Land Use Ordinance



Town of Readfield, Maine

Adopted June 09, 2026

Revised: March 20, 2000; June 14, 2001; September 17, 2001; June 13, 2002; June 12, 2003; September 15, 2004; June 15, 2006; June 16, 2007; May 15, 2008; June 11, 2009; June 10, 2010; June 14, 2012; June 13, 2013; June 12, 2014; June 9, 2015; June 14, 2016; June 13, 2017; June 12, 2018, June 11, 2019, July 14, 2020, November 2, 2021, June 14, 2022, June 13, 2023, June 11, 2024, June 10, 2025

Attested true copy of what was passed at Town Meeting on June 09, 2026



Kristin M. Wilcox, Town Clerk

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ARTICLE 1
GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance is known and cited as the Town of Readfield Land Use Ordinance and shall be referred to as "this Ordinance."

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, MRSA Section 4312 et. seq., the Mandatory Shoreland Zoning Act, Title 38, MRSA Section 435 et. seq. and the Subdivision Law Title 30-A, MRSA Section 4401, et seq.

SECTION 3. PURPOSE

The purpose of this Ordinance is to ensure that land use changes or developments, which may have major or significant impacts on the Town, or parts thereof, will protect the health, safety and welfare of the townspeople, consistent with the goals expressed in the Readfield Comprehensive Plan. This Ordinance supplements the requirements of Federal and State laws, rules, regulations and ordinances.

SECTION 4. EFFECTIVE DATE

This Ordinance takes effect upon its enactment by the Town.

Portions of this Ordinance applying within the shoreland district shall become effective upon approval by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within 45 days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be approved automatically. Any application for a permit in a shoreland district submitted to the municipality within the 45 day period is governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

SECTION 5. APPLICABILITY

The provisions of this Ordinance apply to all land; all land uses and all structures within the boundaries of the Town of Readfield. No **structure** hereafter erected, moved, added to or structurally altered, no existing structure and no land shall be used except under the rights vested through this Ordinance.

SECTION 5A. VESTED RIGHTS

In order for there to be a vested right to proceed with the construction, change of use or other development of land under the existing Ordinance, three requirements must be met:

1. the commencement of the activity shall be pursuant to a validly issued permit;
1. the commencement shall be undertaken in good faith and diligently pursued with the intention to continue with any development through to completion; and
2. there shall be a substantial construction start, as defined, within one year of the date of issuance of a permit or its subsequent renewal as provided for in Article 4, Section 7.

SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES

Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

SECTION 6A. SUBSEQUENT CHANGES IN STATUTES AND RULES

References to State or Federal statutes or rules shall include subsequent revisions to those statutes or rules.

SECTION 7. VALIDITY AND SEVERABILITY

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

SECTION 8. AMENDMENTS

A. Initiation

A proposal for an amendment to this Ordinance may be initiated by:

1. The Planning Board, by favorable majority vote of the Planning Board;
2. The Select Board, through a request to the Planning Board;
3. An individual, through a request to the Planning Board and subsequent favorable majority vote of the Planning Board; or
4. A written petition of a number of Readfield voters equal to at least 10% of the Readfield voters in the last gubernatorial election.

B. Procedure

1. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. An amendment initiated by petition shall be presented to the Board of Selectmen who shall then transmit it to the Planning Board. When a change in zoning boundaries is proposed, the proposal or petition shall state the nature, extent, and location of the proposed boundary change, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. Any amendment shall be consistent with the Town of Readfield Comprehensive Plan.

2. Within 30 days of receiving a properly initiated amendment in accordance with Article 1, Section 8.B (above), the Planning Board shall hold a public hearing on the proposal. Notice of the hearing shall be posted in accordance with Title 30-A, MRSA, Sections 4352.9 and 4352.10, as amended, and shall be posted at the Town Office and other locations where Planning Board notices are customarily posted at least 13 days prior to the public hearing, and published at least twice in a newspaper of general circulation in the Town. The date of the first publication shall be at least 12 days prior to the hearing and the date of the second publication shall be at least 7 days prior to the hearing. The notice shall contain the time, date and place of the hearing and sufficient detail about the proposed changes so as to give adequate notice of its content. If the proposed change is extensive, a brief summary of the change(s) together with an indication that a full text is available at the Town Clerk's office shall be adequate notice. The notice shall be written in "plain English, understandable by the average citizen." In the event the proposed amendment affects only certain geographic areas of the Town and has the effect of either prohibiting all industrial, commercial or retail uses in a

geographic area where any of these uses are currently permitted or permitting an industrial, commercial or retail use where such a use is currently prohibited, notice to individual landowners in the geographic area is required:

a. The notice shall contain a copy of a map indicating the portion of the Town affected by the proposed amendments, and

b. The notice shall be mailed by first-class mail to the owners of record of each parcel within or abutting the area affected by the proposed amendment by first class mail and a Certificate of Mailing shall be obtained from the postal clerk at least 10 days prior to the hearing. Notice shall be sent by first class mail to the last known address of the owner of record according to records of the Town Assessor. The Certificate of Mailing shall be retained as a part of the official records for the proposed amendment. The Code Enforcement Officer or his/her designee shall prepare and file with the Town Clerk a written certificate indicating the name and address of persons to whom notice was mailed, the date and location of the mailing and the person who actually mailed it.

3. Within 20 days of the public hearing, the Planning Board shall make a written recommendation regarding the proposed amendment prior to any action on the amendment by the Town.

4. In addition to the requirements of Section 8.B.1, if land is proposed to be designated as a Commercial and Industrial District, the proposal shall contain provisions that meet the standards of Article 9, Section 2.

C. Adoption

1. Any amendment to this Ordinance shall be adopted by a majority vote of the Town Meeting.

2. Copies of amendments affecting the Shoreland Residential District, Stream Protection District or the Resource Protection District, certified by the attested signature of the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection within 14 days of acceptance by the Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of the receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within this 45 day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

ARTICLE 2
ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 1. ADMINISTERING BODIES AND AGENTS

A. Code Enforcement Officer (CEO) and Alternate

1. Appointment. A Code Enforcement Officer shall be appointed and an Alternate may be appointed or reappointed annually by the Town Manager to a term which shall be no less than one year, except for temporary appointments of an Alternate CEO which may be for a shorter duration. The Alternate CEO shall have all the duties, responsibilities and authority of the CEO in the absence of the CEO, in the event of a conflict of interest involving the CEO, or in support of the CEO as directed by the Town Manager. The Town Manager shall notify all appropriate state agencies of each appointment.

2. Powers and Duties. The Code Enforcement Officer shall have the following powers and duties in addition to those provided for in Section 2.B of this Article:

   a. Interpret and enforce the provisions of this Ordinance.
   b. Act upon permit applications, review applications requiring Planning Board review, and refer requests for variances and administrative appeals to the Board of Appeals.
   c. Enter any property at reasonable hours or enter any building with the consent of the property owner, occupant or agent, to inspect the property or building for compliance with this Ordinance in accordance with the provisions of Title 30-A M.R.S.A., Section 4452.
   d. Investigate complaints and reported violations, and take action as appropriate.
   e. Revoke any permits issued in error or which are based on erroneous information.
   f. Exercise any additional powers or duties authorized by the statutes.
   g. Exercise additional duties as directed by the Select Board or Town Manager.
   h. Develop permit application forms.

B. Planning Board

The Planning Board shall be maintained in accordance with State Law and shall be responsible for reviewing and acting upon Site Review Applications, and as otherwise provided herein. Following approval by the Planning Board, applicants shall return to the Code Enforcement Officer for a Building Permit, if applicable.

C. Board of Appeals

The powers and duties of the Board of Appeals include hearing and making binding decisions on appeals in regard to final decisions of the Code Enforcement Officer or the Planning Board and granting or rejecting variance requests. The Board of Appeals must be maintained in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691. The Board of Appeals is governed by the Board of Appeals Ordinance.

SECTION 2. ENFORCEMENT

A. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance in accordance with the provisions of Title 30-A M.R.S.A., Section 4302.

B. Code Enforcement Officer Actions

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer determines that any provision of this Ordinance is

   being violated, the Code Enforcement Officer shall take action. Such action may include ordering the discontinuance of illegal use of land, buildings or structures, or work being conducted; removal of illegal signs, removal of illegal buildings, structures; and abatement of nuisance conditions. A copy of such order shall be maintained as a permanent record.

2. 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 and shall take appropriate action.

3. When any violation of any provision of this Ordinance, including failure to comply with any subdivision or site plan approved by the Planning Board, any condition imposed by the Board of Appeals or any order of the Code Enforcement Officer shall be found to exist, the Code Enforcement Officer shall notify the Municipal Officers who may then institute any and all actions to be brought in the name of the Town.

4. 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.

C. Legal Actions

When the actions described in subsection B, above, do not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, may institute any and all actions and proceedings, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Readfield.

The Board of Selectmen, following the conclusion of the administrative process in Section 1, may 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 illegality was a direct result of erroneous information or advice given by the Code Enforcement Officer, and there is no evidence that the owner/violator acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health, safety and welfare or will result in substantial environmental damage.

D. Civil Penalties

Any person, including but not limited to a landowner, agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be subject to the penalties prescribed in Title 30-A, M.R.S.A., Section 4452. The minimum penalty for a specific violation shall be $100 per day and the maximum penalty shall be $2,500 per day. Notwithstanding the foregoing, the maximum penalty for any violation of this Ordinance shall be $5,000 per day if the violation occurs within an area zoned for resource protection.

ARTICLE 3
NON-CONFORMANCE

SECTION 1. PURPOSE

The purpose of this Article is to promote land uses which conform to the terms of the Town's Ordinances, except that legally created non-conforming conditions which existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements of this Article. A non-conforming condition shall not be permitted to become more non-conforming.

SECTION 2. GENERAL ALLOWANCES

A. 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.

B. Repair and Maintenance:

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, shall be allowed without development review.

SECTION 3. NON-CONFORMING LOTS OF RECORD

A. Limited Exceptions

A lot which was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then-owner or in a valid and enforceable agreement for purchase and sale or lease shown on a plan recorded in accordance with the law, prior to certain dates must meet lesser requirements than described in the dimensional standards of this Ordinance as set forth below:

	Minimum Lot Requirements		
Effective Date of Requirements	**Area**	**Frontage**	**Depth**
March 12, 1977	80,000 sq. ft.	200 ft.	200 ft.
March 10, 1973	40,000 sq. ft.	200 ft.	200 ft.
November 1, 1969	20,000 sq. ft.	100 ft.	------
May 18, 1965	15,000 sq. ft.	100 ft.	150 ft.
Prior to May 15, 1965	---------- None----------		

A.1. Reconfiguration and Conveyance of Non-Conforming Lots

With a permit from the Planning Board, any non-conforming lot may be increased or decreased in size by the conveyance of land to or from an abutting lot, subject to the following terms and conditions:

1. The conveyance shall remove or decrease to the greatest extent possible any existing non-conformities;
2. Any conveyance shall not cause an existing conforming lot or structure to become non-conforming.
3. To the extent the abutting lot or any structures thereon from which land is conveyed shall be

made more non-conforming, restrictions that limit or prohibit development and/or change of use on such abutting lot shall be imposed; and

4. In the Shoreland Districts, the conveyance may include restrictions on the non-conforming lot that prohibit development, and/or change of use on the lot as prescribed in Section 4.D of this Article.

For purposes of this subsection, the installation of a subsurface wastewater disposal system shall not be deemed a "development" or an "expansion".

In order to be effective, conveyances and restrictions approved by the Planning Board shall be recorded at the Kennebec County Registry of Deeds within ninety (90) days of the date of Planning Board decision and an attested copy of such recording shall be filed with the Code Enforcement Office within thirty (30) days following the date of recording.

B. Vacant Lots

1. Non-conforming vacant lots of record which are part of a land subdivision approved by the Planning Board or other appropriate review authority, recorded in the Kennebec County Registry of Deeds at the time of Ordinance enactment, and not located in a Shoreland Residential, Resource Protection or Stream Protection District, may be built upon provided that dimensional requirements governing the placement of structures are met and that all other requirements of this Ordinance and State law are met.

2. Any other non-conforming vacant lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width, or shore or road frontage can be met. Variance of setbacks or other requirements not involving area, width or shore or road frontage shall be obtained only by action of the Board of Appeals.

3. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface wastewater disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

   a. Each lot contains at least 100 feet of shore and/or road frontage and at least 20,000 square feet of lot area; or
   b. Any lots that do not meet the frontage and lot size requirements are reconfigured or combined so that each new lot contains at least 100 feet of shore and/or road frontage and 20,000 square feet of lot area.

C. Built Lots

If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record, and both are in compliance with this Ordinance on the effective date of this Ordinance, each may be sold on a separate lot provided that each complies with the above-referenced law and rules, and each lot so created shall be as conforming as possible to the dimensional requirements of this Ordinance, as determined by the Planning Board.

SECTION 4. NON-CONFORMING STRUCTURES

A. Relocation

1. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, subject to Planning Board review, provided the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board in accordance with paragraphs 4.E (1-3) below, and provided:

    a) the applicant demonstrates the present subsurface sewage disposal system meets the requirements of the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the Law and said Rules, and
    b) any expansion of a relocated structure shall be in conformance with the provisions of paragraph 4.E: and
    c) the structure is not relocated in a manner that causes the structure to become more non-conforming.

2. When it is necessary to remove vegetation in order to relocate a structure, that vegetation shall be replaced in accordance with the standards of paragraph 4.F.

B. Reconstruction or Replacement

1. Any non-conforming structure which fails to meet the requirements of this Ordinance, and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with all requirements of this Ordinance to the greatest practical extent as determined by the Planning Board in accordance with paragraph 4.E.(1-3) below. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. A reconstructed or replacement structure shall not be any larger than the original structure, except as allowed pursuant to paragraph 4 (G). When it is necessary to remove vegetation in order to replace or reconstruct a structure, that vegetation shall be replaced in accordance with the standards of paragraph 4.F.

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

C. Foundations

Whenever a new, enlarged or replacement foundation is constructed beneath an existing non-conforming structure, the development is subject to Planning Board Site Review and the structure and new foundation shall be placed such that the setback requirements are met to the greatest practical extent as determined by the Planning Board in accordance with paragraph 4.E (1-3). The following requirements must also be met:

1. The completed foundation will not extend beyond the exterior dimensions of the structure, except for expansions in conformity with Section 4 (G); and

2. The foundation will not cause the height of the structure to be elevated by more than three (3) additional feet or the height of the existing structure if it exceeds the maximum allowable height, whichever is greater.

If the new foundation includes a basement and the structure is relocated at least 50 feet from the normal high-water line of a water body, then the foundation shall not be considered an expansion of the floor area of the structure.

D. Change to the height of a non-conforming structure in the shoreland zone:

Notwithstanding the limitations on height imposed under Section 4 (G), the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to 3 feet above base flood elevation, whichever is greater, as long as the structure is relocated, reconstructed, replaced or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that:

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

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

E. The Greatest Practical Extent Test:

1. In determining whether the building relocation, reconstruction or replacement, or the construction of a new, enlarged or replacement foundation beneath an existing non-conforming structure meets the setback requirements to the "greatest practical extent," the Planning Board shall consider all relevant factors including, but not limited to: the size of the lot, the slope of the land, the height of the building, the potential for soil erosion, the location of other structures on the property and/or adjacent properties, the location of the septic systems, the location of any existing easements, the type and condition of the building's foundation, the type and amount of vegetation to be removed to accomplish the relocation. Further, the Planning Board shall determine that such relocation, reconstruction, replacement or foundation construction does not cause an "increase in non-conformity" as defined in paragraph 4.E.2 below.

2. For purposes of this section, "increase in non-conformity" means further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in waterbody, wetland, road, or property boundary setback distances, increase in lot coverage, or increase in height of a structure, except that the permitting authority may allow a decrease of the required non-waterbody or non-wetland setback distance(s) of up to 50% if:
    a) That decrease results in an increase in the setback distance from the waterbody/wetland; and,
    b) The sum of all dimensional setback distances remains the same or is increased; and,
    c) No objection to such setback decrease is expressed prior to the close of the public hearing on the application that includes the decrease, by any abutter potentially affected; and,
    d) Any such decrease is otherwise consistent with the provisions of the Land Use Ordinance.

NOTE: Example: Required setbacks are: 100 feet from water, 20 feet from side property lines, and 50 feet from roads. An existing non-conforming house/foundation is 30 feet from the water

and meets all other setbacks. Proposal is to move the house/foundation back to 90 feet from the water, i.e. the greatest practical extent, resulting in a gain of 60 feet in conformity. However, to achieve this, the house/foundation will now be 15 feet from each side setback and 40 feet from the road. That is an increase in non-conformity of 20 feet (5+5+10), for a net gain of 40 feet in conformity (60-20). This results in an increase in setback from the water and an increase in the sum of all setbacks.

3. If the total footprint of the original structure can be relocated, replaced or reconstructed beyond the required waterbody setback area, then no portion of the relocated, replaced or reconstructed structure shall be replaced, reconstructed or relocated at less than the setback requirements for a new structure nor shall such a structure be expanded into the set-back area. See Appendix E: DEP Pictorial of Greatest Practical Extent Setback Rule

F. Vegetation Removal and Replacement

1. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate, reconstruct or replace a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which any structure is removed or relocated must be replanted with vegetation consisting of grasses, shrubs, trees, or a combination thereof.

2 Trees removed in order to relocate, reconstruct or replace 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.

3. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate, reconstruct or replace 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 destroyed must be re-established within the setback area.

G. 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, as defined in paragraph 4.E.2 if applicable, and is in accordance with subparagraphs 1 through 4 below.

Expansion of a nonconforming structure to create an accessory dwelling unit may not result in an increase in non-conformity (See Article 3, Section 4.E.2).

Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met. Any permitted expansion must be recorded at the registry of deeds. Expansion of a relocated, reconstructed or replaced non-conforming structure shall not be permitted unless the original structure is first determined to have achieved setback conformity to the greatest practical extent as provided in paragraph 4.E. When an existing non-conforming structure already meets or exceeds the maximum combined total floor area limit as established in paragraph 4.(G), no expansion shall be permitted.

1. Expansion of a structure, any portion of which is located within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body,

tributary stream, or wetland setback requirement.

2. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
3. For structures, any portion of which is located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed 1,000 square feet. The maximum height of any portion of such a structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

4. For structures, any portion of which is located less than 100 feet, horizontal distance, from the normal high-water line of a waterbody, expansion shall not cause the maximum combined total floor area for all portions of those structures to exceed 1,500 square feet. The maximum height of any portion of such a structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

H. Change of Use of a Non-Conforming Structure

1. The use of a non-conforming structure shall not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use shall not have a greater adverse impact on the water body, tributary stream or wetland or on the subject or adjacent properties and resources than the existing use.

2. In determining that no greater adverse impact shall occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on the public safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources and functionally water-dependent uses.

I. Accessory Structures

1. One non-conforming accessory structure not to exceed eighty (80) square feet in floor area, nor eight (8) feet in height, may be placed on a legally-existing non-conforming lot of record for the storage of the personal property of the property owner only, provided all of the following conditions can be met:

   a) there is no existing storage building on the lot,
   b) there has been no conversion of a previously existing storage building to another use,
   c) there is no location on the lot on which to locate a fully conforming building,
   d) the building does not cause the lot to exceed any applicable lot coverage or vegetation clearing limitations;
   e) no utilities are connected to the structure;
   f) the proposed structure is located to conform to all setbacks requirements to the greatest practical extent and located no closer to the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland than is the principal structure, and
   g) A permit is obtained from the Code Enforcement Officer prior to placement or construction of the storage building.

SECTION 5. NON-CONFORMING USES

A. Expansions Other Than Commercial and Industrial

Expansions of non-conforming uses are prohibited, except that non-conforming uses other than commercial and industrial uses may, after obtaining approval of the Planning Board and a permit from the Code Enforcement Officer, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of any subsequent amendment that causes such use to be non-conforming.

B Expansions of Existing Non-Conforming Commercial and Industrial Uses

Non-conforming commercial and industrial uses, legally in existence as of June 11, 1998, located within the Village, Village Residential, Rural and Rural Residential Districts may be allowed to expand up to 100% of their existing developed area provided such expansion takes place on the existing lot or on land contiguous to the existing lot. The developed area includes structures, parking lots, and outside storage and processing areas. Any proposed expansion of a commercial or industrial use shall be reviewed by the Planning Board under site review.
Any proposed expansion greater than 100% of the existing developed area shall require an amendment to this Ordinance, effect a rezoning, in compliance with Article 1, Section 8.

C. Resumption Prohibited

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or 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. In the case of a non-conforming residential use, such use may be renewed even if it has been discontinued for more than one year, provided that the structure has been used or maintained for residential purposes during the preceding full 5 year period.

D. 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. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archeological and historic resources, any functionally water-dependent uses, changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use.

ARTICLE 4
PERMIT REQUIREMENTS

SECTION 1. PERMIT REQUIREMENTS

Permits shall be required and issued conditionally for the following:

A. The construction, reconstruction, addition to, demolition, movement, or structural alteration of a building or structure, including temporary buildings or structures, when the fair market value of labor and materials used therein exceeds $2,000.00 cumulatively within a 12-month period.
B. Installation or construction of a mobile home, or erection of a modular home.
C. Expansion, resumption or change of use of a non-conforming use.
D. Subdivision or Resubdivision
E. Cluster Development
F. Mobile Home Park
G. For a new or expanded residential, commercial, industrial, institutional, or outdoor-resource land use activity as listed in the Land Use Table in Article 7.
H. Any new, expanding or changing land use requiring a permit identified in Table 1/Table of Uses, Article 7, Section 5 of this Ordinance.
I. Installation or relocation of internal plumbing, or subsurface wastewater disposal systems or their components.
J. The installation, alteration or illumination of any sign as required in Article 8, Section 14.
K. The construction of a new entrance onto a public or privately owned road or Right of Way.
L. Any land use for which a permit by other authorities, including but not limited to state or federal, is required.

SECTION 2. PERMITS NOT REQUIRED

Permits are not required for the following:

A. For an allowed land use activity as indicated in the Land Use Table in Article 7.
B. For the normal repair and maintenance of any structure.
C. Whenever any construction, erection, improvement, addition, enlargement, alteration, demolition, or movement of any building or structure, including temporary structures, when the fair market value of such labor and materials used is less than $2,000.00 cumulatively within a 12-month period. However, all work shall conform to the applicable standards of this Ordinance.

SECTION 3. PERMITS AND CERTIFICATES OF OCCUPANCY OR USE REQUIRED

A. A permit shall be obtained for all those activities listed in Section 1 prior to the start of any construction, site work, or commencement of a land use activity.
B. A Certificate of Occupancy or Use shall be obtained from the Code Enforcement Officer upon completion of all activities requiring a permit in Section 1 above for which a permit is issued conditionally. All Certificates of Occupancy or Use shall be obtained *prior to* the occupancy or use of said permitted activities and shall be issued upon completion of all permit requirements and/or conditions of approval. The Code Enforcement Officer may conduct an on-site inspection prior to issuing a Certificate of Occupancy or Use and may require additional or corrective work to be completed to the extent necessary to ensure compliance with all requirements and/or conditions associated with the permit.

SECTION 4. PERMITS ISSUED AFTER APPROPRIATE REVIEW

All permits shall be obtained from the Code Enforcement Officer after meeting the appropriate review requirements established in Article 5 of this Ordinance.

SECTION 5. GENERAL PERMIT REQUIREMENTS

A. Each permit applicant shall submit, on the form provided by the Town, a written application.
B. All applications shall be signed by the owner(s) of the property, or a person with right, title, or interest in the property, or a duly authorized agent, and such signature shall certify that the information in the application is complete and correct.
C. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
D. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
E. If a permit is denied, the reasons shall be stated in writing.
F. Applications for permits with their accompanying plans shall be maintained as a permanent record by the Town.
G. The Code Enforcement Officer may attach conditions to the permit to ensure compliance with the standards and criteria of this Ordinance. All conditions shall be stated in writing and listed on the permit.

SECTION 6. PERMIT AND REVIEW FEE

Permit application and application review fees including variances and administrative appeals fees shall be set by the Board of Selectmen. These fees shall be non-refundable and submitted by the applicant to the Code Enforcement Officer at the time of application. The application shall not be considered complete until the appropriate fee is paid.

SECTION 7. EXPIRATION OF PERMIT

Following the issuance of a permit, if no substantial construction start is made, or no active use of the property is initiated for which such permit has been issued, within one year of the date of the permit, the permit lapses and becomes void. However, the permit may be renewed by the original permitting authority for one additional year if no material change in the proposed use or applicable Ordinance standards has occurred. However, for good cause shown, the Planning Board may determine that the applicant's permit may be amended to require compliance as determined by the Planning Board.

In the Shoreland Districts, the applicant shall have one year to make a substantial construction start and one additional year to complete construction, or, if no start has been made within the first year and a renewal permit is obtained, the applicant shall have one year from the date of the renewal permit to complete construction.

Subdivision approvals, if approved by the Planning Board and properly recorded at the Kennebec County Registry of Deeds, do not expire.

SECTION 7A. PERMIT STATUS UPON SALE OR LEASE OF PROPERTIES

A permit or approval issued by the Code Enforcement Officer or the Planning Board "runs with the land" (i.e., remains in effect if property is transferred to a new owner or lessee) unless it expires pursuant to Section 7 above, or the approved use is abandoned or discontinued. This excludes permits for marijuana establishments which are specific to the business owner. For purposes of this section, "abandoned or discontinued" means not conducting the approved activity for a period of 2 consecutive years, unless an extension is mutually agreed upon in writing by the Town and the property owner/lessee prior to the expiration of the initial 2 consecutive year timeframe. If an approved activity or use is abandoned or discontinued, the permit lapses and becomes void.

