CHAPTER 2. LAND USE ORDINANCE

SECTION 1. APPLICABILITY

This Ordinance shall apply to all land uses and structures within the Town of China with special emphasis on the shoreland area as defined hereinafter.

Unless otherwise specified, all references to other local, state and federal regulations, rules, laws and the like shall be deemed to refer to the most recent version as published by the relevant governing body.

SECTION 2. NON-CONFORMING EXISTING STRUCTURES, LOTS AND USES

A. Purpose

I. The purpose of this section is to define and clarify the rights and privileges pertaining to structures not in conformance with this Ordinance on the effective date of this Ordinance or any amendment to this Ordinance.

II. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before effective dates of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 2. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. Definition

Any structure, lot or use of a structure or lot, lawfully existing on the effective date of this Ordinance or any amendment of this Ordinance, and not in conformance with this Ordinance or any amendments thereto, shall be "non-conforming."

C. Structures

I. Structure requirements include lot coverage, lot area, shore frontage, road set-back, side set-back, rear set-back, shoreline set-back, expansion limitations for non- conforming structures in the shoreland water setback area, and height limits. For specific information about numerical limitations, see the following:

a. Section 5(A) - Dimensional Requirements for Principal Structures
b. Section 5(B) - Dimensional Requirements for Accessory Structures
c. Section 2(C)(VI) - Expansions of Non-Conforming Structures

All setbacks shall be measured from the known property boundaries to the closest overhang, eave, or drip-edge of the structure. Road setbacks shall be measured from the road

right-of-way and property boundary interface to the structure as described above.

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 and no new lot shall be created except in conformity with all of the regulations herein specified for the land use district in which it is located, unless a variance is granted.

II. Expansion of a structure:

a. in any Land Use District, includes any addition to the structure which causes the structure:

i. to increase in height, and/or

ii. to increase the footprint of a structure, including all extensions such, but not limited to: attached decks, garages, porches and greenhouses.

b. excludes the addition, installation, or construction of:

i. foundation posts, provided the structure will meet the height limit,

ii. a foundation, provided that the sill height of a structure is not raised more than three feet on the uphill side of the structure (from original ground level to the bottom of the first-floor sill) and the structure will meet the height limitation.

iii. exterior bulkhead entryways which provide access/egress to basement areas, provided that such additions meet all setback requirements.

iv. exterior steps or ramps not more than four (4) feet wide, with landings not to exceed sixteen (16) square feet in area.

III. Any non-conforming structure may be maintained and repaired and may be improved or altered, without expansion or enlargement, provided that the requirements of the Maine Plumbing Code are met and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

IV. 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 Code Enforcement Officer, and provided that:

a. the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of Maine State Law and the most recent version of the Maine Subsurface Wastewater Disposal Rules without being a grandfathered system, or that a new system can be installed in compliance with the law and said Rules.

b. the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer. 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 Code Enforcement Officer 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 Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 5(L). In addition, the area from which the relocated structure was removed must be replanted with native 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 re-established 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 native vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

V. Reconstruction or Replacement of Structures

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or a wetland, or which otherwise fails to meet the dimensional requirements of this Ordinance, and which is removed, damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, excluding normal maintenance and repair, may be reconstructed or replaced provided that a permit is obtained from the reviewing authority within one year 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 requirements of this Ordinance to the greatest practical extent as determined by the reviewing authority in accordance with relocation criteria of subsection IV above. In no case shall the structure be reconstructed, relocated, 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 2.C.VI below, as determined by the non-conforming structure footprint of the reconstructed or replaced structure at its new location. If the total amount of the structure 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 5(L).

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 reviewing authority within one year of such damage, destruction, or removal.

In determining whether the structure reconstruction or replacement meets setbacks to the "greatest practical extent" the reviewing authority shall consider the type of foundation present (if any), along with required documentation from the applicant other site-specific considerations such as existing ledge, drainage, and slope factors. It is not the intent of this section to require the destruction of a functional concrete or block foundation in order to meet setback requirements.

VI. Expansion of non-conforming structures including replacement foundations in the Resource Protection, Stream Protection, and Shoreland Districts

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 below, as well as Section 5.A.I.

b. If any portion of a structure is less than the required setback from the normal high- water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured by the footprint, by more than 30% during the lifetime of the structure beginning on January 1, 1989. If a replacement structure conforms with the requirements of Section 2.C.IV and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 has been expanded by 30% of the footprint since that date.

A non-conforming structure in the Rural, Stream Protection, and Shoreland District may be expanded if:

i. The expansion is within the lot coverage, setback, and height limits, and

ii. The distance between the normal high-water line and any part of the expansion is equal to or greater than the distance between the normal high-water line and the part of the

structure which is closest to the normal high-water line.

c. Foundations

i. Whenever a new, expanded, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation shall be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing the decision on the relocation criteria specified in Section 2.C.IV, above including full compliance with the State of Maine Subsurface Wastewater Disposal Rules.

ii. The completed foundation is not considered an expansion if:

1. It does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 2.C.IV.b above, and

2. It does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure from original ground level to the bottom of the first-floor sill.

VII. Resource Protection District

No lawfully existing non-conforming structure in the Resource Protection District may be expanded, except that those existing residential structures in any Resource Protection District as of June 9, 2010, may be expanded up to 30% of the existing footprint of said structures over the lifetime of the structure.

D. Lots in the Shoreland District

I. Lot requirements include lot size or area [principal structures (residential): 40,000 square feet; principal structures (commercial) 60,000 square feet] and shore frontage (200 feet-residential and 300 feet-commercial), in the Resource Protection, Stream Protection, and Shoreland Districts. See also Section 5.A.I.

II. 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, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area and shore frontage can be met. Variances relating to setback or other requirements not involving lot area or shore frontage shall be obtained by action of the Board of Appeals. A non-conforming lot of record on which no principal structure has been constructed or installed may be:

a. Used, if all requirements of this Ordinance are met, and provided that the shore frontage, if any exists, is at least 100 feet in width, and

b. Improved by the construction or installation of a principal structure or sewage disposal system if such lot of record is at least 20,000 square feet in area and all other requirements of this Ordinance are met.

c. Uses on non-conforming lots, as allowed per a. and b. above, shall be limited to single family, residential uses.

III. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record as of the original date of the adoption of this Ordinance, and 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 (12 M.R.S.A. § 4807-A through 4807-D) 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.

IV. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in 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 the June 5, 1993 version of this Ordinance and recorded in the Kennebec registry of deeds if the lot is served by or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of this Ordinance 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.

E. Uses

I. Uses of lots (land) or structures include but are not limited to residential, commercial, industrial, governmental, institutional, and agricultural.

II. A non-conforming use of a structure or lot (land) may be continued but may not be expanded to occupy a greater area of land than that occupied at the effective date of enactment or amendment of this Ordinance.

III. Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Code Enforcement Officer, 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 Code Enforcement Officer shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

IV. Non-conforming Uses

a. Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in this Ordinance.

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 of a lot (land) or structure may be changed to another non-conforming use, and may be changed to a conditional use, if approved pursuant to this Ordinance, or to a use allowed without a permit or approval pursuant to this Ordinance. After receiving a written application, the Code Enforcement Officer shall determine 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 Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

V. Conversion from seasonal to year-round use is a change of use and subject to the State of Maine Seasonal Conversion Rules (10-144 Chapter 242) and subsequent amendments. No person shall by any transfer or conveyance of land create any non-conforming structure or lot or use or increase the non-conformity of any structure or any lot or use. Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue the non-conforming structure or lot or use, subject to the provisions of this Ordinance.

VI. New occupancies and expansion of existing uses

a. All existing uses as defined in Section 2.E.I, once made vacant by the discontinuance, removal, abolishment, or elimination of its related occupancy, shall have any new, subsequent, or future occupancy within said vacancy reviewed under the conditional use provisions of this Ordinance, regardless of the similarity in use.

b. All uses for which a permit has been granted, and also including all existing non-conforming uses, shall require review under the conditional use provisions of this Ordinance when there is:

   i. a change of use pursuant to those uses identified by Section 2.E.I;

   ii. an expansion of a particular use that exceeds the original limits under which a permit has been issued or a project approved, or the permitted operational activities under which the use has previously been functioning;

   iii. a new business and its associated products are proposed to be added to or included in or at the existing business location.

