subject to severe bank erosion, undercutting, or riverbed movement.

2. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General Development District.

3. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be

developed as intensively as the General Development District. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

4. General Development District

   The General Development District includes the following types of existing, intensively developed areas:

   a. Areas devoted to Manufacturing, fabricating or other industrial activities.

   b. Areas devoted to Wholesaling, warehousing, retail trade and service activities, or other commercial activities.

   c. Areas devoted to Intensive recreational development and activities, such as, but not limited to, amusement parks, racetracks and fairgrounds.

   d. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

5. Stream Protection District

   The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a defined stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated Shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area must be regulated under the terms of the Shoreland District associated with that water body or wetlands.

E. Land Use Standards

1. All land uses within the Shoreland Districts shall conform to the following provisions, if applicable

   a. Table of Minimum Lot Standards, Building Size Limits, Setbacks, and other dimensional standards.

LOT STANDARDS AND BUILDING SIZE LIMITS – SHORELAND DISTRICT			
	Minimum Lot Area (Sq. ft.)	Minimum Shore Frontage (ft.)	Building Size Limits (Sq. ft.)
Residential per dwelling Unit	40,000 (0.92 acre)	200	15,000 – maximum 600 - minimum
Governmental, Institutional, Commercial, or Industrial per principal structure	60,000 (1.38 acre)	300	15,000 – maximum

Public & PrivateRecreational Facilities	40,000 (0.92 acre)	200	
SETBACKS AND OTHER DIMENSIONAL STANDARDS – SHORELAND DISTRICT			
Water Setbacks	See section 2.a below		
Minimum road frontage (Public or private road)	Same as required shore frontage above		
Minimum lot depth	Same as required shore frontage above		
Front setback (from centerlines) (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Side setback (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Rear setback (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Maximum lot coverage (%) (Building & Impervious area)	See section 2.f below		
Maximum height of Structure See Note 2	35 feet – See section 2.d below		

b. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

c. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of the land on both sides thereof after September 22, 1971.

d. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

e. If more than one residential dwelling unit, principal governmental, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

2. Principal and Accessory Structures

a. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds (classified GPA) and rivers that flow to great ponds (classified as GPA), and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. Except that in the General Development District the setback from the normal high-water line must be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply. In addition:

b. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

c. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

d. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

e. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, or the flood of record, or, in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

f. The total footprint areas of all structures, parking lots and other non-vegetated surfaces, within the Shoreland District shall not exceed twenty (20) percent of the lot or a portion thereof located within the Shoreland District, including land area previously developed and includes the footprint of driveways, but shall not apply to public boat launches. In the General Development District adjacent to rivers which do not flow to great ponds classified GPA, the lot coverage must not exceed seventy (70) percent.

g. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

    i. The site has been previously altered and an effective vegetated buffer does not exist;

    ii. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal highwater line of a water body, tributary stream, or upland edge of a wetland;

    iii. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

    iv. The total height of the wall(s), in the aggregate, are no more than 24 inches;

    v. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

    vi. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

    vii. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

        a. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

c. Only native species may be used to establish the buffer area;

d. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

e. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer

h. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width, that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A. Section 480-C), and that the applicant demonstrates that no reasonable alternative exists on the property.

3. <u>Piers, Docks, Wharves, Bridges and Other Structures</u>

(and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland)

a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

b. The location shall not interfere with existing developed or natural beach areas.

c. The facility shall be located so as to minimize adverse effects on fisheries.

d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

f. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained

from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

g. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

h. Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

   New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the State of Maine Natural Resources Protection Act, Title 38, M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

i. No more than one pier, wharf or similar structure extending or located below the normal high-waterline of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

j. Vegetation may be removed in excess of the standards in section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

   i. When necessary, the removal of trees and other vegetation to allow for the construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When stabilization project is complete the construction equipment access way must be restored.

   ii. Revegetation must occur in accordance with section 8(E)(19)

4. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and all of the standards required by Article II, section 9.K.

5. Individual Private Campsites

Individual, private campsites not associated with campgrounds are allowed and shall conform to all of the standards required by Article II, section 9.L.

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

6. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland District adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA.

a. Auto washing facilities

b. Auto or other vehicle service and/or repair operations including body shops

c. Chemical and bacteriological laboratories

d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms

e. Commercial painting, wood preserving and furniture stripping

f. Dry Cleaning Establishments

g. Electronic circuit assembly

h. Laundromats, unless connected to a sanitary sewer

i. Metal plating, finishing, or polishing

j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

k. Photographic processing

l. Printing

7. Parking Areas

a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures in the district in which such areas are located. The setback requirements for parking areas serving public boat launching facilities (in districts other than the General Development District) shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

b. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and, where feasible, to retain all runoff on-site.

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

i. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

ii. Internal travel aisles: Approximately twenty (20) feet wide.

8. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features:

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

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

   This paragraph does not apply to approaches to water crossings, or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

b. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

c. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district.When a road or driveway is

permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

d. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions in the erosion and sedimentation control section.
e. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
f. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip, at least (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
g. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply
    i. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

TABLE 11

Spacing Of Ditch Relief Culverts

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

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

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

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

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

9. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

a. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

c. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

d. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

e. Signs relating to public safety are permitted without restriction.

f. No sign shall extend higher than twenty (20) feet above the ground.

g. Signs may be illuminated only by shielded, non-flashing lights.

10. Storm Water Runoff

a. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters.

b. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

11. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland;

b. a holding tank is not allowed for a first-time residential use in the shoreland zone;

c. The minimum setback for new subsurface sewage disposal systems, excluding fill extensions, is no less than one hundred (100) horizontal feet from the normal highwater line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems may not be reduced by variance; and

d. Replacement systems must meet all of the standards for replacement systems as contained in the Rules.

12. Essential Services

a. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

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

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

13. Mineral Exploration and Extraction

Mineral Exploration and Extraction uses shall conform to the requirements of Article II, section 9.E.

14. Agriculture

a. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law Title 7, M.R.S.A. Section 4204, Subsection 4-7).

b. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a

great pond, classified GPA, or within seventy-five (75) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland District must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

c. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

d. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other waster bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

e. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA, within seventy-five (75) feet, horizontal distance, of other water bodies, or within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

15. Timber Harvesting

a. Shoreline Integrity and Sedimentation: Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

b. Slash Treatment: Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section (8)(E)(15) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

i. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

ii. Adjacent to great ponds, rivers and wetlands:

a. No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

b. Between 50 feet and 250 feet, horizontal distance, of the normal highwater line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

c. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by the following:

i. 60 Square Foot Basal Area Retention, as follows:

a. The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

b. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

c. Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart.Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

d. Skid Trails, Yards, and Equipment Operation: This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

i. Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

ii. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

iii. Setbacks:

a. Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

b. Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

e. Land Management Roads: Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section (8)(E)(15)(7) of this rule.

i. Land management roads and associated ditches, excavation, and fill must be set back at least:

a. 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;

b. 50 feet, horizontal distance, from the normal high-water line of streams; and

c. 25 feet, horizontal distance, from the normal high-water line of tributary streams

ii. The minimum 100-foot setback specified in Section (8)(E)(15)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50-foot setback specified in Section (8)(E)(15)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland.Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

iii. On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

iv. New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear duemonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

v. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section (8)(E)(15)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or

the disruption of shoreline integrity occurs, such conditions must be corrected.

vi. Road Closeout and Discontinuance: Maintenance of the water control installations required in Section (8)(E)(15)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

vii. Upgrading Existing Roads: Extension or enlargement of presently existing roads must conform to the provisions of Section (8)(E)(15). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

viii. Exception: Extension or enlargement of presently existing roads need not conform to the setback requirements of Section (8)(E)(15)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

ix. Additional Measures: In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

f. Crossings of Waterbodies: Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

i. Determination of Flow: Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section (8)(E)(15): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected

Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

ii. Upgrading Existing Water Crossings: Extension or enlargement of presently existing water crossings must conform to the provisions of Section (8)(E)(15).Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section (8)(E)(15).

iii. Other Agency Permits: Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

iv. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

v. Notice to Bureau of Forestry: Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

   a. a map showing the location of all proposed permanent crossings;

   b. the GPS location of all proposed permanent crossings;

   c. for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and

   d. a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

vi. Water Crossing Standards: All crossings of rivers require a bridge or culvert sized according to the requirements of Section (8)(E)(15)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

a. concentrated water runoff does not enter the stream or tributary stream;

b. sedimentation of surface waters is reasonably avoided;

c. there is no substantial disturbance of the bank, or stream or tributary stream channel;

d. fish passage is not impeded; and,

e. water flow is not unreasonably impeded.