A purchaser or lessee of a property that is the subject of a permit or approval assumes all rights and obligations granted by the permit and may continue the permitted activity or development subject to all its

terms and conditions. If a purchaser or lessee intends to, or undertakes, activity that constitutes a change of use or an expansion or is otherwise inconsistent with all terms and conditions of the permit/approval, a new application or an application for a permit revision to the previously approved plan or activity is required in accordance with Article 6, Section 3(H).

All developments approved under Article 9 shall be required to obtain Planning Board review prior to any change in ownership to determine ability of the new owner to meet the financial and technical capacity standards of Article 6, Section 3(G)(5) and to provide updated performance guarantees.

SECTION 8. PLUMBING PERMIT REQUIRED

No land use permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid "sewage disposal system design or letter of soils suitability prepared by a Licensed Site Evaluator" has been secured by the applicant, or authorized agent, in conformance with the State of Maine Subsurface Wastewater Disposal Rules. In addition, there shall be compliance with the requirements of this Ordinance.

SECTION 9. INSTALLATION OF PUBLIC UTILITY SERVICE.

A public utility, water district, sanitary district, or any utility company of any kind may not install services to any new structure unless and until written authorization attesting to the validity and currency of all permits herein required for that structure under this Ordinance has been issued by the Code Enforcement Officer

ARTICLE 5
PERMIT REVIEW REQUIREMENTS

SECTION 1. PURPOSE

Activities listed in Article 4, Section 1, which require a permit shall be reviewed according to the review classification established in this Article.

SECTION 2. INTERNAL PLUMBING AND SUBSURFACE DISPOSAL SYSTEMS

Internal plumbing and subsurface wastewater disposal systems that require a permit according to the State of Maine Internal and Subsurface Wastewater Disposal Rules shall be reviewed by the Local Plumbing Inspector (LPI). A permit shall be issued if the application complies with the Internal Plumbing and Subsurface Wastewater Disposal Rules, the applicable provisions of this Ordinance, and with the requirements contained in Article 8, Section 6.

SECTION 3. ALLOWED USES

Allowed **use**s as indicated in Article 7, Land Use Table, do not require a permit or permit review, provided owners remain responsible for meeting all applicable provisions of this Ordinance, including but not limited to those pertaining to signs in Article 8, Section 14

SECTION 4. CODE ENFORCEMENT OFFICER PERMIT REVIEW

Land use activities as indicated in Article 7, Land Use Table, (Activities listed in the table as "C") shall be reviewed by the Code Enforcement Officer. A permit shall be issued by the Code Enforcement Officer after review if the proposal complies with all applicable provisions of this Ordinance, and shall be subject to the Standard Conditions of Approval unless specifically exempted or deemed to be not applicable.

SECTION 5. SITE REVIEW

Land use activities as indicated in Article 7, Land Use Table, (Activities listed in the table as "P") shall be reviewed by the Planning Board. After the Planning Board approves a site review application, a notice of decision including all applicable conditions of approval, including the standards Conditions of Approval shall be forwarded to the applicant within 7 days following the next Planning Board meeting. An additional building or use permit may be required from the Code Enforcement Officer. The Planning Board shall approve a site review application if the proposal complies with the applicable provisions of this Ordinance. When reviewing a sketch plan for a subdivision, the Planning Board shall make a determination upon review of the sketch plan whether a proposed subdivision constitutes a major or a minor subdivision as defined in Article 11 of this Ordinance.

ARTICLE 6
PERMIT REVIEW, APPLICATION PROCEDURES AND STANDARDS

SECTION 1. PURPOSE

The purposes of Development Review are to:

A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole;

B. Maintain and protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards; and

C. Promote and protect the health, safety and welfare of the Townspeople, and provide permanent records of conditions that run with ownership of property.

SECTION 2. CODE ENFORCEMENT OFFICER PERMIT REVIEW

A. Applicability

This section shall apply to all land use activities that require Code Enforcement Officer review.

B. Application Procedure

1. Within 14 days of receiving a permit application, the Code Enforcement Officer shall determine if the application is complete. The Code Enforcement Officer shall notify the applicant in writing if the application is incomplete and shall specify the additional material needed to make the application complete.
2. Within 14 days of determining that the application is complete, the Code Enforcement Officer shall, in writing approves, deny, or approve the application with conditions.
3. Any conditions, modifications and waivers to permits shall be in a form suitable for filing with the Registry of Deeds. Prior to commencing work under a permit, proof of such filing shall be provided to the Code Enforcement Officer.

C. Submission Requirements

A permit application shall be made on the forms provided by the Town and shall contain the following:

1. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
2. A written description of the project including estimated cost.
3. Receipt of application fee, payable to the Town of Readfield.
4. A schedule of construction, including anticipated beginning and completion dates.
5. A map drawn to scale, showing the location, boundaries, dimensions, elevations, uses and size of the following: site, type of structure, setbacks from the front, side and rear lot lines, parking areas, driveways, and existing and proposed roads or ways.
6. The location of all water bodies and their distance from all structures proposed for the site.
7. When a permit is to be issued for purposes of demolition, evidence that the structure to be demolished originates in the Town of Readfield, all others being prohibited, identification of any special waste, and the identity of the place and method of demolition, with evidence that no provision of this Ordinance, including but not limited to Article 8, Section 19B, shall be violated, and shall be provided with the application for such permit.

8. Any other information necessary to show that the proposal complies with the applicable provisions of this Ordinance.
9. A list of all other state and federal permits required by the proposal.

C. Review Criteria

The Code Enforcement Officer shall approve a permit application, or amendment thereto, according to the following review criteria:

1. The proposal has obtained approval by the Planning Board for Site Review if applicable.
2. The permit and application fee has been paid.
3. The permit application is complete.
4. The proposal conforms to all the applicable provisions of this Ordinance.
5. The property currently is not in violation of any requirements of this Ordinance. If the Code Enforcement Officer determines that an enforceable violation exists, the Code Enforcement Officer shall issue a Notice of Violation to the applicant within the review period of time provided for and the application, if otherwise approved, shall be conditioned upon the resolution of the violation prior to the use or occupancy of the permitted activity applied for. This provision shall not prohibit, restrict or otherwise preclude the applicant from appealing to the Board of Appeals under Article 2 of this Ordinance any determination by the Code Enforcement Officer of an alleged violation.

E. Inspections

For any new structure, or for any expansion of the footprint of an existing structure, the applicant or the applicant's agent or contractor shall notify the Code Enforcement Officer at least 48 hours prior to commencement of construction of any foundation footing. The Code Enforcement Officer shall determine by inspection or otherwise that the applicant is in compliance with all setback requirements set forth in Table 2 of this Ordinance and as set forth in Chapter 7 of the Maine Subsurface Waste Water Disposal Rules, and that all temporary soil erosion control measures have been properly installed in compliance with Article 8, Section 11.

SECTION 3. SITE REVIEW

A. Applicability

This section shall apply to all land use activities that require Planning Board Review. Site review shall not be required for the direct replacement of a conforming structure provided there is no expansion of use or change of use in the structure.

B. Planning Board Site Review Procedure

All applications for site review shall follow the procedure outlined below:

a. Site review application forms shall be obtained from the Town of Readfield.

b. All site review applications shall be submitted to the Code Enforcement Officer. A dated receipt shall be issued to the applicant upon payment of the appropriate fee. An application file shall be established by the Code Enforcement Officer. All submissions and correspondence regarding the application shall be maintained in the file. One complete copy of the site review application and applicable submissions shall be submitted to the Code Enforcement Officer for review.

c. Within 30 days of the receipt of the site review application, the Code Enforcement Officer shall make a preliminary determination whether the application is complete and notify the applicant in

writing of his/her decision. If the application is not complete, the Code Enforcement Officer shall notify the applicant in writing of the specific material needed to complete the application.

d. The application shall be considered preliminarily complete when all the site review submission requirements are included or when the applicant files a written waiver request. See Waiver process below.

e. The Code Enforcement Officer shall notify the Planning Board of the preliminary determination of completeness. The Planning Board shall schedule a meeting within 30 days after it has received notification from the Code Enforcement Officer of the receipt of a completed application.

f. The applicant shall submit either 11 copies of the complete application and applicable submissions, or an electronic copy of the same, to the Code Enforcement Officer at least 14 days prior to the next scheduled planning board meeting. The Code Enforcement Officer shall mail or deliver one copy of the application to each Planning Board member at least 7 days prior to the Planning Board meeting.

g. A complete copy of the site review application and submissions shall be kept on file at the Town Office and shall be available for public review.

h. The Planning Board shall make a final determination of completeness and/or determine any requested waiver of submission requirements. If the application is not complete, the Planning Board shall notify the applicant of the items necessary to find the application complete. At this point, the Planning Board may either deny the application, table action on the application until it is complete or condition any next steps on the satisfactory submission of required information. The Planning Board reserves the right to request additional information following the determination of completeness, if relevant to the applicable review standards.

i. The Planning Board will schedule a public hearing on any application it deems complete or conditionally completed.

j. The Planning Board may vote to schedule an on-site inspection of the proposed project at any time. The Planning Board shall post the date, time and place of the site inspection at the Town Office.

k. The purpose of the site visit shall be for the Planning Board to obtain knowledge about the site and surrounding area. The Planning Board shall not render any decision concerning the application during the visit. An applicant's refusal to permit a request site visit may cause denial of the application.

l. The Code Enforcement Officer shall publish a notice of the date, time, place, and purpose of the public hearing in a newspaper of general circulation in the Town at least 10 days prior to the public hearing.

m. The Code Enforcement Officer shall notify the applicant and all property abutters to the proposed site by first class mail, at least 10 days prior to the public hearing. The notice shall include the date, time, and place of the public hearing and a brief description of the proposal. A Certificate of Mailing shall be obtained from the postal clerk at the time of mailing and retained as a part of the official records of the application. Compliance with these requirements satisfies the municipal abutter notification requirements.

n. The Code Enforcement Officer shall notify the Town Clerk and the Planning Board of any neighboring towns if any portion of the application requires a site review that abuts or crosses the

town boundary. If any application for a site review crosses the town boundary, the Planning Board shall follow the applicable procedure for conducting a joint meeting as contained in Title 30-A M.R.S.A., Sections 4401-4407.

o. The Planning Board may require the applicant to perform additional studies or hire a consultant to assist the Planning Board with its review of the site review application. The cost to perform additional studies or hire a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study, which shall be placed in an escrow account. The Town shall pay for the services rendered from the escrow account. If funds remain after payments are completed, the Town will return them to the applicant. If necessary, the applicant shall place additional funds into the escrow account upon request in order to meet expenses.

p. The Planning Board may extend the public hearing process beyond a single meeting for any good cause shown, such as the need for additional submissions, studies, availability of Planning Board members, the need to accommodate additional public input or the availability of the applicant.

q. The Planning Board may require that the application be amended to include the items necessary to meet the submission requirements, review criteria and/or Ordinance performance standards. The Planning Board may vote to suspend review of the application until such time that the applicant supplies all the necessary information. no case shall the Planning Board make a final decision on the application until the applicant supplies the additional information to the satisfaction of the Planning Board .If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Board may vote to deny the application, table the application process, or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at a later date according to the requirements for a new application.

C. Decision Making

1. Within 60 days of the closing of the public hearing, the Planning Board shall make a decision on the site review application. The Planning Board shall determine whether or not the proposed use meets the applicable review criteria herein and meets all other applicable provisions of the Ordinance including any appendices. The Planning Board may vote to approve the application, deny the application, or approve the application with conditions.

2. The Planning Board may approve the application with conditions when the Planning Board determines that the application has not met the review criteria, but that additional actions by the applicant shall be sufficient to meet them. The Planning Board may require such actions as conditions of approval. The conditions may set forth requirements in addition to those set forth in this Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. All conditions approved by the Planning Board shall be listed.

3. Within thirty (30) days of its decision, the Planning Board shall submit its written decision to the applicant. The Planning Board, on its own initiative or at the request of an applicant or interested party, may make written finding of fact to support its decision. The Planning Board shall list any waivers approved by the Board in its decision and the reasons for such approval.

4. All decisions to approve an application shall be subject to the Standard Conditions of Approval, unless specifically exempted or deemed not applicable.

5. The written decision shall provide notice that any person aggrieved by the decision may appeal to the Readfield Board of Appeals within forty-five (45) days of the date of the decision. The date of the decision is the date upon which the Planning Board has taken its final vote on the application.

D. Vesting

The determination of the Planning Board that the application is complete shall be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1 M.R.S.A. Section 302.

E. Waivers

1. The Planning Board may vote to waive any of the submission requirements, review criteria and/or performance standards of this Ordinance, other than those set forth in Article 7, when it finds one of the following:

    a. One or more of the review criteria and/or Ordinance performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, or unique features of the proposed use;

    b. The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the Ordinance performance standards; or

    c. For submission requirements only, the Planning Board has on file or is otherwise in possession of sufficient documentation or evidence related to the required submission.

2. The Planning Board may only consider a waiver when the applicant has submitted a written waiver request. The Planning Board shall review the waiver request and if it meets the criteria stated above shall approve the request and submit its decision to the applicant in writing. If the Planning Board finds that the waiver request does not meet the criteria for a waiver, it shall deny the waiver and submit its decision in writing to the applicant.

F. Site Review Submission Requirements:

The following materials should be submitted with an application for site review:

a. Copy of the portion of applicable tax map showing subject property and abutting properties.
b. Names and addresses of all property abutters of the proposed development.
c. Exact directions to the property from the Town Office, using a map if necessary.
d. Map showing boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
e. The tax map and lot number of the parcel or parcels.
f. A copy of the deed to the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
g. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.
h. Map showing the north bearing and lot dimensions of all property lines of the property to be developed and the source of this information.
i. Site plan(s) illustrating the following: (Note: If the site plan is not drawn to scale, then specific distances identifying the relative locations of the following features must be shown on the plan.)

    1) The location and size of any existing and proposed sewer and water mains, culverts and drains that will serve the development whether on or off the property along with the direction of existing and proposed surface water drainage across the site.
    2) The location, names, and present and proposed widths of existing and proposed

roads, driveways, streets, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.

3) The location and dimensions of all existing and proposed buildings and structures on the site.
4) The location of intersecting roads or driveways within two hundred (200) feet of the site.
5) The location of existing and proposed open drainage courses, wetlands, vernal pools[1], water bodies, streams, flood plains, stands of trees, vegetative cover type, and other important natural features, with a description of such features to be retained.
6) The location and dimensions of any existing and proposed easements.
7) The location and dimensions of all existing and proposed provisions for water supply and wastewater disposal systems, including a design copy or letter of soils suitability for any proposed new or replacement wastewater disposal systems.
8) The location and dimensions of all existing and proposed signs.
9) For any project which shall result in a change to exterior lighting, the location, height~~,~~ and type of existing and proposed exterior lighting and, for commercial, industrial and institutional projects, the foot-candle intensities of proposed lighting projecting on abutting properties.
10) The proposed landscaping and buffers/screening.
11) The location and amount of any earth moving.
12) A copy of all existing or proposed covenants or deed restrictions associated with the subject property.

j. A copy of any applicable Federal, State or Town applications or permits which have been issued.
k. A narrative describing how the proposal meets all of the Planning Board's Review Criteria.
l. Evidence of receipt of application fee, payable to the Town of Readfield.
m. A schedule of construction~~,~~ including anticipated beginning and completion dates.
n. A stormwater drainage and erosion and control plan in compliance with Article 8, Sections 10 and 11.
o. A description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. A full traffic impact study shall be required under the conditions set forth in Article 8, Section 18.H, and shall include the components described therein.
p. An assessment of the solid or hazardous wastes to be generated by the proposed activity and a plan for its handling and disposal, along with evidence of disposal arrangements.
q. The Planning Board may require existing and proposed topography of the site to be mapped at ten (10) foot contour intervals, or such other intervals as the Planning Board may determine necessary for review.
r. A copy of any required dimensional calculations applicable to the standards being reviewed, for example, square footage of structures, percent of lot coverage, etc.
s. Elevation drawings for new commercial, industrial, and institutional buildings.
t. Any additional information relevant to the project, for example, photographs, Cobbossee Watershed District recommendations, etc.

G. Review Criteria

The applicant shall demonstrate that the proposed use meets the review criteria listed below as well as all other applicable provisions of this Ordinance, including, but not limited to, applicable performance requirements and standards (Article 8), road standards (Article 10) and applicable

appendices. The Planning Board shall approve the application unless it makes written findings that one or more of the Ordinance requirements have not been met:

1. Aesthetic, Cultural and Natural Values. The proposed activity shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat identified or defined by the Department of Inland Fisheries and Wildlife or the Town of Readfield, or rare plant and animal species, critical habitat, significant or irreplaceable natural areas or resources identified by the Department of Conservation, or any public rights for physical or visual access to the shoreline.

2. Conformity with Local Ordinances and Plans. The proposed activity shall conform with all applicable Ordinances and the Comprehensive Plan.

3. Erosion. The proposed activity shall not cause soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results and to the extent relevant and appropriate shall be consistent with the best management practices set forth in the "Maine Erosion and Sediment Control Best Management Practices" (Maine Department of Environmental Protection, October 2016, or as revised) and the "Maine Erosion and Sediment Control Practices Field Guide for Contractors" Maine Department of Environmental Protection, 2015 or as revised) or the most applicable best management practices as referred to in Article 8, Section 8.

4. Financial Burden on Town. The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.

5. Financial and Technical Capacity. The applicant shall have adequate financial resources and technical capacity to construct and maintain the proposed improvements and meet the criteria of all applicable Ordinances. In making the above determinations, the Planning Board shall consider the proposed time frame for construction, the effects of inflation, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of any violations of previous approvals granted to the applicant under the provisions of this Ordinance.

6. Flood Areas. The proposed activity shall not adversely affect flood plain areas as depicted on the Federal Emergency Management Agency's Flood Insurance Rate Maps and the proposal shall conform with all applicable requirements of the Town of Readfield Floodplain Management Ordinance.

7. Wetlands. The proposed activity shall not have an adverse impact on wetlands.

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

9. Municipal Solid Waste Disposal. The proposed activity shall not cause a burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.

10. Water Supply. The proposed activity shall not cause a burden on an existing public water supply, if one is to be used.

11. Adjacent Land **Use**s. The proposed activity shall not have a detrimental effect on adjacent land **use**s or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or other effects.

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

    a. The elevation of the land above sea level and its relation to the flood plains;
    b. The nature of soils and subsoils and their ability to adequately support waste disposal;
    c. The slope of the land and its effect on effluents, including phosphorous transport; and
    d. The applicable State and Town health, air and water resource and sludge rules and regulations.

13. Waterbodies. The proposed activity shall not have an undue impact on any waterbody such as a lake, pond, or stream.

14. Wastewater Disposal. The proposed activity shall provide for wastewater disposal meeting all applicable requirements of the Maine Subsurface Wastewater Disposal Rules. For proposed subdivisions, each lot must provide within that lot's proposed developed area at least two suitable subsurface disposal system sites meeting first-time system requirements. Form HHE-200, or its equivalent, shall be required.

15. Stormwater. The proposed activity shall adequately provide for effective stormwater management, and to the extent relevant and appropriate shall be consistent with the best management practices set forth in the "Maine Stormwater Best Management Practices Manual (Department of Environmental Protection, March 2016 (Volumes I and II) and May 2016 (Volume III) or as revised).

16. Sufficient Water. The proposed activity shall have sufficient water available for the reasonably foreseeable needs of the proposed development and no evidence of adverse impact to the quality of that water from known or potential sources of contamination including, but not limited to those identified and described in the Department of Environmental Protection's "Environmental and Geographic Analysis Database" (EGAD). For any groundwater contamination risks within 1,000 feet of the proposed activity, the Planning Board may require test well analysis or other data as it deems appropriate be submitted with the application or become a condition of approval.

17. Traffic. The proposed activity shall not cause highway or road congestion or unsafe conditions with respect to the use of the highways or roads existing or proposed.

18. Legal Access. The site shall have legal and reasonable means of access sufficient to meet all proposed uses.

19. Impact on Adjoining Municipality. When a proposed development subject to site review crosses the Town's boundaries, the proposed development shall not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

20. Life and Fire Safety. The Planning Board may require a review of any development subject to site review by the Readfield Fire Department for life and fire safety recommendations and may require incorporation of the life and fire safety recommendations in the application or as a condition of approval of the application.

21. Violations. The proposed activity or development is not on property currently in violation of any requirements of this Ordinance. If the Code Enforcement Officer determines that an enforceable violation exists; the Code Enforcement Officer shall issue a written Notice of Violation to the applicant within the review period of time provided for and the application, if otherwise approved, shall be conditioned upon the resolution of the violation prior to the use

or occupancy of the permitted activity applied for. This provision shall not prohibit, restrict or otherwise preclude the applicant from appealing to the Board of Appeals under this Ordinance or the Board of Appeals Ordinance any determination by the Code Enforcement Officer of an alleged violation.

22. Compliance with Timber Harvesting Standards. For proposed subdivisions, timber on a parcel purchased on or after January 1, 2005 shall not have been harvested in violation of the Maine Forest Service's *Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting* within the five-year period preceding the submission of the application for subdivision approval.

23. Road Construction. Proposed road construction applicable under Article 10, Section 2 must be reviewed and approved by the Road Commissioner prior to final Site Review approval by the Planning Board.

H. Revisions to Approved Plans

1. An application for a revision to a previously approved plan, including a subdivision plan, shall be submitted to the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board. The Code Enforcement Officer with the approval of the Planning Board shall place the application revision on the Planning Board's agenda. The procedure for a new application shall be followed if the revision involves:
    a) An expansion of a building , structure, or developed area is greater than 5% in area or volume from the original plan;
    b) Modifications to any condition imposed by the Planning Board;
    c) The addition of units;
    d) The addition of new lots;
    e) A re-subdivision involving 2 or more lots, except for the reallocation of lot lines among 3 or fewer lots when the Planning Board determines that such reallocation will not result in the creation of additional lots or adverse impacts on the subject or adjacent properties.;
    f) A change or expansion of a use except for a change of use that is substantially similar in nature to the approved use, and that the Planning Board determines, will not result in increased or additional adverse impacts. Re-subdivisions are also subject to the procedural standards of Article 8, Section 17.K.

2. If the revision involves only minor modifications of the plan, the Planning Board may consider the request at the meeting. If, during the course of consideration the Planning Board determines the revision may result in a greater adverse impact on a waterbody or wetland, or on the subject or adjacent properties than the plan previously approved, the Board may require the procedure for a new application be followed.

3. The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be revised, or that are adversely impacted by the proposed revision.

4. The applicant shall submit a copy of the approved plan as well as 11 copies of the proposed revisions. The application shall include enough supporting data to allow the Planning Board to make a decision that the proposed revision meets the review criteria.

5. The Planning Board shall vote to approve the revision, deny the revision, or approve the revision with conditions, or require the submission of a new site plan review application. The Planning Board may further require additional information be submitted in order to ensure that the review criteria are met.

I. Application Procedure for Site Review

1. All applications for site review shall follow the procedure outlined below:
   a. Site review application forms shall be obtained from the Town of Readfield.
   b. All site review applications shall be submitted to the Code Enforcement Officer. A dated receipt shall be issued to the applicant upon payment of the appropriate fee. An application file shall be established by the Code Enforcement Officer. All submissions and correspondence regarding the application shall be maintained in the file. One complete copy of the site review application and applicable submissions shall be submitted to the Code Enforcement Officer for review.
   c. Within 30 days of the receipt of the site review application, the Code Enforcement Officer shall make a preliminary determination whether the application is complete and notify the applicant in writing of his/her decision. If the application is not complete, the Code Enforcement Officer shall notify the applicant in writing of the specific material needed to complete the application.
   d. The application shall be considered complete when all the site review submission requirements are included or when the applicant files a written waiver request.
   e. The Code Enforcement Officer shall notify the Planning Board that a site review application has been received and the Planning Board shall schedule a public hearing within 30 days after it has made the final determination that the application is complete.
   f. A complete copy of the site review application shall be kept on file at the Town Office and shall be available for public review.
   g. The applicant shall submit 11 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14days prior to the next scheduled planning board meeting. The Code Enforcement Officer shall mail or deliver one copy of the application to each Planning Board member at least 7 days prior to the planning board meeting.
   h. The Code Enforcement Officer shall publish a notice of the date, time, place, and purpose of the public hearing in a newspaper of general circulation in the Town at least 10 days prior to the public hearing.
   i. The Code Enforcement Officer shall notify the applicant and all property abutters to the proposed site at least 10 days prior to the public hearing. The notice shall include the date, time, and place of the public hearing and a brief description of the proposal by first class mail and a Certificate of Mailing as proof of mailing shall be obtained from the postal clerk at the time of mailing and retained as a part of the official records of the application. Compliance with these requirements satisfies the municipal abutter notification requirements. Property abutters shall mean all property owners of any parcel with one or more common boundaries or points as well as property owners of any parcel located directly across any road or stream along the road or stream from the parcel involved in application or appeal. Property owners shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed.
   j. Within 60 days of the public hearing the Planning Board shall make a decision on the site review application.6.
   k. The deadline for making a final decision may be extended by the Planning Board for a period not to exceed 60 days, under the following conditions:
      1. The Planning Board voted to deny a waiver request.
      2. The Planning Board voted to require additional studies be performed or required additional information be submitted in order to meet the review criteria.
   l. If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Board shall vote to deny the application or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at a later date according to the requirements for a new application.

m. The Code Enforcement Officer shall notify the Town Clerk and the Planning Board of the neighboring towns if any portion of the application requires a site review that abuts or crosses the town boundary. If any application for a site review crosses the town boundary, the Planning Board shall follow the applicable procedure for conducting a joint meeting as contained in Title 30-A M.R.S.A., Sections 4401-4407.