VII. Uses prohibited: The following new commercial and industrial uses are prohibited within the Shoreland District, Resource Protection District and Stream Protection 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

SECTION 3. CRITERIA FOR ESTABLISHING DISTRICTS

A. Resource Protection District (RPD)

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:

I. Areas within 250 feet horizontal distance of the upland edge of inland wetlands, as defined in Chapter 11, and wetlands associated with great ponds and rivers, specifically rated as moderate to 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 of Environmental Protection as of December 31, 2008. 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.

II. Areas within 75 feet horizontal distance of the upland edge of an inland wetland, as defined in Chapter 11, and as specifically rated as low or non-rated waterfowl areas by the Department of Inland Fisheries and Wildlife as of December 31, 2008.

III. 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 most current 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.

IV. Areas having unstable soils subject to slumping, mass movement, or severe erosion when these areas are two acres or more in size including, but not limited to, those areas with sustained slopes of 20% or greater and including areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

V. Other significant areas considered in this district to fulfill the purposes of this Ordinance shall include, but not be limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

VI. Other significant wildlife habitat.

VII. Natural sites of significant scenic or aesthetic value.

VIII. Areas designated by federal, state, or municipal governments as natural areas of significance to be protected from development.

IX. All water bodies and areas designated as Resource Protection on the China Land Use District Map.

B. Shoreland District (SD)

The Shoreland District is defined as all land within 250 feet, horizontal measurement, of the normal high-water line of all ponds, lakes, or rivers and excluding those designated Resource Protection districts as defined herein, and also those 75 foot districts associated with those designated low value or non-rated wetlands as shown on the official China Land Use District Map.

C. Stream Protection District (SPD)

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of a great pond or river, or within two hundred and fifty (250) feet, or seventy-five (75) feet, horizontal distance, of the upland edge of an inland or 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 shall be regulated under the terms of the shoreland district associated with that water body or wetland.

D. Rural District (RD)

The Rural District consists of all areas outside of the Development District not included in the Resource Protection, Stream Protection, or Shoreland Districts.

E. Development District (DD) .

The purpose of the Development District is to provide for the siting and construction of affordable housing, and resources and services in a clustered (higher density) land area. Other land areas may be so designated to accommodate future need. See Appendix A for the legal description of the District.

F. Land Use District Map

These districts are specified on the officially adopted China Land Use District Map dated June 8, 2010, as amended November 5, 2024, which is an integral part of this Ordinance.

SECTION 4. USES

Land uses permitted in each District, in conformance with the Land Use Standards of this Ordinance, are shown below:

KEY:

Yes	Allowed, no permit required.
No	Prohibited.
PB	Allowed, Planning Board permit required.
CEO	Allowed, Code Enforcement Officer permit required.
LPI	Allowed, Local Plumbing Inspector permit required.
*	Subject to specific Land Use Standards in Section 5.
CU	Allowed, Planning Board, Conditional Use Permit Required.
N/A	Not Applicable.
SANS	Same as Section 4, Item 15, depending upon proposed new use of the building.
NI	Notice of Intent
PBSO	Allowed, Planning Board approval required; subject to requirements of Subdivision Ordinance

Abbreviations:

RPD	Resources Protection District
DD	Development District
RD	Rural District
SD	Shoreland District
SPD	Stream Protection District

	RPD	SD	RD/DD	SPD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES
3. ***Item #3 Repealed 06/10/2025***				
4. ***Item #4 Repealed 06/10/2025***				
5. Clearing or removal of vegetation for activities other than timber harvesting, including clearing for approved construction *Section 5 (I)	CEO[1]	YES	YES	CEO
6. Fire prevention activities	YES	YES	YES	YES
7. Wildlife management practices	YES	YES	YES	YES
8. Soil and water conservation practices	YES	YES	YES	YES
9. Mineral exploration *Section 5 (T)	CEO	CEO	YES	NO
10. Mineral extraction including sand and gravel extraction *Section 5 (T)	NO	PB	CEO	NO
11. Surveying and resource analysis	YES	YES	YES	YES
12. Emergency operations, as defined	YES	YES	YES	YES
13a. Harvesting wild crops	YES	YES	YES	YES

13b. Agriculture	PB	YES	YES	YES
14. Aquaculture	PB	PB	PB	PB
15. Principal structures and uses *Section 5 (A)				
A. One- and two-unit dwellings and Accessory Dwelling Units	NO	CEO	CEO	NO
B. Multi-unit dwelling and mobile home parks	NO	NO	PB/SO	NO
C. Commercial	NO [1]	CU	CU	NO
D. Industrial	NO	NO	CU	NO
E. Governmental and institutional	NO	CU	CU	NO
F. Agricultural structures	NO	PB	CEO	NO
G. Conversions of seasonal residences to year-round residences * Section 2 (E) (V)	LPI	LPI	LPI	LPI
H. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CEO	CEO	NO
15.a Structures (non-residential) accessory to allowed uses or additions thereto * Section 5 (B)	PB	CEO	CEO	PB[1]
16. Canopies over fuel pump islands * Section 5 (U)	CEO	CEO	CEO	CEO
17. Piers, docks, wharfs, breakwaters, causeways or bridges projecting into water bodies, and other structures and uses extending over or below the normal high-water line or within a wetland * Section 5 (N)				
a. Temporary	CEO[4]	CEO[4]	CEO[4]	CEO[4]
b. Permanent	PB	PB	N/A	PB
18.a Parts of any proposed new (non-residential) structure or addition to an existing (non-residential or residential) structure accessory to a permitted use and over 100 feet in height that contains no floor area such as spires, steeple, towers (including communication towers) antennae, wind turbines, utility lines and poles, etc.	NO	NO	CU	NO
18.b Parts of any proposed new (non-residential) structure or addition to an existing (non-residential or residential) structure accessory to a permitted use and over 35 feet in height and up to 100 feet in height that contains no floor area such as spires, steeple, towers (including communication towers) antennae, wind turbines, utility lines and poles, etc.	NO	NO	CEO	NO
19. Home Occupations	PB	PB	CEO	PB
20. New private sewage disposal systems for allowed uses *Section 5 (C)	LPI	LPI	LPI	LPI

21. Essential services				
A. Roadside distribution lines (34.5kV and lower)	CEO[5]	CEO[5]	YES[6]	CEO[5]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland district	PB[5]	PB	CEO	PB[5]
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland district	PB[5]	PB	PB	PB[5]
D. Other essential services	PB[5]	PB	YES	PB[5]
22. Service drops, as defined, to allowed uses	YES	YES	YES	YES
23. Public and private parks and recreational areas involving minimal structural development	PB	PB	YES	PB
24. Individual, private campsites *Section 5 (P-2)	CEO	CEO	CEO	CEO
25. Campgrounds *Section 5 (P-1)	NO[7]	NO	PB	NO
26. Road and driveway construction * Section 5 (Q)	NO[8]	PB	YES	PB
27. ***Item #27 Repealed 06/10/2025***				
28. Parking facilities	NO[7]	PB	PB	NO
29. Marinas	NO	PB	N/A	PB
30. Filling and earth moving of <10 cubic yards	CEO	YES	YES	CEO
31.A Filling and earth moving of >10 cubic yards	PB	CEO	CEO	PB
31.B Filling and earth moving up to 100 cubic yards per year for residential * Section 5 (F)	CEO	CEO	YES	CEO
31.C Filling and earth moving up to 100 cubic yards per year for fuel tank removal and reinstallation and hazardous material clean-up and commercial paving * Section 5 (F)	PB	CEO	CEO	PB
31.DFilling and earth moving more than 100 cubic yards per year for fuel tank removal and reinstallation and hazardous material clean-up and commercial paving * Section 5 (F)	CU	CU	CU	CU
31.E Filling and earthmoving activity of more than 100 cubic yards per year for residential and agriculture * Section 5 (F)	CU	CU	YES	CU
32.a Signs residential * Section 5 (M)	YES	YES	YES	YES
32.b All other signs * Section 5 (M)	CEO	CEO	CEO	CEO
33. Commercial hazardous waste or solid waste disposal facilities *Section 5 (D)	NO	NO	CU	NO
34. Change of use of an existing structure where no physical change is required	SANS	SANS	SANS	SANS
35. Common waterfront lot	NI	NI	N/A	NI
36. Uses similar to allowed uses	CEO	CEO	CEO	CEO
37. Uses similar to those uses or structures requiring a CEO permit	CEO	CEO	CEO	CEO
38. Uses similar to those uses or structures requiring a PB permit	PB	PB	PB	PB

[1]In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards.