Subject to Section (8)(E)(15)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

vii. Bridge and Culvert Sizing: For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

a. i. Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25-year frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.

b. Temporary bridge and culvert sizes may be smaller than provided in Section (8)(E)(15)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

i. use of temporary skidder bridges;

ii. removing culverts prior to the onset of frozen ground conditions;

iii. using water bars in conjunction with culverts;

iv. using road dips in conjunction with culverts.

c. Culverts utilized in river, stream and tributary stream crossings must:

i. be installed at or below river, stream or tributary stream bed elevation;

ii. be seated on firm ground;

iii. have soil compacted at least halfway up the side of the culvert;

iv. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and

v. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

d. River, stream and tributary stream crossings allowed under Section 15(O1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

e. Exception: Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

viii. Skid Trail Closeout: Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

a. Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section (8)(E)(15)(6)(i) below.

b. Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.

c. River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

ix. Land Management Road Closeout: Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

a. Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

b. Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

c. Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

i. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;

ii. it shall be designed to provide an opening with a cross-sectional area at least 3½ times the cross-sectional area of the river, stream or tributary stream channel; or

iii. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

g. Slope Table:Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section (8)(E)(15), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

h. Definitions: Unless otherwise provided herein, this Section incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, “Forest Regeneration and Clearcutting Standards”, and Chapter 21, “Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas”.

16. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

a. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet horizontal distance, inland from the normal high-water line, except to remove safety hazards.Elsewhere, in any Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

b. Except in areas as described in paragraph (a) above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

i. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

ii. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to a great pond classified GPA, or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangle (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points
2 to <4 in	1
4 to <8 in	2
8 to <12 in	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

Note: As an example, adjacent to a great pond, if a 25 foot by 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1)+(2x2) + (3x4) + (2x8) = 36 points

Thus the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36- 24 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

i. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
ii. Each successive plot must be adjacent to, but not overlap a previous plot

iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

iii. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in the paragraphs above.

iv. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

v. In order to maintain a buffer strip of vegetation, when the removal of storm damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native trees species in accordance with Section 8(E) (19) below unless existing new tree growth is present.

vi. The provisions contained in paragraph (b) above do not apply to those portions of public recreational facilities adjacent to public swimming areas. Clearing, however, must be limited to the minimum area necessary.

c. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary system, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses is shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

d. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

e. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation, shall be regulated under the provisions of this section.

17. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

a. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

ii. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

iii. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed.

For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

iv. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

v. The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

b. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

i. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

a. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

b. Stumps from the storm-damaged trees may not be removed;

c. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

d. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

ii. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

18. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section (8)(E)(16), provided that all other applicable

requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

a. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section (8)(E)(16) apply;

b. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section(8)(E)(2) are not applicable;

c. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

d. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

e. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to Title 38 M.R.S.A section 343-E, and that is located along:

    i. A coastal wetland; or

    ii. A river that does not flow to a great pond classified as GPA pursuant to Title 38 M.R.S.A section 465-A.

f. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

    i. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

    ii. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

    iii. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species

vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

g. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

19. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section (8)(E)(16), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegation must comply with the following requirements.

a. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

b. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

c. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

d. Revegetation activities must meet the following requirements for trees and saplings:

   i. All trees and saplings removed must be replaced with native noninvasive species;

   ii. Replacement vegetation must at a minimum consist of saplings;

   iii. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

iv. No one species shall make up 50% or more of the number of trees and saplings planted;

v. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

vi. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

e. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

i. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

ii. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

iii. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

iv. No one species shall make up 50% or more of the number of planted woody vegetation plants; and

v. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

f. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

i. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

ii. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

iii. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

20. Erosion and Sedimentation Control

a. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

   i. Mulching and re-vegetation of disturbed soil.

   ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

   iii. Permanent stabilization structures such as retaining walls or rip-rap.

b. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

   i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred square feet and shall be maintained until a catch of vegetation is established.

   ii. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

   iii. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

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

f. An excavation contractor conducting excavation activity within the shoreland zone shall ensure that a person certified in erosion control practices at the Department is responsible for management of erosion and sedimentation control practices at the site and id present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper control practices are followed. The requirement applies until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetate, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

For the purposes of this section, “excavation contractor” shall mean an individual or firm engaged in a business that causes the disturbance of soil, including grading, fill and removal, or in the business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

This section does not apply to: activities resulting in less than one cubic yard of earth material being added or displaced; a person or firm engaged in the agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, State and federal employees engaged in projects associated with that employment.

21. Soils

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

22. Water Quality

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

23. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Table of Land Uses in The Shoreland Districts

All land use activities, as indicated in Table 1A, Land Uses in the Shoreland Zone, must conform with all of the applicable land use standards in Section 8. The district designation for a particular site shall be determined from the official Land Use District Map.

Key to table

Y- Allowed use (no permit required but the use must comply with all applicable land use standards)
N- Prohibited use
R- Allowed use, requires permit issued by the Planning Board following site plan review.
P- Allowed use, requires permit issued by the Code Enforcement Officer
LPI – Allowed use, requires permit issued by the Local Plumbing Inspector

Abbreviations:

SP- Stream Protection
RP- Resource Protection
LR- Limited Residential
LC- Limited Commercial
GD- General Development

NOTES TO THE TABLE:

1 - In RP not permitted within 75 feet, horizontal distance, of the normal high water line of great ponds, except to remove safety hazards.
2 - Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3 - In RP not allowed in areas so designated because of wildlife value.
4 - Provided that a variance from the setback requirement is obtained from the Board of Appeals
5 - Functionally water dependent uses and uses accessory to such water dependent uses only.
6 - See further restrictions in Subsection 8.E.11; Essential Services
7 - Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
8 - Except as provided in Article II, Section 8.E.8, Roads and Driveways.
9 - Single family residential structures may be allowed by special exception only according to the provisions of Section V.6, Special Exceptions. Two-family residential structures are prohibited.
10 - Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11 - Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12 - Permit not required, but must file a written “notice of intent to construct” with CEO.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
Dredging, bulldozing, removing or displacing soil, sand, vegetation or other material;

Draining or otherwise dewatering;
Filling, including adding sand or other material to a sand dune; or
Any construction or alteration of any permanent structure.

TABLE 1A: LAND USES IN THE SHORELAND DISTRICTS

LAND USES	Districts				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Y	Y	Y	Y	Y
2. Motorized vehicular traffic on existing roads and trails	Y	Y	Y	Y	Y
3. Forest management activities except for timber harvesting and land management roads	Y	Y	Y	Y	Y
4. Timber harvesting	Y	P_1	Y	Y	Y
5. Clearing or removal of vegetation for activities other than timber harvesting	P	P_1	Y	Y	Y
6. Fire Prevention activities	Y	Y	Y	Y	Y
7. Wildlife management practices	Y	Y	Y	Y	Y
8. Soil and water conservation practices	Y	Y	Y	Y	Y
9. Mineral Exploration	N	Y_2	Y_2	Y_2	Y_2
10. Mineral Extraction including sand and gravel extraction	N	R_3	R	R	R
11. Surveying and resource analysis	Y	Y	Y	Y	Y
12. Emergency operations	Y	Y	Y	Y	Y
13. Agriculture	Y	R	Y	Y	Y
14. Aquaculture	R	R	R	R	R
15. Principal Structures and uses A. One and two-family residential	R_4	R_9	P	P	P
B. Multi-use residential	N	N	R	R	R
C. Commercial	N	N_{10}	N_{10}	R	R
D. Industrial	N	N	N	N	R
E. Governmental and Institutional	N	N	R	R	R