2. The site review application shall consist of the following submissions:

a. Copy of the portion of applicable tax map showing subject property and abutting properties.
b. Names and addresses of all property abutters of the proposed development.
c. Exact directions to the property from the Town Office, using a map if necessary.
d. Map showing boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
e. The tax map and lot number of the parcel or parcels.
f. A copy of the deed to the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
g. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.
h. Map showing the north bearing and lot dimensions of all property lines of the property to be developed and the source of this information.
i. Site plan(s) illustrating the following: (Note: If the site plan is not drawn to scale, then specific distances identifying the relative locations of the following features must be shown on the plan.)
    1) The location and size of any existing and proposed sewer and water mains, culverts and drains that will serve the development whether on or off the property along with the direction of existing and proposed surface water drainage across the site.
    2) The location, names, and present and proposed widths of existing and proposed roads, driveways, streets, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.
    3) The location and dimensions of all existing and proposed buildings and structures on the site.
    4) The location of intersecting roads or driveways within two hundred (200) feet of the site.
    5) The location of existing and proposed open drainage courses, wetlands, vernal pools[1], water bodies, streams, flood plains, stands of trees, vegetative cover type, and other important natural features, with a description of such features to be retained.

       [1]*Vernal pools are temporary to semi-permanent pools occurring in shallow depressions that usually contain water for only part of the year, filling during the fall and winter as the water table rises and typically drying out by mid to late summer. Significant Vernal Pool habitat is protected by law under the Natural Resource Protection Act, 38 MRSA, Section 480*
    6) The location and dimensions of any existing and proposed easements.
    7) The location and dimensions of all existing and proposed provisions for water supply and wastewater disposal systems, including a design copy or letter of soils suitability for any proposed new or replacement wastewater disposal systems.
    8) The location and dimensions of all existing and proposed signs.
    9) For any project which shall result in a change to exterior lighting, the location, height, and type of existing and proposed exterior lighting and, for commercial, industrial and institutional projects, the foot-candle intensities of proposed lighting projecting on abutting properties.
    10) The proposed landscaping and buffers/screening.

11) The location and amount of any earth moving.
12) A copy of all existing or proposed covenants or deed restrictions associated with the subject property.

j. A copy of any applicable Federal, State or Town applications or permits which have been issued.
k. A narrative describing how the proposal meets all of the Planning Board's Review Criteria.
l. Evidence of receipt of application fee, payable to the Town of Readfield.
m. A schedule of construction, including anticipated beginning and completion dates.
n. A stormwater drainage and erosion and control plan in compliance with Article 8, Sections 10 and 11.
o. A description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. A full traffic impact study shall be required under the conditions set forth in Article 8, Section 18.H, and shall include the components described therein.
p. An assessment of the solid or hazardous wastes to be generated by the proposed activity and a plan for its handling and disposal, along with evidence of disposal arrangements.
q. The Planning Board may require existing and proposed topography of the site to be mapped at ten (10) foot contour intervals, or such other intervals as the Planning Board may determine necessary for review.
r. A copy of any required dimensional calculations applicable to the standards being reviewed, for example, square footage of structures, percent of lot coverage, etc.
s. Elevation drawings for new commercial, industrial, and institutional buildings.
t. Any additional information relevant to the project, for example, photographs, Cobbossee Watershed District recommendations, etc.

J. Application Procedures for Minor Subdivisions

1. Sketch Plan Review

a. Purpose
The purpose of the sketch plan submittal is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

b. Procedure
1) The applicant shall obtain a sketch plan review application from the Code Enforcement Officer.
2) The applicant shall submit the complete sketch plan application to the Code Enforcement Officer at least 10 days prior to a scheduled Planning Board meeting. The Code Enforcement Officer shall place the sketch plan application on the Planning Board's agenda for consideration with the approval of the Planning Board.
3) The applicant shall present the sketch plan application to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.
4) Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the application.
5) The Planning Board may conduct a site visit or may decide to conduct a site visit prior to any hearing and/or at any other time.
6) The applicant is not required to pay an application fee for the sketch plan application.

7) The sketch plan application and on-site inspection, if conducted, shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A. Section 302.
8) The Planning Board shall determine the contour intervals to be shown on the plan.

c. Submissions

The sketch plan application shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions. The sketch plan does not have to be an engineered plan and may be a free-hand penciled sketch.

The sketch plan shall be submitted on the application forms provided by the Town and include the following:

1. A copy of the Tax Assessor's map of the site and surrounding area.
2. A copy of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
3. A copy of the County Soil Survey showing the area of the proposed subdivision.
4. A copy of the Town Land Use Map showing the proposed subdivision.

2. Preliminary Plan

a. Within 6 months after the sketch plan meeting, the applicant shall submit an application for approval of a preliminary plan to the Code Enforcement Officer. Failure to submit a preliminary plan within 6 months of the sketch plan meeting shall require resubmission of the sketch plan to the Planning Board.
b. The Code Enforcement Officer shall issue a dated receipt to the applicant upon receiving the subdivision application.
c. The Code Enforcement Officer shall notify by first class mail all property abutters of the proposed subdivision that an application for a subdivision has been received by the Town. The notice shall specify the location of the proposed subdivision, including a general description of the project. The Code Enforcement Officer shall maintain a list of all property abutters notified by first class mail in the application file.
d. The Code Enforcement Officer shall notify the Town Clerk and the Planning Board of the neighboring town, if any portion of the subdivision abuts or crosses the town boundary. If any subdivision crosses the town boundary the Planning Board shall follow the applicable procedure for conducting a joint meeting as contained in Title 30-A M.R.S.A., Sections 4401 - 4407.
e. The Town shall keep a copy of the subdivision application at the Town Hall for public review.
f. Within 30 days of receipt of the preliminary application the Code Enforcement Officer shall make a preliminary determination of whether the application is complete and notify the applicant in writing of his/her determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific additional material needed to complete the application. The application shall be considered complete when all the subdivision plan submissions requirements are included or when the applicant files a waiver request.
g. The Code Enforcement Officer shall notify the Planning Board that a preliminary subdivision application has been received and the Planning Board shall schedule a public hearing within 30 days after it has made the final determination that the application is complete.
h. The Code Enforcement Officer shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the Town at least 2 times, the first publication to be at least 7 days prior to the hearing.

i. The Code Enforcement Officer shall notify by Certificate of Mailing the applicant and all property abutters, as defined, at least 10 days prior to the public hearing. The notice shall include the date, time, purpose and place of the hearing. Failure of any abutter to receive said notification shall not invalidate any subsequent decision rendered by the Planning Board.

j The applicant shall submit 11 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14 days prior to the public hearing. The Code Enforcement Officer shall mail or deliver one copy of the application to each Planning Board member at least 10 days prior to the public hearing.

k. Within 30 days of the public hearing or within another time period as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application and approve, approve with conditions, or deny the application.

l. The deadline for making the final decision may be extended by the Planning Board if a mutual agreement between the Planning Board and the applicant is reached. The Planning Board may also extend the deadline for a period not to exceed 60 days under the following conditions:

1. The Planning Board voted to deny a waiver request.
2. The Planning Board voted to require additional studies be performed or required additional information be submitted in order to meet the review criteria.

If the additional application materials or studies are not submitted to the Planning Board within the additional prescribed time period, the Planning Board shall vote to deny the application or accept a request by the applicant to withdraw the application. The application may be resubmitted to the Planning Board at a later date according to the requirements for a new application.

m. The Planning Board shall submit its final decision on the preliminary plan to the applicant in writing. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary as a guide to preparation of the final plan.

3. Final Plan

a. The Planning Board shall not require a minor subdivision application to follow additional application procedures for submittal of the final subdivision plan. After approval of the Preliminary Plan the Planning Board shall sign the subdivision plan after the plan has been re-titled as the Final Plan according to the following:

1. The applicant has modified the preliminary plan as necessary based upon the final decision of the Planning Board.
2. All waivers, conditions of approval, and all deed covenants and restrictions shall be listed on the Plan.

b. If the plan is not ready for the Planning Board's signature as per the requirements listed in sub-section a, above, after approval of the Planning Board, then the applicant shall make the necessary modifications and present the complete final plan to the Planning Board for their signature at the next scheduled Board meeting.

4. The minor subdivision application shall consist of the following materials:

a. The submission requirements for Site Review contained in Section I.2, items a through g.

b. The Subdivision Plan for a minor subdivision shall include one or more maps or drawings drawn to a scale of not more than one hundred 100 feet to the inch, provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size.

c. The application for approval of a minor subdivision shall include the following information:

1. Proposed name of the subdivision and the name of the municipality in which it is located, the subdivision lot numbering system plus the Tax Assessor's Map and Lot numbers.
2. A field survey of the perimeter of the tract, giving complete descriptive data by bearing and distances, made and certified by a Registered Land Surveyor. The corners of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.
3. A copy of the deed on which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property shall be included.
4. A copy of any covenants or deed restrictions or other encumbrances intended to cover all or part of the lots in the subdivision.
5. The number of acres within the proposed subdivision, location of existing property lines, buildings, and other essential physical features. The location of any Essential or Significant Wildlife Habitat mapped by the Maine Department of Inland Fisheries and Wildlife, or Rare or Exemplary Natural Communities or Rare Plant Locations mapped by the Maine Department of Conservation shall also be shown on the plan.
6. For subsurface wastewater disposal systems, test pit analyses prepared by a licensed Site Evaluator and a map showing the location of all test pits dug on the site. Form HHE 200 or its equivalent shall be supplied for the primary disposal site for each lot.
7. Indication of the type of water system(s) to be used in the subdivision. When water is to be supplied by a public water district or a private water association, a written statement from the servicing water district or association shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions, when necessary. Where the district's or association's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted in the form of a written statement from a hydro geologist or professional well driller familiar with the area.
8. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner(s), Applicant(s), and individual(s) or company which prepared the plan.
9. A copy of that portion of the Kennebec County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.
10. Contour lines at intervals of 5 feet or at such intervals as the Planning Board may require, based on United States Geological Survey data and referenced to mean sea level.
11. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas in the 100-year flood elevation shall be delineated on the plan.
12. The approximate location of all principal structures on abutting properties within 300 feet of the subdivision.
13. The location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed sewers, water mains, culverts, drainage ways and fire ponds on or adjacent to the property to be subdivided.
15. The location, names and present widths of existing and proposed streets,

highways, easements, rights-of-way, building lines, parks, recreation areas, open space areas, pedestrian walkways, outdoor lighting, signs and parking areas on or adjacent to the subdivision.

16. The width and location of any streets or public improvements shown upon the Official Land Use Map and in the Comprehensive Plan, if any, within the subdivision.
17. All proposed lot lines with approximate dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved and an explanation of its proposed management.
20. The location of any sand and gravel aquifer as mapped by the Maine Geological Survey underlying any part of the subdivision along with a hydrogeological assessment prepared by a Certified Geologist experienced in hydrogeology evaluating any potential impact to the aquifer which may result from the development of the subdivision.
21. A narrative describing how the proposed subdivision meets the Planning Board's Review Criteria.
22. Receipt of application fee, payable to the Town of Readfield.
23. A schedule of construction, including anticipated beginning and completion dates.
24. An erosion control plan in compliance with Article 8, Section 11.
25. A list of all other state and federal permits required for the subdivision.
26. Evidence that the applicant has the financial means, and has dedicated same, to effect the completion of the subdivision. In addition, that the applicant, or agent of applicant, have the experience requisite to complete the subdivision.
27. A narrative describing any timber harvesting operations within the preceding five (5) years, a copy of the Forest Operations Notification and a written determination of the harvest's compliance with the Maine Forest Service's Timber Harvesting Standards to Substantially Eliminate Liquidation Harvesting certified by a licensed forester shall be submitted.
28. A map showing any known groundwater risk areas within 1,000 of the proposed development.

***(Note:** For submittal 28 (above), refer to the "Environmental and Geographic Analysis Database (EGAD) at the Maine Department of Environmental Protection's website: http://www.maine.gov/dep/gis/datamaps/ (under "All Bureaus" go to "Site Types," then "Google Earth;" type in "Readfield" in the location bar (upper left corner), then use the directory in the left column to identify and sort information).*

K. Application Procedure for Major Subdivisions

1. Sketch Plan review for major subdivisions shall follow subsection J, 1.

2. Preliminary Plan application procedures for a major subdivision shall follow subsection J, 2 and J, 4.

3. Preliminary Plan Submission Requirements for a Major Subdivision shall include all the submission requirements for a Minor Subdivision and the following:

   a. A stormwater management plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer and if located in the watershed of Cobbossee Lake, reviewed by the Cobbossee Watershed District. Such plan shall also include a phosphorus transport analysis.
   b. A traffic impact analysis demonstrating the impact of the proposed project on the

capacity, level of service and safety of adjacent streets, utilizing recognized professional standards.

c. A visual impact assessment prepared by a registered landscape architect or other qualified professional acceptable to the Planning Board, when the Board finds that a subdivision is likely to have an effect on the scenic or natural beauty of the area.

d. A description of all parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owner are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

e. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots.

f. A list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:
   - Schools, including busing
   - Street maintenance and snow removal
   - Police and Fire protection
   - Solid waste disposal
   - Recreational facilities
   - Stormwater drainage
   - Wastewater treatment
   - Water supply

g. The Applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

h. Engineered drawings showing the proposed name, location and construction specifications for all proposed public or private roads.

4. Final Plan Application Procedures for a Major Subdivision

a. Within 6 months of the date of the Planning Board approval of the preliminary plan, the applicant shall submit a complete final subdivision plan application to the Code Enforcement Officer. Failure to submit a final plan application within 6 months of approval of the preliminary plan will require re-submission of the preliminary plan.

b. The Code Enforcement Officer shall issue a dated receipt to the applicant upon receiving the application.

c. Within 30 days of receipt of the final plan application the Code Enforcement Officer shall make a preliminary determination whether the application is complete and notify the applicant in writing of his/her determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific material needed to complete the application. The application shall be considered complete when all the submission requirements are included or when the applicant files with the application a waiver request.

d. The Code Enforcement Officer shall notify the Planning Board that a final subdivision application has been received and the Planning Board shall make the final determination that the application is complete. The Planning Board shall schedule within 30 days a public hearing after it has determined that the application is complete.

e. The Planning Board shall hold a public hearing on the final plan application within 60 days after it has determined the final application is complete. The public hearing notification requirements contained in subsection J.2 g-i shall be followed.

f. The applicant shall submit 11 copies of the complete application and applicable submissions to the Code Enforcement Officer at least 14 days prior to the meeting or

public hearing. If the subdivision proposal includes the development of a new public or private road, the applicant shall obtain approval from the Board of Selectmen for the name of the road prior to the public hearing.

g. Within 30 days of the public hearing or 60 days of the meeting, the Planning Board shall make a finding of fact on the application and approve, approve with conditions or deny the application.
h. The Planning Board shall submit its final decision on the final plan to the applicant in writing. If the Final plan is approved the Planning Board shall sign the plan and keep one copy for the Town files.
i. The final plan shall consist of 4 mylar copies containing all the necessary conditions, modifications and waivers approved by the Planning Board. The applicant shall record the approved final plan in the registry of deeds within 90 days of the date the Planning Board signed the plan.

5. Final Plan Submission Requirements

The final plan submission requirements shall include all those items required for a preliminary plan and the following:

a. All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained in the final plan application.
b. All waivers approved by the Planning Board for the preliminary plan shall be shown on the final plat.
c. The name, registration number, and embossed seal of the registered land surveyor who prepared the plan shall be shown on the plat.
d. The street names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves and tangent distances and bearings shall be shown on the plat. On the roads, the applicant shall mark lines or dots on the plan in the center of the roads every 50 (fifty) feet to aid in the assignment of road numbers to structures subsequently constructed.
e. The designation of all easements, areas reserved for, or dedicated to, public use or the common use of lot owners, and areas reserved by the developer.
f. The location, bearing and length of every lot line, with all lots numbered.
g. The location of permanent markers set at all lot corners.
h. A performance guarantee to secure completion of all public improvements if required by the Planning Board and written evidence that the Municipal Officers are satisfied with the legal sufficiency of such guarantee.
i. Written copies of any documents of land dedication, and written evidence that the Municipal Officials are satisfied with the legal sufficiency of any documents accomplishing such land dedication.
j. The flood hazard boundaries and floodplain elevations for any portion of the subdivision that is within the 100-year floodplain as shown on the Town of Readfield Flood Insurance Rate Maps. If any development is proposed to be located within the 100-year floodplain, the plan shall include a condition of plan approval requiring all applicable provisions of the Floodplain Management for the Town of Readfield be complied with before, during, and subsequent to any development.
k. A signature block shall be provided on the final plan.

L. Performance Guarantees

1. Improvements Guarantee. Performance Guarantees shall be tendered for all improvements required by the Planning Board, including the construction of the streets (the "required improvements").

2. Types of Guarantees. As required by the Planning Board, the developer shall provide a Performance Guarantee, that may be one of the following listed Performance Guarantees, or such other Performance Guarantee as determined by the Planning Board, and be in an amount adequate to cover the total construction costs of all required improvements and/or for projects with a defined life cycle, the costs of removing such improvements:

    a. An escrow account funded by cash or a certified check payable to the Town of Readfield and governed by an escrow agreement provided by the applicant in a form acceptable to the Planning Board. The escrow agreement shall include, at a minimum, the following terms:

        The consent of the municipal officers shall be required for a withdrawal, but the consent of the developer shall not be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer upon completion of the required improvements unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the developer and the amount withdrawn to complete the required improvements. The escrow account shall be maintained by the Town Treasurer in the name of the Town. Portions of the escrowed funds may be released as required improvements are completed and releases are authorized by the Planning Board under paragraph 5 below.

    b. An irrevocable letter of credit from a bank or other financial institution authorized to do business in Maine securing funding for the construction of on which the Town may draw if construction is inadequate, or incomplete.

    c. For development projects with an anticipated completion date of less than six (6) months, the developer may provide the Town Treasurer with a bank treasurer's check in the required escrow amount to be held by the town in lieu of establishing an escrow account, in which case no interest will be earned or is payable.

    The form, time periods, conditions and amount of the Performance Guarantee shall be determined by the Planning Board. The Planning Board may seek advice from the Town's Road Commissioner, Municipal Officers, and any consultants deemed appropriate by the Planning Board including, but not limited to, the Town's engineer and attorney as to the form and amount of the Guarantee. Any costs or fees incurred by the Town for such advice shall be paid by the developer and the amount shall be included in determining the amount of the Guarantee.

    Upon receipt of a Performance Guarantee, the Planning Board or its designee shall notify in writing the Town Manager and the Chairman of the Board of Selectmen of the terms of the proposed acceptance of the Performance Guarantee, such notice provided so as to give the Town Manager and the Chairman of the Board of Selectmen sufficient time to comment before the Planning Board accepts the Performance Guarantee.

3. Contents of Guarantee. The Performance Guarantee shall contain or incorporate by reference a construction schedule, total cost estimates for each major phase of construction taking into account inflation for the time span of construction, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer shall be in default and the Town shall have access to the funds to finish construction.

4. Phasing of Development. The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by limiting final

approval to those lots abutting that section of the proposed development street which is covered by a Performance Guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

5. Release of Guarantee. Prior to the release of any part of the Performance Guarantee, the Code Enforcement Officer shall determine to its satisfaction, in part upon the inspection(s) and/or report of the Town's Road Commissioner or a qualified engineer or other consultant retained by the Town and whatever other agencies and departments may be involved, that the proposed improvements shall meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. All direct costs incurred under this paragraph shall be paid by the developer.

6. Default. If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Board of Selectmen, the Planning Board, and the developer. The Board of Selectmen shall retain the authority to take any steps necessary to preserve the Town's rights. Any work which has not been completed in full compliance with the terms and conditions of the Performance Guarantee may be performed at the direction of the Board of Selectmen and such work shall be paid for from the Performance Guarantee funds in accordance with a disbursement schedule recommended by the Planning Board.

ARTICLE 7
LAND USE DISTRICTS AND REGULATIONS

SECTION 1. ESTABLISHMENT OF DISTRICTS

To implement the provisions of this Ordinance, the Town of Readfield is hereby divided into the following Land Use Districts and Overlay District which are depicted on the official Readfield Land Use Map.

A. Land Use Districts
1. Village District
2. Village Residential District
3. Rural District
4. Rural Residential District
5. Shoreland Residential District
6. Resource Protection District
7. Stream Protection District
8. Commercial and Industrial District

B. Overlay District
Mobile Home Park District

SECTION 2. LOCATION OF DISTRICTS

Said districts are located and bounded as shown on the official Land Use Map, entitled "Land Use Map of Readfield, Maine," and on file in the Town Office. The official map shall be signed by the Town Clerk and the Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

SECTION 3. INTERPRETATION OF DISTRICT BOUNDARIES

A. District boundary lines as set forth on the official Land Use map described in Section 2 and unless otherwise indicated shall be property lines, the centerline of roads or rights-of-way, and the boundaries of the shoreland districts as described below in Section 4.5, 4.6 and 4.7. The Code Enforcement Officer, to the extent not set forth in the official Land Use map referred to above or as necessary to clarify same, shall determine the boundaries of districts by conducting on-site inspections and measurements of the distances as described in this Ordinance or displayed on the Official Land Use Map or the Flood Insurance Rate Map. The Code Enforcement Officer may, when necessary to make these determinations, use other available information including, but not limited to: right-of-way maps, subdivision plans, surveys, and the Town of Readfield Road Inventory and USGS Topography maps.

B. The depiction of all land use districts on the Official Land Use Map for the Town of Readfield is merely illustrative of their general location. Where uncertainties exist as to exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

C. Lots Split by a Land Use District Line. If a lot is divided by two or more districts, the requirements of this Ordinance for a particular district apply only to that PART of the lot which is located in THAT district.

SECTION 4. DISTRICT PURPOSES

A. Land Use Districts
All of the districts described below seek to guide and direct development so that it shall not conflict with the best interests of the Town in regard to protection of the environment, public health, safety, flood damage prevention, and economic well-being.

1. Village District

   The village district is comprised of areas that can support a range of land uses including higher density residential use, commercial, community and governmental facilities and light industry. The district designation is intended to promote a compact (rather than sprawling) pattern of development in the district areas, and to encourage the preservation, revitalization and expansion of Readfield's two village areas (Readfield Corner and Readfield Depot). The village district designation strives to accommodate the denser, mixed land use pattern described above while seeking to maintain the character and historical integrity of the village areas, and to ensure that proposed development and land uses are compatible with existing uses in the village.

2. Village Residential District

   The village residential district includes areas where the primary use is for higher density residential neighborhoods. Non-residential uses are strictly limited in this district. The designation encourages a more compact pattern of residential development, and seeks to ensure that the existing character and visual quality of the village residential areas are maintained.

3. Rural District

   The rural district includes areas which contain a large acreage of open space, farmland and forest land. Lands within the district are especially important for the recreational, scenic, and other resource based opportunities which they offer. The purpose of the rural district designation is to ensure that proposed development and land uses are compatible with the preservation of Readfield's open, rural character and are protective of sensitive natural resources and visual/scenic quality. In part, this is accomplished through encouraging agriculture and forestry uses in the rural district. The rural district also accommodates certain commercial and light industry uses and strives to maintain a development pattern of mixed, low density use while protecting critical natural and scenic resources.

4. Rural Residential District

   The Rural Residential District is comprised of land areas similar in nature to those in the rural district, in terms of their composition (substantial areas of open space, farmland and forest land) and their value with respect to recreational, scenic and other resource based opportunities. This district however, is more restrictive in terms of allowable uses, and primarily seeks to accommodate low density residential use, agriculture and forestry operations which are compatible with the preservation of Readfield's rural character, and which are protective of sensitive natural resources and scenic/visual quality.

5. Shoreland Residential District

   The Shoreland Residential District includes all shoreland areas within 250 feet, horizontal distance, of the normal high-water mark of a great pond or the upland edge of a wetland consisting of ten (10) or more contiguous acres or as otherwise defined, other than those areas included in the Resource Protection District or the Stream Protection District. It includes areas that are appropriate for residential, recreational, and other non-intensive development activities.

6. Resource Protection District

   The resource protection district includes areas having current moderate or high habitat value and in which development would adversely affect water quality, productive fish or wildlife habitat, biotic systems, or scenic and natural values. However, areas which are currently developed and which would meet the criteria of this district shall be placed in another suitable land use district. This district shall include the following areas.

a. Wetlands, as defined, and the areas within 250 feet horizontal distance of the upland edge of the following wetlands: a wetland that is 10 acres or greater; wetlands associated with great ponds; and, wetlands which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife.
b. The wetlands and the areas within 25 feet horizontal distance of the upland edge of wetlands that are greater than 2 acres and less than 10 acres.
c. Areas within 1000 feet horizontal distance of the normal high-water line of Carlton Pond.
d. Areas within 250 feet horizontal distance of the normal high-water line of Mill Pond, Shedd Pond and Brainard Pond.
e. Areas of 1 or more contiguous acres with sustained slopes of 20% or greater.
f. The following areas when they are located within 250 feet horizontal distance of the normal high-water line of a great pond; within 250 feet of the upland edge of a wetland; and, within 75 feet, horizontal distance, of a stream:
   (1) Important Wildlife habitat.
   (2) Natural sites of significant scenic or aesthetic value.
   (3) Areas designated by federal, state and local government as natural areas of significance to be protected from development.
   (4) Existing areas of public access and certain significant archeological and historic sites.