[2]Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

[3]Provided that a variance from the setback requirement is obtained from the Board of Appeals.

[4]Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

[5]See further restrictions in Section 15(L)(2).

[6] Permit not require but must file a written "notice of intent to construct" with CEO.

[7]Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

[8]Except as provided in Section 15(H)(4).

NOTE:

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

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

NOTE: Solar Energy Systems are regulated by Chapter 8 of the Town of China Code of Ordinances.

SECTION 5. LAND USE STANDARDS

All land use activities shall conform to the following applicable land use standards:

A. Dimensional Requirements for Principal Structures

I. Resource Protection, Stream Protection, and Shoreland District: Any structure, or portion thereof, built within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, or upland edge of a freshwater wetland as well as those structures or portions thereof built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a waterbody or wetland, and 75 feet from all regulated streams as defined, shall meet the following requirements.

a. Minimum lot area: 40,000 square feet (residential) 60,000 square feet (commercial)

Lands 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.

b. Minimum road setback: 25 feet from property line.

c. Minimum side setback: 10 feet from property line.

d. Minimum rear setback: 15 feet from property line.

e. All structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements. Minimum shoreline setback: 100 feet (horizontal distance) from normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA.

Other minimum setbacks: 75 feet (horizontal distance) from normal high-water line of all other water bodies, tributary streams or the upland edge of a wetland. 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.

f. Setback Requirements

i. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements. An expansion of a legally existing non-conforming structure pursuant to this section may not create further non-conformity with the water body or wetland setback requirement.

ii. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback

requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback requirement.

(1) Notwithstanding paragraph ii immediately above, if a legally existing non-conforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by Section 5.A.I.f.i:

aa. 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 non-conforming 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 standards of this land use adopted by the municipality are met and the expansion is not prohibited by Section 5.A.I.f.ii and Section 5.A.I.f.ii.1.

(1) For structures located less than 75 feet from the normal high-water line of a water body 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.

(2) 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 or upland edge of a wetland must meet the footprint and height limits in Section 5.A.I.f.ii.1.aa and Section 5.A.I.f.iii.1.

(3) In addition to the limitations in subparagraphs (1) and (2) immediately above, for structures that are legally non-conforming 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 or upland edge of a wetland must meet the footprint and height limits in Section 5.A.I.f.ii.1.aa and Section 5.A.I.f.iii.1.

iv. Notwithstanding the limitations on height imposed under subparagraphs 2 and 3 immediately above, the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:

(1) Have been or are proposed to be relocated, reconstructed, replaced or elevated to be consistent with the local floodplain management elevation requirement; and

(2) Are located in an area of special flood hazard.

g. Minimum shore frontage for lots abutting a resource, as defined by Resource Protection, Stream Protection, or Shoreland District shall be two hundred (200) feet per principal residential structure and three hundred (300) feet per principal commercial structure, measured in a straight line between the points of intersection of the side lot lines and the normal high-water line.

h. Maximum lot coverage: structures of all types shall not cover more than 15% of any lot. The combined total lot coverage of all structures and non-vegetated surfaces shall not exceed a total of twenty (20%) percent of the portion of the lot located within the Shoreland Zone. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed.

i. In the Shoreland District up to two dwelling units per lot are allowed if that lot does not contain an existing dwelling unit. If a lot contains one existing dwelling unit, up to two dwelling units are allowed as follows: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each. If more than one principal structure or dwelling unit or use is located on a lot, the minimum lot size and shore frontage shall be increased in proportion to the number of principal structures or dwelling units, or combination thereof, on the lot so that the average density of use of the lot will be no greater than it would be if these structures or units or uses were to be placed on individual lots.

j. Any lot providing water access to lots not abutting a water body shall be accessible by easement, right-of-way or other right of use to no more than eight (8) dwelling units

and shall be owned by the persons having access as tenants in common or by a nonprofit corporation (homeowners association). No such lot shall be used until the creator of such common rights shall have filed with the Code Enforcement Officer a Notice of Intent consisting of a standard boundary survey of the common lot, a description by tax map and lot number or by reference to a recorded subdivision map of the lots having access and the form of ownership of the lot. Such lot shall meet the lot area and shore frontage requirements of this Ordinance. Any structure built on such lot shall meet the requirements of this Ordinance and other applicable law.

k. Piers, docks, and retaining walls which require direct access or proximity to the water line as an operational necessity are not required to meet the shoreline setback requirement.

l. The lowest floor elevation or openings of all buildings shall be elevated at least one foot 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." See definition in Chapter 11, "Recent flood plain soils".

m. Structures, including but not limited to fences and signs, shall not be created along any right-of-way line so as to obstruct the view of motorists approaching any intersection of public ways or of any driveway.

n. 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.

o. 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 land on both sides thereof after September 22, 1971.

p. Maximum height unless otherwise provided above: 35 feet.

II. Rural District and Development District

a. Minimum lot area: 40,000 square feet

i. Mobile home parks are permitted to have smaller lot sizes as indicated in Chapter 3, Section 11.9(D)(3) of the China Land Development Code when located outside of the Shoreland Zone.

ii. Multi-unit dwellings shall have an additional 20,000 square feet for each unit more than one when located outside the Shoreland Zone.

iii. If a lot contains an existing dwelling unit, up to two dwelling units are allowed as follows: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

iv. In the Development District or in an area served by public, special district or other centrally managed water system and a public, special district or other comparable sewer system, up to four dwelling units per lot shall be allowed if the lot does not contain an existing dwelling unit.

v. Inside that portion of the Development District within the Shoreland Zone the minimum lot size and frontage shall be increased in proportion to the number of principal structures or dwelling units, or a combination thereof, on the lot so the average density of the use of the lot will be no greater than it would be if these structures or units or uses were to be placed on the individual lots. Land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

b. Minimum road setback: 25 feet from property line.

c. Minimum side setback: 10 feet from property line.

d. Minimum rear setback: 15 feet from property line.

e. Maximum lot coverage: structures of all types shall not cover more than 20% of any lot in the Rural District and 40% in the Development District. (Impervious surfaces, driveways, parking areas etc. do not apply to lot coverage).

f. Maximum building height: 35 feet.

i. Parts of any new proposed structure, or additions to existing structures, over 35 feet and up to 100 feet that contain no floor area such as spires, steeples, towers (including communication towers), antennae, wind turbines, utility lines and poles, etc. may be allowed under a permit from the Code Enforcement Officer, but provided that said proposal is not subject to the review under Section 4, Item 15 requiring a conditional use permit from the Planning Board;

ii. Parts of any new proposed structure, or additions to existing structures, over 100 feet that contain no floor area such as spires, steeples, towers (including communication towers), antennae, wind turbines, utility lines and poles, etc., and including those proposals under Section 4, Item 15, may be allowed under a conditional use permit from the Planning Board.

g. If more than one principal structure is located on a lot, the minimum lot size shall be increased in proportion to the number or principal structures so that the average density will be no greater than it would be if these structures were to be placed on individual lots.

h. Structures, including but not limited to fences and signs, shall not be created along any right-of-way line so as to obstruct the view of motorists approaching any intersection of public ways or of any driveway.

i. 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 land on both sides thereof after September 22, 1971.

