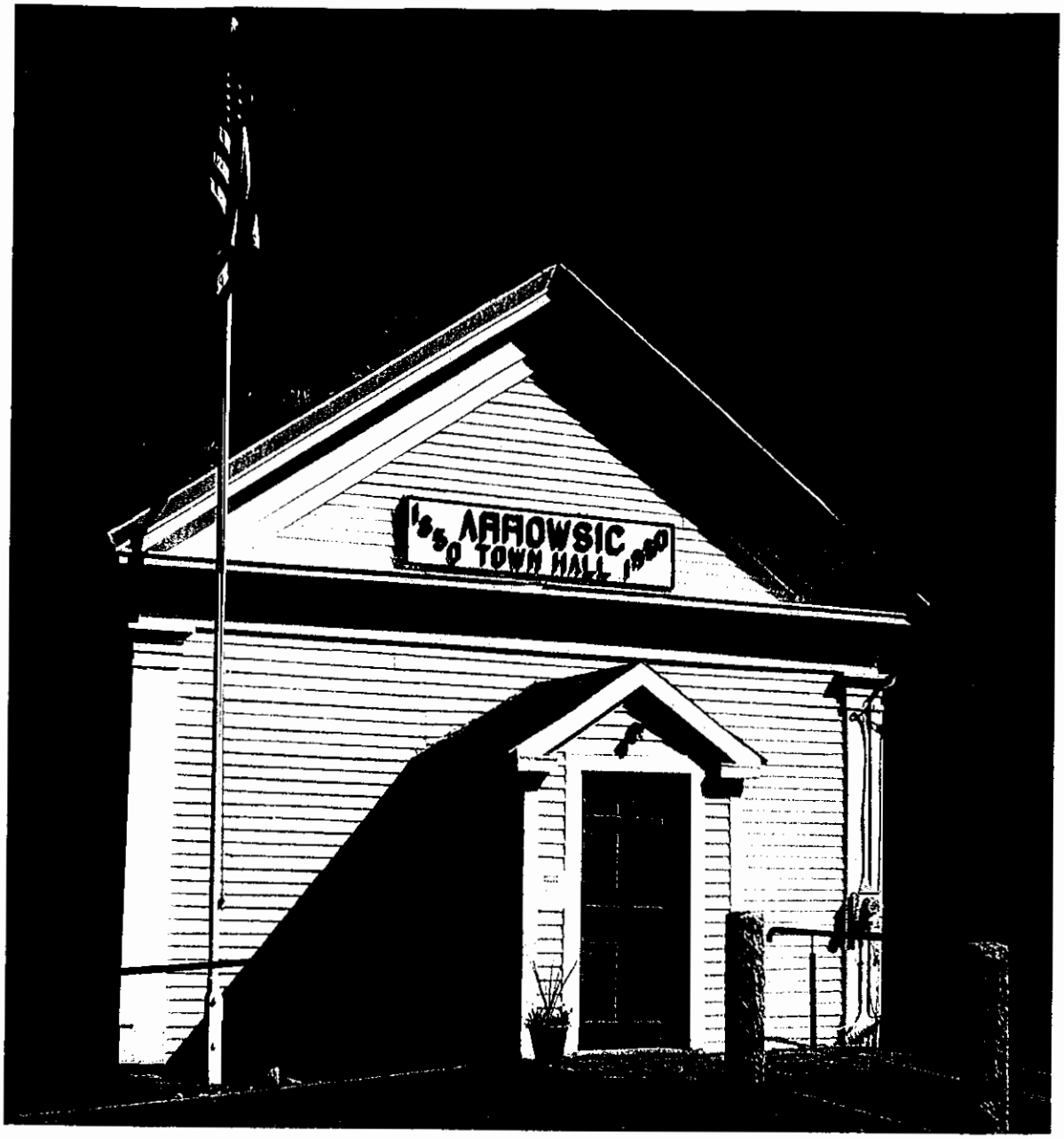

TOWN OF ARROWSIC ZONING ORDINANCE

Effective Date June 30, 1979

As Amended June 17,2021

$10.00

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Note: Dates in parentheses indicate when the section was last amended.

1.0 General

1.1 Purpose

The purpose of this zoning ordinance is to promote the health, safety, and welfare of the town residents through implementation of the Comprehensive Plan; provision of relief from fire, flooding and other dangers; provision of adequate light and air; lessened street congestion; prevention of the over-crowding of land, provision of adequate water, sewer, school, recreation and other public facilities; and the fulfillment of the desires of each citizen for an orderly and amenable community.

1.2 Basic Requirements

All buildings or structures hereinafter constructed, enlarged, or moved, and subsequent uses of land and buildings in the Town of Arrowsic shall be in conformity with the provisions of this Ordinance.

1.3 Non-conformance

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section and its amendments. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. (6-17-09)

1.3.1 General

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

1.3.1.2 **Repair and Maintenance**: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

1.3.2 Non-conforming Structures

1.3.2.1 **Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. For purposes of this requirement, there is no increase in nonconformity with the setback requirement if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally and irregular shapes may be in-filled.

Further Limitations within Shoreland Districts:

a) No structure which is less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

b) After January 1, 1989, if any portion of a structure is less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 1.3.2.3, 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 had been expanded by 30% in floor area and volume since that date. (6-17-09)

c) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 1.3.2.2 Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 1.3.2.1.a. above, and the foundation 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), it shall not be considered to be an expansion of the structure. (6-17-09)

1.3.2.2 **Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the CEO, or, in the Shoreland District as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in 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 CEO or the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows: (6-17-09)

a) 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. (6-17-09)

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed. (6-17-09)

b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof. (6-17-09)

1.3.2.3 **Reconstruction or Replacement (6-16-10)**

a) Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or upland edge of a wetland, or from a road or lot line and which is removed, or damaged or destroyed, regardless of cause, by more than 50% of the market value of the structure before such damage, destruction or removal may be reconstructed or replaced provided that

i) within eighteen (18) months of said damage, destruction or removal, and prior to the start of any reconstruction or replacement, the owner obtains a Conditional Use Permit from the CEO, or in the Shoreland District from the Planning Board, and a Building Permit from the CEO, and

ii) such reconstruction is in compliance with the water body, tributary stream or wetland setback requirements to the greatest practical extent as determined by the CEO or by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. 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 1.3.2.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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. In applying this sub-paragraph 1.3.2.3(a)(ii) to non-conforming structures located in the Shoreland or Special Protection Districts which have been damaged or destroyed, the required setback shall be the greater of the existing location of the structure or 75 feet, provided the damage or destruction was not intentional on the part of the persons with an actual or contingent interest in the property. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 1.3.2.2 above.(6-16-10)

b) Any non-conforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed, damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place provided that a Building Permit is obtained from the CEO within one year of such damage, destruction or removal.

c) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the CEO or the Planning Board shall consider, in addition to the criteria in Section 1.3.2.2 above, the physical condition and type of foundation present, if any.

1.3.2.4 **Change of Use of a Non-conforming Structure** (6-17-09)

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on a water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.

1.3.3 **Non-conforming Uses**

1.3.3.1 **Expansions:** Expansions of non-conforming uses are prohibited except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures as allowed in Section 1.3.2.1. (6-17-09)

1.3.3.2 **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 use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.

1.3.3.3 **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board.

1.3.3.4 **Change of Use of a Non-conforming Structure:** The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on a water body or wetland, or on the subject or adjacent properties and resources than the existing use. For other non-conforming uses of a structure, application for permit may be made to the CEO. The determination of no greater impact shall be made according to the criteria of Section 4.2.3.

1.3.4 **Non-conforming Lots**

1.3.4.1 **Non-conforming Lots**: A non-conforming lot of record which has not been built on as of the effective date of this Ordinance, or of any amendment thereto which creates a non-conformity, may not be built upon.

1.3.4.2 **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.

1.4 Effective Date

The effective date of this Ordinance is June 30, 1979.

2.0 Zoning Districts

2.1 Establishment and Zoning Map (6-16-10)

2.1.1 General: The Town is hereby divided into zoning districts as described herein: Rural Residential 1, Rural Residential 2 (6-25-87). In addition, there are the following zoning overlay districts: the Shoreland Zone: which includes Shoreland District, Special Protection District and Resource Protection District, and the Mobile Home Park Overlay. Rural Residential 1, Rural Residential 2 and the Shoreland Zoning Overlay Districts are shown on the Town of Arrowsic Zoning Map, as amended June 16, 2010, on file with the Town Clerk and recorded at the Sagadahoc County Registry of Deeds. Wherever the Rural Residential Districts are overlaid by other Districts, the most restrictive requirements shall apply. (6-16-10)

2.1.2 District Boundaries: Unless otherwise set forth on the Zoning Map, district boundary lines are property lines, the centerlines of roads and rights of way, and the boundaries of the zoning area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location. Where the map conflicts with the written description of a district, the Ordinance wording shall govern. (6-17-09)

2.1.3 Scale of Map: The Zoning Map shall be printed at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. (6-17-09)

2.1.4 Certification of the Map: The Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the municipal office. (6-17-09)

2.1.5 Changes to Shoreland Zoning on the Zoning Map: If amendments are made in the district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the Zoning Map within thirty (30) days after the amendment has been approved by the Comissioner of the Department of Environmental Protection. (6-17-09)

2.1.6 Permitted and Conditional Uses in each District shall conform to all dimensional requirements and other applicable requirements of this Ordinance. A plumbing permit and Building and/or Conditional

Use Permit shall be required for all buildings, conditional uses and sanitary facilities, according to the provisions of this Ordinance.

2.2 Zoning Districts

2.2.1 Rural Residential 1 District

2.2.1.1 **General:** The purpose of this district is to provide for the public health and safety, environmental quality, and economic well-being of the community. The boundaries of the Rural Residential 1 District are as designated on the official Town of Arrowsic Zoning Map.