7. Stream Protection District

The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream as defined in Article 11 and other streams of local significance designated on the Official Land Use Map, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or within 250 feet, horizontal distance of the upland edge of a freshwater wetland. Where a stream and its 75 foot shoreland area is located within the 250-foot shoreland area of a great pond or a freshwater wetland, that land area shall be regulated under the terms of the district in which the great pond or wetland are located.

8. Commercial and Industrial District

The Commercial and Industrial District is established for the purpose of allowing the opportunity for large scale commercial, industrial, or infrastructure uses to locate or expand in the community if this can be accomplished with minimal negative impact, although large scale commercial operations are generally not in keeping with the Town's character. This district is the only district which may accommodate commercial industrial or infrastructure uses with structures in excess of 5,000 square feet. This Ordinance seeks to ensure that proposed uses are compatible with existing uses and the rural character of the Town, and are protective of natural resources and visual quality. Land proposed for designation as commercial/industrial/infrastructure shall follow the adoption procedures in Article 9.

9. Academic District

The Academic District is comprised of land areas that support development of educational institutions and effective delivery of their programs and activities including housing, health care, and food services. The purpose of this designation is to ensure a homogeneous pattern of development on land now occupied by educational institutions focused exclusively on accommodation of the institution's development needs and excluding unrelated residential, commercial and industrial uses. In the Academic District, only uses which directly support or relate to the principal permitted academic use shall be permitted.

B. Overlay District

Mobile Home Park District

The Mobile Home Park District may accommodate mobile home parks and developments where designated on the Town of Readfield Land Use Map, subject to the requirements of the underlying district.

SECTION 5. LAND USES

Land Uses permitted in Readfield are shown on Table 1 (Table of Uses) by the type of review required or not required within each land use District under this Ordinance. Required permit review shall be secured prior to obtaining the appropriate building, plumbing or other applicable construction permits in accordance with the procedures and processes described in this Ordinance.

For any land uses not specifically identified in Table 1, the following type of review required or not required within each land use district shall apply: The Code Enforcement Officer shall make the final determination on the appropriate review for any land use not listed.

1. Uses similar to uses requiring a permit from the CEO and/or LPI shall require a permit from the CEO and/or LPI
2. Uses similar to uses requiring Planning Board approval shall require Planning Board approval.
3. Uses similar to allowed uses are permitted.
4. Uses similar to prohibited uses are prohibited.

TABLE 1 /
TABLE OF USES

LAND USE DISTRICT

	V	VR	AD[9]	R	RR	SR	RP	SP	CID	Overlay District MH
RESIDENTIAL—including driveways										
Accessory Structure (to allowed uses)	C	C	C	C	C	C/P [11]	P	N	P	C
Multi-Family Dwelling	P	P	P	N	P	P	N	N	N	P
Single-Family Dwelling	C	C	C	C	C	C/P **[11]**	P[5]	C[6]	N	C
Two-Family Dwelling	C[8]	C[8]	C[8]	C	C	C/P [11]	N	N	N	C
Rooming/Boarding House Group Home	P	P	P	P	P	N	N	N	N	P
Mobile Homes	N	N	N	C	N	C/P [11]	P[5]	C6	N	C
Mobile Home Park	N	N	N	N	N	N	N	N	N	P
Subdivisions	P	P	P	P	P	P	P[5]	P	N	P
Conversion of Seasonal Homes[7]	C	C	C	C	C	C/P [11]	P	P	N	C
Accessory Dwelling Unit	C	C	C	C	C	C/P [11]	N	N	C	C
[3]COMMERCIAL										
Principal and Accessory Structures	P	N	N	P	N	N	N	N	P	U
Restaurants/Bars	P	N	N	P	N	N	N	N	P	U
Adult Entertainment	N	N	N	N	N	N	N	N	P	N
Recreation	P	N	P	P	N	P	N	N	P	U
Auto Sales/Repair Body Shop	P	N	N	P	N	N	N	N	P	U
Bed and Breakfast	P	P	N	P	P	P	N	N	N	U
Car Wash	P	N	N	N	N	N	N	N	P	U
Gasoline Service Station	P	N	N	N	N	N	N	N	P	U
Home Occupations	C	C	C	C	C	C	C	C	C	C

Legend

Land Use Districts			*Overlay District*
V = Village District	R = Rural District	SP = Stream Protection	MH = Mobile Home
VR = Village Residential	RR = Rural Residential	RP = Resource Protection	
AD= Academic District	SR = Shoreland Residential	CID = Commercial Industrial	

Key to Table of Uses

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance).
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

TABLE 1 /
TABLE OF USES

	LAND USE DISTRICTS									*Overlay* ***District***
	V	**VR**	**AD[9]**	**R**	**RR**	**SR**	**RP**	**SP**	**CID**	**MH**
Hotel/Motel	P	N	N	P	N	N	N	N	P	U
Indoor Theater	P	N	P	P	N	N	N	N	P	U
Office: Business Professional/Medical	P	N	P	P	N	N	N	N	P	U
Printing/Photography	P	N	N	P	N	N	N	N	P	U
Redemption Centers	P	N	N	P	N	N	N	N	P	U
Retail Fuel Distributor (Petroleum Prod.)	P	N	N	P	N	N	N	N	P	U
Retail Business	P	N	P	P	N	N	N	N	P	U
Veterinary Hospital	P	N	N	P	N	N	N	N	P	U
Service Business	P	N	P	P	N	N	N	N	P	U
Wholesale Business	P	N	N	P	N	N	N	N	P	U
Junkyard/Automobile Graveyard/Automobile Recycling	N	N	N	P	N	N	N	N	P	U
INDUSTRIAL[3]										
Accessory Structure	P	N	N	P	N	N	N	N	P	U
Light Industry	P	N	N	N	N	N	N	N	P	U
Heavy Industry	N	N	N	N	N	N	N	N	P	U
Recycling Operation	P	N	N	P	N	N	N	N	P	U
Sludge Spreading	N	N	N	P	N	N	N	N	N	N
Terminal for Bulk Oil & Gas	P	N	N	P	N	N	N	N	P	U
Trucking, including Distribution Terminal	P	N	N	P	N	N	N	N	P	U
Warehousing and Storage	P	N	N	P	N	N	N	N	P	U

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TABLE 1 /
TABLE OF USES

	LAND USE DISTRICTS									*Overlay* ***District***
	V	**VR**	**AD**[9]	**R**	**RR**	**SR**	**RP**	**SP**	**CID**	**MH**
Waste Handling Facility	N	N	N	N	N	N	N	N	P	N
INSTITUTIONAL										
Accessory Structure	C	C	C	C	C	N	N	N	N	U
Church/Synagogue/Parish House	P	P	P	P	P	N	N	N	N	U
Civic/Convention Center	P	N	P	P	N	N	N	N	N	U
Community Centers/ Clubs	P	N	P	P	P	N	N	N	N	U
Community Living Arrangement • up to 8 persons • more than 8 persons	C P	C P	C P	C P	C P	C P	P[5] N	C[6] N	N N	C U
Day Care Facilities • 3 to 12+	P	P	P	P	P	P	N	N	P	U
Nursing Home	P	N	N	P	N	N	N	N	P	N
Hospital/Medical Care	P	N	P	P	N	N	N	N	N	U
Government Uses	P	P	P	P	P	N	N	N	N	P
Museum/Library	P	N	P	P	N	N	N	N	N	U
Public/Private School	P	P	P	P	P	P	N	N	N	U

Legend

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U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

TABLE 1 /
TABLE OF USES

	LAND USE DISTRICTS									*Overlay District*
	V	**VR**	**AD[9]**	**R**	**RR**	**SR**	**RP**	**SP**	**CID**	**MH**
OUTDOOR, RESOURCE-BASED USES										
Accessory Structure	C	C	C	C	C	C	P	P[1]	N	U
Agriculture [12, 13]	Y	Y	Y	Y	Y	Y[1]	P	Y[1]	Y	U
Agriculture–Light Industry [14]	P	P	P	P	P	P	P	N	P	U
Agriculture–Intensive [15]	P	P	P	P	P	P	N	N	P	U
Individual Campsites	Y	Y	C	Y	Y	C	C	C	N	U
Campground	N	N	N	P[4]	N	P	N[4]	N	N	U
Natural Resource-Based Industries	N	N	N	P	P	N	N	N	P	U
Natural Resource-Based Recreation	P	N	P	P	P	P	P	P	N	U
Kennels	N	N	N	P	N	N	N	N	N	N
Parks/Recreation	P	P	P	P	P	P	P	P	N	U
Piers and Docks - Temporary - Permanent	 NA NA	 NA NA	 C N	 NA NA	 NA NA	 Y N	 Y N	 Y N	 N N	 NA NA
Common Shoreland Accesses	NA	NA	NA	NA	NA	PB	PB	PB	N	NA
Mining & Mineral Extracting[1]	N	N	N	P	P	P	P	N	N	N
Filling or Other Earth Moving - Less than 10 cy[1] - More than 10 cy[1]	 Y Y	 Y Y	 Y C	 Y Y	 Y Y	 Y C	 C P	 C P	 Y Y	 U U
Forest management & Timber Harvesting	Y	Y	Y	Y	Y	Y[1]	C	Y	Y	U

Legend

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P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U = N/A=	Use shall comply with underlying District requirements. Not Applicable to the district

TABLE 1 / TABLE OF USES

	LAND USE DISTRICTS									***Overlay District***
	V	**VR**	**AD**	**R**	**RR**	**SR**	**RP**	**SP**	**CID**	**MH**
INFRASTRUCTURE										
Essential Services	C[10]	C[10]	C[10]	C[10]	C[10]	P/C[16]	P/C[16]	P/C[16]	C[10]	N
Communications Tower	P	N	P	P	N	N	N	N	P	U
Wind Energy Systems										
A. Commercial	N	N	N	N	N	N	N	N	P	N
B. Small	P	P	P	P	P	P	P	P	P	P
Municipal Waste Handling Facility	P	N	N	P	N	N	N	N	P	N
Parking Areas	C	C	C	C	C	P	N[4]	N	C	C
Roads, Public & Private	P	P	P	P	P	P	P[2]	P	P	P
Signs	C	C	C	C	C	C	C	C	C	C

Legend

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P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not applicable to the district.

1. Subject to the applicable standards and conditions contained in Article 8, Sections 11, 19B, 19F and 23.

2. These uses are not allowed within those districts except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the district, in which case a permit shall be required from the Planning Board.

3. Structures for Commercial and Industrial uses allowed in the Village, Village Residential, Rural, Shoreland Residential, Stream Protection, and Resource Protection Districts shall not be greater than 5,000 square feet in total floor area. Structures for Commercial and Industrial uses allowed in the Commercial and Industrial District may be greater than 5,000 sq. ft. in area.

4. Except when area is zoned Resource Protection due to floodplain criteria, in which case a permit is required from the Planning Board.

5. Single family dwellings may be allowed by special exception only according to the provisions of Article 8, Section 19. N

6. Provided that a variance from the setback requirement is obtained from the Board of Appeals.

7. See Article 8, section 27, “Seasonal Conversions of Residential Dwellings.”

8. See Article 8, section 1.C. for conversions or reconstruction of single- and two-family structures on nonconforming lots in the V, VR or AD.

9. In the Academic District, only uses which directly support or relate to the principal permitted academic use shall be permitted.

10. Major Essential Service development projects are subject to Site Plan Review by the Planning Board as determined by the Code Enforcement Officer.

11. Planning Board approval required for allowed uses within the restricted setback of a protected resource.

12. “Agriculture” that also meets the definition of “Agriculture – Light Industry” shall be subject to the provisions of the LUO applicable to “Agriculture – Light Industry”.

13. “Agriculture” that also meets the definition of “Agriculture – Intensive” shall be subject to the provisions of the LUO applicable to “Agriculture – Intensive”.

14. “Agriculture – Light Industry” that also meets the definition of “Agriculture - Intensive” shall be subject to the provisions of the LUO applicable to “Agriculture – Intensive”.

15. Planning Board approval is required for a newly established Agriculture – Intensive use, for expansions of use meeting the definition of “agriculture – intensive”, and for expansions of existing agricultural use that cause the use to meet the definition of “agriculture – intensive”.

16. “Small Cell Facilities are permitted by the Code Enforcement Officer”

SECTION 6. SPACE STANDARDS AND DIMENSIONAL REQUIREMENTS

Unless otherwise permitted by this Ordinance, all lots, structures and uses must meet the minimum standards and requirements as set forth in Table 2. If more than one dwelling unit or other principal structure or use, or combination thereof, is constructed or established on a single lot, all dimensional requirements for land area and frontage shall be met for each additional dwelling unit, principal structure or use. Any lots created that are of less compliance with the following table shall not be eligible for building or use permits as they are required by this Ordinance.

TABLE 2 Dimensional Requirements

	LAND USE DISTRICTS									***Overlay District***[8]
Dimensions	**V**	**VR**	**AD**	**R**	**RR**	**SR**	**RP**[12]	**SP**	**CID**	**MH**
Minimum land area [14, 17] (sq. ft. in thousands)	20' [18]	40' [19]	40' [19]	80' 20	80' [20]	80' [20]	80' [20]	80' [20]	80'	80 [12, 20]
Minimum Road Frontage (public or private)[14]	100'	100'	100'	200'	200'	200'	200'	200'	200'	200'
Road setback [1, 6]	25/50[13]	25/50'	25/50	50/75'	50/75'	25/50'	50/75'	50/75'	50/75'	50/75'
Side setback [6, 11, 14]	20'[13]	20'	20'	20'	20'	20'	20'	20'	20'	20'
Rear setback [6, 14]	20'[13]	20'	20'	20'	20'	20'	20'	20'	20'	20'
Water Body setback [10]	100'	100'	100'	100'	100'	100'	250'	75'	100'	NA
Tributary Stream setback [6, 7,	50'	50'	75'	75'	75'	75'	75'	75'	50'	NA
Wetland setback-greater than 2 acres, less than 10 acres [6]	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
Wetland setback-10 acres or more, or 2 or more acres adjacent to surface waterbody [6]	75'	75'	75'	75'	75'	75'	75'	75'	75'	75'
Minimum lot depth	200'	200'	200'	200'	200'	200'	200'	200'	200'	200'
Maximum lot depth to frontage ratio [9]	5:1	5:1	5:1	5:1	5:1	5:1	5:1	5:1	NA	NA
Maximum lot coverage [15]	NA	NA	NA	NA	NA	20%	20%	20%	NA	NA
Minimum shore[3] frontage	NA	NA	NA	NA	NA	200'	200'	200'	200'	NA
Maximum height of structure [4, 5]	35'	35'	35'	35'	35'	35[16]	35[16]	35[16]	35'	35'

1. In the Village and Village Residential Districts, road setback shall be from the edge of the right-of-way of a public or private road or from the centerline of the road, whichever is less. For all other Districts front setback shall be from the edge of the right-of-way of a public or private road or from the centerline of the road, whichever is greater.

2. Minimum land area for Mobile Home Park.

3. Land uses classified as commercial, industrial or institutional shall have a minimum of 300 feet of shore frontage.

4. Structures in compliance with the Telecommunication Towers Ordinance and agricultural structures not within a Shoreland District and not used as dwellings are exempt provided height shall not at any time place structures or potential structures on adjacent lots in jeopardy should exempt or extended structures collapse for any reason or cause.

5. Any increase in the height of a structure above that which is permitted in this Ordinance requires a variance from the Board of Appeals.

6. Steps, stairways, ramps or similar structures may be allowed within the required setback area with a permit from the Code Enforcement Officer as may be necessary to provide for a secondary means of egress from a legally existing dwelling, provided: the structure is limited to a maximum of four (4) feet in width, and that the applicant demonstrates there is no reasonable alternative means of escape from the dwelling. The Code Enforcement Officer may impose conditions to any approval as necessary to insure conformance with the purposes and provisions of the setback requirements of this Ordinance to the greatest practical extent.

7. Within the Village or Village Residential Districts or Commercial Industrial Districts, the 50 ft. setback requirement may be reduced to not less than 25 ft. provided the applicant has submitted a stormwater management and erosion control plan prepared by a qualified professional clearly demonstrating the following: (a) the on-site treatment of peak discharge rates of stormwater and erosion control utilizing the design principles set forth in Article 8, Sections 10 and 11; (b) the implementation for the stormwater treatment and erosion control plan; and (c) the approval for this setback reduction is a written part of the permit.

8. Must conform to requirements of underlying district.

9. This provision applicable to all lots created after September 15, 2004. When a lot borders both a waterbody and a road, the lot depth to frontage ratio shall be based on the frontage of the waterbody.

10. Water-dependent structures, such as docks, are not subject to Waterbody or wetland setbacks but remain subject to all other setback requirements for structures in the District in which they are located, except as allowed by the Planning Board under Article 8, Section 19.N

11. Side setbacks are not applicable where only a common wall separates the individual ownership of units in a multi-unit structure.

12. In the Resource Protection District the setback requirement shall be 250 ft., horizontal distance, from all water bodies, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified in Table 2 Dimensional Requirements shall apply.

13. In the Village District, setbacks may be reduced by up to five (5) feet for accessory structures, provided there is no alternative location that meets setbacks to the greatest practical extent, as determined by the Code Enforcement Officer applying the standards set forth in Article 3, Section 4.E.1. This exception does not apply to accessory structures to be used as dwelling units.

14. For single-lot divisions or conventional subdivision development. The Planning Board may approve reductions in dimensional standards for cluster development described in Article 8, section 21.

15. Except for cluster development (see Article 8, section 21).

16 Article 3, Section 4, NON-CONFORMING STRUCTURES shall be applied to structures that do not meet the water body or wetland setbacks.

17. Except for affordable housing developments as defined in Title 30-A, MRSA §4364, which are eligible for a density bonus (refer to Article 8, Section F).

18. The minimum lot size (20,000 square feet) is for the first dwelling unit, with each additional dwelling unit (other than an accessory dwelling unit) requiring an additional 20,000 square feet.

19. The minimum lot size (40,000 square feet) is for the first dwelling unit, with each additional dwelling unit (other than an accessory dwelling unit) requiring an additional 40,000 square feet.

20. The minimum lot size (80,000 square feet) is for the first dwelling unit, with each additional dwelling unit (other than an accessory dwelling unit) requiring an additional 80,000 square feet,

ARTICLE 8
PERFORMANCE REQUIREMENTS & STANDARDS

The following standards shall apply to all lots created and all land use activities undertaken, where applicable, in addition to all other state and federal requirements:

SECTION 1. DWELLING UNITS

A. Single-Family Dwellings

A single-family dwelling unit may be constructed or established on a parcel provided it meets the minimum standards and requirements set forth in Article 7 Table 2 and all other applicable requirements of this Ordinance.

B. Two-Family Dwellings: New and Conversions

Except as prohibited in the shoreland districts pursuant to Article 8, Section 1.C.4, a single, two family dwelling (such as a duplex or an in-law apartment) may be constructed on one lot meeting the minimum dimensional requirements for lot size and frontage provided all requirements of the Maine Subsurface Wastewater Disposal Rules are met. Notwithstanding this provision, a second dwelling unit shall be counted toward the number of lots defining a subdivision.

A minimum of two on-site parking spaces shall be provided for each dwelling unit.

C. Conversion or Reconstruction to Two- or Multi-Family on Nonconforming Lots

If the conversion or reconstruction of an existing single- or two-family structure on a nonconforming lot into a two- or multi-family dwelling is proposed, the Planning Board may approve such change of use if the structure is located within the Village, Village Residential or Academic Districts and meets the criteria for Site Review and the following requirements:

1. The conversion meets the dimensional requirements for Cluster Developments described in Article 8, Section 21.D.2, a-f;

2. The converted dwelling meets all requirements of the Maine Subsurface Wastewater Disposal Rules;

3. There are no deed restrictions prohibiting the conversion;

4. The lot is not part of a subdivision;

5. The conversion does not result in the creation of any additional driveway entrance onto a public road;

6. Adequate on-site parking areas shall be provided for a minimum of two vehicles for each dwelling unit that shall be set back from adjacent property lines to the greatest extent practical. Buffers shall be provided of such height and density as necessary to sufficiently buffer/screen (as defined) the parking area from adjacent land uses;

7. Any change in the structure shall be consistent with the character of the neighborhood; and,

8. Conversions or reconstructions in the Academic District shall be permitted only to support and accommodate the district's institutional housing needs for the delivery of their programs.

NOTE: The dimensional requirements (referenced in 1. above) may be increased or decreased by the Planning Board by a factor of 10% if it finds such change is necessary in order to ensure good site development design for accommodating greater densities in these districts.

D. Multi-Family Dwellings

Except where permitted under Article 8, Section 21 (Cluster Development):

1. Each multi-family dwelling shall contain no more than four dwelling units and is subject to applicable provisions of Section 1(E) below.

2. A minimum of two on-site parking spaces shall be provided for each dwelling unit. For affordable housing development projects, refer to Article 8, Section 1.F.for the applicable parking requirements.

3. The minimum lot size for a multi-family dwelling shall be the product of the number of dwelling units in the building times the Town's minimum lot size requirements for a single-family residence for the district in which the multi-family dwelling is located.

4. Each multi-family dwelling unit shall meet the greater of the following setback requirements: 50 feet from the side and rear lot lines, or 100 feet from any adjacent dwelling.

E. Multiple Dwelling Units Allowed**

In accordance with Title 30-A, MRSA Section 4364-A, up to 3 dwelling units are allowed on lots where residential uses are allowed**,** and up to 4 dwelling units are allowed on such lots if they are located in designated future growth areas as identified in the current Town of Readfield Comprehensive Plan or subsequent revisions of the Plan, provided that each dwelling unit meets the minimum land area and other dimensional requirements of Article 7 Section 6, and all other applicable requirements of this Ordinance.

F. Affordable Housing Development and Dwelling Unit Density Bonus**

In accordance with Title 30-A, MRSA Section 4364, affordable housing developments (as defined in Article 11) are eligible for a density bonus of 2.5 times the number of dwelling units allowed for a development not designated as affordable and are not required to provide more than 2 off-street parking spaces for every 3 dwelling units, provided the following criteria are met:

1. The development shall be located in the designated future growth areas as identified in the current Town of Readfield Comprehensive Plan, or subsequent revisions of the Plan, or the development must be served by a public, special district or other centrally managed water system, and a public, special district, or other comparable sewer system.

2. The owner of an affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the Town of Readfield, and shall record the covenant in the Kennebec County Registry of Deeds, to ensure that for at least 30 years

after completion of construction:

a. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income, as defined by the U.S. Department of Housing & Urban Development, at the time of initial occupancy; and

b. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income, as defined by the U.S. Department of Housing & Urban Development, at the time of initial occupancy.

*****Denotes that the standards set forth in Article 8, Section 20 (Subdivision) may apply in addition to the subsection's standards, dependent on the proposed development activity.***

G. Accessory Dwelling Units

1. Accessory dwelling units are prohibited within the Resource Protection and Stream Protection Districts.

2. Notwithstanding the minimum land area requirements set forth in Article 7 Table 2 (Dimensional Requirements) of this Ordinance, in districts other than Resource Protection and Stream Protection Zoning Districts, one accessory dwelling unit is allowed to be located on the same lot where a single-family dwelling unit is the principal structure, provided the following standards and criteria are met:

a. Accessory dwelling units may be constructed/located only:
   i. Within an existing dwelling on the lot;
   ii. Attached to or sharing a wall with a single-family dwelling unit; or
   iii. As a new structure on a lot for the primary purpose of creating an accessory dwelling unit.

b. The single-family dwelling and accessory dwelling units must be owned by the same person and may not be sold separately.

c. Accessory dwelling units may not be offered as "short-term rental units" as defined in 30-A MRSA Section 4364-C(2).

d. The accessory dwelling unit shall contain a minimum floor area of 190 square feet and a maximum floor area of 700 square feet.

e. Except as provided in G.2.f below, accessory dwelling units are allowed on legal, non-conforming lots of record provided they meet all relevant requirements and standards set forth in Article 3 (Non- Conformance) of this Ordinance and do not result in an increase in nonconformity.

f. Accessory dwelling units must comply with the dimensional requirements of Article 7 Table 2 as they relate to structures, except that the "minimum land area" and "maximum lot coverage" requirements do not apply. For accessory dwelling units located within or attached to a single-family dwelling or within an existing accessory structure or secondary building (e.g., a garage), dimensional requirements (except for "minimum land area" and "maximum lot coverage") are the same as for the single-family dwelling, accessory structure or secondary building. Except as otherwise provided in this section, the

construction or establishment of accessory dwelling units may not cause any increase in nonconformity with applicable provisions of this Ordinance.

g. Proper ingress and egress shall be provided to/from the accessory dwelling unit.

h. The applicant shall provide written verification that a proposed accessory dwelling unit will be connected to an adequate supply of potable water and to a wastewater disposal system found by the Code Enforcement Officer to be in compliance with applicable requirements of the Maine Subsurface Wastewater Disposal Rules, and to be adequate for this purpose. The Code Enforcement Officer may require outside expert review and documentation at the applicant's expense if there is evidence that the proposed potable water supply and/or wastewater disposal system are not adequate to serve the accessory dwelling unit.

i. The applicant shall comply with all other applicable provisions of this Ordinance, and other local and State Ordinances and codes, including, but not limited to, those related to building, plumbing, electrical and fire safety, in effect at the time that the accessory dwelling unit is proposed.

j. Only one (1) accessory dwelling unit is allowed per lot.

k. No use, dimensional or other variances shall be granted for the construction/establishment of an accessory dwelling unit.