B. Dimensional Requirements for Accessory Structures for any District in Which Allowed

I. 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.

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 MRSA § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

II. All structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements. Minimum shoreline setback: 100 feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA.

Other minimum setbacks: 75 feet, horizontal distance, from normal high-water line of all other water bodies, tributary streams, or the upland edge of a wetland. 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.

III. Maximum lot coverage for all structures and non-vegetated surfaces:

Resource Protection, Stream Protection and Shoreland District: Structures 15%. Combination of Structures and Non-vegetated surfaces: 20%. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed.

Rural District: Structures: 20% Coverage

Development District: Structures of all types shall not cover more than 40% of any lot. Non-vegetated surfaces shall not exceed a total of 20% percent of the portion of the lot located within the Shoreland Zone. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed.

IV. Minimum road setback: 25 feet.

V. Minimum side setback: 10 feet.

VI. Minimum rear setback: 15 feet.

VII. Maximum building height: 35 feet.

a. Parts of any proposed new (non-residential) structure, or additions to existing (non-residential) structures, accessory to a permitted use and over 35 feet and up to 100 feet, that contains no floor area such as spires, steeples, towers (including communication towers), antennae, wind turbines, utility lines and poles, etc. that are associated with residential uses (e.g. church steeples, radio antennae and towers, wind turbines, etc.) may be allowed under a permit from the Code Enforcement Officer, but provided that said proposal is not subject to the review under Section 4, Item 15 requiring a conditional use permit from the Planning Board;

b. Parts of any proposed new (non-residential) structure, or additions to existing (non-residential) structures, accessory to a permitted use over 100 feet, that contains no floor area such as spires, steeples, towers (including communication towers), antennae, wind turbines, utility lines and poles, etc. that are associated with residential uses (e.g. church steeples, radio antennae and towers, wind turbines, etc.) and including those proposals under Section 4, Item 15, may be allowed under a conditional use permit from the Planning Board.

VIII. 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:

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

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

c. 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;

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

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, 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;

f. 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;

g. 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:

i. 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;

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

iii. Only native vegetation may be used to establish the buffer area;

iv. 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.

v. A footpath not to exceed the standards in Section 5.I.II.a, may be located within the buffer;

IX. Structures, including but not limited to fences and signs, shall not be created along any right-of-way line so as to obstruct the view of motorists approaching any intersection of public ways or of any driveway.

C. Sanitary Standards

I. All subsurface wastewater disposal facilities shall be installed in conformance with the Maine Subsurface Wastewater Disposal Rules. The following additional standards shall apply to new construction:

a. All subsurface wastewater disposal facilities shall be located in areas of suitable soil within which there shall have been dug at least five (5) observation holes, one in each corner and one near the center.

b. Clearing or removal of woody vegetation necessary to site a new septic system and any associated fill extensions, shall not extend closer than 100 feet, horizontal distance, from the normal high-water line of a great pond, tributary stream, water body or the upland edge of a wetland.

c Applications for a septic system permit containing a request for a 1st time system variance for a reduction of Maine Plumbing Code standards must be submitted to the Department of Health and Human Services Wastewater Unit. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department. A holding tank is not allowed for first-time residential use except as a temporary measure for up to ninety

days during an alteration or repair of an existing system.

II. No well may be drilled, dug, or constructed except in accordance with a permit issued by the CEO. No replacement well may be located within the following distances from sewage treatment tanks or 2 areas:

a. 80 feet from tanks or area on abutting property, and

b. 50 feet from tanks or areas on the owner's property. No well to be used for a new structure may be located within 100 feet of any sewage treatment tank or any sewage disposal area.

If an applicant demonstrates to the CEO by clear and convincing evidence that satisfaction of these requirements would result in substantial hardship to the applicant, then the CEO may vary these requirements to the minimum extent necessary, consistent with safe and sound engineering practice as determined by the CEO.

III. Replacement subsurface wastewater disposal systems designed to replace legally existing systems on previously developed lots are allowed to be installed within or closer to wetlands and waterbodies than specified for first time systems without the need for additional permits from the LPI provided that there are no practical alternatives and the reductions to the standards for first time systems are minimized to the extent practical as required by Maine Subsurface Wastewater Disposal Rules.

D. Soils

I. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution whether during or after construction. Subsurface wastewater disposal system designs shall be prepared by State certified soil scientists, geologists, or licensed site evaluators, as required by State law. Commercial or industrial development and other similar intensive land uses shall require a soils report prepared by a State licensed soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth-to-water table and depth-to-refusal.

II. Commercial or industrial development and intensive land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution whether during or after construction. Such land uses shall require a soils report prepared by a State licensed soil scientist or geologist based on an on-site investigation. The report shall be based upon an 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 may be required. The soils report shall include both a soils map and recommendations for a proposed use to counteract soil limitations where they exist.

E. Stormwater Management

I. 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.

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

F. Erosion and Sedimentation Control

I. Filling, grading, excavation, dredging, earth-moving activities, and other similar land use activities shall be conducted in such manner as to prevent, to the maximum extent possible, erosion and sedimentation of surface waters. On slopes greater than 25 percent, there shall be no grading or filling within 100 feet of the normal high-water line except to protect the shoreline and prevent erosion. Furthermore, any activity which occurs within 75 feet of the normal high-water line shall be subject to the State's Natural Resource Protection Act, including its Permit by Rule procedures.

II. During any construction of any permitted structures on any lot, or during any filling or earthmoving, the owner and any contractor employed thereby shall employ sediment and erosion control practices as set forth in the Maine Erosion and Sedimentation Control Best Management Practices. Said practices should include but not be limited to one or more of the following: staked hay bales, stone check dams, siltation fences, filter socks, erosion control mix berms, erosion control blankets, and temporary mulching of all disturbed soil with permanent ground cover seeding occurring within seven (7) days of final grading.

III. Earth-moving, filling and/or soil disturbances related to the removal of fuel storage tanks and/or the recovery of toxic/hazardous materials must comply with applicable state and federal laws in addition to the requirements of this Ordinance.

G. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, oil, scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

H. Agriculture

I. All spreading and storage of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture, Conservation and Forestry and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).

II. There shall be no tilling of soil within 100 feet of a great pond or within 75 feet of the normal high-water line of any other water body whose shorelands are covered by this Ordinance, nor within seventy-five (75) feet, horizontal distance, of any river, tributary

stream or wetland. Operations in existence on the effective date of November 4, 2003, and not in conformance with this provision may be maintained.

III. Where soil is tilled in a Resource Protection District, or where soil in excess of 20,000 square feet is tilled in any Shoreland District or the Rural District, such tillage shall be carried out in conformance with Department of Agriculture best management practices. Additionally, such tilling activities, or the spreading, disposal, or storage of manure in any Shoreland District shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said Plan shall be a violation of this Ordinance. The Conservation Plan requirement cited in this section shall not apply to non-commercial garden plots where soil tilled is less than 20,000 square feet in the Rural District.

IV. Manure shall not be stored or stockpiled within one hundred (100) feet horizontal distance, of the normal high-water line of a great pond classified GPA, river, stream, tributary stream or wetland. All manure storage areas within any shoreland district must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

V. After November 4, 2003, newly established livestock grazing areas shall not be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, river, stream, tributary stream or wetland. Livestock grazing areas associated with on-going farm activities as of the effective date of this Ordinance on November 4, 2003, and which are not in conformance with the above setback provision may continue, provided that such grazing is conducted in accordance with a Conservation Plan

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

I. In the Shoreland Zone abutting a great pond, river, waterbody, tributary stream or upland edge of a wetland, 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 hazard trees as described in Section 5(J). Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

II. Except in areas as described in Paragraph I, above and as described in Section 5(K), 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, or within a strip extending 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:

a. 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.

b. 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 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 (1,250 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	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.