F. Small Non-residential facilities for educational, scientific or nature interpretation purposes	R_4	R	P	P	P
16. Structures accessory to allowed uses	R_4	R	P	R	Y
17.Piers, docks wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland Temporary Permanent	 P_{11} R	 P_{11} R	 P_{11} R	 P_{11} R	 P_{11} R
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	R	R	R	P	P
20.Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	R_6	R_6	R	R	R
A. Roadside distribution lines (34.5kV and lower)	CEO_6	CEO_6	yes_{12}	yes_{12}	yes_{12}
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB_6	PB_6	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB_6	PB_6	PB	PB	PB
D. Other essential services	PB_6	PB_6	PB	PB	PB
22. Service drops, as defined, to allowed uses	Y	Y	Y	Y	Y
23. Public and private recreational areas, involving minimal structural development	R	R	R	R	R
24. Individual, private campsites	P	P	P	P	P
25. Campgrounds	N	N_7	R	R	R
26. Road and driveway construction	R	N_8	R	R	R
27. Land Management Roads	Y	R	Y	Y	Y
28. Parking facilities	N	N_7	R	R	R
29. Marinas	R	N	R	R	R
30. Filling and earthmoving of < 10 cubic yards	P	P	Y	Y	Y

31. Filling and earth moving of > 10 cubic yards	R	R	P	P	P
32. Signs	Y	Y	Y	Y	Y
33. Uses similar to allowed uses	P	P	P	P	P
34. Uses similar to uses requiring a CEO permit	P	P	P	P	P
35. Uses similar to uses requiring Site Plan Review	R	R	R	R	R

*** All Shoreland Performance Standards shall apply to ADU's, 2-4 Housing Units and Affordable Multi-Family Housing Development located in the Shoreland Zones**

Section 9. Performance Requirements and Standards for Specific Activities

The following requirements and standards apply in addition to those specified in Article II.

A. Light Industry and Office District

1. Buffer/Screening Requirements
    a. Around the perimeter of the Light Industry and Office District a buffer strip a minimum of twenty-five (25) feet wide from all lot lines must be maintained. A ten (10') foot wide buffer strip must be maintained from lot lines of abutting lots within the District. No structures, roads or utilities may be placed in the buffer strips except that roads and utilities may cross the buffer strip to serve the lot. The twenty-five (25) foot wide buffer strip must have natural screening (trees, other vegetation, berms etc.) to provide a visual and sound buffer between the District and adjacent properties.
    b. The Planning Board may require the lot owner/developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where natural screening is insufficient.
2. Groundwater Protection Requirements
    a. All underground tanks must meet federal, state and local standards to prevent the contamination of groundwater and to prevent leakage from the tanks. At a minimum, the tanks must be non-corrodible and of double wall construction. The location and design detail of each tank must be provided to the Planning Board and shown on the Site Plan. This requirement does not apply to tanks used solely for the storage of water for fire safety systems or septic tanks used for sewage disposal.
    b. Petroleum products, or other substances that could contaminate surface or ground water, must be stored in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes, and maintenance activities involving the use of products which if spilled, could contaminate subsurface water, must be conducted in accordance with the spill prevention, control and containment plan. The spill prevention control and containment plan must be submitted to the Planning Board during site plan review.
3. Storage of Materials

No materials or products may be stored outside without being secured to prevent injury to children and screened from public view. Details of the screening plan must be shown on the site plan and submitted during site plan review.

4. Solid Waste

   The owner of each lot shall be responsible for the disposal of all solid waste. A solid waste disposal plan must be submitted to the Planning Board. All solid waste containers and storage structures must be screened from public view. The screening may be of natural or man-made materials. The screening must be sufficient to completely screen the solid waste containers and storage structures from public view.

5. Signage

   The following sign requirements apply to the Light Industry and Office District. One free standing sign per lot is allowed. The sign may not be larger than four feet by eight feet in size. The maximum height of the sign above the ground is ten (10) feet. Additionally, there may be a sign at the entrance of the District that contains the names of the businesses in the District. The sign may be no larger than 80 square feet or ten (10) feet by eight (8) feet in size. The maximum height of the sign is twelve (12) feet.

6. Air Emissions

   No substance may be released into the air that creates a nuisance or produces objectionable odors to any abutting property owners. Also all uses must meet air emission standards established by the Maine Department of Environmental Protection.

7. Noise
   a. Excess noise must be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.
   b. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any business activity must not exceed 65 Db(A)'s
   c. The noise standard applies 24 hours per day seven days per week.
   d. The levels specified may be exceeded by 10 Db(A) for a single period, no longer than fifteen (15) minutes in any one day.
   e. Noise must be measured with a sound-level meter meeting the standards of the American National Standard Institute, ANSI SI.2 - 1962 (American Standards Meter for the Physical Measurement of Sound)
   f. These noise regulations are enforceable by the Code Enforcement Officer.
   g. Sound pressure levels must be measured at lot lines at a height of at least four (4) feet above the ground surface.

B. Telecommunications TowersPerformance Requirements

1. Additional Requirements

The Planning Board may require additional information and add additional conditions to the conditional use permit to assure the location, construction and operation of the facility will not be a safety or health hazard to abutting properties or public rights-of-way.

2. Advertising

   Commercial advertising is not allowed on any antenna, tower, structure, and communication equipment or on the property.

3. Air Navigation

   No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations is permitted.

4. Exemptions

   The following telecommunications facilities are exempt: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio, and any existing commercial radio tower. No commercial telecommunication facility is exempt from these provisions if they propose to share a tower with exempt uses

5. Fencing

   The area around the tower and communication structure must have a chain link security fence or wall not less than eight feet in height from ground level. Access to the tower must be through a locked gate.

6. Financial Guarantee

   The Planning Board may require financial guarantees in an amount and form satisfactory to the Selectmen to insure the performance requirements and conditions placed on the approved permit and have adequate financial resources available to insure compliance.

7. Finishes

   Towers must have a galvanized gray or silver finish in order to blend with the sky. The Planning Board may require a camouflaged or colored finish if that will create less visual impact.

8. Height of Towers

   New towers may not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. No tower may exceed an overall height of 150 feet, including the mast from the ground base.

9. Landscaping/Screening

   Screening is required at the perimeter of the site. A natural or planted vegetative screen a minimum of 20 feet in depth and six feet in height must be installed and maintained at all times. Vegetation must be of a type that has the potential to

reach a height of at least 15 feet at maturity. Existing vegetation surrounding the site must be preserved and maintained to the greatest extent possible.

10. Lighting

    Exterior lights must be focused, shielded or hooded to prevent the direct glare of light off site. Exterior lights may only be operated when personnel are on site.

11. Modifications

    A new application must be submitted and received by the Planning Board each time additional telecommunications equipment, structures, antenna or capacity is proposed to be added to an existing permitted facility. The Planning Board review shall substantiate that the tower and facility will safely accommodate the additions to the facility and the facility will operate within FCC standards and guidelines to protect the health and safety of the public.

12. Removal

    The tower operator and or owner shall notify the Code Enforcement Officer within thirty days of the date the tower ceases operation. If the facility is not used for telecommunications within nine months of the date it ceases operation, then the tower and associated facility must be dismantled and removed from the site. This requirement must be noted on the approved site plan as a condition of approval.

13. Setbacks

    All towers must be set back from the lot lines a distance of one- and one-half times the structures' height, but not less than the minimum set back requirements for the land use district in which the Tower is located. Other structures must meet setback requirements established for that district.

14. Supports and Anchors

    All tower supports and peripheral anchors must be located entirely within the boundaries of the property and must conform to the setbacks of the land use district in which the tower will be located.

15. Required Documentation
    a. Commitment to Lease Space

       Applicants for new tower construction or modification must provide a written irrevocable letter of commitment, valid for the duration of the existing tower, to rent or lease available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.

    b. Contract with Provider

       Applicants must be telecommunications providers or must provide a copy of a lease/contract with an existing telecommunications provider. The Planning Board may not approve the construction of a new tower or telecommunications facility to be built on speculation.

c. Federal Permits

Copies of all required applications and submittals to the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) or other federal agencies must be provided to the Planning Board.

d. Hazardous Radiation

The applicant must submit documentation that demonstrates all radiation emitted by the telecommunications facility meets FCC standards and that radiation levels are at safe levels. This includes regulation contained in FCC bulletin 65 and 97-303.

e. Lease of Tower Space

Applicants for a telecommunication facility to be installed on an existing tower or structure must provide a copy of a lease/contract with the owner of the existing tower or structure.

f. Monitoring

The Planning Board may require annual or periodic monitoring of the facility to determine if emissions are meeting FCC standards or guidelines and the facility is operating at safe radiation levels.

g. Site Engineering and Survey Plans

A site plan and an engineering plan for the tower structure and associated facilities are required. They must be prepared and stamped by a professional engineer licensed to practice in Maine. Survey plans must be prepared and stamped by a licensed surveyor licensed to practice in Maine.