H. Mobile Homes

1. Mobile Homes Outside of a Mobile Home Park

Mobile homes and modular home units placed on individual lots outside of a mobile home park shall meet the same requirements for a single-family dwelling unit in the district in which it is located. Additionally, mobile homes shall be considered a permitted use in all districts where single-family homes are allowed. Campers and recreational vehicles are not considered mobile homes and, therefore, must follow the regulations pertaining to them.

2. Temporary Use of Mobile Homes

Mobile homes may be allowed in any district a single-family home is allowed, subject to all setback requirements, while the occupants are constructing a conventional dwelling on that same lot and upon the granting of a permit from Code Enforcement Office. This permit shall be valid for a period of nine months and which may be re-issued for a second nine month period if circumstances warrant.

3. Skirting

Each mobile home shall have skirting installed and maintained and shall contain at least one access panel.

4. Installation Standards

All units shall be installed in accordance with the "Manufactured Home Installation Standard" as adopted by the State of Maine, Department of Professional and Financial

Regulation, Manufactured Housing Board.

5. Safety Standards for Older Mobile Homes

These standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufacturing Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the Town of Readfield.

a. Exit Facilities - Exterior Door:

i. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
ii. Homes shall have a minimum of 2 exterior doors not less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors shall be accessible from the doorway of each bedroom without traveling more than 35 feet.
iii. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

b. Exit Facilities - Egress Windows and Devices:

i. Every room designed for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
ii. The bottom of the exit window opening shall not be more than 36 inches above the floor.
iii. Locks, latches, operating handles, tabs and any other window screen or storm window devices, which need to be operated in order to permit egress, shall not be located in excess of 54 inches from the finished floor.

c. Interior Doors:

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

d. Fire Detection Equipment:

At least one smoke detector shall be installed in the home in the following locations:

i. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from the bedroom area, in which case the detector shall be installed in the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room or family room (but not a bathroom or

utility room) shall have at least one detector protecting each bedroom area.

ii. When located in hallways, the detector shall be between the return air intake and the living area.
iii. The smoke detector shall not be placed in a location which impairs its effectiveness.
iv. Smoke detectors shall be labeled as conforming with the requirements of Underwriters laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
v. Each smoke detector shall be hardwired and installed in accordance with its listing.

e. Flame Spread:

i. Ceiling interior finish shall not have a flame spread rating exceeding 75.
ii. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25.
iii. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
iv. Kitchen cabinet doors; countertops; back splashes; finish surfaces of plastic bathtubs, shower units, and tub and shower doors, shall not have a flame spread rating not to exceed 200.
v. No burner of a surface-cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

f. Kitchen Cabinet Protectors:

i. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/8 inch thick gypsum board or equivalent limited combustible material. The cabinet area over the cooking range or cooktop shall be protected by a metal hood with not less than a 3 inch eyebrow projecting horizontally from the front cabinet face. The gypsum board which is above the top of the hood may be supported by the hood. A 3/8 inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board. The hood shall be at least wide as the cooking range.
ii. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
iii. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

g. Carpeting:

Carpeting shall not be used in a space or compartment designed to contain only a furnace or water heater.

h. Roof and Wind Loads:

All homes with roofs added after construction shall require a professional engineer to inspect the roof to certify that the roof is designed and constructed for a snow load of 30 pounds per square foot and a wind load of 15 pounds per square foot.

i. Heating and Fuel Burning System:

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating system and fuel system meets the requirements of NFPA 31, "Installation of Oil Burning Equipment", as adopted by that State of Maine.

j. Electrical System:

A master electrician licensed in the State of Maine shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

SECTION 2. LOTS

A. Lot Divisions

If any land is subdivided, conveyed, divided or reduced in dimension or otherwise transferred in violation of this Ordinance, no building or other land use permit shall be issued with reference to any of the land or lots so reduced or created until all such dimensional requirements at the time of adoption or amendment of this Ordinance are met, except as provided with Planning Board approval in Article 3, Section 3.A.1, of this Ordinance.

B. Contiguous lots, tracts or parcels of land in the same ownership and located on opposite sides of a public or private road are considered each a separate lot, tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

C. Rear Lots

Notwithstanding the road frontage requirements of this Ordinance, rear lots may be built upon provided all state and federal requirements and the following provisions are met:

1. The area of the rear lot shall be at least the minimum required in the district in which the lot is located.
2. The total road frontage of the front lot, less the width of the access, shall continue to equal or exceed the minimum required in the district. Where the access bisects the front lot line, the lot frontage on either side of the access may be combined to meet this requirement, and the front lot shall continue to be treated as a single, undivided lot.
3. The access to the rear lot, as defined, may serve not more than two rear lots, as defined, or not more than two single-family dwellings or one two-family dwelling.
4. No more than one access for rear lot development may be created out of any single lot fronting on a public or privately owned road unless each subsequent access is created out of at least an additional road frontage as required for that district, as measured from the centerline of the accesses.
5. No structures shall be constructed or placed within the limits of the access.
6. A copy of the recorded access shall be attached to the building permit.
7. The rear lot shall not be required to have frontage on the access.
8. The provisions of this section may not create an exempt lot or otherwise excuse or exempt a parcel or tract of land from any review of a subdivision otherwise required by this Ordinance.
9. Rear lots, together with any right-of-ways serving those rear lots, created and legally recorded on or before the date of adoption of this provision (June 11, 1998) shall be considered legally non-conforming lots and rights-of-ways of record and may be used in accordance with all other provisions of this Ordinance.

10. Access to a rear lot shall provide for a permanent easement for a right-of-way or fee simple ownership of an access right-of-way, which is at least 30' feet in width, described by metes and bounds, or by a plan, and recorded in the Kennebec County Registry of Deeds, and held by deed or other legal instrument.

SECTION 3. SANITARY AND WATER QUALITY STANDARDS

A. Conformance with State of Maine Subsurface Wastewater Disposal Rules

All subsurface sewage disposal facilities shall be installed, maintained and/or replaced 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 first-time system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a waterbody or the upland edge of a wetland, and (b) a holding tank is not allowed for first-time residential use in the shoreland districts.

B. Subsurface Wastewater Disposal for **Lot**s of Less than 80,000 Square Feet

If new development requiring a first-time subsurface wastewater disposal system is proposed on a lot of less than 80,000 square feet in area, the applicant shall submit proof that a minimum of two suitable subsurface wastewater disposal areas are available on the site.

C. Prohibited Activities

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant, including but not limited to nutrients, heavy metals, carcinogens or pathogens, that, by itself or in combination with other activities or substances may impair designated uses or the water classification of any water body, or ground water, or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or be harmful to human, animal, plant or aquatic life, or give rise to erosion.

D. Stormwater Management Plans

1. All new and expanded development in the Stream Protection, Resource Protection, and Shoreland Residential District shall maintain an acceptable level of phosphorus loading resulting from stormwater runoff to the adjacent water body by assuring that runoff shall be retained or adequately treated on-site. A proposed stormwater management plan shall be submitted by the applicant for review as part of the submission requirements with a permit application to the Planning Board or Code Enforcement Officer.

2. The Cobbossee Watershed District staff may be consulted by the Code Enforcement Officer or Planning Board to review each stormwater plan and make recommendations to the applicant and suggest conditions to the Code Enforcement Officer or Planning Board concerning the management of the site to promote the preservation of water quality. The Code Enforcement Officer and/or the Planning Board shall review these recommendations in determining whether to approve or deny any permit application for any new or expanded development in the above-mentioned Districts. Any costs associated with such review shall be paid by the applicant.

E. Septic Inspections Required at Time of Title Transfer of Property Located in the Shoreland District.

1. Prior to the title transfer of ownership of a lot or parcel located in the Shoreland District containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to

a SSWD system, a person certified by the state shall be hired, not at public expense, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year after transfer and a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules A full copy of the inspection results required or a statement of exception(s) claimed, is required and shall be provided to the Town Code Enforcement Officer prior to transfer closing. The indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144, Chapter 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).

2. The following are the only exceptions allowed to the requirements of this paragraph:

a. When a SSWD system has been installed pursuant to rules adopted under Title 22 M.R.S.section 42, and Title 30-A M.R.S. subsection 4211, within 3 years prior to the date of the transfer of property title.
b. When the current property owner provides to the purchaser and to the Code Enforcement Officer (CEO) a written report from a person certified by the state to inspect the SSWD that was performed within 3 years prior to the date of transfer that certifies that the system was not found to be malfunctioning.
c. When weather conditions preclude an inspection of the SSWD by a person certified by the state prior to the date of transfer, then an inspection is to be performed within 9 months following the date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.
d. When the person acquiring title to the lot containing an SSWD system or a structure connected to a SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced with one installed pursuant to Title 22 M.R.S. section 42, and Title 30-A M.R.S. subsection 4211, within one year from the date of transfer.

3. The present title holder may not transfer, sell or offer to transfer or sell any lot containing a SSWD system or structure connected to a SSWD system without advising the prospective new title holder of the requirements of this article.

4. Any person who violates this subsection is subject to the civil penalties provision of Article 2(D), except that the minimum, penalty for such violation is $500.

5. For the purposes of this section the term, "Transfer" shall include the following: any transfer of ownership whether by sale, gift, devise, transfer to an entity, and inheritance, including transfers to a trust or estate for which the current owner is the beneficiary.

SECTION 4. HOME OCCUPATIONS

A. Purpose

The Town recognizes that home occupations, when managed conscientiously and with respect for the neighborhoods in which they are located, offer financial and social benefits to both the proprietors and the community when these occupations blend imperceptibly with their neighborhood character and without adverse impact resulting from any **nuisance** or other impacts

resulting from a change in traffic, noise, lighting, waste, environmental degradation, exterior appearances, or otherwise become a burden to the neighborhood or its infrastructure.

B. Definition

A Home Occupation is a commercial activity which results in a product or service intended for financial gain conducted in whole or in part on the same premises where the owner of the occupation resides. A home occupation is small in scale, is carried on primarily in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing there, and the activity is and remains clearly incidental and secondary to the primary use of the premises as a residence. Examples of the types of permitted home occupations include, but are not limited to: home offices open to the public, workshops, personal services, internet/mail order sales, tutoring, artist/sculptor, hairdresser/barber, direct sales product distribution (Amway, Avon, etc.), arts and crafts and assembly of the same.

Hobbies or recreational activities of a noncommercial nature, agriculture and forest management activities, and garage sales operated for less than 14 days total in a calendar year, are not considered home occupations requiring a permit.

A home occupation does not result in the exterior of the principal dwelling, or any accessory structure, or the lot on which such activity occurs to differ from nor alter the residential or other predominant character of the neighborhood, or conflict with the purpose of District in which it is located, as described in Article 7 Section 4 of the Ordinance.

If a commercial activity is not within this definition of "home occupation" and/or the following standards are not met, then such activities are subject to Site Review by the Planning Board as prescribed in Article 6.

C. Home Occupation Permits

The granting of a home occupation permit does not run with the land; that is, it is a permit subject to renewal annually and is non-transferrable. The permit a Code Enforcement Officer may issue initially is renewed automatically except that, the Code Enforcement Officer or the Select Board may determine, at any time, that the permit may not be renewed or continued for violations of this Ordinance, or the terms or conditions of the permit, or for any other good cause, subject to adequate notice and rights to appeal, as set forth in Article 2 of this Ordinance. A home occupation permit is non-transferrable to another property or to a new property owner and upon termination of the permitee's residency; the home occupation permit shall become null and void.

Any abutter or any other aggrieved party with standing may appeal the issuance or renewal of a home occupation permit.

Any home occupations legally existing on the date of adoption of this Ordinance shall be exempt from the requirements of this section unless the activity or the impact of such activity is substantially changed or expanded in size or use in which case, the home occupation must comply with the provisions of this Ordinance.

D. Standards

All home occupations shall comply with the following standards, as well as all other applicable provisions of this Ordinance:

1. All parking used by both the residence and the home occupation must be on-site. No on-street parking is allowed.

2. There shall be no measurable increase in pedestrian or vehicular traffic to the property, including delivery trucks in excess over normal traffic in the neighborhood.

3. The home occupation shall not cause the exterior appearance of the dwelling or any accessory structure to be altered in a manner that would cause the residence to differ in appearance from its residential character by any means including colors, lights or sounds, except that, one (1) non-illuminated sign up to six (6) square feet in area is permitted if it complies with applicable requirements of Article 8, section 14 of this Ordinance, notwithstanding those outdoor signs permitted under Article 8, section 14.D.13. A sign exceeding six (6) square feet in area may be allowed in some districts as described in Article 8, section 14.F.

4. There shall be no exterior lighting beyond that which is normally used by a residence.

5. The home occupation may not generate or produce any waste discharge, offensive noise, vibration, smoke, dust, air or water pollution, odors, heat, glare, radiation, fumes, electrical interferences or any other nuisances which are detectable beyond the boundaries of the lot and of any greater or more frequent in extent than normally experienced in an average residential occupancy wherein no home occupation exists.

6. Every applicant for a home occupation permit must identify and disclose the types, amounts, means and frequency of the disposal of all waste or wastewater, or chemicals or other hazardous materials used or generated by the home occupation, beyond what is typical to the common residential use of the applicant's dwelling. A written plan for the proposed storage, use, and/or disposal of all such substances shall be submitted to the Code Enforcement Officer and approved by all appropriate Town, state, or federal authorities. If disposal of any waste is off site, written authorization from the receiving facility or property owner shall be required.

7. On lots of less than 40,000 square feet in area, or within any shoreland district, all home occupation activities including any storage of business inventory or equipment, or customer property awaiting service or repair, must be conducted wholly within the principle dwelling or a fully enclosed accessory building. On lots exceeding 40,000 square feet and located within the Village, Village Residential, and Rural Residential Districts, the total outside storage area for the home occupation activity permitted must not exceed 400 square feet in area. In the Rural District, outside storage for the home occupation may be permitted up to one-percent (1%) of the total lot area provided the neighborhood character and appearance is not adversely impacted. In all districts, outdoor storage must meet all setback requirements for structures, and must be fully screened from view of any public or private way and any abutting property. Use of a motor vehicle or mobile home parked on the lot to store any goods is prohibited.

8. No home occupation activity shall be conducted in a manner inconsistent with the residential or predominant character of its neighborhood environment, nor conducted in a manner that interferes with the peace, quiet, enjoyment, health and welfare of any residential environment, nor shall the exterior of any structures or the lot be constructed or altered to differ from a residential appearance.

9. Home occupations must not adversely affect any natural resource or environmentally sensitive area, including but not limited to a wetland, waterbody, or aquifer. The occupation shall not use chemicals or quantities of chemicals not commonly found or used in a residence.

10. Kennels and Animal Hospitals are not permitted as home occupations and must obtain Site Review approval as a commercial business from the Planning Board.

11. Home occupations must be operated by the resident of the property and no more than one nonresident employee at any time shall be allowed.

12. No home occupation shall be expanded upon an adjacent, separately described and recorded lot other than the lot where the principal residence and home occupation are located.

SECTION 5. DAY CARE FACILITIES

The following are minimum standards for all Day Care service facilities, as defined:

A. A barrier fence or other material shall be required of sufficient height to buffer outdoor recreational areas from adjacent properties, **road**s, watercourses, lakes or ponds, or other potentially hazardous areas, unless the area can be determined to be well protected by location and natural barriers.

B. Fencing and screening shall be located within the applicant's property line sufficient to allow for maintenance of both sides without intruding on abutting properties.

C. Fencing and screening shall be maintained in safe, neat, and sanitary condition.

D. Hours of operation for facilities shall be limited from 6 a.m. to 8 p.m.

E. One off-street parking area shall be provided for each staff member.

F. A safe parking and turnaround area shall be provided for loading and unloading clients and shall include adequate down-directional lighting during any hours of operation between official sunset and sunrise.

G. Year-round convenient and safe emergency vehicle access shall be provided to all principal structures at all times. The facility owner/operator shall obtain review of their proposal by the Readfield Fire Department to determine if the proposed plans provide for the adequate year-round emergency access.

H. The applicant shall provide written confirmation from the licensed Plumbing Inspector or a Licensed Site Evaluator that any existing subsurface wastewater disposal system is not malfunctioning and meets or has the ability to meet requirements of the State of Maine Subsurface Waste Water Disposal Rules.

I. The facility shall provide for safe and sanitary storage, removal and disposal of solid waste generated on-site. The outdoor storage of solid waste shall be containerized and screened from ordinary view.

J. Adult day care facilities which provide services for more than two (2) clients who are not blood relatives shall require licensing from the Department of Human Services in compliance with the "Regulations Governing the Licensing and Functioning of Adult Day Services Programs".

SECTION 6. FLOOD DAMAGE PREVENTION

All development activities including but not limited to the construction or substantial improvement of structures; installation of subsurface wastewater disposal systems and water supply facilities; or dredging, filling, grading and excavation shall be in compliance with the Floodplain Management Ordinance for the Town of Readfield, Maine.

SECTION 7. STORMWATER RUNOFF

All new construction and development shall be designed to reduce to the greatest extent

practicable any stormwater runoff from the site in excess of the pre-development 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 stormwater on the site being developed. Stormwater shall not be channeled to discharge directly into any waterbody or tributary stream**,** or abutting properties.

Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning. In addition, construction and development requiring site review pursuant to Article 6 Section 3 shall also comply with the provisions of Article 6 Section 3(G)(15) related to stormwater management.

SECTION 8. EROSION CONTROL

All activities which involve filling, grading, excavation, well drilling, timber harvesting or other similar activities which result in unstabilized soil conditions shall be conducted so as to prevent soil erosion from entering waterbodies, wetlands and adjacent properties.

Pursuant to 38 MRS Section 439-B, any excavation contractor that engages in an activity that disturbs, or displaces more than one cubic yard of soil within any Shoreland District must ensure that a person certified by the Maine Department of Environmental Protection in erosion and sedimentation control practices, is on-site. The certified contractor must be on-site each day earthmoving activities occur and for a sufficient duration to ensure the proper implementation of erosion and sedimentation control practices until the site is permanently stabilized.

An erosion control plan may be required by the Code Enforcement Officer in conjunction with any permit. All temporary and permanent erosion control measures shall be designed, installed and maintained in accordance with the most applicable recent revision of:

- Maine Erosion and Sediment Control BMPS published by the Bureau of Land and Water Quality, Maine Department of Environmental Protection, March 2003. ***Note:*** *This publication may be viewed online at:* http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm.
- State of Maine, Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management System Guidelines, Developed by: NPS Agricultural Task Force, October 1991.
- Erosion & Sediment Control Handbook for Maine Timber Harvesting Operations: Best Management Practices published by the Forest Information Center, SHS #22, June 1991.
- Best Management Practices for Erosion & Sediment Control, published by the Maine Department of Transportation, September 1997.
- Camp Road Maintenance Manual, A Guide for Landowners, published by the Kennebec County Soil and Water District, June 2000.

Final grading and the installation of permanent erosion control measures must be substantially complete prior to issuance of a Certificate of Occupancy or as a condition of a Certificate of Occupancy.

SECTION 9. PHOSPHORUS CONTROL

A. Applicability

The following standards shall apply to all land uses that require site review and which are to be located in the direct watershed of any great pond.

B. Standards

A phosphorus control plan shall be developed and operated in accordance with the de**sign** criteria contained in the "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development," published by the Maine Department of Environmental Protection, revised September, 1992 or as later revised. In addition, the applicant shall obtain recommendations regarding appropriate phosphorous loading data for the watershed from the Cobbossee Watershed District or from the Department of Environmental Protection for great ponds not within the Cobbossee Watershed, and supply copies of such data to the Code Enforcement Officer within five days of its receipt.

SECTION 10. ARCHAEOLOGICAL SITES

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board 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 Planning Board. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

SECTION 11. SIGNS

A. Purpose

The Town of Readfield recognizes the predominantly rural character of the community and wishes to develop sign regulations that reflect our small town atmosphere; are distinct from other more developed parts of the State; and, further the goals and objectives set forth in the Comprehensive Plan and in Title 23 M.R.S.A. Chapter 21, The Maine Traveler Information Services Act.

The purposes for these sign regulations are to encourage the effective use of signs as a means of communication in the Town of Readfield; to maintain and enhance the aesthetic environment of the Town; to attract and maintain a robust business climate in the Town; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse impact of signs on nearby public and private property; and to protect the public health, safety and welfare of the residents of the Town of Readfield.

B. General Requirements

1. Except where otherwise specifically allowed in this Section, signs shall not be located within the limits of any public right-of-way and shall relate to the premises on which they are located and shall identify only the occupants of said premises or advertise the nature of the products, services or activities available within said premises.

2. Signs shall be maintained in a safe and secure condition, kept clean, legible, and free from deterioration, and free from all hazards such as loose fastenings or letters. Signs must be located so as not to impair pedestrian and vehicular traffic safety.

3. Except for temporary signs, sandwich boards, flags, banners, pennants, insignias and window signs, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.

4. Any commercial establishment or facility whose principal building or point of interest is located on a private way more than one-thousand (1,000) feet from the nearest public

way, or is not visible to traffic from the nearest public way, may erect no more than one (1) approach sign including a double-sided sign with a total surface area not to exceed that which is allowed in the district in which the sign is to be located. This sign shall be located outside the public right-of-way limits and within three hundred (300) feet of the junction of the public and private ways.

5. No sign shall be displayed more than twenty (20) feet above grade as measured from the top of the sign or extend above the lowest point of the main roof line of the principal building, whichever is less.

6. No sign shall be placed on the roof of any building.

7. Signs may be lighted by an external light source directed solely onto the sign subject to the limitations set forth in subsection 15. Lighting shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a public or private way. Lighting shall not be of such intensity or brilliance as to cause glaring illumination or otherwise impair or interfere with the vision of the operator of any vehicle. Signs shall not be internally lighted.

8. Signs relating to public health and safety shall be permitted without restriction, provided such sign does not promote any individual or private entity.

C. Non-Conforming Signs

Non-conforming signs that were otherwise lawful on the effective date of this Section may continue in existence except as provided below:

1. No non-conforming sign shall be changed or altered unless such sign is made to conform to these regulations. A change or alteration shall not include normal maintenance and repair or a change in name provided the lettering conforms to the previous lettering and there are no other changes.

2. No illumination shall be added to a non-conforming sign.

3. A non-conforming sign shall not be relocated except to bring the sign into compliance with this Section.

4. The message of a non-conforming sign may be changed in accordance with Maine law so long as this change does not create any new non-conformity.

5. A non-conforming sign located on the private property of a commercial establishment which becomes vacant and is unoccupied for a period of ninety (90) days shall be removed by the owner of the sign or owner of the property. This provision shall not apply to (1) seasonal activities during the regular periods in which the seasonal activity is not open for business, or (2) a commercial establishment temporarily suspended because of change of ownership or management, in which case the non-conforming sign may remain for up to one hundred eighty (180) days.

6. A non-conforming sign which is damaged by more than fifty (50) percent of its replacement cost before such damage, or is removed or destroyed, shall be replaced only with a sign complying with the provisions of this Section.

7. Temporary, non-conforming signs located on the premises of a commercial establishment shall be allowed with a permit issued by the Code Enforcement Officer.

Such a sign shall not exceed thirty-two (32) square feet in area and shall be limited to one (1) permit for one (1) sign for a period not to exceed thirty (30) consecutive days or 30 cumulative days total in any twelve (12) month period. Such a sign shall not contain or include the prohibitions at E1, E2, E3, E4, E6, E8, E9 and E11 of this Section of the Ordinance.

D. Signs Not Requiring Permits

The following types of signs shall be allowed, except where otherwise prohibited by law, and shall not require a sign permit:

1. All permanent on premise signs, whether conforming or non-conforming, erected prior to the effective date of this Section. Ordinary repair and maintenance of such signs shall be allowed.

2. Any sign approved by the Planning Board, as an element of Site Plan or Subdivision review.

3. One (1) sign not to exceed two (2) square feet used to display the street number and/or name of the occupants of the premises.

4. Temporary signs, flags, banners, and string pennants displayed on private property outside the public right-of-way for thirty (30) days or less in any twelve (12) month period to advertise school, non-profit, civic, church and like public events.

5. Signs for garage sales, auctions, and similar temporary events, provided the signs shall be displayed on private property outside the public right-of-way for no more than fourteen (14) days in any twelve (12) month period and are removed within three (3) days of the end of the event.

6. Two signs not exceeding six (6) square feet advertising the sale, lease or rental of the premises or personal property upon which the sign is located. Such signs shall be removed within one (1) week after the sale, lease or rental of the property.

7. One (1) sign each for a property owner, contractor, subcontractor, designer or engineer, not to exceed sixteen (16) square feet each, relating to active on-site construction projects. Such signs shall be removed within thirty (30) days after construction is complete.

8. Customary holiday decorations.

9. One (1) sign on premises not exceeding thirty-two (32) square feet in area identifying the name of a farm and/or describing farm products for sale on the premises.

10. Temporary off-premises signs erected by a producer of agricultural products, provided all signs:
    a. advertise only those products grown, produced and sold on the producer's premises and are available for immediate purchase;
    b. are located within five (5) miles of where the product is sold;
    c. are directional in nature;
    d. are not displayed from a location with frontage adjacent to the same road on which the producer grows, produces and sells the agricultural products;
    e. are located a minimum distance of thirty-three (33) feet from the center of a state road;

f. are not located within the right-of-way of any Town road;
g. are removed within three (3) days following the last date the agricultural product advertised is no longer available;
h. do not exceed eight (8) square feet in size; and
i. are erected on private property and the producer erecting the sign has obtained the landowner's written consent.

The producer of these agricultural products shall not display more than four (4) signs pursuant to this paragraph at any one (1) time.