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 this 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 Section 5.I.II.b "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 (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (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 4-1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses described in paragraphs II and IIa above.

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

e. 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 tree species in accordance with Section 5(L) unless existing new tree growth is present.

f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within the shoreline buffer, must comply with the requirements of Section I (II).

III. In the Shoreland Zone, 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 stream, 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 4-1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered 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 within a shoreland district or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

IV. Cleared openings legally in existence as of the original adoption of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

V. 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.

J. Hazard Trees, Storm Damaged Trees, and Dead Tree Removal

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:

a. 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.

i. 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.

ii. The removal of standing dead trees, the death having resulted 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.

iii. 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.

iv. 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.

II. 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:

a. 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:

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

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

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

iv. 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.

b. 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.

K. Exemptions to Clearing and Vegetation Removal Standards in the Shoreland Zone

The following activities are exempt from the clearing and vegetation removal standards set forth in Section I, provided that all other applicable requirements of this Chapter are complied with, and the removal of vegetation is limited to that which is necessary:

I. 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 5(I) apply;

II. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 5(A) are not applicable;

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

IV. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 5(H) are complied with;

V. 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 or other equivalent zoning district approved by the DEP Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along a river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

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

a. If removal of non-native invasive 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;

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

c. 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.

VII. The removal of vegetation associated with emergency response activities conducted by the DEP, the U.S. Environmental Protection Agency and their agents.

L. Revegetation Requirements in the Shoreland Zone

When revegetation is required in response to violations of the vegetation standards set forth in Section 5(I), 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 revegetation must comply with the following requirements.

I. The property owner must submit a revegetation plan, prepared with and signed by an arborist, landscape architect or forester 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.

II. 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:

III. 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.

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

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

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

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

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

e. 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

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

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

a. 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;

b. 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;

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

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

e. 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.

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

a. 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;

b. 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

c. 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.

M. Signs

I. Unless exempted or prohibited as provided below, signs which are erected in the Town of China after June 8, 2010, or which are moved or substantially replaced existing signs, must be permitted and in accordance with this Ordinance. Non-conforming signs which were erected on the premises prior to June 8, 2010 may continue to be displayed except as indicated in this paragraph below provided that they do not become more non-conforming. All signs including ones erected prior to June 8, 2010 shall meet external illuminated standards as indicated in subsections II(a)(iii) and electronic digital sign standards as indicated in subsection II(f). A change of use in any commercial property or abandonment of a use for more than one year shall require subsequent uses to meet the requirements of this Section. All non-conforming signs remaining on an abandoned commercial use shall be removed or made conforming within ninety (90) days after the one-year abandonment

period.

a. All signs associated with new development subject to this Ordinance shall be described at the time of development approval.

b. New and replacement signs shall be subject to permit approval by the Code Enforcement Officer. An applicant shall submit a request for approval which contains a scale drawing or illustration of the sign and mounting or support mechanism, and a depiction of the location on the lot where the sign will be placed.

c. If the new sign is to be placed on the site of a development previously approved under this Ordinance, a copy of the application and notice of the CEO's action, if any, shall be placed in the development record file.

d. The following types and styles of sign are exempt from the requirements of this Section, except as indicated in Section II (h) provided that their placement does not create or exacerbate a hazard to traffic, pedestrians, or neighboring property owners:

   i. Signs of seven (7) square feet or less not associated with a commercial enterprise.

   ii. House addresses, family name signs, and no trespassing signs.

   iii. Flags or banners of a country, state, or other political subdivision, or which contain a single word such as "welcome" or "open;" not exceeding twenty-four (24) square feet.

   iv. Signs which provide information, such as parking location or travel movements, containing no significant element of commercial advertising.

   v. Flags or pennants shall not exceed twenty-four (24) square feet. Banners not exceeding fifty (50) square feet erected to promote a particular public event, which are displayed for no more than thirty (30) days prior to that event, and which are removed within seven (7) days following the event.

   vi. Signs permitted as Official Business Direction Signs by the Maine Department of Transportation.

   vii. Construction/contractor signs limited to the duration of the project.

   viii. A building-mounted food menu sign advertising food items for sale on the premises at a legally existing restaurant, fast food outlet, drive-in restaurant, or snack bar that doesn't exceed twelve (12) square feet.

   ix. Business signs on and facing toward athletic fields.

   x. Safety signs including Occupational Safety and Health Administration (OSHA) warning signs.

xi. Off-premise farm stand signs advertising the sale of fresh fruit and vegetable crops permitted by 23 MRSA section 1913-2-F or as amended.

e. The following signs are prohibited:

i. Signs that contain hate speech as defined by the criminal statutes of Maine or that express an obscene message.

ii. Real estate signs greater than six (6) square feet.

II. Sign Design Standards

The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall not have a detrimental effect on existing or proposed buildings, public safety, or surrounding properties, through conformance with the following standards:

a. General

i. No portion of any sign shall be located within a street's right-of-way, nor shall any sign reduce or obstruct traffic visibility or present a safety hazard.

ii. All signs except for portable signs shall be securely affixed to the ground or a building.

iii. External illumination of signs may be provided only by steady, stationary, shielded light sources directed solely on the sign so as not to cause glare for motorists, pedestrians or neighboring premises. Internal lighting, where allowed, shall not show exposed lighting elements nor vary in intensity. All sign lighting shall be turned off from 10 PM to 6 AM unless opened for business during these hours, including signs that existed prior to June 8, 2010.

iv. All signs in subsections b to g may be further restricted by subsection II (h).

b. Signs for Home Occupations

Any business permitted as a home occupation is permitted one (1) free-standing sign plus one (1) building-mounted sign. The free-standing sign shall not exceed nine (9) square feet and shall not exceed six (6) feet from the highest point of land to the top of the sign. The building-mounted sign shall be placed at or near the primary entrance to the business and shall not exceed four (4) square feet in area. Interior illumination is not allowed.

c. Signs for Subdivisions

i. No more than one (1) sign may be placed to designate or mark the entrance to a mobile home park or subdivision with a private road. Each sign shall be no more than twenty-four (24) square feet in area. Internal illumination of such signs is

prohibited. Signs shall be placed on property owned by the owner of the development or homeowners' association. Signs shall be placed in such a way as to not interfere with motorist visibility or maintenance of the roads or ditches adjacent to them.

ii. A subdivision of commercial lots, specifically a business or industrial park, may display one sign of no greater than one hundred fifty (150) square feet for the purpose of identifying the park and/or its occupants. Signs shall be placed on property owned by the owner of the subdivision.

d. Commercial Development: Building-mounted Signs

The owner or proprietor of a commercial building may display any number of business-related signs mounted directly on the building, provided that they conform to the following standards.

i. Signs shall not extend more than twelve (12) inches from the face of the building unless all parts of the sign are located at least eight (8) feet above the ground surface.

ii. No portion of any sign shall extend more than twenty (20) feet above the ground surface, including signs which may be painted on or affixed to the roof.

iii. The total area of all building-mounted signs shall be limited as follows:

a. The allowable sign area shall be proportional to the size of the principal building, as measured on its longest façade. The façade is the exterior wall of a building exposed to public view. The total area of signs shall not exceed ten (10) percent of the square foot area of the façade.

b. All commercial properties shall be permitted at up to sixty (60) square feet of sign area, regardless of building or lot size.

c. The sign area is calculated as the aggregate total of all signs located on the exterior of the building, regardless of whether they are mounted on the façade.

d. Signs which are part of or attached to an accessory structure, such as a garage or canopy for gas pumps, are included in the calculation of allowable area based on the façade of the principal building.

iv. Interior window signs or displays may be visible from outside the building through not more than forty (40) percent of the glazed area of the window. If a permanent sign is painted on the window, the area of that sign must be included in the forty (40) percent limit. There shall be no flashing signs.

e. Commercial Development: Free-standing Signs

i. The owner or proprietor of a commercial building may erect on the premises of the business no more than one (1) free standing sign if road frontage is three hundred

(300) feet or less or two (2) free-standing signs if road frontage exceeds three hundred (300) feet.