2.2.1.2 **Permitted, Conditional and Prohibited Uses**: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

2.2.1.3 **Performance Standards**: Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.2.2 Rural Residential 2 District (6-25-87)

2.2.2.1 **General:** The purpose of this District is to provide for the public health and safety, environmental quality and economic well-being of the community and to preserve open space. The boundaries of the Rural Residential 2 District are as designated on the official Town of Arrowsic Zoning Map.

2.2.2.2 **Permitted, Conditional and Prohibited Uses**: The permitted, conditional and prohibited uses in this district are shown in Table I. Conditional uses may be allowed only upon issuance of a Conditional Use Permit by the Code Enforcement Officer or the Planning Board in accordance with Section 4 of this Ordinance.

2.2.2.3 **Performance Standards:** Permitted Uses and Conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.3 Zoning Overlay Districts (6-17-09)

2.3.1 Shoreland Zoning Overlay Districts (6-17-09)

2.3.1.1 General

Applicability: These Districts shall include all land within 250 feet, horizontal distance, of the

i) high-water line of any great pond or river,

ii) upland edge of a coastal wetland, including all areas affected by tidal action, or

iii) upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the high-water line of a water body or within a wetland.

NOTE: Coastal wetlands, by definition, include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the maximum spring tide are all considered to be coastal wetlands.

a) **District Divisions**: Shoreland Zoning includes the following districts as shown on the Zoning Map that is made a part of this Ordinance

i) Shoreland District

ii) Special Protection District

iii) Resource Protection District

Coordination with the Underlying Zone: The provisions of these districts supplement the provisions of the underlying Rural Residential zoning district. Where the specific provisions of the overlay district vary from the requirements of the underlying zone, the more restrictive provisions shall govern.

Amendments requiring DEP approval: Copies of amendments relating to Shoreland Zoning, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

b) **Purposes:** The purposes of these districts are:

i) to further the maintenance of safe and healthful conditions;

ii) to prevent and control water pollution;

iii) to protect fish spawning grounds, aquatic life, bird and other wildlife habitat;

iv) to protect buildings and lands from flooding and accelerated erosion;

v) to protect archaeological and historic resources;

vi) to protect commercial fishing and maritime industries;

vii) to protect freshwater and coastal wetlands;

viii) to control building sites, placement of structures and land uses;

ix) to conserve shore cover, and visual as well as actual points of access to inland and coastal waters;

x) to conserve natural beauty and open space;

xi) and to anticipate and respond to the impacts of development in shoreland areas.

c) **Authority:** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

d) **Permitted, Conditional and Prohibited Uses:** The permitted, conditional and prohibited uses in these districts are shown in Table I. Conditional uses may be allowed only upon the issuance

of a Conditional Use Permit by the Code Enforcement Officer or Planning Board in accordance with Section 4 of this Ordinance.

e) **Performance Standards:** Permitted uses and conditional uses shall conform to the following performance standards as described in Section 3, Table I and related performance standards.

2.3.1.2 **Shoreland District:** This District shall include all land, other than land in the Special Protection District and the Resource Protection District, within 250 feet, horizontal distance, of the (6-17-09)

a) high-water line of any great pond or river,

b) upland edge of a coastal wetland, including all areas affected by tidal action, or

c) upland edge of a freshwater wetland,

2.3.1.3 **Special Protection District:** This District includes (6-17-09)

a) all upland within 250 feet horizontal distance of the upland edge of salt meadows and salt marshes each greater than 2 acres, not in the Resource Protection District

b) all upland within 250 feet horizontal distance of areas described in Section 2.3.1.4 d) Resource Protection District.

The burden of proof is on the landowner for determining the upland edge of the wetland.

2.3.1.4 **Resource Protection District:** The Resource Protection District includes areas in which development would be more likely to adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas within the limits of the shoreland zone. (6-17-09)

a) Areas within 250 feet, horizontal distance, of the upland edge of, salt marshes and salt meadows, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973, and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department of Environmental Protection as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat".

b) Floodplains along rivers defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

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

NOTE: All land within 250 feet horizontal distance of the upland edge of areas described above (2.3.1.4 (d)) is included in the Special Protection District. These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

e) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

f) This District shall include areas within:

i) 100 feet of the high water line of Sewell Pond

ii) 250 feet of the high water line on the Mill Pond

iii) 250 feet of the high water line on the Back River below Mill Pond

2.3.2 **Mobile Home Park Overlay District**

2.3.2.1 **General:** The purpose of this district is to provide for the health and safety, environmental quality and economic well-being of the community, and to provide affordable housing.

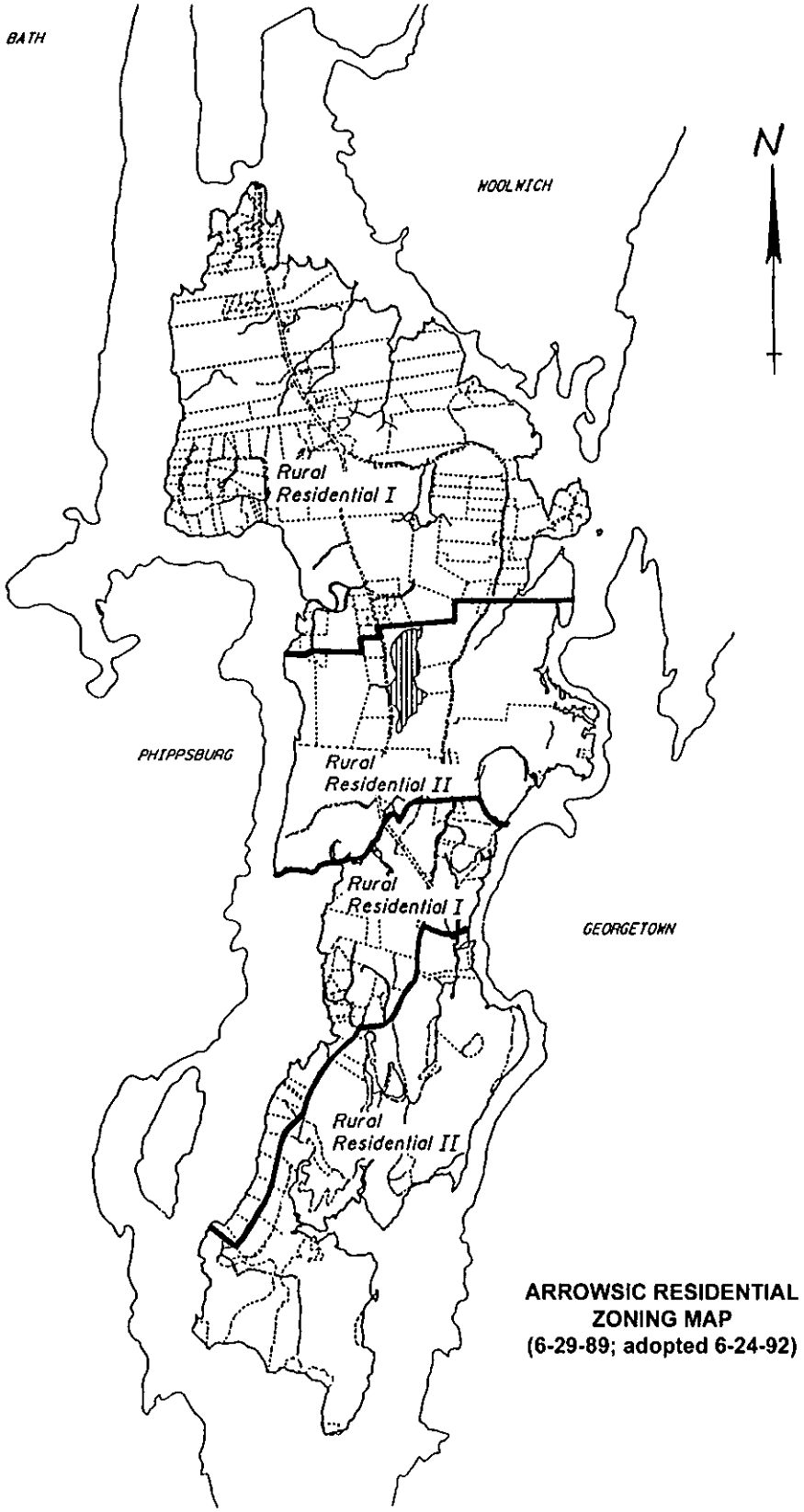
2.3.2.2 **Applicability:** This district shall include the area in the Rural Residential 1 District which has direct access to Route 127 and is not in the Shoreland, Special Protection District or Resource Protection Districts, or the Flood Plain Zone. (6-17-09)

2.3.2.3 **Permitted, Conditional and Prohibited Uses:** The conditional use permitted in this district is mobile home parks, per Section 3.19 of the Town of Arrowsic Zoning Ordinance. All other permitted, conditional and prohibited uses are shown in Table I, column 3 of the Zoning Ordinance.

2.3.2.4 **Performance Standards:** See Section 3.19 of the Town of Arrowsic Zoning Ordinance.

2.4 Zoning Map

(dated 6-29-89; adopted 6-24-92 for Zoning Districts) (dated 4-22-09 adopted 6-16-10 for Shoreland Overlay Districts). The map is posted at the Town Hall.