C. Home Occupations

1. Permitted home occupations must be carried out without disturbing neighbors, altering the residential character of the structure or neighborhood, or changing the character of the lot from its principal use as a residence. A home occupation must be permitted if it complies with all of the requirements of this Section.
2. A home occupation must be carried on by permanent residents of the dwelling unit, must not exceed five hundred (500) square feet or twenty-five percent (25%) of the total floor area of the dwelling unit, whichever is greater, and must not employ more than two (2) full-time equivalent, non-resident employees.
3. The home occupation must be carried on wholly within the principal or accessory structures. There must be no outside storage or display of materials or products or equipment or vehicles.
4. A home occupation must not create greater traffic than normal for the area in which it is located or generate more than 20 vehicular trips per day.
5. The sale of products not wholly crafted, assembled, or substantially altered on the premises may be permitted by the Planning Board.

D. Hotels, Motels and Inns

For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements must be met. For the purposes of this section, the words hotel, motel and inn are used interchangeably.

1. No part of a building on a motel lot may be closer than fifty (50) feet to the front lot line, rear lot line or either side lot lines. A green space, not less than twenty-five feet wide, must be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space must not be used for automobile parking.
2. Buildings on a lot must not cover more than twenty percent (20%) of the area of the lot.
3. If meal preparation or eating facilities are provided in hotel rental units, each rental unit must be considered a dwelling unit and the hotel must be required to meet all the standards for multi-family developments in this Ordinance, including the residential density requirements of the appropriate district. On each hotel lot, only one apartment may be provided for a resident owner, manager or other responsible staff person without meeting the requirements of this paragraph.
4. Each motel rental unit must contain at least two-hundred (200) square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room must be at least; twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of bath. Each rental unit must include private bathroom facilities.
5. Hotel building construction plans must be reviewed and approved by the State Fire Marshall's Office.
6. All hotels and motels must be connected to the public sewer and water systems, if available.

E. Mineral Exploration and Extraction

1. Mineral Exploration

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

2. Mineral Extraction
   a. Groundwater Protection
      1. No excavation shall occur between five (5) and two (2) feet of the seasonal highwater table unless sufficiently detailed information is submitted, documenting the position of the seasonal high-water table, to allow the Planning Board to determine that the groundwater will not be adversely affected. In no event shall any

excavation occur within two (2) feet of the seasonal high-water table.

2. The working excavation pit, during the operation phase, shall not exceed ten (10) acres at any time. A single stockpile area, not to exceed five (5) acres, is allowed in addition to the ten (10) acre working excavation pit.
3. Petroleum products, or other substances that could contaminate groundwater, shall be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products that, if spilled, could contaminate groundwater, shall also be conducted in accordance with such plan.
4. A three hundred (300) foot separation shall be maintained between the limit of excavation and any predevelopment private drinking water supply. A one thousand (1,000) foot separation shall be maintained between the limit of excavation, and any well or spring which qualifies as a public drinking water supply.
5. The mining operation shall not withdraw more than five thousand (5,000) gallons of groundwater per day.

b. Surface Water Protection and Storm Water Management
    1. If the estimated peak rate of storm water runoff from the excavation site is calculated to be greater than the predevelopment runoff peak rate in any watershed within the boundaries of the affected land, then a detention basin shall be designed and constructed to maintain the predevelopment runoff peak rate.
    2. The outlet structures of each detention basin shall be designed to control 24-hour storms of 2-year, 10-year and 25-year frequency. Each detention basin shall be constructed with an emergency spillway designed to independently convey the runoff from a 25-year, 24-hour storm event if the primary spillway is blocked or its capacity exceeded.
    3. All processing water shall be discharged to a sedimentation basin. No chemicals shall be used to process excavated material.
c. Erosion and Sedimentation Control
    1. Ditches, sedimentation basins, dikes, and other control measures shall be used as necessary to prevent sediments from being washed or deposited into classified bodies of water. Each sedimentation basin shall be designed and constructed with capacity to detain runoff from a storm of 10-year frequency and 24-hour duration for a minimum of ten (10) hours. Each sedimentation basin shall be inspected and accumulated sediments removed as necessary, to ensure that the design limit for accumulated sediments is not exceeded.

2. Topsoil stockpiles must be seeded, mulched, anchored, or otherwise temporarily stabilized.

d. Natural Buffer Strips

1. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland.
2. A natural buffer strip at least one hundred and fifty (150) feet wide shall be maintained between any mineral extraction areas and a public road. A natural buffer strip at least twenty-five (25) feet wide shall be maintained between any topsoil mining operation and a public road.
3. A natural buffer strip at least one hundred and fifty (150) feet wide shall be maintained between the affected land and the property boundary.

e. Air Quality

Any dust generated, including dust associated with traffic to and from the working pit, shall be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A 584-A (1), or as amended, are not exceeded. Additionally, the access road to the working pit shall be paved for at least fifty (50) feet from the point where it meets the public road or street.

f. Noise

1. A mining operation shall only be operated or reclaimed between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Saturday, unless waived by the Planning Board.
2. Hourly sound levels shall not exceed the sound level limits set forth in 06-096 CMR 375.10 (CMR= Code of Maine Regulations at DEP) as measured at the property lot lines.

g. Solid Waste

Refuse spoils, unused soil stockpiles, stumps and associated debris, and other solid waste generated shall be disposed of in accordance with 06-096 CMR 400-409. Only materials generated on-site may be buried or covered on-site.

h. Reclamation

A reclamation plan shall be filed with, and approved by the Planning Board before any approval is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements below. The affected land shall be restored to a condition or physical state which is

either similar to and compatible with that which existed prior to any development, or encourages the future productive use of the land. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

1. Any excavation area being actively reclaimed shall not exceed ten (10) acres at any time during the reclamation phase. Active reclamation areas shall not be counted as part of the limits on the size of the working excavation pit or stockpile areas listed in the subsection 2.a above.
2. Upon the completion of excavation, the side slopes of the mineral extraction or topsoil mining operation shall be re-graded within thirty (30) days to a slope no steeper than two and one-half (2.5) horizontal to one (1) vertical. Slopes of up to two (2) to one (1) vertical ratios may be allowed, if a slope stability analysis is submitted showing that there will be no major failure or sloughing of slopes under construction loads.
3. Haul roads shall be reclaimed.
4. Vegetative cover native to the area shall be established on all affected land. Topsoil shall be placed, seeded and mulched within thirty (30) days of final grading, as follows:
    a. Topsoil or loam saved from the original site shall be restored to cover all disturbed land areas, which shall be re-seeded and stabilized. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project, such that finished topsoil reaches a depth of twelve (12) inches.Two (2) inches of the loam must be mixed or harrowed into the substrate and ten (10) inches of the loam must be placed on top. The topsoil shall be mixed into the original material to provide a gradual transition between soil layers, and to avoid distinct plains resulting in slope failure. The topsoil shall have a soil compaction sufficient to sustain vegetative growth.
    b. Vegetative material used in reclamation shall consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture thereof. Plant material, except material for dormant seeds, shall be planted during the first growing season following the beginning of the reclamation phase. Selection and use of vegetative cover shall take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.
    c. The vegetative cover is acceptable if:
        i. the planting of trees and shrubs results in a permanent stand, or stand capable of regeneration

and succession, sufficient to assure a seventy-five percent (75%) survival rate; and

ii. the planting of all materials results in ninety percent (90%) survival rate

NOTE: Dormant seeding is defined as seeding done at twice the permanent or temporary seeding rate, and mulched at a rate of two (2) tons per acre.

The seed and mulch are applied to bare earth between November 10th and April 15th, before snow cover occurs.

i. The Planning Board shall require performance guarantees as prescribed in this Ordinance. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

F. Mobile Home Parks

Mobile home parks must be developed in accordance with the following requirements.