ii. The free-standing sign(s) shall be limited to no more than thirty-two (32) square feet in area per sign except for business directory signs.

iii. No free-standing sign shall exceed twenty (20) feet in height, as measured from the ground surface adjacent to the sign.

iv. If a free-standing sign which legally existed as of June 8, 2010 is moved or replaced, it may be replaced by new signs that conform to the provisions herein or may be replaced once by signs that are not larger than seventy-five (75) percent of the existing sign area. The rehabilitation or replacement of the face of a sign with a new face of identical or smaller size is not considered "replacement" for the purpose of this section.

v. No free-standing business/office directory sign shall exceed one hundred fifty (150) square feet of gross display area. At least ten (10) percent of the sign not exceeding fifteen (15) square feet shall identify the name of the multi-tenant development. Individual tenant signs within the directory sign shall not exceed eight (8) square feet.

f. Electronic, including digital message signs are subject to the following standards, including signs that existed prior to June 8, 2010.

i. Electronic message signs are permitted to be located only on State roads. Only one (1) electronic message sign is permitted per premises.

ii. Electronic message signs shall consist of a single frame of text or graphics which may be changed with a minimum hold time of ten (10) seconds between frame changes. Signs which display only time and temperature may change with a minimum hold time of two (2) seconds. Frames shall contain static images with no flashing, intermittent, or moving light or lights. A frame effect such as a scroll or travel may be used between frames, provided lighting does not vary in intensity.

iii. All electronic message signs shall be turned off from 10 PM to 6 AM unless opened for business during these hours, except for time or temperature displays and public service announcements.

g. Temporary Advertising Placards

A maximum of four (4) pole-mounted temporary placard signs not exceeding four (4) square feet each for retail advertising are permitted for a period not to exceed thirty (30) days. These signs require a permit from the Code Enforcement Officer.

h. The following provisions shall additionally apply to the use of signs in the Resource Protection, Stream Protection, and Shoreland Districts:

i. 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. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

ii. 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.

iii. 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.

iv. 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.

v. Signs relating to public safety shall be allowed without restriction.

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

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

N. Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and Other Uses extending over or below the normal high-water line of a waterbody or within a wetland. In addition to Federal or State permits, which may be required for such structures and uses, they shall conform to the following:

I. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line 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 5(A)(I)(a)(vii), a second structure may be allowed and may remain as long as the lot is not further divided.

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

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

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

V. 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.

VI. 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:

a. The structure requires direct access to the water body or wetland as an operational necessity.

b. The structure is a functionally water-dependent use as defined in 38 MRSA Section 436A(6) and is located on Town or public land. Functionally water-dependent uses are

uses such as recreational fishing and boating facilities, and waterfront dock facilities. Recreational boat storage buildings are not a functionally water- dependent use. Functionally water-dependent uses do not have to meet water setback requirements required in other sections of this Ordinance and as indicated in 38 MRSA Section 439-A (4).

c. New permanent piers and docks 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.

VII. 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.

VIII. Vegetation may be removed in excess of the standards in Section 5(I) 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.

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

b. Revegetation must occur in accordance with Section 5(L).

O. Beach Construction

Beach construction on any great pond shall require a permit from the Maine Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Environmental Protection, as required by law.

P. Campgrounds

I. Commercial Campgrounds

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

a. 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.

b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 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.

II. Individual Private Campsites

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

a. One individual private campsite shall be allowed per lot existing within the Shoreland District as of November 3, 2009, or thirty thousand (30,000) square feet of lot area within shoreland districts, whichever is less.

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

c. Campsite placement and clearing on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of the great ponds China Lake and Three Mile Pond, and also Dutton Pond, Mud Pond, Evans Pond, Branch Pond, 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.

d. Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

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

f. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each individual campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

g. When a recreational vehicle, tent or similar shelter is placed on-site for more than 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 in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

h. A permit is required from the CEO prior to establishing a campsite. Placement of a recreation vehicle, tent, or similar temporary shelter on a lot for extended overnight use may not be done until a permit is obtained for an individual private campsite. Extended overnight use includes placement for more than seven (7) consecutive days.

Q. Road Construction**,** Driveways and Parking

I. Roads shall be located, constructed, and maintained in such manner that minimal erosion hazard results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.

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 CEO or 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.

The above section does not apply to approaches to water crossings nor 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 5.Q.I.a above 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 permanent roads are not allowed within the Shoreland Zone along Significant River Segments except:

i. To provide access to structures or facilities within the zone; or

ii. When the applicant demonstrates that no reasonable alternative route exists outside the Shoreland Zone. When roads must be located within the Shoreland Zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

d. New roads and driveways are prohibited in the Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in the 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 the 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.

e. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 2(F).

f. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

g. 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 fifty (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.

h. 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:

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 road and driveway sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road 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.

v. 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. A written maintenance plan indicating how these storm water control installations will be maintained shall be provided to the Town for its review and approval.

II. Additionally, all roads constructed shall conform to the following standards:

a. Road crossings of water courses shall be kept to the minimum number necessary;

b. Bottoms of culverts shall be installed at streambed elevation;

c. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and

d. Bridges or culverts of adequate size and design shall be provided for all road crossings or water courses which are to be used when surface waters are unfrozen.

III. Parking

a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.

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.

c. In determining the appropriate size of proposed parking facilities, the following shall apply to all districts:

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.

R. Timber Harvesting

Repealed 06/10/2025

S. Hazardous and/or Solid Waste

Unless otherwise permitted by law, no hazardous or solid waste, including but not limited to garbage, refuse, scrap metal, junk, demolition and building debris, and abandoned motor vehicles or parts thereof, shall be deposited, stored, or allowed to remain within two hundred fifty (250) feet of the normal high-water line of any body of water, or from the upland edge of a wetland, to which this Ordinance is applicable.

T. Mineral Exploration, Extraction and Gravel Pits

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.

Mineral Extraction may be permitted under the following conditions:

i. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph iii below.

ii. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line, without written permission of such adjacent property.

iii. 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:

a. All debris, stumps and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. Note The State of Maine Solid Waste Laws, Title 38, M.R.S.A. § 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

b. The final graded slopes shall be two and one half to one (2-1/2:1) slope or flatter.

c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

iv. In keeping with the purpose 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.

U. Canopies over Fuel Pump Islands

Notwithstanding the requirement for setbacks, canopies over fuel pump islands shall be

allowed provided that:

The installation complies with all construction standards and best management practices concerning the installation of such canopies, including its structural integrity and the requirement to capture and treat surface water run-off from rainfall and snowmelt through a storm drainage system. The water discharge shall be diverted into a subsurface infiltrator to protect any and all sensitive land areas adjacent to the canopy, the fuel pump island and its associated apron. All pertinent information required to issue a permit shall be reviewed by the Code Enforcement Officer may require any other pertinent information deemed necessary to determine the integrity of the canopy's secure installation, and may further condition specifications regarding the infiltration and treatment of drainage from said canopy, as long as such conditions are reasonably necessary to prevent soil or water contamination.

V. Essential Services

I. A public utility or any utility company of any kind may not install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

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

III. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection, Stream Protection District or Shoreland District, except through a conditional use permit review before the local Planning Board in order 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.

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

W. Archaeological Site

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.

X. Accessory Dwelling Units

I. The purpose of accessory dwelling units is to allow single-family house owners to create a living space for a relative, such as a grandparent, or to rent to another household, thus

helping to enable the single-family house owner to remain in her/his home or to create additional affordable dwelling units in the community. The house owner may live in the accessory dwelling unit and provide and/or rent the main house to a relative or another household. The single-family house owner may also use an accessory dwelling unit to rent for additional income.