ARROWSIC RESIDENTIAL ZONING MAP (6-29-89; adopted 6-24-92)

TABLE I: USES BY DISTRICT

(dated 6-17-09)

	Land Use	DISTRICTS			
		Resource Protection, Special Protection	Shoreland District	Rural Residential 1	Rural Residential 2
1*	Non-intensive recreational uses not requiring structures	P	P	P	P
2*	Timber harvesting & clearing or removal of vegetation	C/CEO	C/CEO	P	P
3*	Mineral and mining exploration	X	X	C/CEO	C/CEO
	Mineral Extraction (6-17-09)	X	X	C/PB	C/PB
4	Harvesting of wild crops & fishing	P	P	P	P
5*	Agriculture	P	P	P	P
6*	Structures:				
	Residential dwelling units	B&C/CEO	B&C/CEO	B	B
	Commercial, industrial	X	X	X	X
	Accessory structures greater than 200 sq.ft.	B&C/CEO	B&C/CEO	B	B
	Accessory structures 200 sq.ft. and under	B&C/CEO	B&C/CEO	P	P
	Additions greater than 100 sq.ft.	B&C/CEO	B&C/CEO	B	B
	Additions 100 sq.ft. and under	B&C/CEO	B&C/CEO	P	P
	Reconstruction Replacement:				
	More than 50% with less than required setback	B&C/PB	B&C/PB	B&C/CEO	B&C/CEO
	Less than 50% with less than required setback (6-17-99 & 6-15-05)	B&C/CEO	B&C/CEO	B&C/CEO	B&C/CEO
	Replacement greater than 200 sq.ft.	B&C/CEO	B&C/CEO	P	P
	Standby Generator	C/CEO	C/CEO	P	P
	Standby Generator, unable to	C/PB	C/PB	C/PB	C/PB
	Meet setbacks				
7*	Home business	HBP	HBP	HBP	HBP
8*	Road and driveway construction	C/PB	C/PB	C/CEO	C/CEO
9*	Individual private campsites	C/CEO	C/CEO	C/CEO	C/CEO
10	Campgrounds	X	X	X	X
11*	Piers, docks, wharves, breakwaters, causeways, bridges and other structures and uses projecting over or beyond the high water line or within a wetland:				
	Temporary, new or replacement	B&C/PB	B&C/CEO	N/A	N/A
	Permanent, new	X	B&C/PB	N/A	N/A
	Permanent, replacement	B&C/PB	B&C/PB	N/A	N/A
12*	Private sewage disposal systems	PP	PP	PP	PP
13*	Public utilities, public facilities, and private facilities open to the public	C/PB	C/PB	C/PB	C/PB

Table I continued on next page

TABLE I: USES BY DISTRICT continued

(dated 6-17-09)

	Land Use	DISTRICTS			
		Resource Protection, Special Protection	Shoreland District	Rural Residential 1	Rural Residential 2
14*	Signs	P	P	P	P
15*	Filling, grading or other earth-moving activities				
	- of less than 25 cu.yds./yr.	C/CEO	C/CEO	P	P
	- of equal to or > 25 cu.yds./yr.	C/PB	C/PB	C/CEO	C/CEO
16**	Motorized recreational vehicular traffic on existing roads and trails	Town of Arrowsic Code, Chapter 12, Article II Recreational Vehicle Use Ordinance			
17*	Cluster development	X	P	P	R
18*	Junk yards	X	X	X	X
19**	Mobile home parks	X	X	C/PB	X
20	Land clearing for development	See Timber Harvesting (#2)			
21*	Conversion of seasonal residences to year-round	C/CEO/PP	C/CEO/PP	C/CEO/PP	C/CEO/PP
22	Public and private parks and recreational areas	C/PB	C/PB	C/PB	C/PB
23	Erosion and sedimentation Control	P	P	P	P
24	Essential Services:				
	Roadside distribution lines (34.5k or less) (6-17-09)	P/CEO	P/CEO	P/CEO	P/CEO
	Other essential services (6-17-09)	P/PB	P/PB	P/PB	P/PB
25	Uses similar to allowed uses or CEO uses	C/CEO	C/CEO	C/CEO	C/CEO
26	Uses similar to uses requiring Planning Board permit	C/PB	C/PB	C/PB	C/PB

Table I Key

Symbol	Meaning
X	Prohibited Use
C/PB	Conditional Use Permit from Planning Board
C/CEO	Conditional Use Permit from Code Enforcement Officer
P	Permitted use as regulated herein
P/CEO	Permit from CEO (6-17-09)
P/PB	Permit from Planning Board (6-17-09)
N/A	Not applicable for this district
B	Building permit from Code Enforcement Officer
PP	Plumbing permit from Town Plumbing Inspector
R	Required for all subdivisions of 5 or more units or lots
HBP	Home Business Permit from Planning Board
*	Performance standard included in Performance Standard Section
**	See Section 2.3.2 and 3.19

TABLE II a: VEGETATION AND SOIL TYPES

Wetlands Vegetation	Uplands Vegetation
Sphagnum Moss	Arbutus (Epigaea)
Bull Rushes (Scirpus)	Checkerberry (Gaultheria)
Spike Rushes (Eleocharis, Juncus)	Hawthorne (Crataegus)
Cattails (Typha)	Sumac (Rhus)
Burr Reeds (Sparganium)	Viburnum (Viburnum)
Sweet Flag (Acorus)	Oak (Quercus)
Blue Flag (Iris versicolor)	Aspens (Populus)
Sedges (Carex)Arbutus (Epigaea)	Low Blueberries (Vaccinium)
Cord Grasses (Spartina)	White Ash (Fraxinus americana)
Manna Grasses (Glyceria)	White Pine (Pinus strobus)
Smartweeds (Polygonum)	White Spruce (Picea alba)
Saltmarsh Aster (Aster)	Common Milkweed (Asclepias)
Glasswort (Salicornia)	Dogbane (Apocynum)
Loosestrife (Lythrum)	Queen Anne's Lace
(Gerardia)	Yarrow (Achillea)
Arrowheads (Sagittaria)	Sarsaparilla (Arabia)
Water Plantains (Alisma)	Juniper (Juniperus)
Sea Lavender (Limonium)	
Alders (Alnus)	
Willows (Salix) (Paucus)	
Cedar (Thuja)	
Swamp Maple (Acer)	
Alderberries (Ilex)	
Swamp Bayberry (Myrica)	
Cranberry (Vaccinium)	

TABLE II b: WETLAND SOILS

Symbol	Name
Bo	Biddeford silt loam
Ck	Coastal beach
Du	Dune land
Lk	Limerick silt loam
Pa	Peat and muck
Sa	Saco silt loam
ScA	Scantic silt loam, 0-3% slopes
So	Scarboro fine sandy loam
Tn	Tidal marsh

TABLE III DIMENSIONAL REQUIREMENTS Dated (6-17-09)

District	Minimum Lot Size or Land Per Dwelling Unit[1]	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rt. 127 Setback	Minimum Side and Rear Setback	Minimum High Water Line/Upland Edge Wetland Setback
Resource Protection District and Special Protection District	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations.[3]	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	(see next page) The tributary stream setback is 75'.
Shoreland District	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line of water bodies or along the upland edge of a wetland.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is the more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations.[3]	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100' The tributary stream setback is 75'.

(1) In the Shoreland Zone, if more than one residential dwelling unit, principal governmental structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

Table III, continued on next page

TABLE III DIMENSIONAL REQUIREMENTS (6-17-09) continued

District	Minimum Lot Size or Land Per Dwelling Unit[5]	Minimum Shore Frontage	Minimum Road Frontage	Minimum Lot Depth	Minimum Front and Rt. 127 Setback	Minimum Side and Rear Setback [4]	Minimum Shoreland Setback	Minimum Resource Protection District and Special Protection District Setback
Rural Residential 1 District	2 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 200'.	200' measured along the high water line or upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	200' measured from the high water line or upland edge of wetland/marsh, whichever is more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations.[3]	20' from property line or 36' from center line of a traveled way abutting the side or rear property line or traversing a property.	100' from high water line.	Setback=300' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland.[2]
Rural Residential 2 District	5 acres and all lots shall be of such dimension as to contain within their boundaries a circle having a diameter of 300'.	300' measured along the high water line or upland edge of wetland, meadow, marsh and high water line of waterbodies.	Equal to the width of the principal access to the lot but not less than 50'.	300' measured from the high water line or upland edge of wetland/marsh, whichever is the more restrictive.	50' from the frontage lot lines along Rt. 127. 75' from the center of the traveled way for all other locations.[3]	50' from property line or 66' from center line of a traveled way abutting the side or rear property line or traversing a property.	150' from high water line.	Setback=400' - 1/2 (upland edge frontage). In no case shall the setback be less than 150' from the upland edge of the wetland.[2]

(2) For lots having Resource Protection, Special Protection or Shoreland frontage, the aggregate frontage may be used for structure setback.
(3) If a property has more than one road frontage, the "Front Setback" applies to the road specified in the E911 address for the property and all locations along Rt. 127.
(4) In subdivisions, setbacks in areas that have buffer strips shall be measured from the property line and shall not be less than the width of the buffer strip (6-13-07)
(5) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the 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.

TABLE IV NON-NATIVE INVASIVE PLANTS

dated (6-12-13)

Trees	
Norway Maple	*Acer platanoides*
Common Buckthorn	*Rhamnus cathartica*
Glossy Buckthorn	*Rhamnus frangula*
Autumn Olive	*Elaeagnus umbellata*
Russian Olive	*Elaeagnus angustifolia*
Shrubs	
Japanese Barberry	*Berberis thunbergii*
Burning Bush	*Euonymus alatus*
Tatarian Honeysuckle	*Lonicera tartarica*
Morrow's Honeysuckle	*Lonicera morrowii*
Japanese Honeysuckle	*Lonicera japonica*
Bittersweet (vine)	*Celastrus orbiculatus*
Multiflora Rose	*Rosa multiflora*
Rugosa Rose	*Rosa rugosa*
Perennials	
Purple Loosestrife	*Lythrum salicaria*
Yellowflag Iris	*Iris pseudacorus*
Garlic Mustard	*Alliaria petiolata*
Giant Hogweed	*Heracleum mantegazzianum*
Black Swallow-wort	*Vincetoxicum nigrum*
Pale Swallow-wort	*Vincetoxicum hirundinaria*
Japanese Knotweed	*Fallopia japonica*
Phragmites	*Phragmites australis* (non-native form)

3.0 Performance Standards

3.1 Non-intensive recreational uses

Non-intensive recreational uses not requiring structures are permitted in all districts.