1. Lot Area and Lot Width Requirements:

   Lots in a mobile home park must meet the following lot area and lot width requirements.

   a. Lots served by individual subsurface wastewater disposal systems:

      Minimum lot area: 20,000 square feet
      Minimum lot width: 100 feet

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

      Minimum lot area: 12,000 square feet
      Minimum lot width: 85 feet

   c. The overall density of any park served by any subsurface wastewater disposal system must not exceed one unit per 20,000 square feet of mobile home park area.

2. Unit Setback Requirements

   Each manufactured home within a mobile home park must be set back a minimum of:

   a. Twenty (20) feet from the boundaries of the lot on which the mobile home is placed; and

   b. Fifty (50) feet from all mobile home park boundary lines.

3. Buffer/Screening Requirements

a. Each mobile home park must retain or have a buffer strip at least fifty (50) feet wide around the perimeter of the park parcel. No structures, roads or utilities may be placed in the strip except those roads and utilities may cross the strip to serve the park. The outer twenty-five (25) foot wide portion of the strip must have natural screening (trees, other vegetation, earthen mounds, etc.) to provide a visual and sound buffer between the park and adjacent properties.

b. The Planning Board may require the developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where the natural screening is insufficient.

4. Groundwater Protection Requirements

a. No mobile home park may increase any contaminant concentration in the groundwater to more than one-half (1/2) of the Primary Drinking Water Standards or more than the Secondary Drinking Water Standards (according to the State Mobile Home Park Law as developed by DEP standards).

b. If groundwater contains contaminants in excess of the primary standards and the Mobile Home Park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

c. If groundwater contains contaminants in excess of the secondary standards, the Mobile Home Park must not cause the concentration of the parameters in question to exceed one-hundred fifty percent (150%) of the ambient concentration (according to the State Mobile Home Park Law as developed by the DEP).

d. Subsurface wastewater disposal systems and drinking water wells must be constructed as shown on the map submitted with the application for the park and plumbing permits.

5. Road Design, Circulation and Traffic Requirements.

a. All Mobile Home Parks must have safe and convenient vehicular access from abutting public streets or roads.

b. A Professional Engineer registered in the State of Maine shall design all roads within a Mobile Home Park.

c. Roads to be accepted as public ways by the Town must be designed and constructed in accordance with this Ordinance.

d. Private roads within the Mobile Home Park which the applicant or owner does not intend to offer to the Town for acceptance as a Town way shall:

1. Have a minimum right-of-way of twenty-three (23) feet in width, twenty (20) feet of which must be the travel-way.

2. Conform to reasonable safety standards applicable to intersections with public ways adjacent to the Mobile Home Park.

e. Such roads, as the Planning Board determines, shall have a designated four (4) foot wide minimum walkway along its boundary. The walkway must be marked or built so that its bounds and function are clearly distinguishable from the road.

f. Any dead-end roads must be no longer than five hundred (500) feet. The closed end must have an adequate turnaround (T-shaped, L-shaped, or cul de sac) and must be approved by the Planning Board.

g. Off-road parking for at least two vehicles must be furnished for each mobile home.Parking spaces must be located within the individual mobile home lots that they are intended to serve.

h. A Mobile Home Park expected to generate average daily traffic of two-hundred (200) trips per day or more must have at least two (2) road connections with existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.

i. No individual lot within a park may have direct vehicular access onto an existing public road.

j. The intersection of any road within a park and an existing public road must meet the following standards.

1. Angle of Intersection. The desired angle of intersection is ninety (90) degrees. The minimum angle of intersection must be seventy-five (75) degrees.

2. Maximum- Grade. The maximum grade within 75 feet of the intersection must be two (2) percent.

3. Minimum Sight Distance. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road must be provided. Sight distances must be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line. With the height of the eye three and onehalf (3 1/2) feet above ground level and the height of object four and one-quarter (4 1/4) feet above ground level.

4. Distance from other intersections. The centerline of any road within a park intersecting an existing public road must be no less than one hundred twenty-five (125) feet from the centerline of any other road intersecting that public road.

6. Conversions of Mobile Home Parks

No development which is approved under this section as a Mobile Home Park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements.

7. General Requirements

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

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

    c. Each Mobile Home Park owner shall establish and enforce regulations governing the conduct of the internal affairs of the park.

G. Multi-Family Development

1. Design Standards

    a. An adequate water supply must be provided to the development for firefighting purposes. Wet or dry fire hydrants or fire ponds must be located so that they are not more than five-hundred (500) feet from any building, as fire hose is laid on the street. The Planning Board, in conjunction with the Fire Chief, must determine the adequacy of the water supply for firefighting purposes.

    b. No structures may be located on land unsuitable for development under the net buildable acreage calculation.

    c. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one street access for emergency and safety purposes. No more than two (2) accesses may be allowed on any single street or roadway.

    d. A fifteen (15) foot landscaped buffer must be provided along all property boundaries.

    e. All multi-family developments of ten (10) dwelling units or more must provide a developed open recreation area of no less than five hundred (500) square feet per dwelling unit. The developer must prepare a plan, along with legal documents, that demonstrates how the recreation area will be maintained and repaired.

    f. The owner(s) shall be responsible for rubbish disposal, snow removal, and site maintenance.

H. Subdivisions

(See Subdivision Regulations of the Town of Parsonsfield)

I. Timber Harvesting

1. Timber Harvesting must conform to applicable state requirements.
2. See Shoreland District Requirements for timber harvesting standards in the Shoreland Districts.

J. Waste Disposal

No solid, liquid, industrial, petroleum, chemical or hazardous material may be disposed of in the Town of Parsonsfield except for slash resulting from timber harvesting operations which must be disposed of in accordance with the State Forest Practices Act, as amended.

K. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall meet all setback requirements of Table 2, and shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

L. Individual Private Campsites

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

1. Only one campsite per lot existing on the effective date of this Ordinance, or one campsite per minimum lot size required by Table 2, whichever is less, may be permitted. Use of an individual, private campsite for a recreational vehicle shall require an annual permit from the Code Enforcement Officer at a cost of $50.00. Use of such a campsite for tenting shall not require any permits, but nonetheless shall meet all standards.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet all required setbacks in Table 2, and shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle, as defined by this ordinance, shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent, or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required. Upon issuance of a renewal permit, proof of disposal from the previous year shall be required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system and minimum square footage requirements for a dwelling unit. The system must be in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

7. All road and driveway requirements shall be met.

M. Accessory Dwelling Units

1. Accessory Dwelling Units are a permitted use in the residential districts, subject to the review of the Code Enforcement Officer and adherence to the following standards:

    a. The owners of the principal structure must reside on the property either in the principal structure, or the Accessory dwelling unit.

    b. The Accessory Dwelling unit shall not be greater than 800 square feet of living area. The minimum ADU size shall be 410 square feet.

    c. The Accessory dwelling unit may be located either in the principal dwelling unit, attached to the existing Dwelling unit or as a separate structure. The accessory dwelling unit may share the septic system with the principal dwelling unit or provide a separate septic system that meets the requirements of the State Subsurface Wastewater rules Title 30-A Section 3428. On-site well may be shared with the principal dwelling unit or provide a separate well for the Accessory Dwelling unit where public water is not available. Said new septic system must only be used to service the proposed accessory dwelling unit and not for the purpose of serving any other independent dwelling. Subject to the terms above, the septic system on the property in question shall be functioning properly at the time of application for the permit approval by the Code Enforcement Officer. In addition, the applicant must submit a new HHE-200 form as documentation that suitable soil exists on the property to be used for septic system repair or replacement in the event of failure of the original system. If a combined system is proposed the main system must demonstrate that it is functioning properly prior to permitting the expansion for the ADU.