II. Requirements:

a. The house owner must reside in either the main house or the accessory dwelling unit.

b. An accessory dwelling unit may be created in one of the following ways:

i. by using space within an existing detached single-family dwelling;

ii. by building an addition onto an existing detached single-family dwelling such that the addition is made part of the principal dwelling;

iii. by using space within an existing or proposed accessory structure (to a detached single-family structure) that is on the same lot as the single-family dwelling;

iv. new construction as part of a new single-family house.

c. For the purposes of this section, the accessory dwelling unit shall not be considered to be a second dwelling unit for determining the required minimum lot area.

d. Accessory dwelling units shall be part of, or accessory to, a single-family house and cannot be sold as a condominium dwelling.

e. If the single-family dwelling unit is already connected to a public sewer system, both the single-family dwelling and the new accessory dwelling unit must be connected to the public sewer system. If the lot is served by on-site subsurface sewage disposal, the owner must demonstrate to the Town Plumbing Inspector that the use conforms to the State of Maine Minimum Lot Size law and that the sewage disposal system(s) for both the single-family dwelling and the accessory dwelling unit complies with the Maine Subsurface Wastewater Disposal rules. If an accessory dwelling unit is connected to a well, the owner must demonstrate proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

f. In all cases, the accessory dwelling unit shall be no less than 190 square feet and not more than 650 square feet.

g. Any exterior alteration of the single-family dwelling or accessory buildings or construction of an accessory building shall preserve the single-family appearance, architectural style, and character of the original structure and shall be in harmony with the general appearance of the neighborhood. Any alteration shall preserve the front entrance of the original structure to preserve the single-family character. A separate entrance for the accessory dwelling unit may be created but shall be clearly secondary

to the main entrance, such as but not limited to an entrance that is setback further from the road than the primary entrance.

III. An accessory dwelling unit is exempt from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

IV. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements are the same as the setback requirements and dimensional requirements of the single-family dwelling unit. For an accessory dwelling unit permitted in an existing accessory structure, the minimum setback requirements for such a structure shall apply.

V. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

VI. An accessory dwelling unit that was not built with municipal approval is allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units under this section and local, state and federal law.

SECTION 6. ADMINISTRATION

A. Administering Boards and Agents:

I. Authority to administer this Ordinance is hereby vested in:

a. Planning Board

b. Code Enforcement Officer (CEO)

c. Local Plumbing Inspector (LPI)

II. Whose duties shall include, but not be limited to, the following:

a. Planning Board:

The Planning Board shall prepare all such administrative forms, applications and procedures as may be required to fulfill the purposes of this Ordinance; shall receive and act upon all applications for permits they are empowered by Section 4 to process; shall make and maintain permanent records of all correspondence, applications, and actions related to this Ordinance; shall refer all complaints received relating to this Ordinance to the Code Enforcement Officer or Local Plumbing Inspector; and shall comply with statutory requirements relating to the receipt and processing of applications. See Section 6.B.VI.

b. Code Enforcement Officer:

The Code Enforcement Officer shall be appointed by the Select Board. The

appointment of the Code Enforcement Officer shall be for a fixed term of one year or more. The Code Enforcement Officer shall receive and act upon applications for permits as required by this Ordinance and shall make and maintain permanent records of all correspondence, applications and resulting actions related to the administration of this Ordinance and serve as primary custodian of those records.

c. Local Plumbing Inspector:

The Local Plumbing Inspector shall be appointed by the Select Board. The appointment of the Local Plumbing Inspector shall be for a fixed term of one year or more. The Local Plumbing Inspector shall receive and act upon all applications for permits as required by the State of Maine Plumbing and Maine Subsurface Wastewater Disposal Rules and the provisions of this Ordinance, shall make and maintain permanent records of all correspondence, applications and actions related to the administration of the State of Maine Plumbing and Maine Subsurface Wastewater Disposal Rules and this Ordinance and serve as primary custodian of those records.

d. Assistant Code Enforcement Officers and Assistant Local Plumbing Inspectors:

The Select Board may appoint Assistant Code Enforcement Officers and Assistant Local Plumbing Inspectors as deemed necessary. Assistant Code Enforcement Officers and Assistant Local Plumbing Inspectors shall be supervised by the Code Enforcement Officer.

B. Permits

I. Permits Required:

After the effective date of this Ordinance, no person shall engage in any use of land or undertake any construction requiring a permit as specified in Section 4, or expand or change an existing use, or expand an existing structure, or renew a discontinued non-conforming use when such activity herein requires a permit without first obtaining a permit as set forth in Section 4 of this Ordinance. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on the work site while the work authorized by the permit is performed. Permits, authorizations and decisions resulting from the administration of this Ordinance by the Planning Board, Appeals Board, Code Enforcement Officer and Local Plumbing Inspector reflect the provisions of this Ordinance. Those permits, authorizations and decisions resulting from the administration of this Ordinance may also reference the provisions of any county, state or federal laws, rules and/or regulations even though the specific law, rule and/or regulation is not mentioned in this Ordinance.

a. A permit is not required for the replacement of an existing road culvert as long as:

i. The replacement culvert is not more than 25% longer than the culvert being replaced;

ii. The replacement culvert is no longer than 75 feet; and

iii. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

b. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist employed by the State Historic Preservation Officer 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.

II. Permit Application:

Applications for permits shall be submitted by the owner or an authorized agent in writing on such forms, or in such form, as provided by the Code Enforcement Officer or Planning Board and shall contain such information as may be required to determine conformance with the provisions of this Ordinance, including a scaled site plan. 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 of its receipt.

When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in 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.

III. Plumbing Permit:

A plumbing permit is required prior to issuance of a permit by Planning Board or Code Enforcement Officer. No permit for any activity involving the construction, installation or alteration of plumbing facilities shall be issued by the Planning Board or the Code Enforcement Officer unless a permit for such activity has been issued to the applicant by the Local Plumbing Inspector.

IV. Procedure for Administering Permits:

Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 4 of this Ordinance, shall notify the applicant in writing either that the application is complete or, if the application is incomplete, what specific additional material is needed to make a complete application. All permit applications shall be deemed complete only when all information requested is provided to the Town and all applicable review fees and/or building permit fees are paid. All permit applications shall either be approved or denied in writing within thirty-five (35) days of receiving a completed application, including all information requested. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance. If a permit is denied, the reasons for denial shall be stated in writing. An appeal from any approval or denial of a permit shall be made within 30 days of the approval or denial. Appeals shall be made in accordance with Chapter 9, Appeals Ordinance.

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. After the submission of a complete application to the Planning Board, the Board shall have thirty-five (35) days to approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

a. Will maintain safe and healthful conditions;

b. Will not result in pollution of groundwater or surface waters, erosion of soil, or sedimentation to surface waters;

c. Will adequately provide for the disposal of all wastewater;

d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

e. Will conserve shore cover and visual, as well as actual points of access to inland waters;

f. Will protect archaeological and historic resources as designated in the Comprehensive Plan;

g. Will avoid problems associated with flood plain development and use; and

h. Is in conformance with the provisions of Section 5, Land Use Standards, of this Ordinance.

i. 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 or use if the structure or use would be located in an unapproved subdivision or would violate or is in violation with any other local ordinance, or

regulation or statute administered by China.

V. Permits Issued by Code Enforcement Officer:

The Code Enforcement Officer shall approve or deny those applications for permits on which the CEO is authorized to act as indicated in Section 4 of this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

VI. Permits Issued by the Planning Board:

The Planning Board shall approve or deny those applications on which it is empowered to act as indicated in Section 4 of this Ordinance. The Planning Board shall, after receipt of a complete application, including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use is in conformance with the provisions of Section 5, Land Use Standards. The Planning Board may grant a one- time-only permit extension of up to one year on a pre-approved permit, based upon a review of the applicant's original proposal and the demonstration that no changes have been made from said original proposal.

VII. Conditional Use Permits:

Above and beyond the nominal review fee for a conditional use permit application, an additional fee may be required by the Planning Board to pay for the services of independent consultants to review the application or portions thereof. For this purpose and at the Planning Board's discretion, an encumbered amount not to exceed $5,000 shall be deposited by the applicant in a special account to be established by the Town of China and used only for the purposes designated. If the balance in this special account shall be drawn down by 75%, the Board shall notify the applicant and require that an additional amount of funds be deposited by the applicant. The Planning Board shall continue to notify the applicant and require additional funds be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.