3.2 Timber Harvesting and the Clearing or Removal of Vegetation (6-17-09)

3.2.1 **In the Resource Protection District** there shall be no timber harvesting or clearing of vegetation except: (6-17-09)

a) to remove storm damaged, diseased, unsafe or dead trees. When the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present within one year.

b) where necessary for uses expressly authorized in this district and for which appropriate permits have been obtained.

3.2.2 **In Shoreland Zoning Overlay Districts**, except in areas as described in Section 3.2.1, above, and except to allow for the development of permitted uses, within a strip of land (buffer strip) extending one-hundred (100) feet, horizontal distance, inland from the high-water line of any water body or the upland edge of a wetland greater than two acres, and seventy-five (75) feet, horizontal distance, from any tributary stream, a buffer strip of vegetation shall be preserved as follows (6-17-09):

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 footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed 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 any water body, tributary stream or wetland greater than two acres shall be defined as maintaining a rating score of 16 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of tree at 4½' above ground level	Points
2 to <4 inches	1 point
4 to <8 inches	2 points
8 to <12 iches	4 points
12 inches or greater	8 points

NOTE: As an example, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and one trees over 12 inches in diameter, the rating score is:

(4x1) + (2x2) + (3x4) + (1 x8) = 28 points

Thus, the 25-foot by 50-foot plot contains trees worth 28 points.

Trees totaling 12 points (28-16 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

ii) Each successive plot must be adjacent to, but not overlap a previous plot;

iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by 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 3.2.2(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 saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 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, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 3.2.2 and 3.2.2(a), 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, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

3.2.3 **In Shoreland Zoning Overlay Districts at distances greater than one hundred (100) feet**, horizontal distance from any water body or the upland edge of a wetland greater than two acres and seventy-five (75) feet, horizontal distance, from the 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 to be equivalent to basal area (6-17-09).

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

3.2.4 **Legally existing nonconforming** cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance. (6-17-09)

3.2.5 **Fields and other cleared openings** which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 3.2. (6-17-09)

3.2.6 **Timber harvesting and the clearing or removal of vegetation** shall conform to the following provisions: (6-17-09)

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

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

c) Setbacks:

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

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

d) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the high-water line of a water body or tributary stream shall be removed.

3.2.7 **Within fifty (50) feet of a town way**, except to provide access for an approved use and/or for maintaining existing pastures and croplands, selective cutting of vegetation is permitted, provided that a well distributed stand of trees remains. A well distributed stand of trees is defined as maintaining a rating score of 16 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the rating system described in Section 3.2.2(b), above. No accumulation of slash shall be left within 50 feet of a town way (6-17-09).

3.2.8 **Non-native invasive vegetation species**, as listed in Table IV, may be removed in the Shoreland Zone or within fifty (50) feet of a town way or in any location where the removal may otherwise be restricted by the Ordinance only after obtaining a permit granted by the Code Enforcement Officer.

a) When the removal of non-native invasive vegetation species results in the creation of cleared area that would otherwise be prohibited, the area affected shall be replanted with native species which at their maturity will be of similar size and bulk. A detailed replanting plan must be submitted with the permit application for approval by the Code Enforcement Officer. The plan shall include the following:

i) the species, size, quantity and locations of the vegetation to be planted.

ii) a schedule for replanting beginning as soon as possible within a growing season, and a completion date.

iii) a maintenance plan for replacing dead or dying replanted vegetation.

A list of native species is available in "The Buffer Handbook Plant List" available from the Maine Department of Environmental Protection.

b) The CEO may consult with the Arrowsic Conservation Commission to determine if the vegetation proposed to be removed is a non-native invasive species and if the replacement vegetation is suitable to meet the buffer and/or vegetation standards for the area. Certification by a qualified professional plant expert may also be required at the landowner's expense (6-13-12).

3.3 Mining and Mineral Exploration

3.3.1 **Mineral exploration and extraction** are prohibited in the Shoreland Zone (6-17-09)

3.3.2 **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 (6-17-09).

3.3.3 **Mineral extraction** may be permitted under the following conditions: (6-17-09)

a) 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 Section 3.3.2 (4) below.

b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy five (75) feet, horizontal distance, of the high-water line of a tributary stream. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

c) 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:

i) 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, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

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

iii) Top soil 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.

d) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

3.4 Harvesting of wild crops and fishing are permitted in all districts.

3.5 Agriculture

3.5.1 **All spreading of manure** shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209). (6-17-09)

3.5.2 **Manure** shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. (6-17-09)

3.5.3 **Agricultural activities** involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance. (6-17-09)

3.5.4 **There shall be no new tilling of soil** within one-hundred (100) feet, horizontal distance, of the high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained. (6-17-09)

3.5.5 **Newly established livestock grazing** areas shall not be permitted within one hundred (100) feet, horizontal distance, of the high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan. (6-17-09)

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office. (6-17-09)

3.6 Structures

3.6.1 **General**

3.6.1.1 Structures existing on June 30, 1979 shall not be affected by this standard unless public health or safety is threatened.

3.6.1.2 No owner or occupant of land shall permit fire or other building ruins to remain but shall repair or remove the same within nine months.

3.6.1.3 Structures are prohibited in the floodplain and in Resource Protection District areas of steep slope (Section 2.3.1.4).

3.6.1.4 The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood. (6-17-09)

3.6.1.5 The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed. (6-17-09)

3.6.1.6 All new principal and accessory structures shall be set back at least seventy-five (75) feet from tributary streams in the Shoreland Zone. A tributary stream may be perennial or intermittent. (6-17-09)

3.6.1.7 For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals. The Coast Bluff Map is included as Appendix A of the Arrowsic Zoning Map. (6-17-09)

3.6.1.8 On a non-conforming lot of record on which only a residential structure exists, and on which it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue conditional use and building permits to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure. (6-12-13)

3.6.1.9 **Standby Generators:** On a lot of record on which a Residential Dwelling Unit exists, and on which it is not possible to place a Standby Generator meeting the required setbacks, a conditional use permit may be issued for a Standby Generator in a location which conforms to all applicable setbacks to the greatest possible extent as determined by the Planning Board. In no event shall a Standby Generator be located closer than the principal structure to the high water line of a water body, tributary stream or upland edge of a wetland. The Standby Generator shall meet all other applicable standards and requirements of this Ordnance. (6-13-19)

3.6.2 Construction Standards

3.6.2.1 No dwelling shall be permitted that will enclose an area of less than 400 square feet of living space. Living space shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

3.6.2.2 Sewage and plumbing systems for all buildings must comply with regulations of the Maine Internal Plumbing Code and Subsurface Wastewater Disposal Rules.

3.6.2.3 Dwellings, including manufactured housing units, shall be erected on a frost-proof masonry foundation, slab or pillars. An occupied manufactured housing unit or travel trailer may be allowed to remain without a foundation for a period not to exceed one year if the manufactured housing unit or travel trailer is being used as temporary housing on the same lot as a permanent dwelling under construction.

3.6.2.4 No structures shall exceed 40 feet in height (6-25-87), except for antennas erected by Federal Communication Commission licensed amateur radio operators in conformance with Federal Communication Commission regulations. In the Shoreland Zone, no structure shall exceed 35 feet in height, except for transmission towers, antennas and similar structures having no floor area. (6-17-09)

3.6.2.5 Structures are prohibited in areas of steep slope as defined in 2.3.1.4.

3.6.2.6 Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the high water line of a water body or upland edge of a wetland; and that the applicant demonstrates that no reasonable access alternative exists on the property.

3.6.2.7 **Retaining walls** that are not necessary for erosion control shall meet the structure setback requirements, except for low retaining walls and associated fill provided all of the following conditions are met. (6-17-09)

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 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, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps.

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; and

g) A vegetated buffer area is established within 25 feet, horizontal distance, of the 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 species may be used to establish the buffer area;

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

v) A footpath not to exceed the standards in Section 3.2.2 (a) may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

3.6.3 **Parking**

3.6.3.1 Off-street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space or parking lot space. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located.

3.6.3.2 Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located (6-17-09).

3.6.4 Dimensional Requirements: See Table III

3.7 Home Business

3.7.1 **Arrowsic has no commercial zone.** A home business, as defined herein, may be conducted within a residential zone only after a "Home Business Permit" has been issued by the Planning Board.

a) A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business).

b) If the proposed home business employs more than one person not residing in the dwelling, or if the proposed business use causes the premises to be in any way distinguishable from a single-family residence, the Planning Board may require a Conditional Use Permit, as described in Section 4.2 herein. (6-24-82, 6-15-05)

3.7.2 **The owner of a home business** must reside in the dwelling where the business is conducted. A home business shall not have more than six (6-23-93) non-family members working on the premises.

3.7.3 **The Planning Board** shall be satisfied that the existing character of the neighborhood will not be adversely affected by the business, and may require protection for abutters, including, but not limited to, screening of outdoor parking and storage areas.

3.7.4 **No nuisance**, excessive traffic, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.

3.7.5 **Adequate off-street parking** as determined by the Planning Board shall be provided.

3.7.6 **Home businesses employing persons** other than the family residing in the dwelling shall not be conducted on lots of less than two acres.

3.7.7 **All agricultural activities and businesses** in existence on or before July 1, 1982, are exempt from these performance standards. Thereafter, any business that is abandoned for a period of at least 12 consecutive months shall become subject to these performance standards upon renewal of operation. For purposes of this subsection, a property's legal, non-conforming use shall be presumed to be voluntarily abandoned if the use has been discontinued for 12 consecutive months. Expansion of any existing business shall be in conformance with these standards.