11. Signs bearing political messages relating to an election, primary or referendum, provided that these signs may not be placed within the right-of-way prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one (1) week thereafter.

12. Any sign(s) placed by the State or Federal governments, or Town of Readfield, that comply with Maine Department of Transportation standards and Federal and Maine Law. This shall include the placement of official business directional signs.

13. Outdoor signs identifying public information such as, but not limited to, restrooms, parking, entrances, and exits. Such signs shall be limited to two (2) per premises and one (1) per entrance or exit and shall not be larger than two (2) square feet per sign and shall be installed on breakaway posts.

14. Four (4) or fewer commercial flags, banners or insignias not exceeding sixty (60) square feet in total area, per commercial **lot** or business, provided no single flag, banner or insignia shall exceed thirty-two (32) square feet in area.

15. Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device. Signs identifying a religious and/or civic organization and showing the time and place of services or meetings are not commercial promotions or advertising if such signs are within the constraints of size provided for in Section 14.F.

16. Memorial or historical signs, tablets, or other markers including names of buildings and date of construction.

17. Signs relating to trespassing, fishing, hunting, trails, natural or historic points of interest, and the like provided that each sign shall not exceed two (2) square feet and the signs are not located closer to each other than fifty (50) feet on private property unless due to the topography, coverage or other features of the land it is necessary to locate signs closer than fifty (50) feet in order to inform the public adequately.

18. Traditional non-commercial "camp road" signs, on- or off-premises. Each sign shall be located on privately owned property and shall not exceed two (2) square feet in area and contain no off-premises advertising.

19. One (1) sandwich board per commercial establishment may be placed on the sidewalk in front of the structure in which the commercial establishment is located provided it does not interfere with pedestrian movement and shall be displayed only during daylight hours of operation.

20. Signs located within the Shoreland Districts relating to the use or protection of a waterbody or wetland. These signs may be placed together as a kiosk.

E. Prohibited Signs

The following signs are prohibited in all areas of the Town of Readfield:

1. Signs that have visible moving parts, or the appearance of movement, or intermittent, blinking, moving, flashing, or glaring illuminations, or changing light intensity, brightness or color. These signs include strings of lights, pennants, ribbons, streamers, sheets, spinners, and the like.
2. Signs on which the message is changed mechanically or electronically more than once every four (4) hours.
3. Signs that utilize sound or music to attract attention if that sound or music travels beyond the boundary of the premises.
4. Signs larger than six (6) square feet in area displaying fluorescent colors or phosphorescent paint,
5. No signs except traffic and similar public safety signs or official business directional signs shall be located in the public right-of-way of any street or highway except as necessary to comply with the "Addressing Ordinance of the Town of Readfield," and as provided in subsection D.11.
6. Signs located in or projecting or protruding into a public right-of-way, except where otherwise specifically allowed in this Section.
7. Signs, except wall signs attached to existing non-conforming structures, which do not meet the side and rear property line setbacks for structures for the District in which they are located.
8. Permanent signs consisting of any balloon, kite, or other aerial device whether tethered or untethered.
9. Signs that interfere with the view necessary for motorists to proceed safely through intersections or railroad crossings or to enter onto or exit public or private roads.
10. Signs painted on or attached to stationary vehicles, except for signs relating to the sale of the vehicle. A vehicle may be determined by the Code Enforcement Officer to be stationary if the vehicle is continuously in the same location or moved only infrequently to another location to appear to circumvent the intent of this provision.
11. Signs on rocks, trees, public utility poles or fixtures, or any traffic control signs or devices or other natural features.
12. Temporary, movable talking signs, except as provided for in subsection C.7, and except for "sandwich" boards.
13. Signs painted on or attached to a roof.

F. Specific Standards

1. Except as described in subsection F.4 (below), and except for sandwich boards, a business or commercial establishment is allowed a total of four (4) signs which shall comply with the following standards:
   a. In areas where the speed limit is thirty-five (35) mph or less, any sign shall not exceed twenty-five (25) square feet in area in the Village, Commercial Industrial, or Rural Districts, with a minimum upper case letter height of six (6) inches for the primary message.
   b. In areas where the speed limit is greater than thirty-five (35) mph, any sign shall not exceed thirty-six (36) square feet in area in the Village, Commercial Industrial, or Rural Districts, with a minimum upper case letter height of nine (9) inches for the primary message.
   c. Lower case letters shall be sized in proportion to the upper case letters of the font style used.
   d. A maximum of one (1) free-standing sign structure shall be permitted for each premises. Such sign is subject to the size limitations as specified for its location. The

total of all individual establishments located within a mall, business or industrial park, office building or similar multi-tenant complex shall be considered a single premise and may only erect one free standing sign. The sign may contain the name of the mall, offices, business or industrial park, etc. and further include an identification sign for each individual tenant or premise. This free-standing sign may exceed the size limitation specified for its location by an additional fifty (50) percent.

2. Home occupation signs shall not exceed six (6) square feet in area and shall not exceed one (1) per premises, which may be a free-standing sign.

3. The area of signs shall be computed as follows:
   a. The area of a sign shall be the surface or space between the outlines of the sign including the borders. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business.
   b. The area of two-sided signs, or two (2) signs identically sized, and placed back to back and are part of the same sign structure, shall be computed by measurement of one (1) of the faces.
   c. The area of multi-faced signs shall be computed by adding together the area of all sign faces visible from any one (1) point.
   d. The area of the sign shall include any device, object or other visual aid which is an integral part of the sign.

4. Signs in the Rural Residential, Village Residential, Resource Protection, Stream Protection, and Shoreland Residential/Recreational Districts shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises, except that signs used to identify an institutional use may be sized to the extent necessary to comply with the minimum letter height requirement described in Section 14 F.1.a-c (above).

5. The faces of conforming sign structures may be interchangeable provided they shall be of the same area and construction and otherwise comply with all provisions of this Section.

6. Any building exposed directly onto a public way may have a wall sign parallel to and attached to a building, not to be set out more than ten (10) inches from the building.

7. Any building exposed directly onto a public way may have a projecting sign from the wall of the building provided that (a) the area of the sign does not exceed twelve (12) sq. ft., and (b) does not project more than four (4) feet from the building, and (c) the bottom of the sign is at least eight (8) feet above the ground.

G. Removal Of Out-Dated Signs

Conforming signs which relate to any commercial establishment which has been out of business for more than thirty (30) days shall be removed. The owner of the sign or owner of the property or the owner's agent shall be responsible for removing such signs or those portions of signs which identify the commercial establishment within thirty (30) days of its closing.

SECTION 12. LIGHTING

A. Applicability

Exterior Lighting. The proposed development shall have adequate exterior lighting to

provide for its safe **use** during nighttime hours, if such use is contemplated. Lighting may be used which serves security, safety and operational needs.

B. The following lighting standards shall apply to all land uses that require site review:

1. Development shall not produce a stray, dazzling light or reflection of that light beyond its lot lines onto neighboring properties or onto any public way so as to impair the vision of any vehicle upon that way.
2. Lighting fixtures shall be shielded or hooded so that lighting elements shine downward so that the lights do not unnecessarily light the night sky.
3. Direct or indirect illumination shall not exceed half (½) foot-candles upon abutting properties, when measured at a distance of four feet from the ground.
4. No lighting fixture, except for street lights shall extend beyond a height of twenty five (25) feet, as measured from ground level.
5. The location, type, height, and foot-candle power of all exterior lighting shall be shown on the site plan.
6. Wiring to light poles and standards to the greatest extent possible shall be underground.
7. Building Illumination. Building facades may be illuminated with soft or accent lighting of low non-reflective intensity. The light source for the building façade illumination shall be concealed.
8. All exterior lighting, except security and safety lighting shall be extinguished between 11 p.m. and 6 a.m., unless located on the site of a commercial, institutional or industrial use which is open for business during that period.
9. All emergency lighting and all hazard warning lighting required by police, fire, Federal or other regulatory or emergency services shall be exempt from the requirements of this section.

SECTION 13. COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL STANDARDS

A. Applicability

In addition to meeting all applicable performance requirements and standards as set forth in Article 8, the following standards shall also apply to all land uses defined as commercial, industrial, and institutional as listed in the Table of Land Uses.

B. Standards

1. All solid waste storage areas shall be shielded from public view, and shall comply with Section 25 of this Article to the extent that section is applicable.

2. All manufacturing and processing shall be conducted within an enclosed area of a structure. When outside processing or other activities are unavoidable due to the nature of the operation, it shall be concealed from public view by a natural or constructed screen. The screen shall be a minimum height of eight (8) feet and shall be adequate to block the outside activity completely from public view. The screen may consist of a fence, vegetative buffer, berm, or combination thereof. The screen shall be designed to block the outside activity from view throughout the year.
Public view shall mean the view from the property line from the abutting property and from any point across the road parallel to the frontage of the commercial, industrial or institutional site.

3. Except for agricultural activities, all storage activities, including warehousing, shall be screened from view from public way(s) and from abutting properties, through the planting and maintaining of natural screening or buffer and through the siting of any

such activities and structures to minimize or eliminate such activities and structures from public view and from the view of abutting properties.

SECTION 14. PARKING AREAS

1. Parking areas subject to site review shall meet the setback requirements to the greatest extent practical for structures for the district in which such areas are located.

2. Parking areas shall be adequately sized for the proposed **use** and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on site.

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

    a. Typical parking space: Approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be at least 10 feet wide by 40 feet long.
    b. Internal travel aisles: Approximately 20 feet wide.

SECTION 15. TRAFFIC ACCESS

A. Purpose

The purpose of the traffic access standards shall be to control the design and placement of driveways and intersections in order to maintain road safety and traffic carrying capacity of the road. The standards shall be designed to allow traffic to enter and exit driveways safely and efficiently so that the roadway can serve its primary function of providing long distance access.

B. Applicability

The Standards contained in this section shall apply to all development that requires site review.

C. Sight Distance

Driveways and other required accesses shall be located to achieve the required sight distance measured in each direction along the arterial while maintaining adequate distances from adjacent driveways and intersections.

1. Measurements
    a. The sight distance shall be based on the posted speed limit.
    b. Measurements shall be from the driver's seat of a vehicle that is 10 feet behind the curb or edge of the shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4½ feet.
    c. Where truck traffic from the development onto the arterial is expected to be significant, the sight distance shall be increased by 50%. Height of eye should be 6 feet, with the height of the object no more then 4 ½ feet.
    d. Where recreational vehicle traffic from the development is expected to be significant, the sight distance shall be increased by 25%, height of eye should be 3½ feet, where the height of the object no more than 4½ feet.
    e. Driveway and intersection road placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedules for

low/medium driveways and high volume driveways.

Highway Speed (MPH)	Minimum Sight Distance in Feet
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570

D. Driveways

1. All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

   a. Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.
   b. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet on the roadway.
   c. The term driveways in this section shall mean an entrance used by vehicular traffic to access property abutting a road.

2. Minimum driveway lengths, as measured from the point of intersection with the arterial, shall be of adequate length to accommodate queuing up of the maximum number of vehicles, as defined by the peak period of operation identified in the traffic impact study, such that, to the maximum extent possible, no waiting vehicle remains on the arterial.

3. After the effective date of this Ordinance, all future driveways shall be designed with sufficient vehicle turn-around area to enable a driver to exit the premises without backing onto the arterial. This requirement shall be deemed to be met by an onsite parking lot with a parking aisle, or by a service or frontage road, or by the use of an onsite driveway turn-around for a single vehicle measuring at least 8 feet wide by 15 feet long.

E. Shared Driveways

The Planning Board may require the construction and use of shared driveways to improve public safety by reducing the number of entrances onto a public road or by avoiding a driveway at a potentially dangerous location; to further environmental protection, such as by eliminating a wetlands crossing; and to minimize negative impacts on the surrounding neighborhood.

1. A Shared driveway is shared by two single-family dwellings or one two-family dwelling or principal structures and requires an approved name by the Road Commissioner; three or more dwellings / principal structures is a road.

2. An Application which includes a shared driveway shall include a draft document providing for restrictive covenants and easements binding present and future owners of all lots served by the shared driveway, which must be reviewed and approved by the Planning Board. If the application for a Shared Driveway is approved, the final document(s) shall be recorded at the Kennebec County Registry of Deeds and shall also be recited in and attached to

every deed to every lot served by the shared driveway. Such document(s) must include the following information:

a. Provision for the management, maintenance, snow removal, improvement and repair of the shared driveway and any improvements thereon, including, but not limited to, the traveled way, drainage systems and signage;
b. Text of proposed easements including the metes and bounds description;
c. Procedure for the resolution of disagreements;
d. Method by which such instrument may be amended;

3. The shared driveway shall not be extended or serve additional lots without further Board approval;

4. The shared driveway shall not be connected to any other way except to where it originates on the public road, without further Board approval;

E. Highway Access

No direct public or private access shall be permitted to the existing or proposed right-of-way of the following:

1. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
2. Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
3. Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be created to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
4. Temporary access to the above rights-of-way may be granted by the Planning Board after
   a. review and recommendation by highway agencies having jurisdiction. Such access
   b. permit shall be temporary, revocable, and subject to any conditions required and shall be
   c. issued for a period not to exceed 12 months.

F. Inter-Connections

For all projects, provisions for vehicular circulation connections to future projects on adjacent properties shall be encouraged whenever feasible and to the maximum extent possible.

G. Loading Docks

All buildings, structures and uses which have a total gross floor area and effectively utilized outdoor ground space of more than 5,000 square feet shall provide loading areas so that vehicles loading and maneuvering, or unloading and maneuvering are completely off the public ways and so that no vehicles need back onto any public way.

H. Traffic Impact Study

The developer shall provide a description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction.

1. A full traffic impact study shall be performed by the developer if one of the two conditions is met:

a. During any one-hour period, traffic attributable to the development equals or exceeds 50 trips at the project driveways. A trip can be either inbound or outbound.
b. The Planning Board in consultation with the Maine Department of Transportation, may determine that a traffic impact study shall be conducted because of traffic safety or capacity deficiencies in the vicinity of the development.

2. A full traffic study shall include the following:
   a. A description of the site including, as applicable, the locations of driveways and streets located on any property immediately adjacent to the site and across the street or road in the immediate vicinity of the project driveways.
   b. A description of the existing and proposed uses of the site.
   c. A regional map showing the site and roads in the vicinity of the development, and other proposed projects in the vicinity of the development.
   d. A description of any traffic increases that are likely to occur in the vicinity of the development during the study period. The developer shall include, as applicable, projects which are: under construction and not fully occupied; are pending state or local approval; or have state or local approval but are not constructed or fully occupied.
   e. The study shall include a calculation of the trip generation for the development and other likely traffic increases, including a summary table listing each type of land **use**, the size involved, the average trip generation used, and the resultant total trips generated.
   f. The study shall include a description and diagram of the anticipated distribution of traffic entering and exiting the site.
   g. The study shall include a definition of the study area including all links and intersections using the following threshold criteria:
      (1) The study area shall include the first major intersection to either side of the project driveways.
      (2) The study area shall be expanded beyond the first major intersection to either side of the project driveway to include those links and intersections for which, during any one-hour period, traffic attributable to the development equals or exceeds the following at any intersection in the vicinity of the development:
         - 25 vehicles in a left-turn lane;
         - 35 vehicles in a through lane, right-turn lane, or a combined through and right-turn lane; or
         - 35 vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn through and right-turn lane.

      Capacity analyses of signalized intersections located outside of the study area may be required if these signals are or should be interconnected with an intersection located within the study area. The study area may need to be extended if signal progression on a signal interconnect system is changed.
   h. The study shall include a diagram and appropriate documentation of the traffic volume on roads and intersections in the vicinity of the development for both the estimated annual average daily traffic and the a.m. /p.m. peak hour traffic (including turns during peak hour). The study shall also show the following on the traffic diagrams:
      - Existing traffic volume based on actual counts.
      - Traffic attributable to other projects which are proposed or approved.
      - Traffic attributable to the development assuming full build-out and full occupancy.
      - Projected traffic volume for the design hour at the time the development will begin operation assuming full build-out and full occupancy of the project.
      - Left-turn lane/right-turn lane analysis.
   i. The study shall include a capacity analysis for determination of the level of service

for each road and intersection in the vicinity of the development. Capacity analysis must be performed for all intersections which are currently operated or will be operated as part of a signal interconnect system. The analysis shall report whether or not length of storage for through or turning lanes is adequate.

j. The study shall include an analysis of the need for new traffic signals in the vicinity of the development. The manual of Uniform Traffic Control Devices shall be used as the basis to analyze the need for construction or elimination of traffic signals as appropriate.

k. The study shall include a determination of the available sight distances in all directions at each intersection in the vicinity of the development.

l. The study shall include an inventory and analysis of traffic accidents in the vicinity of the development during the most recent 3-year period. A collision diagram shall be provided for all links and intersections found to meet Maine Department of Transportation criteria for "High Accident Locations".

m. The study shall include a description of recommendations for improvements to deficient roads or intersections, and the results of implementation of recommendations.

SECTION 16. RESOURCE PROTECTION, STREAM PROTECTION AND SHORELAND RESIDENTIAL DISTRICT STANDARDS

A. Applicability and Purpose

The standards in this section apply to uses and activities occurring in the Stream Protection, Resource Protection and Shoreland Residential Districts and supplement those environmental permits required from State agencies. The purposes of this Section and other applicable sections of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and land from flooding and accelerated erosion; to protect archeological and historic resources; to protect wetlands; to control building sites, placement of structures and land uses; to conserve shore cover and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

B. Construction or Movement of Material

No movement of soil, sand, vegetation or other material, or construction activity, within 75 feet of the normal high water mark of a water body, stream tributary stream or the upland edge of a wetland, shall be conducted without first obtaining all permits required under State and Federal laws, including but not limited to, the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-A through 480-Y.

C. General Provisions

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

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

3. The minimum width of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than

the shore frontage requirement for a lot with the proposed use.

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

5. Notwithstanding the setback requirements, stairways or similar structures may be allowed with a permit, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of 4 feet in width; the structure does not extend below or over the normal high-water line of a waterbody or upland edge of a wetland and that the applicant demonstrates that no reasonable access alternative exists on the property.

6. A footpath, or a recreational trail for winter use during frozen ground conditions only, not to exceed 6 feet in width as measured between tree trunks and/or shrub stems is permitted within 100 feet, horizontal distance, inland from the normal high-water line of a great pond and 75 feet, horizontal distance from any stream or the upland edge of a wetland, and provided that a clear line of sight to the resource through the natural buffer strip is not created.

D. Clearing or Removal of Vegetation for Activities other than Timber Harvesting

1. Within Resource Protection District abutting a great pond, there shall be no cutting, clearing or removal of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards or as permitted in Article 8, section 19.C.6 above. Elsewhere in the Resource Protection District, the cutting, clearing or removal of vegetation shall be limited to that which shall be necessary for uses expressly authorized in the District.

2. Except in areas as described in subsection 1 above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond and 75 feet, horizontal distance from any other water body, tributary stream, or the upland edge of a wetland, a natural buffer strip of vegetation shall be preserved as follows:

   a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown.
   b. Selective cutting, clearing, or removal of trees within the natural buffer strip shall be permitted provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees adjacent to a great pond or stream flowing to a great pond, shall be defined as maintaining a rating score 24 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 4 ½ feet Above Ground Level (inches)	Points
2-<4 inches	1
4-<8 inches	2
8-<12 inches	4
12 inches or greater	8

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

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

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling12 points (36-24=12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by 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 this section "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

c. In order to protect water quality and wildlife habitat, existing vegetation under 3 feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, cleared or removed, except to provide for a footpath or other permitted uses as described in Section 19 (D) paragraphs (2) and (2) (a) above.

d. Pruning of tree branches on the bottom one-third (1/3) of the tree is permitted.

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 6-ft. to 8-ft. in height unless new tree growth is present. This section does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas, are limited to the minimum area necessary.

3. At distances greater than one hundred feet, horizontal distance, from a great pond and 75 feet, horizontal distance, from the normal high-water line of any other waterbody, tributary stream, or the upland edge of a wetland, there shall be permitted on any lot, in any 10 year-period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared.

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

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 19 (D).

E. Docks, Marinas, Piers, Wharfs, Bridges and Other Water-Dependent Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
3. The location shall not interfere with developed beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf shall not be wider than six (6) feet for non-commercial uses.
5. The use of a water-dependent structure shall not be converted to a use which is not water-dependent.
6. No new structure shall be built on, over, or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the waterbody or wetland as an operational necessity.
7. All docks shall be constructed of materials and with methods resistant to flood damage and securely attached to the shoreline in a way not to impair or restrict flotation during extreme water level, wind or wave conditions. Attachments may be made to a tree or permanent structure using cable, chain or similar water-resistant materials of adequate strength.

8. Docks exceeding 500 square feet in area or which have a fair market value exceeding $3,000 shall first require the issuance of a Flood Hazard Development Permit.
9. Permanent docks are prohibited. Temporary docks must be removed from waterbodies prior to seasonal freezing and remain removed until seasonal thaw. Upon removal, all dock sections shall be stored in a location with an elevation of at least one foot above the 100-year base flood elevation or securely attached to a tree or other permanent fixed object or structure.
10. Docks shall be located to comply with all setback requirements for structures from adjacent properties. In instances where the most appropriate soils for dock construction and use are located within the setback area from adjacent properties, an alternative location may be permitted as depicted in Appendix C of this Ordinance entitled, “Riparian Rights Lines.”

11. No more than one pier, dock, wharf, or similar structure extending or located below the normal high-water line a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Article 7, Section 6, a second structure may be allowed and may remain as long as the lot is not further divided.

F. **Road**s and **Driveway**s

1. Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond and 75 feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than 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 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%.

   This paragraph does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and to facilities located nearer to the shoreline or tributary stream due to an operational necessity. The standards in this paragraph do apply to approaches to docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section, except for that portion of the road or driveway necessary for direct access to the structure.

2. 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.

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

4. Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Article 8, section 11.

5. Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.

6. 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 natural buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch

or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified natural buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified natural buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

   a. 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

   b. Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less.

   c. On sections having slopes greater than 10% ditch relief culverts shall be placed at approximately a 30-degree angle down slope from a line perpendicular to the centerline of the road or driveway.
   d. 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.

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

I. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland, and where feasible, to retain all runoff on site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle with boat trailer shall be at least 10 feet wide and 40 feet long.
   b. Internal travel aisles: Approximately 20 feet wide.

J. Soils

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 land uses shall require a soils report based on an on-site investigation and to be prepared by one of the following: A Maine Certified Soil Scientist, Maine Registered Professional Engineer, Maine State Certified Geologist, or another individual who has 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 deemed appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

K. **Timber Harvesting**

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

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

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

(b) Adjacent to great ponds, rivers and wetlands:

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

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

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

(a) Option 1 (40% volume removal), as follows:

(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

(ii) A well-distributed stand of trees which is wind firm, and other vegetation including existing ground cover, must be maintained; and,

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

(b) Option 2 (60 square foot basal area retention), as follows:

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

(ii) A well-distributed stand of trees which is wind firm, and other vegetation including existing ground cover, must be maintained; and,

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

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.
The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(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.

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

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the

water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

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

(d) New land management roads are not allowed in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the water body by existing vegetation.

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

(f) Road closeout and discontinuance. Maintenance of the water control installations required in this section must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of this section. Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

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

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

(6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

(a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in this section: The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of this section. Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of this section.

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

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

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

(i) a map showing the location of all proposed permanent crossings;
(ii) the GPS location of all proposed permanent crossings;
(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of this section. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

(i) concentrated water runoff does not enter the stream or tributary stream;
(ii) sedimentation of surface waters is reasonably avoided;
(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
(iv) fish passage is not impeded; and,
(v) water flow is not unreasonably impeded.

Subject to this section, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

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

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

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

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

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

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

(h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

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

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

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

(i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

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

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

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

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

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in this section, but in no case shall be less than shown in the following table.

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

L. **Agriculture** in **Shoreland Districts**

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).

2. Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond or within 75 feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Resource Protection, Stream Protection, and the Shoreland Residential Districts must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.

3. Agricultural activities involving the tillage of soil greater than 40,000 square feet in surface area shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of the plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Ordinance (and not in compliance with this provision) may be maintained.

5. Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond, within 75 feet of other water bodies, nor within 25 feet of a tributary streams and 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 Soil and Water Conservation Plan.

M. **Essential Services**

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

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

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

N. **Single Family Dwellings** in the **Resource Protection District**

1. The Planning Board may approve a permit for a single-family home in the Resource Protection District provided that all of the following standards shall be met:
   a. There shall be no other location on the property, where the structure can be built, other than a location within the Resource Protection District.
   b. The lot on which the structure is proposed shall be undeveloped and shall be established and recorded in the registry of deeds in Kennebec County before the adoption of the Resource Protection District.
   c. The proposed location of all buildings, sewage disposal systems and other Improvements shall be:
      (1) Located on natural ground slopes of less than 20% ; and
      (2) Located outside the 100-year floodplain as delineated on the National Flood Insurance Program Flood Insurance Rate Maps; all buildings, including basements, shall be elevated at least one foot above the 100-year floodplain elevation; and the development shall otherwise be in compliance with the Town of Readfield Floodplain Management Ordinance.
   d. The total ground-floor area (footprint), including cantilevered or similar overhang extensions, of all principal and accessory structures shall be limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
   e. All structures, except functionally water-dependent structures, shall be set back from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

SECTION 17. SUBDIVISIONS

In reviewing all subdivision applications, the following standards shall apply:

A. Conformance with Applicable Plans and Ordinances

All proposed subdivisions shall be in conformance with the Readfield Comprehensive Plan, this Ordinance, and the provisions of all other pertinent federal, state, and local codes, ordinances and regulations, except as otherwise provided in these regulations.