The Planning Board shall approve a Conditional Use Application if all of the following criteria are met:

a. The proposed use will meet the definition or specific requirements set forth in this Ordinance and will be in compliance with applicable State or Federal laws.

b. The proposed use will not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles.

c. The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets and is adequate for the safety of occupants or users of the site or will not damage the value and diminish the usability of adjacent properties.

d. The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the development.

e. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

f. The provisions for vehicular loading and unloading and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety.

g. The proposed use will not have a significant detrimental effect on the value of adjacent properties or could be avoided by reasonable modification of the plan.

h. The design of the site will not result in significant flood hazards or flood damage or is in conformance with applicable flood hazard protection requirements.

i. Adequate provision has been made for disposal of wastewater, or solid waste, or for the prevention of ground or surface water contamination.

j. Adequate provision has been made to control erosion or sedimentation.

k. Adequate provision has been made to handle storm water runoff or other drainage problems on the site.

l. The proposed water supply will meet the demands of the proposed use or for fire protection purposes.

m. Adequate provision has been made for the transportation, storage, and disposal of hazardous substances and materials as defined by State law.

n. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat or could be avoided by reasonable modification of the plan.

VIII. Statement of Findings:

All decisions of the Planning Board under this Section shall be accompanied by written statements of findings that set forth with particularity the precise reasons why the findings were made.

IX. Public Hearing:

The Planning Board may hold a Public Hearing on any Conditional Use Application within 30 days of determination by the Planning Board that the application is complete. Public notice shall be given for the hearing a minimum of seven days before the hearing or as otherwise set forth in the Planning Board Ordinance, and all abutting landowners shall be notified by certified mail, with the applicant to be responsible for all costs of mailing and public notice.

X. Fees:

The standard fees for all permits established by this Ordinance shall be set by the Select Board on an annual basis. Those permits include, but are not limited to, Appeals Board Applications, Planning Board applications and permits, Flood Plain permits, building permits, CEO permits, Certificates of Occupancy, Notice of Intent, and Plumbing and Wastewater Disposal System permits. In the case of Plumbing and Subsurface Wastewater Disposal System Permits the Select Board may establish fees provided that the established fees are not less than the State fees. Fees for permits required by the subdivision ordinance and sludge spreading/disposal/storage ordinance shall also be established by vote of the Select Board.

Planning Board fees and permits do not include permits such as building permits and plumbing permits. Fees shall be paid to the Town of China. If any person, including any owner, contractor, or authorized agent, fails to obtain any permit in accordance with this Ordinance, the after-the-fact fees shall also be established by vote of the Select Board in addition to any enforcement action which may be taken, with the minimum after-the-fact fee to be no less than double the permit fee.

XI. Construction Permit:

Prior to the start of construction of any building or structure requiring a permit, the CEO shall be notified that construction grade stakes are in place. The CEO shall inspect the premises and if all provisions of this Ordinance have been met, the CEO shall forthwith issue a construction permit.

XII. Permit Duration:

a. The purpose for which the permit is issued must commence within twelve (12) months after the date the permit is issued. Permits shall expire and be void one year from the date of issuance if a substantial start is not made in construction on the property during that period. If a substantial start is made within one year of the issuance of the permit, the permit shall extend automatically for an additional eighteen (18) months after the initial year. Further extensions can be authorized by the authority having jurisdiction in up to 180 day increments upon written request before the permit expires and justifiable cause demonstrated.

b. Pursuant to the paragraph above, construction must be completed within 30 months after the date a permit is issued, after which time any construction which is not completed requires a new permit, unless an extension has been granted.

c. To obtain a new permit the applicant must meet all requirements of applicable ordinances in effect at the time they apply for the new permit, including specifically any applicable changes in ordinances enacted since the initial permit was issued.

Appendix A

Development District

1. Beginning at the intersection of Lakeview Drive and Jones Road;
2. thence southerly along Jones Road to its intersection with Village Street;
3. thence southwesterly along Village Street to the southerly bound of Map 17 Lot 058;
4. thence westerly along the southerly bound of Map 17 Lot 058 to the easterly bound of Map 16 Lot 021;
5. thence southerly along the easterly bound of Map 16 Lot 021 to the northerly bound of Map 16 Lot 020;
6. thence westerly along the northerly bound of Map 16 Lot 20 to the northwesterly corner of Map 16 Lot 027-D;
7. thence southwesterly to a point on the easterly side of the Route 32 right-of-way 280 feet south of the southwesterly corner of Map 16 Lot 027-C;
8. thence crossing the Vassalboro Road to the intersection of Map 16 and Lot 026 and Map 16 and Lot 028-A;
9. thence westerly along the northerly bound of Map 16 Lot 028-A and Map 11 Lot 007 to the northwesterly corner of Map 11 Lot 007;
10. thence southerly to southeasterly corner of Map 16 Lot 025-D;
11. thence westerly along the southern bound of Map 16-025-D to the town line;
12. thence southerly 3,375 feet along the town line to a point near the northwest corner of Map 11 Lot 003-D;
13. thence easterly to a point on the westerly bound of Map 11 Lot 008, 400 feet from the shore of Three Mile Pond;
14. thence easterly to the northeasterly corner of Map 11 Lot 020;
15. thence easterly to an interior corner of Map 11 Lot 040, 530 feet south of Route 3;
16. thence along the southerly bound of Map 11 Lot 040 to Park Lane;
17. thence southeasterly along Park Lane to the southwesterly corner of Map 11 Lot 062;
18. thence easterly to the southeasterly corner of Map 11 Lot 062 and to the thread of a stream;
19. thence northeasterly along the thread of said stream to a point on the westerly bound of Map 11 Lot 069-B, 890 feet north of the southerly bound of Map 11 Lot 069-B;
20. thence easterly to the intersection of Pride Rock Road and the southerly corner of Map 11 Lot 071;
21. thence 520 feet northerly along Pride Rock Road to a stream;
22. thence easterly along the thread of said stream to a point on the southerly bound of Map 16 Lot 002, 500 east of the southwesterly corner of said lot;
23. thence northeasterly to the southwestern corner of Map 17 Lot 020;
24. thence southeasterly to a point on the northerly bound of Map 17 Lot 011, 1,360 feet from Windsor Road
25. thence southerly to a point on the northerly bound of Map 12 Lot 071, 225 feet from the northwesterly corner of Map 12 Lot 070;
26. thence easterly to the northwesterly corner of Map 12, Lot 070;
27. thence southerly to the southwesterly corner of Map 12 Lot 070-A;
28. thence southeasterly to the southeasterly corner of Map 12 Lot 069;
29. thence northerly along Windsor Road to the northwesterly corner of Map 12 Lot 063;
30. thence easterly to the southeasterly corner of Map 17 Lot 009-D;
31. thence northerly to the northeasterly corner of Map 17 Lot 023;

32. thence northerly to the northwesterly corner of Map 17 Lot 023-B;
33. thence northerly to a point on the centerline of discontinued portion of Tobey Road, 380 feet east of the end of the public portion of West Tobey Road;
34. thence westerly 350 feet along the discontinued portion of Tobey Road to a stream;
35. thence northerly along the thread of said stream to a point on the southerly bound of Map 22 Lot 124, 560 feet east of Route 3;
36. thence easterly along the southerly bound of Map 22 Lot 124 to a point 1,220 feet east of Route 3;
37. thence northeasterly to the southeasterly corner of Map 22 Lot 119;
38. thence to a point on the southerly bound of Map 28 Lot 001-B, 50 feet east of the Tower Access Road;
39. thence northerly to a point on the northerly bound of Map 22 Lot 116, 3,090 feet east of Lakeview Drive;
40. thence westerly 900 feet along the northerly bound of said lot;
41. and thence southeast to the point of beginning;
42. excepting any portion of the above-described Development District within the Shoreland District or the Resource Protection Districts.