3.8 Road and Driveway Construction

3.8.1 **All road and driveway construction requires a permit** (see Table I). (6-17-09)

a) All roads and driveways shall be located, constructed, and maintained in such a manner that minimal erosion results. At all times, during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters.

b) All roads within approved subdivisions and cluster developments shall be constructed in accordance with these road standards and the road standards section of the Arrowsic Subdivision Ordinance.

c) The Planning Board shall be the permitting authority if any part of the road or driveway is in the Shoreland Zone.

3.8.2 **The following standards** shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. (6-17-09)

a) Road crossings of watercourses shall be kept to the minimum number necessary.

b) All cuts, fills, and other areas of exposed soils shall be revegetated as soon as possible.

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

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

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

Section 3.8.2 (d) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 3.8.2(d) except for that portion of the road or driveway necessary for direct access to the structure.

e) 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.

f) New roads and driveways are prohibited in a Resource or Special Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource or Special Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource or Special Protection District the road and/or driveway shall be set back as far as practicable from the high-water line of a water body, tributary stream, or upland edge of a wetland.

g) 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 3.23.

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

i) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the 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.

j) 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 sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope 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) Bottoms of culverts shall be installed at streambed elevation.

k) 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.

3.8.3 See Section 3.23: Erosion and Sedimentation Control.

3.9 Individual Private Campsites

Individual, private campsites are permitted provided the following conditions are met:

3.9.1 There shall be only one campsite per lot, the lot size must meet current Ordinance lot size or be an existing lot on the effective date of this Ordinance.

3.9.2 Campsite shall meet the setback requirements of the zone within which the lot is located.

3.9.3 Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle. (6-17-09)

3.9.4 Any necessary clearing of vegetation shall be conducted in conformance with the timber harvesting and/or land clearing provisions of the ordinance. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet. (6-17-09)

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

3.9.6 When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules. (6-17-09)

3.10 Campgrounds are not permitted in the Town of Arrowsic.

3.11 Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line of a Water body or Within a Wetland.

3.11.1 Permanent piers and docks are prohibited in the Resource Protection District and the Special Protection District. In other than the Resource Protection District and Special Protection District, piers, docks, ramps and other structures requiring direct access to the water for a functionally water dependent use require a permit; see Table I. Necessary permits from the Department of Environmental Protection and the U. S. Army Corps of Engineers shall be obtained prior to applying to the Town. (6-17-09)

3.11.2 Where access to a structure requires a Conditional use Permit, it shall be obtained in conjunction with the permit for the structure.

3.11.3 No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the high water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. (6-17-09)

3.11.4 Failure to remove a temporary structure for a period of five months or more in any consecutive 12 month period shall be cause for permanently revoking the Conditional Use Permit.

3.11.5 The facility shall be no larger than necessary to carry on the activity and be consistent with the surrounding character and use of the area. .A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet. (6-17-09)

3.11.6 A ramp for launching boats, floats, etc. is considered a structure, either temporary or permanent, and requires a Building Permit and Conditional Use Permit.

3.11.7 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. (6-17-09)

3.11.8 No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district. (6-17-09)

3.11.9 New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act. (6-17-09)

3.11.10 Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. (6-17-09)

NOTE:New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters. (6-17-09)

3.12 Private Sewage Disposal Systems

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use. A plumbing permit issued by the Plumbing Inspector shall be obtained for all new residences, changes in use, and replacement disposal systems. (6-17-09)

NOTE:The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance. (6-17-09)

3.13 Public Utilities, Public Facilities, and Private Facilities Open to the Public.

3.13.1 Public facilities and private facilities open to the public shall be permitted only after approval by the Planning Board.

3.13.2 Where feasible, the installation of public utilities shall be limited to existing public ways and existing service corridors.

3.13.3 The installation of public utilities is not permitted in the Resource Protection District, except to provide services for an approved use within said district for which a permit has been issued, or except where the applicant demonstrates to the Planning Board that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3.13.4 A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure 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. (6-17-09)

3.14 Signs

3.14.1 **Purpose:** It is the purpose of this standard to provide for the safety of motorists and pedestrians by regulating the location and use of road signs while permitting directional information to travelers as well as reasonable opportunities for the advertisement of goods, services and other attractions in the town and to conserve the natural beauty of the shorelines by regulating signs along the shore.

3.14.2 **The following provisions** shall apply to signs and billboards in all districts where permitted.

3.14.2.1 With the exception of directional signs, all signs and sign structures shall be located only on the premises where the business advertised is conducted or the organization identified is located.

3.14.2.2 Unless otherwise approved by the Planning Board, all directional signs shall be limited to four feet in length and one foot in width, having white letters on a dark background.

3.14.2.3 Signs shall not be located where they obstruct vision of any public or private way nor create any unsafe conditions. Signs other than directional signs shall be located on the premises at least 33 feet from the center of the right-of-way, except that where existing buildings on the premises are closer to the road than permitted by this Ordinance, this distance may be proportionately reduced. Name signs shall be permitted, provided such signs shall not exceed two signs per premises and shall not exceed twelve (12) square feet in the aggregate. (6-17-09)

3.14.2.4 There shall be a maximum of three commercial or identification signs allowed per premises. The combined surface area of all signs including border and trim but excluding supports shall not exceed 32 square feet. Any individual sign shall not exceed 20 square feet. Where both sides of a sign are displayed, it shall be considered as two signs.

3.14.2.5 Signs relating to trespassing and hunting shall be permitted without restriction as to quantity. Each such sign shall be limited to one and one-half square feet.

3.14.2.6 Signs shall not be placed higher than 16 feet from the ground level at their location, measured to the highest point.

3.14.2.7 Signs may be illuminated only by non-flashing lights shielded so as to illuminate only the sign itself. Animated signs or moving devices such as, but not limited to, promotional flags and flashing lights, are prohibited.

3.14.2.8 Temporary signs shall be limited to a quantity of two at a maximum of four square feet each and shall not be displayed for more than 30 days per year, except that signs advertising the sale of real estate may remain until the property is sold (6-13-12).

3.14.2.9 In the Shoreland, Resource Protection and Special Protection Districts, 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. (6-17-09)

3.14.2.10 Non-conforming signs in existence at the effective date of this Ordinance may not be altered, enlarged, or rebuilt unless they are made to conform with this Ordinance. Normal maintenance and repairs are permitted.

3.14.2.11 No signs identifying subdivisions, mobile home parks, or cluster developments shall be permitted. (6-13-07)

3.14.3 **Other Statutory Requirements** (6-17-09)

Nothing permitted or outlined herein shall be construed as relieving a sign owner from statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this Ordinance and in accordance with these provisions. Signs relating to public safety shall be allowed without restriction.

3.15 Filling, Grading or Other Earth-moving Activity

3.15.1 **General:** The following provisions shall apply to filling, grading, and earth moving activities other than mining and mineral exploration. Such activities, when resulting in erosion, sedimentation, or impairment of water quality or fish and aquatic life are prohibited.

3.15.2 **Filling, grading** and other earth moving activity must meet all the standards under section 3.23 of this Ordinance, Erosion and Sedimentation Control. (June 15, 2011)

3.15.3 **Earth-moving Not Requiring a Conditional Use Permit**: The following earth-moving activity shall be allowed without a Conditional Use Permit:

3.15.3.1 The removal or filling of less than 25 cubic yards of material from or onto any lot in any one year; except in the Resource Protection, Special Protection and Shoreland Districts; (6-17-09)

3.15.3.2 The removal or filling of material incidental to approved construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

3.15.3.3 The removal, filling, or transfer of material incidental to alteration or repair of a public or private way or essential services.

3.15.3.4 All other earth-moving, processing and storage shall require a Conditional Use Permit authorized by the Code Enforcement Officer or the Planning Board.

3.15.4 **Topsoil:** Removal of topsoil for sale is prohibited in all zoning districts.

3.16 Motorized Recreational Vehicular Traffic on Existing Roads and Trails: Refer to Table I—Uses by District.

3.17 Cluster Development

3.17.1 **Single Family Cluster Developments**

3.17.1.1 **Purpose:** Development under this provision is intended to promote imaginative, well designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the overall development costs.

3.17.1.2 **Location:** All single family developments of five or more lots in the Rural Residential 2 District shall be clustered developments and shall conform to the following conditions. Single family developments in the Rural Residential 1 District and developments of less than five lots in the Rural Residential 2 District may utilize a clustered concept design which shall conform to the following standards. A 20% density bonus shall be given to all single family developments in the Rural Residential 1 District which utilize a clustered concept.

3.17.1.3 **Dimensional Requirements:**

a) There shall be no minimum parcel size for clustered developments.

b) Allowable density shall be based on net residential density and shall be calculated in the following manner:

i) Determine the net residential acreage of the parcel.

ii) Divide the net residential acreage by the minimum lot size required in the district to obtain the maximum allowable number of lots. After the maximum allowable number of lots is determined, individual lot size shall be reduced, if cluster development is proposed, to the following standards:

Requirement	Rural Residential 1	Rural Residential 2
Minimum Lot Size	40,000 sq.ft.	1 acre (43,560 sq.ft)
Maximum Lot size	60,000 sq.ft.	2 acres (87,120 sq.ft.)
Shape	All lots must contain within their boundaries a circle having a diameter of 100 ft.	All lots must contain within their boundaries a circle having a diameter of 125 ft.
Road Frontage	As shown in Table III	As shown in Table III

The residual area accumulated by modifying dimensional requirements and the areas which are subtracted from gross area to calculate net residential area shall be designated as common space.

c) Minimum front setbacks in the Rural Residential 1 and Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.

d) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet. All other setback requirements shall remain as specified in Table III.

e) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter. Access for lots bordering an existing road shall be limited to the interior road system. A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip.

f) A buffer strip of at least 250 feet shall be required for lots bordering a river, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.

g) Where a single family cluster development abuts a water body, a portion of shoreline as well as reasonable access to it, shall be part of the common land.