        1. The HHE-200 form, after review and approval by the Code Enforcement Officer, shall be recorded at the York County Registry of Deeds when the system is designed but not established in case of failure to the current system occurs.

    d. The parking requirements of the Parsonsfield Land Use Ordinance shall not be considered when adding an accessory dwelling unit.

e. Proper ingress and egress shall be provided to the accessory unit.

f. Should the owners of the principal structure be found in non-compliance of the standards contained in this section, the non-compliance shall be considered a violation of this ordinance and subject to fines and penalties and the accessory unit shall be discontinued and the Certificate of Occupancy revoked.

g. An accessory dwelling unit which complies with the requirements of this subsection shall not be considered an additional dwelling unit when calculating lot area per family under the dimensional requirements of the ordinance.

h. Only one accessory dwelling unit shall be permitted on a lot.

i. The Town shall require an applicant to place a deed restriction on the main parcel and enter into a consent agreement assuring that the lot will not be split in the future separating the dwelling unit and the ADU. Ownership of the ADU shall also remain in the same ownership as the principal structure.

j. ADU's Shall not be used as a Short-Term rental unit and must have a lease agreement for no less than 6 consecutive months with the same party.

k. ADU's not located in the principal dwelling shall be placed on a foundation that meets the requirements in Parsonsfield Ordinances Article II - Section 7. L (Foundations)

N. Affordable Housing Developments & Density Allowances

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

3. Density requirements.

   Parsonsfield shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in V and VR zones. The development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system provided 51% of the units

will be designated as affordable housing as defined in 4.16 A & B above. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

4. Water and wastewater

   The owner of the affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

   a. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

   b. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit

5. Subdivision requirements
   This section may not be construed to exempt a subdivider from the requirements for division of a tract, parcel of land or residential living unit.

ARTICLE III. SITE PLAN REVIEW

Section 1. Purpose

The purpose of Site Plan Review is to:

A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact abutters or properties in the project area and the Community as a whole.
B. Maintain/protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures and other alterations on or to the land, are sited and developed in accordance with certain standards.
C. Promote and protect the health, safety and welfare of the Townspeople.

Section 2. Applicability

This Article applies to any proposed use listed in the Table of Permissible Uses which requires Site Plan Review.

Section 3. Classification of Projects

Projects subject to Site Plan Review are divided into two (2) classes: minor developments and major developments.

Minor Developments

Minor developments include:

A. projects involving the construction, addition or conversion of less than five-thousand (5,000) square feet of gross floor area;
B. projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; or
C. projects involving the construction or establishment of less than three (3) lots or dwelling units,

The Planning Board may require projects in the above three categories to be reviewed as a major development in order to protect the health, safety and welfare of the citizens of Parsonsfield.

Major Developments

Major developments include all other projects or uses requiring Site Plan Review.

Section 4. Administration

A. Pre-Application Meeting

a. Applicants are required to schedule a meeting with the Planning Board prior to a formal submission for review, discuss their plans and gain an understanding of the review procedures, requirements and standards.
b. During this pre-application meeting, the Planning Board will determine the appropriate procedural and administrative process for the proposed development. In addition, the Planning Board may waive specific application requirements when an applicant can show that such requirements are not relevant to the proposed project.

B. Applications in Writing

All applications for Site Plan Review must be made in writing to the Code Enforcement Officer on the forms provided for this purpose. An applicant must be the owner of the property or his agent, if so authorized in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which is then subject to the determination of the Planning Board. If an application is not complete, it will be held by the Code Enforcement Officer and the CEO must inform the applicant in writing what additional information is required. When an application is determined to be complete, including all documentation required by this Article, the Planning Board at its next regular meeting shall issue a dated receipt to the applicant. Unless the applicant and Board agree to an extension, the Board shall within sixty [60] days of the dated receipt act to approve or disapprove the Site Plan Application in accordance with this Article. An application must be submitted at least fifteen (15) days before the scheduled Planning Board meeting unless waived by the Planning Board chairman.

C. Notice to Abutters

The Planning Board shall send by first class mail to all property owners within five-hundred (500) feet of the lot notice of a pending application for Site Plan Review. The notice must indicate the time, date, place and reason for the application.

D. Independent Review and Advice

a. Professional Services

The Planning Board may require that a consultant or other appropriate professional advisor review one or more aspects of an application for compliance or noncompliance with this Ordinance and to assist the Board. The consultant or other advisors shall first estimate the cost of the 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 or advisors from the escrow account and reimburse the applicant if funds remain after payment.

b. Additional Studies

The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of this Ordinance are met. The costs of such studies must be borne by the applicant.

E. Public Hearing

Prior to taking final action on any Site Plan Review Application, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.

F. Financial Guarantee

Prior to final approval of any plan, the Planning Board may require the applicant to provide a financial guarantee, in such amount as is reasonably necessary, to ensure completion of all public improvements in accordance with the Performance Guarantees section of this Article.

G. Conditions to Permits

The Planning Board may attach reasonable conditions to Site Plan Review or Special Exception Permits to ensure compliance with the standards and requirements of this Ordinance.

H. Expiration of Permits

All permits issued by the Planning Board shall expire within eighteen (18) months of the date of issuance, unless work thereunder is commenced within this time period. If work is not completed according to a schedule, if any, set forth in the approval, a new or amended application must be filed with the Board.

I. Access to Sites

The Town shall have access to the site at all reasonable times to review the progress of the work and shall have the authority to review all records and documents related to the project.

J. Responsibility of Applicant

The applicant is responsible for all expenses to the Town for the costs of notifications, mailings, printing, advertising, public notices, clerical work etc., to administer the provisions of this Ordinance. The Planning Board may require the applicant to deposit

adequate funds in an escrow account to meet these anticipated expenses before they are incurred. Any funds that remain in the escrow account after all expenses are paid must be returned to the applicant, without interest.

Section 5. Site Plan Review Application

Applications for Site Plan Review must be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information must be submitted to the Code Enforcement Officer who shall make a record of its receipt and forward the application to the Chairman of the Planning Board.

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

The submission must contain at least the following exhibits and information:

Nine (9) copies of the completed and signed application form (with any attachments) and nine (9) sets of maps or drawings, all of which must contain the information listed below, unless additional copies are requested by the Board. The maps or drawings must 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 Submission Information

a. Name(s), address(es) and phone number(s) of owner(s) of record and of applicant, if different.
b. The name of the proposed development.
c. Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.
d. Sketch map showing general location of the site within the Town.
e. 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.
f. The tax map and lot number of the parcel or parcels.
g. 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.
h. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

B. Existing Conditions

a. The bearings and distances of all property lines of the property to be developed and the source of this information.
b. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.
c. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

d. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.
e. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
f. Location of intersecting roads or driveways within two hundred (200) feet of the site.
g. The location of open drainage courses, wetlands, stands of trees, and other important natural features on the site, with a description of the features being retained.
h. The location, front view and dimensions of existing signs.
i. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

C. Proposed Development Activity

a. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.
b. The location, dimension, and ground floor elevations (AGL) of all proposed buildings.
c. The location and dimensions of proposed driveways, parking and loading areas, and walkways.
d. The location and dimensions of all provisions for water supply and wastewater disposal.
e. The direction and route of proposed surface water drainage.
f. The location, front view, and dimensions of proposed signs.
g. The location and type of exterior lighting.
h. The proposed landscaping and buffering.
i. Demonstration of any applicable State applications or permits which have been or may be issued.
j. A schedule of construction including anticipated beginning and completion dates.
k. Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Parsonsfield Planning Board."

D. Applications for Major Developments

Applications for major developments must include the following additional information:

a. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals 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 run-offs.
    ii. The direction of flow of the run-off.
    iii. The location, elevation, and size of all catch basins, drywells, 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, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building.
    v. Methods of controlling erosion and sedimentation during and after construction.

c. A groundwater impact analysis prepared by a groundwater hydrologist for projects located within the Public Water Protection Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day, or at the discretion of the Planning Board.
d. A utility plan showing 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, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
f. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.
g. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
h. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.
i. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer must submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. Provide the location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
j. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions must be referenced on the plan.
k. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land must be included.
l. Evidence of adequate provision for maintenance of the development.
m. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and the means of financing the project.

E. Applications for Special Exception Permits

In addition to the foregoing requirements, applications for Special Exception Permits must include:

a. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and
b. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigating measures that alleviate adverse effects.

Section 6. Criteria for Review and Approval of Site Plans and Subdivisions

In approving site plans and subdivisions within the Town of Parsonsfield, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that

the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended, which include the following:

A. Aesthetic, Cultural and Natural Values

The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

B. Conformity with Ordinances and Plans

The proposed activity conforms with this Ordinance, other duly adopted ordinances, including the Subdivision Regulations of the Town of Parsonsfield, and the Parsonsfield Comprehensive Plan.

C. Erosion

The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

D. Financial Burden on Town

The proposed activity will not cause an unreasonable financial burden on the Town for provision of public services and facilities.