B. Land Not Suitable for Development

The Planning Board shall not approve building sites where such portions of any proposed subdivision involving:

1. Land which is situated below the normal high-water mark of any water body.
2. Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency unless the Applicant shows proof through the submittal of material prepared by a Registered Land Surveyor which shows that the property in question lies at least one foot above the 100 year flood level. The elevation of filled or made land shall not be considered.
3. Land which is part of a right-of-way, or easement, including utility easements.
4. Land which has been created by filling or draining a pond or wetland.
5. Land which is located within a Resource Protection District.

6. Land which is located on slopes greater than 20% or greater than 15% in a Shoreland Residential District.

C. Lots

1. All **lot**s shall meet the minimum requirements of this Ordinance for the district in which they are located, except as otherwise provided in accordance with this section. The lot configuration shall be designed to maximize the use of solar energy on building sites with suitable orientation.
2. Lot configuration and area shall be designed to provide for adequate off-street parking.
3. Lots with multiple frontages shall be avoided wherever possible
4. Side lot lines shall be perpendicular to the street whenever possible.
5. Where public utilities could be extended to a subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
6. If a lot on one side of a road or stream fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road or stream to meet the minimum lot size. When required to comply with the Readfield Land Use Ordinances and/or the Maine State Plumbing Codes non-conforming lots in the Shoreland Residential Districts shall be kept in common ownership.
7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited.
8. Any proposed subdivisions shall be so designed that every lot has frontage upon a way, granting legal access, and so that no part of the tract is landlocked.
9. To the greatest extent practical, lots shall be configured to minimize the number of entrances onto a public road. This may require the development of new access roads into the subdivision or by creating shared driveway entrances from the public road. In determining the greatest extent practical the Board shall consider among other factors: the impact on the amount of land to be developed; erosion and stormwater controls, including future maintenance requirements for the controls; traffic safety; phosphorus controls; proximity to wetlands or water bodies; life and fire safety; impact upon municipal services, and any other characteristics of the land or applicable site review criteria.

D. Retention of Open Spaces and Natural Historic Features

1. In all non-shoreland districts, except for normal thinning, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Applicant shall be responsible for taking measures to correct and prevent soil erosion in the proposed subdivision.

2. The Planning Board may require that the development plans include a landscape plan that will provide for:
   a. the preservation of any existing trees larger than 24 inches diameter breast height;
   b. the replacement of trees and vegetation;
   c. graded contours; and
   d. the protection of scenic, historic, or environmentally significant areas.
3. The street and lot layout shall be adapted to the topography to the maximum extent.
4. Extensive grading and filling shall be avoided as much as possible.
5. Street trees and esplanades may be required by the Planning Board to retain the natural beauty of the area.
6. The Planning Board may require that the Applicant reserve an area of land as an

open space and/or recreational area for use by property owners in the subdivision or for other uses consistent with the town's Open Space Plan. Open space tracts need not be contiguous to the proposed subdivision. Depending on the size and location of the subdivision, the Planning Board may require the Applicant to provide up to 10% of the total area for recreation. It is desirable that area reserved for recreation be at least 5 acres in size and easily accessible from all lots within the subdivision.

a. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Planning Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be subject to determination of adequacy by the Planning Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
b. The Planning Board may require subdivisions be laid out in such a way that fields and pastures remain as undeveloped as possible. Agricultural land owners are not required to sell that part of their property which is to become open space provided that they convey the development rights of that open space to the Town or to a qualified land conservation organization in a conservation easement prohibiting future non-agricultural development.
c. Where the proposed subdivision is located on a lake, pond or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land. The land so reserved shall be at least 200 feet wide measured perpendicularly from the normal high-water mark.
d. The Final Plan shall provide how title to the reserved recreational and open space areas shall be held and how costs of improvements, maintenance and taxes shall be met.
e. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of the manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
f. The recorded subdivision shall indicate that the common open spaces shall not be used for future building lots except for structures and buildings accessory to new recreational or conservation uses; how title shall be held; and who shall be responsible for costs of development and maintenance.
g. In the event that the common open spaces are not to be owned by the Applicant (or the municipality), an association of property owners, to own, develop and maintain the common open spaces, shall be incorporated and setup. The articles of incorporation and by-laws shall be submitted to the Planning Board for its approval with the Final Plan.
h. The Applicant shall maintain control of all common areas, and be responsible for their maintenance, until sufficient development to support the association as determined by the Planning Board, shall have taken place.
i. Reserved land acceptable to the Planning Board and Applicant may be dedicated to the municipality if approved by the voters of the Town. Dedication to the town of these open spaces may be in fee simple or in the transfer of that parcel's development rights.
j. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes shall be prohibited. Structure and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land with Planning Board approval.
k. As an alternative or in addition to the applicant's reservation of land for

open space and/or recreation, the Planning Board may allow the applicant to give a payment-in-lieu of dedication calculated at the market value of land at the time of the subdivision's final approval, as determined by the municipal tax assessor, and deposited into a municipal land acquisition or improvement fund for use in accordance with the town's Open Space plan.

E. Utilities

1. Utilities shall be installed underground when required by the Planning Board in order to further the purposes specified in the Review Criteria of Article 6, Section 3 C, of this Ordinance.

2. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

3. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the Final Plan and shall be subject to approval by the Planning Board.

F. Required Improvements

The following improvements are required for all subdivisions unless waived by the Planning Board in accordance with the provisions of this Ordinance. All required improvements, such as streets, sidewalks, stormwater drainage systems, and where appropriate, centralized water supply and sanitary sewage systems, shall be installed at the expense of the applicant.

1. Permanent Markers

   a. Permanent markers shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
   b. Permanent markers shall be set at all corners and angle points of the subdivision boundaries and lot boundaries.

2. Water Supply

   a. If a central water supply system is provided by the Applicant, the location and
   b. protection of the source, and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A. C. M. R. 231).
   c. The applicant shall provide sufficient evidence of adequate fire fighting capacity.

3. Wastewater Disposal

   a. The applicant shall submit evidence of soil suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules, as amended.
   b. In no instance shall a disposal area be permitted on soils or on a lot which requires a holding tank or New System Variance from the Subsurface Wastewater Disposal Rules.

4. Streets and Driveways

   a. Proposed streets shall conform to the requirements of Article 10 of this Ordinance. Approval of the Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
   b. All streets and driveways in the subdivision shall be so designed that they shall provide safe vehicular travel. Entrances of new streets or driveways onto existing or proposed streets or roads shall be at such intervals as to avoid creating undue traffic hazards. The Planning Board may require the construction and use of shared driveway entrances onto existing roads.

5. Sidewalks

   Sidewalks and curbs shall be installed by the applicant at the discretion of the Planning Board and at such locations as the Planning Board deems necessary. In making its determination, the Planning Board shall consider but not be limited to the following: density of lots, number of multi-family dwelling units, and population.

6. Parking

   For each dwelling unit, there shall be off-street parking for at least two vehicles. For affordable housing development projects, refer to Article 8, Section 1.F.for the applicable parking requirements.

G. Inspection of Required Improvements

All subdivision improvements for which a performance guarantee is required by the Planning Board and any other improvements specified by the Planning Board shall be inspected according to the following:

1. All roads to be proposed for Town acceptance shall be inspected according to Article 10.

2. All roads proposed to remain private shall be inspected according to Article 10 at the direction of the Planning Board.

3. All other improvements shall be inspected according to the following:

   a. At least 5 days prior to commencing construction of a required improvement, the applicant shall notify the Code Enforcement Officer in writing of the time when he/she proposes to commence construction of such improvements, so that the Code Enforcement Officer can arrange for inspections to assure that all municipal specifications, requirements and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements required by the Planning Board.
   b. If the Code Enforcement Officer or other inspecting official finds that any of the improvements have not been constructed in accordance with the plans and specifications filed by the applicant, the Code Enforcement Officer or other inspecting official shall so report in writing to the Selectmen, Planning Board and the applicant. The Town shall take any necessary steps necessary to assure compliance with the approved plans.
   c. Upon completion of all improvements, a written certification signed by a

professional engineer or other qualified professional shall be submitted to the Code Enforcement Officer, at the expense of the applicant, certifying that all improvements meet or exceed the design and construction requirements of this Ordinance and the subdivision plan.

d. The applicant shall submit to the Code Enforcement Officer one copy of an as-built plan showing the actual construction of the subdivision improvements.

H. Common Shoreland Access

The use of any property for common shoreland access shall comply with the provisions of this Ordinance and shall require a minimum shoreline frontage of 300 feet and an additional 25 feet for each dwelling unit beyond the third unit using the common shoreland access. Such a common lot shall have a minimum area of 80,000 square feet. Any recreational facilities associated with common shoreland access, such as beaches, docks, boat ramps, or picnic areas, shall be a minimum of 75 feet from side lot lines. Beach construction shall conform to all applicable state and federal laws.

I. Phasing of Development

The applicant may be required to develop a subdivision of more than 20 lots in separate and distinct phases, subject to a schedule of development mutually agreed upon by the Planning Board and the applicant and to any conditions the Planning Board determines necessary to insure the orderly development of the final plan. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision's street system which is covered by performance guarantees. The boundary lines of each phase shall be clearly shown on the final plan, and a separate signature block shall be provided for each phase. When development is phased, road construction shall commence from the public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development. In the event of a phased plan of development, each phase receiving final approval shall be duly recorded by the Applicant and required improvements shall at a minimum be completed within the deadlines set forth.

J. Rules Governing Homeowners' Associations

If any common areas, including but not limited to, open space, recreational facilities, buildings, or roads or other rights-of-ways is to be owned, used or maintained in common by the residents, a homeowner's association shall be formed and the covenants of the subdivision shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to development plan approval. A homeowner's association shall be governed according to the following regulations:

a. The association shall be established by the developer and shall commence operation, with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
b. Membership in the association shall be mandatory for all purchasers of lots in the development and their successors. Covenants setting forth the owners' rights and interests and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.
c. The association shall be responsible for maintenance of common open space and property. It shall also be responsible for insurance and taxes on common open space and property.
d. The association shall levy annual charges against all property owners to defray the

expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.

K. Rules Governing Re-subdivisions

1. Subsequent to the approval of a revision or amendment to a previously approved subdivision, upon payment of applicable fees, and with at least 14 day notice to abutters or to all owners of lots in such subdivision when a lot or lots are to be divided, the Planning Board may consider modifications to any subdivision.
2. Changes in laws or regulations, or in relevant facts, shall be stated as the reason for any modification, and standards stated in subsection J of this section shall remain applicable.

SECTION 18. CLUSTER DEVELOPMENT

A. General Purpose

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which: a) provides recreational opportunities or, b) preserves important natural features including valuable wildlife habitat, topography, and geologic features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments located in Town may modify said provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances.

B. Optional and Mandatory Cluster Development

Any subdivision which creates less than 10 lots may be designed and constructed as a cluster subdivision; and, any subdivision which creates 10 or more lots must be designed and constructed as a cluster subdivision. If the Planning Board determines in either case that a cluster development will not achieve the General Purpose in paragraph A above, the Board may require the subdivision be designed and constructed as a conventional subdivision.

C. Application Procedure

The Planning Board may allow lots within cluster subdivisions to be reduced in area and width below the minimum normally required by this Ordinance in return for open space where the Planning Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development.

At the sketch plan stage, the applicant shall submit a map showing the significant natural features including land cover, water bodies and wetlands, soil types from the Kennebec County Soils Survey and elevations based upon the U.S.G.S. 7.5 Minute Topographic Quadrangle.

In addition, 2 sketch plans shall be submitted with one showing the lot layout as a conventional subdivision and the second showing the proposed layout as a cluster development indicating open space and significant natural features. Each lot in the conventional subdivision shall meet the minimum lot size and lot width requirements of this Ordinance, and all lots in either conventional or cluster subdivisions shall have at least two

suitable subsurface disposal system sites meeting first-time system requirements. The number of buildable lots or dwelling units in the cluster subdivision shall in no case exceed the number of lots or dwelling units in the standard subdivision.

D. Basic Requirements for Cluster Developments

In reviewing all cluster development applications, subject to payment of applicable fees, and with at least 14 days' notice to abutters, the following standards shall apply:

1. Minimum Size

A cluster subdivision proposal for any number of lots shall meet all requirements for a subdivision under this Ordinance and all other applicable municipal ordinances and state and federal laws and regulations.

2. Lot Requirements for Cluster Developments

In cluster subdivisions or sections of cluster subdivisions made up of single-family and two-family and multi-family structures, individual lots may be reduced to the following minimum requirements with regard to area, frontage, coverage and setbacks:

a. Minimum Lot Area:
   Single-Family: 20,000 square feet[1]
   Two-Family: 30,000 square feet[1]
   Multi-Family 10,000 square feet for each unit over 2
   [1.] *Except in the Rural District where the minimum lot area for one- and two-family dwellings is 40,000 square feet.*
b. Minimum Lot Road Frontage:
   Single-Family: 100 Feet
   Two-Family: 150 feet
   Multi-Family: 50 additional feet for each unit over 2
c. Maximum lot coverage for buildings: 20%
d. Minimum Side Setback: 20 feet
e. Minimum Front Setback: 25 feet
f. Minimum Rear Setback: 20 feet
g. Minimum distance between structures: 40 feet

All of the above dimensions may be increased or decreased by a factor of 10% by the Planning Board, if it finds such change is necessary in order to insure good site design. The object of easing the requirements is to allow flexibility in the development of the site. The flexibility thus allowed should result in more creative patterns of land utilization and savings in land and public costs, compared to those possible under conventional subdivision patterns.

3. Site Plan

Each proposal shall have an overall plan for site development which plan shall identify the location of all buildings, proposed roads, parking areas, footpaths, and common open space. Only developments having a total site plan for structures will be considered. In respect to the placement of buildings and treatment of open spaces, paths, roads, and service and parking areas, the developer shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.

4. Net Residential Acreage

The net residential acreage shall be calculated by taking the total of the parcel and subtracting, in order, the following:

a. "Land Not Suitable for Development" as defined in this section.
b. 15% of the area of the parcel to account for roads and parking.
c. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the parcel, as determined by the Planning Board.
d. Portions of the parcel located in the Shoreland Protection District.
e. 50% of the poorly or poorly drained soils as defined in the Kennebec County soils survey.
f. Portions of the parcel to be utilized for stormwater management facilities.

5. Maximum Number of Dwelling Units

To determine the maximum number of dwelling units permitted on the parcel, the net residential acreage shall be divided by the minimum lot size of the district in which it is located.

6. Total Open Space Area

Open Space tracts need not be contiguous to the proposed subdivision but should be in accordance with the town's Open Space Plan. The total area of open space shall be a minimum of 25% of the total parcel proposed for development, and shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot size normally required. In addition, no less than 30% of the reserved open space shall be "usable open space". "Usable open space" refers to land which due to its topographic and drainage characteristics is suitable for use as active recreation or agriculture, or will be improved by the development as an active recreation facility.

7. Distance to Common Land

Each building lot that is reduced in area below the amount normally required shall be within 1000 feet of the common land.

8. Setback Zone

In cluster developments, no dwelling or permanent structure shall be built within 50 feet of an existing road. Within 25 feet of an existing road either a natural buffer strip shall remain or other buffers/screening shall be provided. This screening shall effectively screen at least 80% of the homes from view from the existing road and shall be maintained throughout the life of the project.

Where appropriate, internal buffers shall be maintained between groups of residences to insure proper site design and site plan development. In all buffer areas, the conservation of land in its natural or forested condition is preferred.

9. Vehicular Access

No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

10. Shoreland Frontage and Setback

Neither shore frontage nor shore setback shall be reduced below the minimum normally required in the Shoreland Residential district.

11. Shoreline Access

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

12. Building Orientation

Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas in accordance with an overall plan for site development.

E. Dedication and Maintenance of Common Open Space and Facilities

1. Dedication of Common Space

Common open space shall be dedicated upon approval of the project as a separate lot of record in fee simple or in the transfer of that parcel's development rights. Conveyances shall restrict this land from any further division and its use limited to non-commercial recreation, agriculture or conservation. However, easements for public utilities, or structures accessory to non-commercial recreation, agriculture or conservation may be permitted.

2. Notation of Final Approved Plan

The common open space(s) shall be shown on the final approved development plan and with appropriate notation on the face thereof to indicate that:

a. the common open space shall not be used for future building lots; and
b. a part or all of the common open space may be dedicated for acceptance by the Town or by another entity approved by the Selectmen which has indicated that it will accept such dedication.

3. Ownership of Open Space

If the common open space areas are not dedicated and accepted by the Town or by another entity approved by the Selectmen, the developer shall indicate whether these areas shall be owned, in part or totally, by the residents or retained by the developer.

4. Retention of Open Space by Developer

If any or all of the common open space is retained by the developer, the developer shall make provisions for permanent maintenance of open space areas. The Planning Board shall approve such provisions when it is satisfied that the provisions, proposed by the developer, will result in the open space continuing as such and being properly maintained. No building permit shall be issued until the approval of the Planning Board has been given to the maintenance plan for the common open space.

5. Rules Governing Homeowner's Associations

If any or all open space is to be reserved for ownership by the residents, a homeowner's association shall be formed and the by-laws of the proposed homeowner's association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to development plan approval. No building permit shall be issued until the Planning Board has approved the homeowner's association by-laws and the common open space and facilities maintenance plan. A homeowner's association shall be governed according to the following regulations:

a. The association shall be established by the developer and shall commence operation, with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
b. Membership in the association shall be mandatory for all purchasers of lots in the development and their successors. Covenants setting forth the owner's rights and interests and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.
c. The association shall be responsible for maintenance of common open space and property. The association shall also be responsible for insurance and taxes on common open space and property.
d. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.
e. The association shall have or hire adequate staff to administer common facilities and maintain the common open space.

SECTION 19. MOBILE HOME PARKS

A. Mobile Home Park Review

All mobile home parks shall be considered a subdivision and shall conform to all standards applicable to a subdivision except for those specific standards contained in this section.

B. Existing Mobile Home Park

A mobile home park legally in existence at the time of adoption of this Ordinance shall continue as a legal use, and may be expanded or enlarged in conformance with this section.

C. Limitation on Units

No dwelling unit other than a mobile home shall be located within the park.

D. Modifications

A mobile home park shall not be converted into another use or be expanded without Site Review approval. Mobile home parks shall not be converted into a conventional subdivision unless all the applicable Ordinance standards are met.

E. Unified Ownership

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

F. Minimum Design and Performance Standards

1. Lot Size, Width, and Density

Lots in a mobile home park shall meet the following lot size, width, and density requirements:

a. Lots served by individual subsurface sewage disposal system.
   Minimum lot area - 20,000 square feet
   Minimum lot width - 100 feet
   Minimum lot frontage - 100 feet

b. Lots served by a central subsurface wastewater disposal system.
   Minimum lot area - 12,000 square feet
   Minimum lot width - 75 feet
   Minimum lot frontage - 75 feet

c. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.

d. Lots shall be measured in a straight line between the intersection of the side lot lines and the front lot line. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the mobile home.

e. The overall area of the mobile home park shall be the combined area of its mobile home lots plus:
   (1) the area required for road rights-of-way;
   (2) the area required for buffer strips, if any; and
   (3) the area within the municipality's shoreland setback.

2. Lot Setbacks

a. The following lot setbacks shall apply to all mobile homes and accessory buildings:
   Front setback: 20 feet
   Side setback: 20 feet
   Rear setback: 10 feet

b. A minimum 20 foot separation shall be maintained between all mobile homes in all directions.

c. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between the units for the purpose of providing more usable yard space on one side of the home.

d. So as to avoid monotony and sameness, the Planning Board may allow the front yard setback on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.

3. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

4. Buffer Strips

a. A 50 foot wide buffer strip shall be provided along all property boundaries that:
   (1) Abut residential land which has gross density of less than half of that proposed in the park, or

(2) Abut residential land that is zoned at a density of less than half of that proposed in the park. Further, no structures, streets or utilities shall be placed in the buffer strip except that they may cross a buffer to provide services to the park.

(a) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from the adjacent property and shall be maintained throughout the life of the project.

5. Fire Protection

Each lot shall be legibly marked for identification and easily accessible to emergency vehicles, permitting fire apparatus to approach within 100 feet.

6. Park Administration

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to state laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state and federal codes and regulations.

7. Parking Requirements

a. For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces.
b. Each parking space shall contain a minimum of 200 square feet with minimum dimensions of 10 by 20 feet. This requirement may be waived if a parking lane is provided.

8. Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

9. Road Standards

a. Road Design Standards

(1) Private Roads. Privately owned roads within the mobile home park shall be designed by a professional engineer, registered in the State of Maine, and shall be built according to accepted engineering standards.
(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town shall conform to the requirements of Readfield's Ordinance Relating to Acceptance of New Town Roads.
(3) Intersection with Public Roads.
Mobile home park roads which intersect with public roads shall meet the following standards:
(a) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
(b) Grade. The maximum permissible grade within 75 feet of the

intersection shall be 2%.

(c) Minimum Sight Distance. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distance 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 3 ½ feet above the pavement and the height of object 4 ½ feet. Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

b. Access and Circulation

(1) The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and way, shall be approved by the Planning Board.
(2) A traffic impact analysis shall be required if the park will generate more than 500 trips/day.
(3) For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.
(4) On-street parking within the park shall be prohibited unless an eight foot dimensions of access junctions with existing public streets and rights-of- parking lane is provided in which case on-street parking may be permitted on the side of the road where the parking lane is located.
    (a) Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.
    (b) No mobile home lot may have vehicular access directly onto an arterial street.

c. Right-of-way and Pavement Width

(1) Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
(2) One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
(3) Parking lanes shall be a minimum of 8 feet in width, if provided.
(4) Cul-de-sac turnarounds shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.

d. Entrances

The main entrance to the mobile home park shall be from a State, State-Aid Highway or Town Road.

e. Water Supply

An adequate and potable supply of water with a minimum of 30 pounds per square inch of pressure at all times shall be provided for each mobile home lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day from a source approved by the Code Enforcement Officer of the Town of Readfield.

f. Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided near each mobile home lot for the storage of materials and equipment.

g. Records

(1) Each permittee shall keep a written record, subject to inspection at any reasonable time by a duly authorized officer of the Town of Readfield, which shall contain the date of arrival, the name, make, year, model, serial number and length of each mobile home, and also the names of the occupants thereof. A complete list of the above shall be furnished to the Assessor's Office no later than April 1 of each year.
(2) The permittee shall be responsible for notifying the Town Assessor of the arrival or impending departure of any occupied mobile home or change of ownership that occurs within the park.

SECTION 20. MINING AND MINERAL EXTRACTION

A. Applicability

These provisions apply to any activity defined in Article 11 of this Ordinance as mining or mineral extraction and shall be interpreted under the standards established in 38 MRSA, 490-A to 490-M and Section 484-A of the Site Location of Development Law, administered by the Department of Environmental Protection. Site Review for mining and mineral extraction where permitted shall be required for any excavation area, whether alone or in combination, which is:

1. greater than 10,000 square feet or where more than 500 cubic yards of material are removed and not located within any Shoreland District, or
2. within any Shoreland District for an area greater than 100 square feet or where more than 100 cubic yards of material are removed.

B. Standards

1. Significant wildlife habitat. Affected land may not be located in a significant wildlife habitat or in an area listed pursuant to the State Natural Areas Program.

2. Solid waste. Solid waste, including stumps, wood waste and land clearing debris generated on the affected land shall be disposed of in accordance with 38 MRSA, 1301 including any rules adopted to implement those laws.

3. Groundwater protection. Excavation shall not occur within 5 feet of the seasonal high water table. A benchmark sufficient to verify the location of the seasonal high water table must be established and at least one test pit or monitoring well shall be established on each 5 acres of unclaimed land.
   a. A 200-foot separation shall be maintained between any excavation and any private drinking water supply that is point-driven or dug well and was in existence prior to that excavation.
   b. A 100-foot separation shall be maintained between any excavation and any private drinking water supply that is drilled into saturated bedrock and was in existence prior to that excavation.
   c. Separation shall be maintained between any excavation and any public drinking water source as follows:
      (1) For systems serving a population of 500 persons or less, the minimum separation shall be 300 feet.
      (2) For systems serving a population of 501 persons up to 1,000 persons, the separation shall be 500 feet;
      (3) For systems serving a population of more than 1,000 persons, the separation

shall be 1,000 feet; and

(4) For any system that holds a valid filtration waiver in accordance with the Federal Safe Drinking Water Act, the separation shall be 1,000 feet.

d. Refueling operations, oil changes and other maintenance activities requiring the handling of fuels, petroleum products, hydraulic fluids, and other on-site activity involving the storage or **use** of products that if spilled, may contaminate groundwater, shall be conducted in accordance with the spill prevention, control and countermeasures plan of the Maine Department of Environmental Protection. Petroleum products and other substances that may contaminate groundwater shall be stored and handled over impervious surfaces that are de**s**igned to contain spills. The spill prevention, control and countermeasures plan shall be posted at the site.

4. Natural buffer strip. Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the excavation before submission of a notice of intent to comply, that vegetation shall be reestablished as soon as practicable after filing the notice of intent to comply.