3.17.2 **Multi-family Cluster Developments**

3.17.2.1 **Purpose:** These provisions are intended to promote a unified development which will be in harmony with surrounding uses and which will preserve open space. Multi-family cluster developments are considered to be the same as multi-family developments or condominium developments and all must conform to the standards set forth below.

3.17.2.2 **Location:** Multi-family clustered developments are permitted in the Rural Residential 1 and the Rural Residential 2 districts.

3.17.2.3 **Dimensional Requirements:**

a) There shall be no minimum parcel size for multi-family clustered subdivisions.

b) Allowable density shall be based on net residential density and shall be calculated in the following manner:

i) Determine the net residential acreage of the parcel.

ii) Divide the net residential acreage by the minimum lot size required in the zoning district to obtain the maximum allowable number of units.

c) Where a multi-family cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

d) Minimum front setbacks in the Rural Residential 1 and the Rural Residential 2 districts shall be reduced to 60 feet from the centerline of the traveled way.

e) Minimum side and rear setbacks in the Rural Residential 2 district shall be reduced to 20 feet.

f) A maximum of two entrances from a public way for the interior road system shall be permitted through the perimeter buffer strip. Access to the subdivision shall be limited to the interior road system.

g) A buffer strip of at least 50 feet shall be required along the entire parcel perimeter.

h) A buffer strip of at least 250 feet shall be required for subdivisions bordering a lake, great pond, salt water body, wetlands, salt meadows and salt marshes greater than two acres or in any other area with shoreline frontage.

i) Distances between principal adjacent buildings shall be a minimum of the height of the taller building. All other dimensional requirements listed in Table III shall be maintained.

3.17.3 **Recreation and Common space:** Requirements for Single Family Cluster Developments and Multi-family Cluster Developments.

3.17.3.1 Common spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.

3.17.3.2 Common space shall be either dedicated to public use through agreement of the Town of Arrowsic, given to a land trust, or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Homeowners' Association.

3.17.3.3 Common areas shall be contiguous, where possible.

3.17.3.4 Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to 10 percent of the total area for recreation. Areas reserved for recreation shall be at least one acre in size and easily accessible from all lots or units within the subdivision.

3.17.3.5 When reviewing the site design of the proposed type of common area, the Planning Board shall consider the following criteria:

a) Individual lots, building, roads, parking areas shall be designed and situated to minimize alteration of natural site features to be preserved.

b) The usability of common area intended for recreation for common use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.

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

d) Common area intended for recreation or common use shall be easily accessible to pedestrians.

e) The suitability of common areas intended for scenic value and purposes shall be determined by their visibility from a significant number of units or buildings or length of roads.

f) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.

g) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access.

h) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.

3.17.3.6 **Ownership and Maintenance**

a) **Ownership:** Common area which is not deeded to the Town of Arrowsic after approval by the Town or given to a land trust shall be owned in common by all owners of lots in a single family cluster subdivision or by all owners of units in multi-family developments. Ownership percentages shall be apportioned among all owners and shall be recorded in their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common area and shall be responsible for its payment.

b) **Maintenance:** Maintenance of common area not deeded to the Town of Arrowsic or to a land trust, shall be the responsibility of all owners of lots and/or units. A Homeowners Association shall be organized, one of whose purposes shall be the maintenance of common areas. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning Board for review and approval before the subdivision is approved. Until 51 percent of all lots and/or units have been sold, and a Homeowners' Association organized, the developers shall be responsible for maintenance of the common open areas. Owner(s) of multi-family rental developments are responsible for maintenance.

3.17.4 **Waivers:** Where the Planning Board finds that extraordinary and unnecessary hardships, not self imposed, may result from strict compliance with these standards, it may grant waivers provided that such relaxation will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or these Standards. Such waivers may be granted in accordance with the requirements for a variance established in the Zoning Ordinance, Appeals Section.

3.18 Junk Yards

Junk yards are prohibited in the Town of Arrowsic. (6-24-82)

3.19 Mobile Home Parks

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable Federal and State laws, and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Arrowsic Subdivision Ordinance, the provisions of this section shall prevail.

3.19.1 **Lot Area and Lot Width Requirements:** Notwithstanding the Dimensional Requirements Table III of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.

a) Lots served by public sewer:

Min. lot area: 6,500 square feet

Min. lot width: 50 feet

b) Lots served by individual subsurface waste water disposal systems approved by the Maine Department of Human Services:

Min. lot area: 20,000 square feet

Min. lot width: 100 feet

c) Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:

Min. lot area: 12,000 square feet

Min. lot width: 75 feet

d) The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of buildable land.

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

3.19.2 **Unit Setback Requirements**

a) A.On lots 6,500 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot.

b) B.On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a Shoreland zoning district, structures shall meet the front setback and setback from high water mark requirements in Table III of this Ordinance.

3.19.3 **Buffering**

If a park is proposed with a residential density of at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with buffer strips.

3.19.4 **Open Space Reservation**

An area no less than 10% of the total area of those lots with a lot area of 6,500 square feet or less shall be reserved as open space. The area reserved as open space shall be suitable to be used for recreational purposes. Generally, the reserved open space shall have slopes less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one-half mile of a publicly owned recreation area.

All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.

3.19.5 **Road Design, Circulation, and Traffic Impacts:** Roads within a park shall be designed by a Professional Civil Engineer, registered in the State of Maine.

a) Roads which the applicant wishes to offer to the community for acceptance as town ways shall be designed, constructed, and proposed to the Town Meeting, in accordance with Section 4.5 of the Arrowsic Subdivision Ordinance.

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

i) Minimum right-of-way width within park: 23 feet

ii) Minimum width of traveled way: 20 feet

iii) Cul-de-sac radius at dead ends: 50 feet

iv) Minimum right-of-way for access roads: 50 feet

c) Mobile home park access shall be limited to Route 127. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two road connections with Route 127 for safety and site circulation. Any road within a park with an

average daily traffic of 200 trips per day or more shall have at least two road connections leading to other roads within the park.

d) No individual lot within a park shall have direct vehicular access onto an existing public road.

e) The intersection of any road within a park and an existing public road shall meet the following standards.

i) Angle of intersection: The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

ii) Maximum grade of intersection: The maximum grade of intersection within 75 feet of the intersection shall be two percent.

iii) Minimum sight distance: A minimum sight distance of 10 feet for every mile per hour of posted speed limit or observed speed, whichever is higher, on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye three and one-half feet above the pavement and the height of the object four and one-quarter feet.

iv) Distance from other intersections: The centerline of any road within a park intersecting an existing public road shall be no less than 125 feet from the centerline of any other road intersecting that public road.

f) The application shall contain an estimate of the average daily traffic to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 Edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trips per day, the application shall also include a traffic impact analysis done by a registered professional engineer with experience in transportation engineering.

g) For each mobile home lot there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one space for each four mobile home lots. The spaces shall be reserved for that sole use.

3.19.6 **Groundwater Impacts**

a) Assessments submitted: Accompanying the application for approval of any mobile home park which is not served by a public sewer shall be an analysis of the impacts of the proposed mobile home park on groundwater quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, and shall contain at least the following information.

i) A map showing basic soils types.

ii) The depth to the water table at representative points throughout the mobile home park.

iii) Drainage conditions throughout the mobile home park.

iv) Data on existing groundwater quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

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

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

b) Standards for Acceptable Groundwater Impacts.

i) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

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

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

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

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

3.19.7 Conversion to Another Use

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and must meet the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

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

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

3.20 Land Clearing for Development

Must be in conformance with Section 3.2 of the Ordinance.

3.21 Conversion of Seasonal Residences to Year-Round

Refer to Table I—Uses by District.

3.22 Public and Private Parks and Recreational Areas (6-13-19)

3.22.1 In considering an application for conditional use permit, the Planning Board, in addition to determining that the requirements of Section 4.2 are met, shall be satisfied with respect to development and operation, that:

a) the existing character of the neighborhood and town, the abutters, and plant and animal life will not be adversely affected; and

b) the infrastructure of the town, including but not limited to its human resources, services and roads, will not be unduly burdened.

3.22.2 Adequate off-street parking, sanitation and site management shall be provided.

3.23 Erosion and Sedimentation Control

3.23.1 All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for: (6-17-09)

a) Mulching and revegetation of disturbed soil.

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

c) Permanent stabilization structures such as retaining walls or riprap.

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

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

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

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

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

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

3.23.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five year storm or greater, and shall be stabilized with vegetation or lined with rip-rap. Roads and driveways shall be designed and constructed to withstand a 100-year storm.

3.24 Storm Water Runoff (6-17-09)

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

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

NOTE:The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project with one acre or more of disturbed area but less than 1 acre impervious area and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

3.25 Essential Services (6-17-09)

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

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

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

3.26 Soils (6-17-09)

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, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

3.27 Water Quality (6-17-09)

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

4.0 Administration

4.1 Building and Plumbing Permits

4.1.1 All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer and shall be signed by the owner or designee.

4.1.2 An application for a Building Permit shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decision shall be in writing.

4.1.3 An application for a Building Permit shall be accompanied by the following:

a) A plan showing the shape and dimensions of the lot to be built upon, location and size of existing buildings or structures, and the location and size of buildings to be constructed

b) Location of existing and proposed waste disposal facilities

c) Statement as to present and intended use of buildings

d) Plumbing permit

The application shall be on a form provided by the Code Enforcement Officer.