E. Financial and Technical Ability

a. Financial Capacity

The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of the Land Use and Development Ordinance. When the applicant proposes to construct the building as well as any subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

b. Technical Ability

In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants, engineers, architects and contractors, and the existence of violations of previous approvals granted to the applicant.

F. Flood Areas

Flood areas are based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the application as to whether the activity is in a flood-prone area. If the activity, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the project area. The proposed project plan must include as a condition of plan approval, that principal structures in the

project area will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

G. Freshwater Wetlands

All freshwater wetlands within the proposed site have been identified on maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

H. Groundwater

The proposed activity must not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

I. Municipal Solid Waste Disposal

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.

J. Municipal/Public Water Supply

The proposed activity will not cause an unreasonable burden on an existing public water supply, if one is to be used;

K. Neighborhood Compatibility

a. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses, scale, bulk and building height, neighborhood identity and historical character, and orientation on the lot.
b. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.
c. The proposed activity ensures safe and healthful conditions within the neighborhood.
d. The proposed activity will minimize any detrimental effects on the value of adjacent properties.

L. Pollution

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall consider at a minimum:

a. The elevation of the land above sea level and its relation to the flood plains;
b. The nature of soils and subsoil and their ability to adequately support waste disposal;
c. The slope of the land and its effect on effluents;
d. The availability of streams for disposal of effluents;
e. The applicable state and local health and water resource rules and regulations; and
f. The impact of phosphorous export and other pollutants on water bodies.

M. River, Stream or Brook

Any river, stream or brook within or abutting the proposed project has been identified on maps submitted as part of the application. For purposes of this section, "river, stream or

brook" has the same meaning as in Title 38, M.R.S.A. Section 480-B, Subsection 9, or as amended.

N. Sewage Disposal

The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

O. Storm Water

The proposed activity will provide for adequate storm water management.

P. Sufficient Water

The proposed activity has sufficient water available for the reasonably foreseeable needs of the project.

Q. Traffic

The proposed activity will not cause unreasonable burdens on public streets or roads either existing or proposed.

Section 7. Performance Guarantees

A. Types of Guarantees

As required by the Planning Board, the developer shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required public improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs. Following, in order of preference, are three types of Performance

Guarantees acceptable to the Town:

1. A certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project from which the Town may draw if construction is inadequate; or
3. A Performance Bond, payable to the Town, issued by a corporate surety company, and acceptable to the Town.

   The form, time periods, conditions and amount of the Performance Guarantee must be determined by the Planning Board.

B. Contents of Guarantee

The Performance Guarantee must contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction. The performance guarantee must contain a provision requiring the Town Selectmen be notified at least sixty (60) days before the termination of the guarantee.

C. Escrow Account

A cash contribution to the establishment of an escrow account must be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the owner, the municipality must be named as owner or co-owner, and the consent of the municipality is required for a withdrawal, but the consent of the owner shall not be required for a withdrawal. Any interest earned on the escrow account must be returned to the owner unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the owner and the amount withdrawn to complete the required improvements.

Any certified check will be deposited in the name of the Town by the Treasurer in an interest bearing account and will bear the name of the Owner and of the proposed project. Withdrawals will be made after a designated Engineer has certified the work as completed. The Planning Board must be duly notified prior to any withdrawal. Any work which has not been completed may be performed at the discretion of the Town and such work will be paid from the escrow account. The Planning Board will recommend to the Selectmen such disbursements from the escrow account as will pay for completed work in accordance with an approved disbursement schedule.

D. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution will indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan. The Letter of Credit or Performance Bond must contain a provision that the institution providing the LOC or Bond must notify the Selectmen at least sixty (60) days before the LOC or Bond terminates of their termination date.

E. Performance Bond

A Performance Bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the owner, and the procedures for collection by the municipality. The bond documents must specifically reference the development activity for which approval is sought.

F. Phasing of Development

The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that Section of the proposed project street which is covered by a Performance Guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots in subsequent phases may be given only upon satisfactory completion of all requirements pertaining to previous phases.

G. Release of Guarantee

Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer designated by the Planning Board and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

H. Default

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the owner or builder. The Selectmen retain the authority to take any steps necessary to preserve the Town's rights.

ARTICLE IV: CONDITIONAL USE

Section 1. Conditional Use Permit

A building, structure, or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a conditional use permit is approved by the Planning Board.

Section 2. Application for Conditional Use

A. Application for a conditional use permit shall be made to the Code Enforcement Officer on forms provided for the purpose accompanied by a $100.00 fee. In addition, the applicant shall be responsible for costs of advertising and mailing associated with the application. The applicant shall:
    a. Clearly specify the location of the proposed use, including Assessor's tax map and lot number and a location map;
    b. Describe the exact nature of the proposed use;
    c. Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas;
    d. Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.
B. Before rendering a decision on any conditional use permit, the Planning Board shall conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant.

    The notice shall contain a clear and concise statement of the request to be addressed. At least ten days before the hearing, the Board, or the Town Clerk on behalf of the Board, shall notify by mail the owners of properties lying within 500 feet of the property for which the request or application is being made.

    The owners of properties shall be considered to be those persons against whom taxes are assessed.

Section 3. Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

A. Neither the proposed use for the proposed site upon which the use will be located is of such a character that the use will have a significant adverse impact upon the value or

quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Planning Board shall consider:

a. the size of the proposed use compared with surrounding uses;
b. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
c. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
d. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties; and
e. the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

B. Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:

a. the ability of traffic to safely move into and out of the site at the proposed location;
b. the presence of facilities to assure the safety of pedestrians passing by or through the site;
c. the capacity of the street network to accommodate the proposed use;
d. the capacity of sewage and water supply systems to accommodate the proposed use;
e. the capacity of the storm drainage system to accommodate the proposed use; and
f. the ability of the fire department to provide necessary protection services to the site and development.

C. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section 4. Additional Standards in Shoreland Areas

For conditional use permit applications in shoreland areas, the Planning Board shall additionally find that the proposed use meets the following criteria as required by Article V, Section 4.A.5.

Section 5. Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit. These conditions may include, but are not limited to, such requirements as:

A. street improvements;
B. access restrictions;
C. hours of use;
D. buffering and screening;
E. utility improvements; and
F. performance guarantees for required off-site improvements.

Section 6. Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was brought before the Planning Board.

Section 7. Duration of Conditional Use Permit

Provided all conditions and standards of approval are met, a conditional use permit shall be a permanent grant of permission and shall "run with the land".

ARTICLE V: ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 1. Administering Bodies and Agents

A. Code Enforcement Officer

a. Appointment.

A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by July 1st, by the Board of Selectmen.

b. Powers and Duties.

The CEO has the following powers and duties:

i. Enforce the provisions of this Ordinance and others requiring CEO action.
ii. Act upon building applications, refer applications requiring Site Plan Review 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 property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances.
iv. Investigate complaints and reported violations.
v. Make and keep written inspection reports and records of activities relating to the duties of the CEO.
vi. Collect application fees.
vii. Issue violation notices.
viii. Participate in appeals procedures.
ix. Appear in court, when required.
x. Attend meetings of the Planning Board and the Board of Appeals, as requested by the Chairman of these Boards.
xi. Revoke permits issued in error or which are based on erroneous information.

c. Exercise additional powers or duties authorized by the Maine Revised Statutes.

B. Planning Board

The Planning Board is created in accordance with the provisions of State law, and is responsible for reviewing and acting upon applications that require site plan review, subdivision approval, and uses requiring building or use approval from the Planning Board.

C. Board of Appeals

A Board of Appeals is created in accordance with the provisions of Title 30-A, M.S.R.A. Section 2691, or as amended. The Board of Appeals must conduct its affairs in accordance with State law and provisions of this Ordinance.

D. Building, Plumbing and Electrical Inspections

The Selectmen shall appoint a Building, a Plumbing, and an Electrical Inspector who is qualified to conduct these services. The Selectmen may appoint one or more individuals who are qualified to perform these functions.

Section 2. 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. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

C A conditional use permit must be obtained from the Planning Board after conditional use review for the uses so marked in Table 1, Table of Permissible Uses by District.

P A building permit and certificate of occupancy must be obtained from the Code Enforcement Officer for the uses so marked in Table 1, Table of Permissible Uses by District.