4.1.4 Building Permit applications, supporting material, and copies of the Code Enforcement Officer's decisions shall be maintained as a permanent record by the Town Clerk.

4.1.5 A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted.

4.1.6 No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Septic Permit has been secured by the applicant in conformance with the sanitary provisions of this Ordinance.

4.1.7 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 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.

4.2 Conditional Use Permits

4.2.1 All applications for Conditional Use Permits shall be submitted in writing to either the Code Enforcement Officer or Planning Board as specified in Table I: Uses By District, on forms provided for that purpose. Applications to the Planning Board must be received 15 days before the regular meeting of the Board. (6-17-09)

Applications for Conditional Use Permits shall be approved, approved with conditions, or denied by the Code Enforcement Officer or Planning Board in accordance with the provisions of this Ordinance.

4.2.2 Any application for a Conditional Use Permit shall be accompanied by the following as applicable: (6-17-09)

a) A plan showing the shape and dimensions of the lot, location and size of existing buildings or structures, and the location and dimensions of the activity requiring a Conditional Use Permit.

b) Statement as to present and intended use of buildings and lot.

c) Distances of existing buildings and proposed activities from lot lines and high water line.

d) All permits needed from the State Government (DEP, etc.) and Federal Government (Army Corp of Engineers, etc.).

4.2.3 The Planning Board or Code Enforcement Officer shall approve, deny, or approve with conditions, all applications for a Conditional Use Permit. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this Ordinance. After submission of a complete application, the Planning Board or Code Enforcement Officer must grant a permit if it/he makes a positive finding on each of the following factors, based upon the information the applicant presented to it/him, that the proposed use:

Will not result in unsafe or unhealthy conditions;

Will not result in erosion or sedimentation;

Will not result in water pollution;

Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

Will conserve shoreland vegetation;

Will conserve the visual points of access to waters as viewed from public facilities;

Will conserve actual points of public access to water;

Will conserve natural beauty;

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

Is in conformance with the provisions of Section 3.0 Performance Standards.

A negative finding of any one of the above enumerated factors will result in denial of the application, or subject the application to being granted with conditions. The Planning Board or Code Enforcement Officer may only impose conditions upon Conditional Use Permits which remedy the defect.

4.2.4 **Conditional Use Permit Procedure:** Code Enforcement Officer

An application for a Conditional Use Permit requiring Code Enforcement Officer approval shall be approved or denied by the Code Enforcement Officer within 14 days of receipt. The decisions shall be in writing.

4.2.5 **Conditional Use Permit Procedure:** Planning Board

Within 30 days following the receipt of an application requiring its approval, the Planning Board shall hold a public hearing on the application. The Planning Board shall publish a notice of the hearing at least seven days in advance in a newspaper of general circulation in the area.

Not less than 7 days before the public hearing, the Planning Board shall give written notice of the public hearing to all property owners within 200 feet of the applicant's property by sending the written notice via US first-class mail to the property owners at their addresses shown on the Town assessment records. (6-13-07)

Within 20 days after the public hearing, the Planning Board shall reach a decision on a conditional use and shall inform, in writing, the applicant and the Code Enforcement Officer of the decision and its reasons therefore.

4.2.6 The Planning Board or Code Enforcement Officer may attach conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to carry out the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance.

4.2.7 Conditional Use Permit applications, supporting material, and Code Enforcement Officer and Planning Board decisions shall be maintained as a permanent record by the Town Clerk.

4.2.8 A Conditional Use Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially complete within two years of the date on which the permit is granted. (6-17-99)

4.3 Fees

4.3.1 No Building Permit, Plumbing Permit or Conditional use Permit shall be issued without payment of a fee according to a schedule determined by the Selectmen. (6-17-09)

4.3.2 Pursuant to the Maine State Internal Plumbing Code and as provided in the Maine Subsurface Waste Disposal Rules, a re-inspection fee shall be required in those instances when work has been found to be incomplete at a prearranged inspection, when work is found to be unsatisfactory or when access cannot be obtained at a prearranged date and time.

4.4 Appeals

4.4.1 Board of Appeals

4.4.1.1 **Establishment:** Pursuant to Title 30, MRSA, Section 2691, the Town of Arrowsic, Maine, hereby established the Arrowsic Board of Appeals.

4.4.1.2 **Appointment and Composition:** The Board of Appeals shall be appointed by the Selectmen and shall consist of five members and two alternates, all of whom shall be residents or property owners of the Town of voting age. Members shall serve staggered five-year terms. A town officer may not serve as a member. The Board shall choose a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be a public record. A quorum shall consist of three (3) members or designated alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act. (6-19-09)

4.4.2 Powers and Duties of the Board of Appeals (6-17-09)

4.4.2.1 The Board of Appeals shall have the following powers: (6-17-09)

a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

4.4.2.2 **Variance Appeals:** Variances may be granted only under the following conditions: (6-17-09)

a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

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

c) The Board shall not grant a variance unless it finds that:

i) The proposed structure or use would meet the provisions of the Zoning Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and

ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

(1) That the land in question cannot yield a reasonable return unless a variance is granted;

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

(3) That the granting of a variance will not alter the essential character of the locality; and

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

d) Notwithstanding Section 4.4.2.2 (c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

f) A copy of each variance request in the shoreland zone, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

4.4.2.3 **Administrative Appeals** (6-17-09)

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4.4.3 **Appeal Procedure** (6-17-09)

a) **Making an Appeal**

i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 4.4.2.1 (a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(1) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

(2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b) **Decision by Board of Appeals**

i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

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

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

iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection if the variance is within the Shoreland Zone within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

4.4.4 **Appeal to Superior Court:** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals. (6-17-09)

4.4.5 **Reconsideration:** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and

other parties of interest, including abuttors and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. (6-17-09)

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

4.5 Enforcement

4.5.1 This Ordinance shall be enforced by the Selectmen, who shall appoint a Code Enforcement Officer (CEO)/Local Plumbing Inspector (LPI) for this purpose.

4.5.2 An Alternate Code Enforcement Officer and a Alternate Local Plumbing Inspector may be appointed by the Selectmen. The duties of the Alternate Local Code Enforcement Officer and the Alternate Local Plumbing Inspector shall be to assist the regular Code Enforcement Officer and regular Local Plumbing Inspector in the performance of his or her duties as directed by the Code Enforcement Officer and Local Plumbing Inspector. In the event that the Code Enforcement Officer or the Local Plumbing Inspector are absent or otherwise unavailable, the Alternate is authorized to act on his or her behalf. (6-17-09)

4.5.3 Any violation of this Ordinance shall be deemed a nuisance.

4.5.4 Duties of the Code Enforcement Officer (6-17-09)

a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the selectmen and be maintained as a permanent record.

b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of the Shoreland record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

4.6 Legal Actions (6-16-04)

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunction of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town, including but not limited to enforcement through the use of a Land Use Citation and Complaint filed in the name of the Town of Arrowsic. The Selectmen are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court Action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or

will result in substantial environmental damage in accordance with Title 30-A, Maine Revised Statutes Annotated, Section 4452.

4.7 Fines (6-17-09)

Any person who continues to violate any provision of this Ordinance after receiving written notice of such violation by the Code Enforcement Officer, shall be guilty of a civil violation subject to a fine of up to $2500.00 for each violation. Each day such a violation is continued is a separate offense. However, in the Resource Protection District the maximum penalty is increased to $5,000 (38 M.R.S.A. Section 4452).

4.8 Planning Board

4.8.1 **Establishment**: Pursuant to MRSA Const. Art. VIII-A and Title 30, MRSA, Section 1917, the Town of Arrowsic, Maine hereby establishes the Arrowsic Planning Board.

4.8.2 **Appointment and Composition:** The Planning Board and its Chairman shall be appointed by the Selectmen. The Board shall consist of five members and two alternates, all of whom shall be residents or property owners of the town of voting age. Members shall serve staggered terms of five years. A town officer may not serve as a member. The Board shall choose a secretary from its membership. The secretary shall keep the minutes of the proceedings of the Planning Board, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three members or designated alternate members. The Board shall act by a majority of those present and voting. In the absence of a regular member, the chair shall designate an alternate member to act. (6-17-09)

4.8.3 **Powers and Duties:**

The Board shall have the following duties: (6-14-06)

a) The Board shall perform such duties and exercise such powers as are provided by Arrowsic ordinances and the laws of the State of Maine.

b) The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose and in accordance with town purchasing procedure.

5.0 Miscellaneous Provisions

5.1 Enabling Legislation:

Authority to enact the provisions of this Ordinance is contained in one or more of the following statutes:

Title 38, M.R.S.A., Section 435-448

Title 30A, M.R.S.A., Chapter 239, Section 4351-4355

5.2 Validity:

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

5.3 Precedence:

In the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.

5.4 Amendments:

This Ordinance may be amended by majority vote of the town meeting. The Department of Environmental Protection shall be notified by the Town Clerk of amendments to this Ordinance

within 30 days after the effective date of such amendments. The County Registry of Deeds shall also be notified by the Town Clerk of any amendments, in accordance with State Statute Title 33, MRSA, Section 662-A.

Copies of amendments affecting the Shoreland Zone attested and signed by the Municipal Clerk, shall be submitted to the Board of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Board of Environmental Protection. If the Board of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment.

5.5 Filing:

Upon passage by the town meeting, a copy of this Ordinance, as revised, shall be filed with the County Registry of Deeds, in accordance with State Statute, Title 33, M.R.S.A., Section 662-A.

5.6 Repeal:

All previously existing ordinances in conflict with this Ordinance are hereby repealed.

5.7 Conflicts between Ordinance Provisions:

In cases where ordinance provisions are in conflict, the more restrictive provision shall govern. (6-15-05)

5.8 Cell Tower Ordinance:

Printed under separate cover.

5.9 Floodplain Management Ordinance:

Printed under separate cover.

Note: 3.6.1.3 Structures are prohibited in the floodplain and in Resource Protection District areas of steep slope (Section 2.3.1.4).

DEFINITIONS ACCOMPANYING TOWN OF ARROWSIC ZONING AND SUBDIVISION ORDINANCES

Access Road: A road connecting a mobile home park or subdivision parcel to the public way.

Accessory Structure or Use: A use incidental or subordinate to those of the principal use or structure. Accessory structures when aggregated shall not dominate the use of the lot. Extensions to the principal structure which share a common wall or roof are considered part of the principal structure.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management, timber-harvesting activities, and the incidental sale or lease of plant and animal products from operations primarily intended for home consumption.

Antenna: Antenna, including but not limited to radio antennae and satellite receiving dishes, are accessory structures as defined by this Ordinance and are regulated accordingly.

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Buffer Strip: A continuous area of land unless otherwise specified shall not be less than 50 feet in width which shall contain no structures or roads. The first 25 feet shall contain either natural vegetation, evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier. Driveways shall be kept open to provide visibility for vehicles entering or leaving the lot.

Buildable Land: That land in a parcel which is left over after all deductions, except road deductions, required under the Net Residential Area or acreage calculations.

Building: A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Campground: Any premise established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Clearing: The removal of timber to an extent greater than permitted by Section 3.2.3 of the Zoning Ordinance.

Cluster Development: A form of development that permits a reduction in lot area and other specified dimensional requirements, provided there is no increase in the number of lots or units permitted under conventional subdivision requirements and the resultant land is devoted to common space.

Common Land: Land within or part of a subdivision or planned unit, condominium or cluster development, owned by the unit or lot owners as tenants in common or jointly, or owned by an

association or corporation comprised of unit or lot owners or shareholders, and controlled by the development's articles, by-laws, declarations or covenants.

Common Space: The residual land area which remains when a subdivision is clustered.

Conditional Use: A use permitted only after review and approval by the Planning Board or Code Enforcement Officer. A Conditional Use is a use that would not be appropriate without restriction but which if controlled under the provisions of the Zoning Ordinance, would promote the purposes of that Ordinance.

Conditional Use Permit: A permit authorized by the Planning Board or Code Enforcement Officer for a Conditional Use.

Condominium: As defined in Title 33 M.R.S.A., 1601-103(7).

Conforming Use: A use of buildings, structures or land which complies with all applicable provisions of the Zoning Ordinance.

Constructed: Includes built, erected, altered, reconstructed, relocated to, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered part of construction.

Distance: Measured horizontally, unless otherwise noted.

District: A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

Dwelling: A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

Single Dwelling: A place of abode for a single family in one principal structure.

Multiple Dwelling: A place of abode for two or more families in one or more principal structures.

NOTE. Refer to the definition of "Residential Dwelling Unit".

Essential Services: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of Structure: An increase in the floor area or volume of a structure including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. New stairways used solely for gaining access to a residential structure need not be considered when determining a structure's setback, providing they are no wider than four feet.

Expansion of Use: The addition of weeks or months to a use's operating season, or more floor area or ground area devoted to a particular use.

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

Floor Area: Sum of the horizontal area of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of structures such as porches and decks. Floor area with a

ceiling height of six feet or less or non-living basement space shall be excluded from this calculation. (6-18-03)

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six meters tall (approximately twenty feet tall) or taller.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Frontage, Shore: The horizontal distance, measured along the high water mark, or upland edge of a wetland/meadow/marsh between the intersections of the side lot lines.

Frontage, Road: The horizontal distance between the intersections of the side lot line with the front lot line.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Sewell Pond is our only Great Pond.

Height of Structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, and similar appurtenances that have no floor area.

High Water Line: The upland edge of land subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Along Sewell Pond, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along freshwater rivers and streams, the highest elevation of the bank of a channel at which the water has left a definite mark.

Home Business: A home business is an occupation or business which is carried on within a dwelling or accessory structure to the dwelling by a member of the family residing therein; is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and does not involve any exterior alteration which would change the residential character of the premises. Permitted home businesses include: the production of goods, the sale of goods produced on site, the provision of services performed on site, the provision of goods and services off site for which the material and equipment are kept on site. A sales outlet is not a home business unless the item sold is a product of the labor of a person working in the business (i.e., manufactured, produced, created, caught, grown by the owner or an employee of the business). (6-23-93 and 6-15-05)

Individual Private Campsite: An area of land which is not associated with a campground but which is developed for repeated temporary camping not to exceed 130 days per year by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

Junk Yard: Any area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture and automobiles, including salvage operations;

2. Discarded, scrap and junked lumber;

3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and

4. Private garbage dumps, waste dumps and sanitary fills.

Lot: A parcel of land having distinct and defined boundaries and described in a deed, plan. Parcels of land on opposite sides of a public way shall be considered separate lots.

Manufactured Housing Unit: Structure, designed for occupancy, transportable in one or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the provided utility systems contained therein.

Marina: A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation which, within any twelve month period, removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, ore, or other mineral material from its natural location and transports the product removed, away from the extraction site.

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home Park: A parcel of land under unified ownership, approved by the municipality, designed and/or used to accommodate three or more manufactured housing units of one or two sections.

Multi-family Cluster Developments: Multi-family development which includes apartments, condominiums and all other forms of multi-family construction.

Net Residential Area: Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the gross acreage of a parcel.

1) Total acreage which is used for road, sidewalk rights-of-way and transmission of utilities.

2) Portions of the parcel containing slopes over 15%.

3) Portions of the parcel shown to be within the 100-year floodplain as designated on the Town of Arrowsic Flood Zone Map.

4) Portions of the parcel located in the Resource Protection District and Special Protection District.

5) Portions of the parcel which, based on current Soil Conservation Service data, are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:

a) Water table at or near the surface for all or part of the year

b) Unstable soils such as Scantic.

6) Portions of the parcel covered by surface water bodies.

Net Residential Density: Net residential density shall mean the number of dwelling units per acre of net residential area.

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Lot: A single lot of record existing at the effective date of the adoption of the Ordinance that does not meet the area, frontage or width requirements of the district within which it is located.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parcel: The gross land area which will be divided by a subdivision.

Park and/or **Recreational Area:** An area of land open to the public and subject to conservation or environmental easements, covenants or similar restrictions protective of the ecology and character of the land and town, for non-motorized recreational activities such as walking, hiking, running, bicycling, and similar low-impact uses.

Piers, Docks, Wharves, Ramps, Bridges and Other Structures and Uses Extending Over or Beyond the High Water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Permanent: Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

Permitted Waterfront Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters.

Planned Unit Development: A development in which a unit owner owns both the interior and exterior of the unit and the lot on which it stands, with the remaining "common land" owned by an association or corporation.

Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

Private Facilities Open to the Public: Churches, schools, hospitals, and other facilities privately owned but open to the public.

Public Facilities: Any facilities including, but not limited to, buildings, property, recreation areas and roads which are owned, leased, or otherwise operated, or funded by a governmental or public entity.

Public Utilities: Those services furnishing gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Publicly Owned Recreation Area: An area owned by the Town of Arrowsic managed specifically for recreation purposes.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, camp trailer, tent trailer, and motor home. In order to be considered as a vehicle and not as

a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

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

NOTE. Refer to the definition of "Dwelling".

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

Salt Marsh: Areas of a coastal wetland that support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas.

Setback: The nearest horizontal distance from a lot line or the high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the high-water line of a stream.

Shoreline: The high-water line, or upland edge of a freshwater or coastal wetland.

Sign: Any painted, printed, or stenciled device either erected on a frame structure, mounted or painted on a building.

Billboard: A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Commercial Sign: A sign advertising or promoting a business enterprise of any kind.

Directional Sign: A sign conveying only directional information.

Identification sign: A sign identifying a professional service, church, fraternal organization, service club or public institution.

Name Sign: A sign naming the occupant of the premises.

Temporary Sign: A sign erected for private sales or other purposes in non-established business locations.

Surface Area: Determined as the product of maximum width and maximum height of the sign.

Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest or land clearing.

Soil and Water Conservation Plan: A plan, prepared by the Androscoggin Valley Soil and Water Conservation District or other recognized agency or by a private consultant acceptable to the Town of Arrowsic, covering the operations and facilities of an agricultural or timber harvesting operation for the purpose of minimizing soil erosion and pollution from manure or chemical runoff.

Standby Generator: An electricity generating device and its associated mounting and housing which is installed in a fixed location and which provides an automatic electric power source designed to start upon the failure of the power main.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, boundary walls and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Principal Structure (Building): The structure in which the primary use of the lot is conducted.

Accessory Structure: A structure of a nature subordinate to that of the principal structure or the primary use to which the premises are devoted.

Incidental Structure: A structure which is of no consequence in achieving or maintaining the purposes and goals of the Ordinance. Structures which need not be considered as structures for purposes of meeting the shoreland setback standard are, for example, lawn furniture, picnic tables.

Subdivision: As defined in Title 30 MRSA, Section 4956.

Subsurface sewage disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Tidal waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

Travel Trailer: A manufactured housing unit not designed for permanent occupancy.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a stream bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this ordinance, and only applies to that portion of the tributary

stream located within the Shoreland, Special Protection District and/or Resource Protection Districts of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance: An easing of the terms of the Zoning Ordinance, due to the peculiar and unique characteristics of the particular property in question, where literal enforcement would result in undue hardship, and such easing of the terms would not substantially depart from the intent of the Ordinance.

Volume of a Structure: The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of those walls and roof.

Water Body: Any great pond, river, or stream.

Wetland: A freshwater or coastal wetland.

Coastal Wetlands: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service.

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Freshwater Wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

a) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation including but not limited to those listed in Table II typically adapted for life in saturated soils.

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

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.