R A site plan review permit must be obtained from the Planning Board after site plan review for the uses so marked in Table 1, Table of Permissible Uses by District.

S A special exception permit must be obtained from the Planning Board for the uses so marked in Table 1, Table of Permissible Uses by District.

A. A permit is not required for the replacement of an existing road culvert as long as:
    a. The replacement culvert is not more than 25% longer than the culvert being replaced;
    b. The replacement culvert is no longer than 75 feet; and
    c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
B. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
C. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

Section 3. Permit Application

Every permit applicant shall submit, on a form provided by the Town, a written application including a scaled site plan, to the appropriate official as indicated in Section 2.

All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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.

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 use or structure would require the installation of a subsurface sewage disposal system.

Section 4. Procedure for Administering Permits

A. Permits Requiring Planning Board Review

Within thirty (30) days of the date of receiving a written application:

a. The Planning Board or CEO shall notify the applicant in writing sent by first class mail that the application is complete or,
b. If the application is incomplete, what specific additional material or information is needed to make the application complete.
c. The Planning Board shall approve or deny all applications in writing within thirty-five (35) days of receipt of a complete application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. The Planning Board may extend the period for approval or denial of the application if requested in writing by the applicant.
d. 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. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
    i. Will maintain safe and healthful conditions;
    ii. Will not result in water pollution, erosion, or sedimentation to surface waters;
    iii. Will adequately provide for the disposal of all wastewater;
    iv. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
    v. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

vi. Will protect archaeological and historic resources as designated in the comprehensive plan;
vii. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
viii. Will avoid problems associated with floodplain development and use; and
ix. Is in conformance with the provisions of Section 15, Land Use Standards

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

f. Special Exceptions. In addition to the criteria specified in Section 5 above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:
i. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
ii. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
iii. All proposed buildings, sewage disposal systems and other improvements are:
1. Located on natural ground slopes of less than 20%; and
2. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's FloodBoundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

iv. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
v. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of

the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

B. Permits Requiring CEO Approval

Within five (5) business days of the date of receipt of a written application:

The CEO must determine if the application is complete or is incomplete.

a. If the application is incomplete, the CEO shall notify the applicant in writing sent by first class mail that the application is incomplete and state what specific additional material and information is needed to make the application complete.
b. Within five (5) working days of finding an application to be complete the CEO shall either approve the application and issue a permit, or deny the application, with written reasons for the denial mailed to the applicant by first class mail.

C. Approval of Permits

a. Permits must be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance. The applicant must comply with any conditions on the permit. The conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and plantings for screening and buffering, hours of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, restrictive covenants, location of piers and docks, parking, signs, type of construction, or any other conditions necessary to fulfill the purpose of this Ordinance. All permits must be approved in writing and a permanent record kept at the Town Office. A copy of the permit with any conditions must be provided to the landowner and the applicant.
b. No permits may be issued for a structure if the structure will be located in a subdivision which has not been approved by the Planning Board, would violate provisions of this Ordinance or would violate any other local ordinance or regulation or State law for which the Town has responsibility.
c. The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Ordinance lies with the applicant.

D. Certificate of Occupancy Required

a. A certificate of occupancy issued by the CEO is required in advance of the use or occupancy of:
    i. Any lot, or change in the use of any lot from one use category to another according to Table 1, Table of Permissible Uses by District.
    ii. A structure hereafter erected or a change in the use category of an existing structure, or as the building code requires.
b. No certificate of occupancy may be issued unless the proposed improvements to the lot and/or building have been completed or a performance guarantee covering the cost of their completion has been given to the town according to Article III, Section 7, and the lot, building, or structure complies with all the provisions of this Ordinance, and any other local ordinance or code. A record of all certificates of occupancy must be kept on file in the office of the CEO, and a copy must be furnished, in request, to any person having a proprietary or tenancy

interest in the structure or land involved. A duplicate copy must be filed in the office of the tax assessor and the certificate of occupancy must state specifically the uses it permits.

Section 5. Fees

All fees must be paid to the Code Enforcement Officer before a permit is issued or upon submission of any required applications in accordance with the Parsonsfield Fee Schedule. The Parsonsfield Fee Schedule may be approved and amended by a majority vote of the Parsonsfield Selectmen.

Section 6. Expiration of Permits

Following the issuance of a permit, if no substantial start is made in construction, or in the use of the property for which such permit has been issued, within six months of the date of the permit, the permit will lapse and become void. If a substantial start is made within six months of the issuance of the permit, the applicant shall have a total of eighteen (18) months from the date of issuance to complete the project, including finish grading and proper drainage, at which time the permit shall expire. For areas outside of any shoreland zone, unexpired building permits may be renewed by the Code Enforcement Officer for an additional eighteen (18) month period. Within any shoreland zone, an expired building permit may only be replaced after a new application is processed, meeting all applicable requirements upon the new date of issuance.

Section 7. Installation of Public Utility Service

No public utility, water district, sanitary district or any other utility company of any kind may install or connect services to any new use or structure requiring a permit under this Ordinance, 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 Town Official(s) or other written arrangements have been made between the Town Official(s) and the utility.

Section 8. Enforcement

A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer

a. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, by certified mail, the property owner and such other persons who may be responsible for the violations, stating the nature of the violation and ordering the action necessary to correct it.

These orders may include the discontinuance of illegal use of land, buildings or structures, or an order to stop work, the removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of the notice must be submitted to the Selectmen and the Planning Board and a copy maintained by the CEO in the Town Office as a permanent record.

b. The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and any conditions attached to permit approvals. The CEO also shall investigate all complaints of alleged violations of this Ordinance.
c. The CEO shall keep a complete record of all essential transactions of the office including: applications submitted, fees collected, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, and violations found. In the case of violations in the Shoreland District, the CEO shall, on a biennial basis, submit a summary of this record to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

C. Legal Actions

When the above actions do not result in the correction or abatement of the violation or nuisance condition, the Selectmen shall, upon notice from the CEO, institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

The Selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town Official, and there is no evidence that the owner/violator acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

D. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A., Section 4452, as amended.

ARTICLE VI. APPEALS

Section 1. Establishment of Board of Appeals

A. The Town shall have a Board of Appeals in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691, as amended.
B. The Board consists of five members serving staggered terms of five years, appointed by the Board of Selectmen. The Board of Selectmen may appoint two associate members to serve in the absence of regular members. The Chairman of the Board of Appeals shall designate which associate member will serve in the stead of the absent member.
C. The Board of Appeals must elect annually a chairman and secretary from its regular membership.

Section 2. Powers and Duties

The Board of Appeals shall have the following powers:

A. Administrative Appeals

a. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and

b. To hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance.

Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of

Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

B. 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, but not limited to, lot width, structure height, percent of lot coverage, and setback.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance. Notwithstanding the paragraph above, water setbacks required under Shoreland District Requirements shall not be reduced by variance.

c. The Board of Appeals shall not grant a variance unless it finds that:

i. The proposed structure or use would meet the requirements 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:

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

d. Notwithstanding the above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. 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.

   Upon approval of a variance, a building permit must be issued within eighteen (18) months of the date of the variance, or the variance will expire and become void. Upon written request to the Zoning Board of Appeals, one eighteen (18) month extension may be granted if applied for prior to the expiration of the original variance.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

Section 3. Appeal Procedure

A. Making an Appeal

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, except for enforcement-related matters as described in Section 2.A above. Such

an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from.

B. Written Notice

Applications for appeals 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 the administrative appeal or variance 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 sought.

C. Record of Case

Upon receiving an application for an administrative appeal or a variance, 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 being appealed from.

D. Public Hearing

The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of a meeting at which it finds an application to be complete, unless this time period is extended by the parties. Interested parties and the public must be given an opportunity to be heard at the public hearing.

E. Decision by Board of Appeals

a. Quorum

   A majority of the full voting membership of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal.

b. Majority Vote

   The concurring vote of a majority of the full voting membership of the Board of Appeals is necessary to make a decision.

c. Burden of Proof

   The burden of proof lies with the applicant.

d. Time Frame, Written Decision
   i. The Board of Appeals shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a dated written decision on each appeal.
   ii. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

F. Reconsideration

In accordance with Title 30-A, M.R.S.A. Section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

G. Appeal to Superior Court

Except as provided by Title 30-A, M.R.S.A. Section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an 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.

Version History

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