5. Protected natural resources. A natural buffer strip shall be maintained between the working edge of an excavation and a river, stream, brook, or great pond as defined in MRSA 38, section 480-B. A natural buffer strip shall also be maintained between the working edge of an excavation and certain freshwater wetlands. Excavation activities conducted within 100 feet of a protected natural resource shall comply with the applicable permit requirements of this Ordinance. The width requirements for natural buffer strips are as follows.

a. A natural buffer strip at least 100 feet wide shall be maintained between the working edge of the excavation and the normal high water line of a great pond classified as GPA.

b A natural buffer strip at least 75 feet wide shall be maintained between the working edge of the excavation and any other water body, river, stream, brook, or significant wildlife habitat contained within a freshwater wetland or a freshwater wetland consisting of or containing:

(1) Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds or impoundments; or

(2) Peat lands dominated by shrubs, sedges and sphagnum moss.

For purposes of this subsection, the width of a natural buffer strip is measured from the upland edge of floodplain wetlands; if no floodplain wetlands are present, the width of the natural buffer strip is measured from the normal high water mark of a great pond, river, stream or brook or the upland edge of a freshwater wetland. The Planning Board shall not grant a waiver from this subsection.

c. A natural buffer strip at least 100 feet wide shall be maintained between the working edge of an excavation and the right of way line of any public road. A natural strip at least 24 feet wide shall be maintained between the working edge of a topsoil excavation and any public road.

d. A natural buffer strip at least 50 feet wide shall be maintained between the working edge of an excavation and any private road or right-of-way. If a private road is contained within a wider right-of-way, the buffer shall be measured from

the edge of the right-of-way. The width of the natural buffer strip adjacent to a private road may be reduced if the applicant receives written permission from the person or persons having a right-of-way over the private road.

A distance specified in this subsection shall be measured from the outside edge of the shoulder of the road unless otherwise specifically provided.

6. Property boundary. A natural buffer strip at least 50 feet wide shall be maintained between any excavation and any property boundary. A natural buffer strip at least 25 feet wide shall be maintained between any topsoil excavation and a property boundary. These distances may be reduced to not less than 10 feet with the written permission of the affected property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The buffer strip between excavations owned by abutting property owners may be eliminated with the abutter's written permission provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary. All property boundaries shall be identified in the field by markings such as metal posts, stakes, flagging or blazed trees.

7. Erosion and sedimentation control. All reclaimed and un-reclaimed areas, except for access roads, shall be naturally internally drained at all times unless a variance is obtained from the Department of Environmental Protection (DEP).

    a. The area of a working pit shall not exceed 10 acres.
    b. Stockpiles consisting of topsoil to be used for reclamation shall be seeded, mulched or otherwise temporarily stabilized.
    c. Sediment shall not leave the parcel or enter a protected natural resource.
    d. Grubbed areas not internally drained shall be stabilized.
    e. Erosion and sedimentation control for access roads shall be conducted in accordance with DEP's best management practices for erosion and sedimentation control.

8. Surface water protection and stormwater management. Surface water discharges from areas not required to be naturally internally drained shall not be increased as a result of stormwater runoff from storms up to a level of intensity of a 25-year, 24-hour storm. Structures such as detention ponds, retention ponds and undersized culverts shall not be used to meet this standard unless a variance is obtained from DEP.

    Grading or other construction activity on the site shall not alter drainage ways such that the drainage, other than that which occurred before the development, adversely affects an adjacent parcel of land or that any drainage ways flowing from an adjacent parcel of land to the parcel are impeded.

9. Noise. Noise levels shall not exceed applicable noise limits in rules adopted by the Board of Environmental Protection.

10. Dust. Dust generated by activities at the excavation site, including dust associated with traffic to and from the excavation site, shall be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed.

11. Reclamation. A reclamation plan for the site shall be filed at the time of initial permit. The affected land shall be restored to a condition that is similar to or compatible with

the conditions that existed before excavation. Reclamation shall be conducted in accordance with the best management practices for erosion and sediment control.

The reclamation plan shall be installed by the applicant within 12 months following the completion of operations at any site which operations shall be deemed complete when less than 100 cubic yards of materials are removed within any consecutive 12 month period.

a. Re-grading side slopes to a slope no steeper than 2 1/2 horizontal feet for each vertical foot;
b. Establishing a vegetative cover by seeding within one year of the completion of excavation. Vegetative cover shall be acceptable within one year of seeding;
   (1) The planting of trees and shrubs shall result in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure a 75% survival rate; and
   (2) The planting of all materials shall result in permanent 90% ground coverage;
c. Removing all structures and, once no longer in use, reclaiming all access roads, haul roads and other support roads;
d. Reclaiming all affected lands within 2 years after final grading; and
e. Stockpiling soil that is stripped or removed for use in reclaiming disturbed land areas.

SECTION 21. CAMPGROUNDS AND INDIVIDUAL PRIVATE CAMPSITES

A. Purpose

The purpose of this section of this Ordinance is to ensure that campgrounds are developed consistent with the rural character of the community and that the public health, welfare and safety will be protected. Campgrounds can fit very well into the character of a rural community and create tax revenue and new employment.

B. Review Criteria

The Planning Board shall consider the following criteria and before granting approval shall determine that:

1. The campground proposal complies with all of the submission requirements contained in Article 8, Section 20, of the Land Use Ordinance.

   a. Campgrounds with less than 50 sites shall comply with the submission requirements for minor subdivisions;

   b. Campgrounds with 50 or more sites shall comply with the submission requirements for major subdivisions.

2. The campground proposal conforms with the performance standards contained in this section of this Ordinance and with the site review criteria in Article 6, Section 3.

C. Performance Standards

1. Applicability
   The performance standards contained in this section shall apply to all campgrounds.

2. Minimum Land Area Requirements

All campgrounds shall have a minimum of 5 acres of land that are defined as suitable for development. Land suitable for development shall be calculated by using the following method:

a. Calculate the total number of acres within the campground proposal.
b. Calculate the total number of acres of land not suited for development consisting of the following:
    1) all wetlands, (excluding forested wetlands);
    2) all areas in resource protection zones;
    3) all streams, stream tributaries, brooks, lakes, and ponds (measured from the normal high-water line);
    4) all areas designated as significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife;
    5) all structures and sites listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission;
    6) all sites designated by the Town as significant scenic vistas or areas, and,
    7) the total area within the campground set aside for roads and parking areas.
c. Subtract the total number of acres of land not suited for development from the total number of acres within the campground. The result will be the land area suitable for development.

Please note: Wetlands shall be measured to include the upland edge of the wetland. Streams, stream tributaries, brooks, lakes, and ponds shall be measured to include an area extending at least 25 feet beyond the normal high waterline of these waterbodies.

Land designated as not suitable for development may not contain any buildings, structures or other impervious areas; however, footpaths may be allowed subject to Planning Board approval.

The overall density of camp sites within the campground shall be calculated by dividing the number of acres of land suited for development by the particular type of camp site proposed for the development.

If the campground includes any dwellings proposed for the owners or staff, these dwellings shall conform to the Town's minimum lot size and other dimensional requirements. The land area required for these structures shall also be deducted from the area of the campground considered suitable for development.

These dwelling units shall be considered as part of the campground and subject to the requirements and limitations placed upon the ownership and transfer of ownership of the campground.

3. Minimum Dimensional and Density Requirements

All campground sites shall conform to the following minimum dimensional and density requirements:

	Tent sites	RV sites	Housekeeping non-housekeeping sites
Minimum land area required per site	3,000 square feet 5,000 square feet in shoreland zone	5,000 square feet	7,000 square feet
Maximum building square footage	N/A	N/A	600 square feet (per unit)
Maximum # of tents/persons allowed per site	2 tents or 6 persons whichever is less	1	1
Maximum # of RV's per site	0	1	0
Minimum setback from property line	100 feet	100 feet	100 feet
Minimum setback from: lakes and ponds; From: non-forested wetlands; From all other waterbodies;	100 feet from normal high-water line 75 feet from upland edge 75 feet from normal high-water line	100 feet 75 feet from upland edge 75 feet from normal high-water line	100 feet 75 feet from upland edge 75 feet from normal high-water line
Minimum vehicle parking area per campsite (on or off-campsite)	200 square feet	200 square feet	200 square feet

Please Note: Only tent sites and RV sites are permitted in the Shoreland Zone with a minimum density of 5,000 square feet per site. Any other type of structure shall be required to comply with the minimum lot size and other dimensional requirements specified for a dwelling or other type of buildings as further described in Sections 24.C.2.a.5 and E.

4. Site Requirements

Each camp site shall comply with the more restrictive of the following requirements or the requirements of the State of Maine, Department of Human Services, regulations for Tent and Recreational Vehicle Parks and Wilderness Recreational Parks, Chapter 205, or as later revised;

SITE FEATURE	REQUIREMENT
Picnic Table[1]	1 per site
Trash container (minimum 30 gallon size)[1]	1 per 4 sites[1,2]
Potable water supply[1]	1 per 12 sites[2]
Outside fire pit or similar **structure**	1 per site
Public telephone[1]	1 per 24 sites[2]
Fire extinguisher[1]	1 per 6 sites[2]
Electrical connection[1]	1 per each RV site
Privy	2 per each 12 sites[2]
Toilet[1]	2 per each 12 sites[2] (1 for men, 1 for women)
Lavatory sink[1]	2 per each 12 sites[2]
Shower stall[1]	2 per 12 sites[2] (1 for men, 1 for women)
Site identification marker	Each site shall be provided with a site marker
Road names	Each camp road shall be named and marked
Site map showing all roads and individual sites	2 required - one shall be located within the immediate proximity of the main campground entrance and one supplied annually to the Fire Department
Campground entrance signs	Not to exceed those permitted under Article 8, Section 14
Lighting fixtures (maximum height 16 feet)[1]	A light fixture in compliance with Article 8 Section 15, is required at the following locations: main entrance, site maps, public telephones, restrooms, bathhouses and administrative office
Buffers/Screening	Each campsite shall be completely screened by natural or proposed vegetation from the property lines
Common buildings and structures setbacks	Minimum setback from property lines is 100 feet
Recreational areas setbacks	Minimum setback from property lines is 100 feet

[1] not required for Wilderness Park Campgrounds [2] …or fraction thereof

D. General Requirements

1. All campgrounds shall comply with the minimum requirements imposed under the State of Maine licensing procedures.
2. All campgrounds shall comply with the State of Maine Subsurface Wastewater Disposal Rules.
    a. All campgrounds shall develop Rules for the operation and maintenance of the facilities and shall address the following:
    (1) Collection, recycling and disposal of all solid waste;
    (2) Fire protection;
    (3) Noise;
    (4) Access to emergency services including police, fire and ambulance;
    (5) Road maintenance;
    (6) Stormwater and erosion;
    (7) Disposal of black and gray waste from all RV's; and
    (8) Maintenance of all potable water supply and sanitary facilities.
3. No mobile home shall be permitted within any campground temporarily or otherwise. Recreational vehicles shall be permitted only on sites designated for their use.
4. All campgrounds that provide RV sites shall provide a connection for black and gray waste at each site or a central facility for disposing of the effluent stored in the RV.

E. Common Buildings and Related Structures

Common buildings and structures including maintenance buildings, recreational structures, administrative offices, dining halls, recreational buildings and structures, service and sanitary structures, convenience stores/facilities and similar structures are not subject to density or minimum lot size requirements if they conform to all of the following:

1. The structures or buildings are for the primary use of the campground residents.
2. The total square footage of all buildings and structures does not exceed 10% of the land area deemed suitable for development.
3. All buildings and structures are setback at least 100 feet from all property lines.
4. All buildings and structures are completely screened from the view of all property lines by existing or proposed vegetation.
5. All new buildings and structures meet setbacks requirements from waterbodies, tributary streams and wetlands.
6. Any buildings or structures that do not conform to these standards shall meet the requirements contained in Article 7, Section 6 (Table 2).

F. Recreational Areas

1. Development areas which are provided for the primary use of campground residents are not subject to density requirements. All recreational areas shall be setback at least 100 feet from all property lines and shall be completely screened from the view of all property lines. The only exception shall be swimming areas, beaches, footpaths and picnic areas located along a shorefront, however, any structures within these areas shall be setback at least 100 feet from the normal high water line.
2. Campground owners shall, whenever possible, provide access to existing recreational and natural resources such as rivers, streams, trails, etc. from the campground by connecting trails or footpaths.

G. Roads, Parking and Traffic Access

1. All roads within the campground shall conform to the standards contained in Article 10

and Appendix A for private roads except that a minimum right-of-way is not required and the traveled surface of one-way roads may be a minimum of 10 feet in width with 2 foot shoulders.

2. Roads shall be designed to allow for the safe passage of recreational vehicles, vehicles towing campers and other types of trailers and emergency vehicles such as fire, ambulance and police.
3. The campground entrance road shall be paved for a minimum distance of 50 feet as measured from the intersection with any paved road.
4. Applicants may design campground roads as loops or as dead-end roads; however, dead-end roads shall be designed and constructed with turn-arounds to accommodate RVs and emergency (fire, rescue, police) vehicles.
5. Parking shall not be permitted on any campground road or shoulder.
6. A common or other parking area(s) shall be provided to accommodate extra vehicles and guests. The minimum number of spaces required in the parking area shall be not less than one parking space per each 4 camp-sites. The Planning Board may require additional parking spaces depending upon the design, expected occupancy and general public access allowed to the campground.

   Campground owners are encouraged to limit the number of vehicles allowed at each campsite in order to maintain the rural atmosphere of the site.

   Campgrounds that permit more than one vehicle to be parked at each campsite shall provide additional parking areas at each site of a minimum of 200 square feet.

7. Camp roads shall be posted with a speed limit of 10 mph and be designed to allow the safe passage of pedestrians whenever separate walking areas or footpaths are not provided to accommodate camp residents.
8. All roads shall be designed and constructed to employ both temporary and permanent Best Management Practices techniques for erosion and sedimentation control as referenced in Article 8, Section 11.

H. Fire Protection

1. Camp fires shall be permitted only within designated fire pits, fireplaces or similar structures. Trees and other vegetation shall be removed or cut-back a suitable distance from all designated camp fire sites.

2. Campgrounds are responsible for providing all fire protection measures deemed necessary by the Planning Board in consultation with the Fire Chief. Applicants shall request that the Fire Chief review the campground proposal. The Fire Chief shall submit his/her recommendations concerning fire protection measures both to the Planning Board and the applicant in writing The recommendations may include provisions for fire ponds, dry hydrants, road design, road access, camp fire structures and locations, campground rules and emergency notification.

I. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back at least 100 feet from the normal high-water line of a great

pond and at least 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be permitted on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in the Shoreland Zone shall be limited to 1000 square feet.
5. A written subsurface wastewater disposal plan describing the proposed method and location of each disposal area 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 shall be required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

J. Solid Waste

1. All campground operations shall comply with the Readfield Waste Disposal and Recycling Ordinance. The applicant shall submit for approval by the Planning Board a solid waste disposal and recycling plan subject to review and comment by the Readfield and Wayne Transfer Station and Recycling Committee.
2. All refuse shall be collected from each trash container at least once in any 24-hour period.
3. Storage areas for all refuse and other solid wastes and their containers shall be enclosed, covered and not visible to ordinary view.
4. All refuse and other solid waste shall be collected, stored and transported in such a manner and with such frequency as to protect against odor, infestation of insects, rodents and other vermin and any other nuisance conditions which are inconsistent with the health, safety and welfare of the campers or other patrons or abutters of the property.

K. Inspections

An annual inspection may be conducted during the operational season of a campground to ensure continuing compliance with this Ordinance. An appropriate inspection fee established by the Board of Selectmen may be charged.

L. Definitions

Campground: An area or tract of land under unified ownership on which accommodations for three or more parties for temporary occupancy are located or may be placed, including, tents, recreational vehicles and recreational facilities and which is primarily used for recreational purposes and retains an open air or natural character.

Campsite: The only type of dwelling or site permitted within a campground for occupancy and consisting of one of the following: tent site, RV site, housekeeping cabin or non-housekeeping cabin.

Campground Density: The number of campsites permitted per acre of land deemed suitable for development.

Housekeeping Cabin: A single structure where sleeping accommodations, kitchen facilities and which may include a toilet, a lavatory and a shower is furnished to the public for temporary occupancy.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to a gravel pad, a parking area, a fire place, or a tent platform.

Non-Housekeeping Cabin: A single structure where sleeping accommodations are furnished to the public for temporary occupancy. These structures shall not include kitchen facilities or toilet facilities.

Recreational Area: All areas developed for activities such as, but not limited to, beaches, tennis, basketball, or volleyball courts, swimming pools, outdoor theaters, softball fields, etc.

Recreational Vehicle Site: An area of the campground designed for the placement of a Recreational Vehicle.

Recreational Vehicle: See definition, Article 11.

Temporary Occupancy: The use of a campsite for a limited duration including a day, week, month or a season.

Tent Site: An area of the campground designed for the placement of a tent and/or a pop-up camper.

Wilderness Park Campground: A campground, or designated area of a campground for which the development requirements have been reduced to provide a more rustic outdoor camping experience. A Wilderness Park Campground shall:

1. be limited to the development of tent sites only with a minimum density of 10,000 sq. ft. for each site
2. be limited to the use of pit, vault, composting or portable toilets only
3. require that all solid waste be carried off-premises by the campsite tenants
4. not permit on-site parking except for handicapped accessible parking
5. require any campground that contains a designated wilderness campground area must ensure that the non-wilderness campground has facilities, e.g. toilets, showers, etc. sized to accommodate campers who may camp in the designated wilderness area.

SECTION 22. JUNKYARDS, AUTOMOBILE GRAVEYARDS & AUTOMOBILE RECYCLING

A. Any new, expanding or change in use of an automobile graveyard, junkyard or automobile recycling business shall receive Site Plan Review approval from the Planning Board prior to obtaining the required permit from the Board of Selectmen.

B. As used in this section, the terms "automobile graveyard", "junkyard" and "automobile recycling business" are to be defined as set forth in state law, currently codified at 30-A M.R.S.A. 3752-59.

C. All automobile graveyard, junkyard and automobile recycling businesses which seek a site plan review approval shall meet all requirements of State and Federal laws and regulations, and shall not be located within:

1. 100 feet of any waterbody, tributary stream or forested or non-forested wetland;

2. 300 feet of any mapped sand/gravel aquifer;

3. 100 feet of any lot or parcel with one or more common boundaries or points and shall be kept entirely screened from ordinary view. Screening from ordinary view shall comply with the minimum standards of the rules and recommendations adopted by the Department of Transportation, pursuant to 30-A M.R.S.A. 3759;

4. 300 feet or ordinary view of a public facility, whichever is greater;

5. Any area of a Public Water Supply Source Protection Area as identified and mapped by the Department of Human Services, Division of Health Engineering.

D. Pursuant to 30-A M.R.S.A. §3752(1)(A)(2), the area used by an "automobile hobbyist" as defined in subsection E, to store, organize, restore, or display vehicles is not an "automobile graveyard" and is not subject to the requirements for automobile graveyards. All existing and new automobile hobbyist however, must, on an annual basis, apply for and obtain a permit from the Code Enforcement Officer and demonstrate compliance with the following requirements:

1. An automobile hobbyist may not store vehicles in an outdoor area within 1,000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other road or within 100 feet of any abutting lot or parcel with one or more common boundaries or points except for those areas used by an automobile hobbyist that are kept entirely screened from ordinary view from the highway and abutting lots at all times by natural objects, plantings or fences. Screening required by this paragraph must be:

    a) at a height, density and depth sufficient to accomplish complete year-round screening from ordinary view;
    b) well-constructed and properly maintained at a minimum height of six (6) feet;
    c) placed outside the road right-of-way; and
    d) acceptable to the Municipal Officers.

2. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;

3. A vehicle containing fluids may not be stored or dismantled within 100 feet of any body of water or freshwater wetland, as defined by Title 38, §436-A, §§5;

4. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or on the ice of inland waters or on the banks of inland waters in such a manner they may fall or be washed into these waters.

    In making application for an automobile hobbyist permit, the owner or operator must provide notice to the Town of all vehicles or parts of vehicles claimed to fall under the hobbyist exception, including the make, model, year and color of all vehicles or vehicle parts, the date the vehicle or part was acquired, the identity of the project to which the part or vehicle applies; the date the project was commenced if not complete; and if not complete, the estimated percentage of the project that is complete.

E. "Automobile Hobbyist" as used in this Ordinance means a person who:

1. collects and actively restores antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles and street rods as those vehicles are defined in Title 29-AM.R.S.A. §101;

2. does not store at any time more than two separate makes and models of vehicles, and parts associated with those vehicles;

3. completes restoration of vehicles within 12 months of acquisition or stores the vehicles and associated parts in a fully-enclosed building; and,

4. is not primarily engaged in the business of selling the vehicles or parts from those vehicles.

F. All automobile graveyards, junkyards and automobile hobbyist permits issued by the Select Board or the Code Enforcement Officer are valid for a period of 12 months and must be renewed annually. All existing and new automobile graveyards, junkyards and automobile hobbyists are required to obtain operating permits from the Town annually.

SECTION 23. AGRICULTURE

A. All agricultural activities located within the Shoreland District shall comply with the standards set forth in Article 8, section 19.L in addition to any applicable standards otherwise set forth in this Section.

B. Animal Husbandry:

1. All livestock shall be contained within fences or barriers adequately constructed and maintained to prevent such livestock from escaping the confined area or otherwise damaging abutting property.
   a) Except in the Rural District, new livestock fencing on lots of less than 80,000 square feet in area is subject to the same side and rear setbacks as for structures.

2. Commercial confinement feeding operations are subject to Site Review of Article 6, Section 3 of this Ordinance.

C. Marijuana Cultivation – In addition to any requirements that the Planning Board may impose as part of any required Site Review, all marijuana cultivation ("cultivation") must, at a minimum, meet all applicable requirements of state law and regulations, and must meet the performance standards of this subsection. All marijuana cultivation in an area that is equal to/or greater than 250 square feet must take place in a fully enclosed, weathertight structure.

1. Indoor and/or outdoor combined cultivation area of equal to/or less than 250 square feet:
   a. Cultivation may not take place within 20 feet of any lot line, unless the abutting lot is under common ownership; and,
   b. Signage may not be posted either on or off the premises that may identify the site to the public as a marijuana cultivation location.

2. Indoor cultivation area of 250 square feet or equal to/or greater:

    a. Cultivation may not take place within 75 feet of any lot line;
    b. Sites used for cultivation must be effectively buffered and/or screened from view;
    c. Unauthorized entry to cultivation sites must be discouraged through the use of fences, barriers, or other means;
    d. Signage may not be posted either on or off the premises that may identify the site to the public as a marijuana cultivation location;
    e. Cultivation must comply with all other applicable provisions of the Readfield Land Use Ordinance (e.g. stormwater runoff, erosion control, etc.);
    f. Cultivation sites/facilities shall be operated in a manner that ensures that odor is not detected off-site, i.e. off the premises at locations that are not under the custody or control of the cultivation facility;
    g. For cultivation facilities subject to Site Review, unless otherwise determined by the Planning Board, an odor control plan must be submitted for review and approval as part of the Site Review application. The plan shall, at a minimum:
        - Identify the locations of all potentially odor-emitting activities and sources, the locations of structural features such as doors, windows, vents, HVAC systems, etc.;
        - List specific potentially odor-emitting activities and sources, and describe the processes that will take place at the facility (e.g. vegetative flowering, processing, storage);
        - Describe administrative controls proposed to control odors (e.g. standard operating procedures, employee training, regular equipment maintenance, inspections, etc.);
        - Describe engineering controls proposed to control odors (e.g. building design features, specific equipment and technology; and
        - Provide evidence and documentation that the proposed odor control plan is appropriate and adequate to effectively control odors and that it is consistent with marijuana industry best practices for odor control.
        - Any design or installation of specific odor control technologies must be conducted by individuals whose training, experience and/or professional certification is appropriate to satisfactorily accomplish the work.

Notes:

- All stockpiling, spreading or disposal of manure in all districts shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, or as amended; and,
- A person who owns or operates a farm that meets the criteria in the *Nutrient Management Law*, Title 7 MRSA, Section 4204, sub-section 2, shall have and implement an approved nutrient management plan as required in Section 4204.
- Deceased livestock shall be disposed of only in compliance with Chapter 211 of the Maine Dept. of Agriculture *Rules for the Disposal of Animal Carcasses*, or the rules as amended.

SECTION 24. SEASONAL CONVERSIONS OF RESIDENTIAL DWELLINGS

A. Purpose

Readfield's abundant shorelands have evolved over many years into a fragmentation of hundreds of land lots, most of them historically developed as seasonal, limited-use "camp" lots. Most of these lots are non-conforming in in terms of size, setbacks, and are under-vegetated and accessed by

substandard unpaved roads. Many lots remain served by inadequate or obsolete wastewater disposal systems.

In recent years there has been an increasing trend toward the conversion of these seasonal dwellings into year-round dwellings. The impact from these changes of use can contribute to declines in water quality, property values, and the recreational benefits of these areas to the public.

To help protect these public natural resources, these expansions of use on Readfield's most fragile lands should receive a level of review similar to the review for new land uses on the shorelands.

B. Definition

A **Seasonal Conversion is** any development to a seasonal dwelling which has the effect of rendering that structure habitable for year-round occupancy.

The development activity may include in whole or in part, but is not limited to, installing insulation, installing or upgrading a heating source, constructing and/or connecting to a water supply well, replacing or expanding a wastewater disposal system, not to include holding tanks, or expanding electrical service.

It is the development activity rather than the actual year-round use or occupancy of the dwelling which determines a seasonal conversion.

C. Non-Conformance/Effective date

Seasonal dwellings which were legally converted to year-round use prior to June 9, 2011 shall be allowed to remain as legally existing seasonal conversions provided they were in compliance with the Maine Subsurface Wastewater Disposal Rules at the time of conversion.

D. Permits Required

Seasonal conversion is a change of use requiring permit(s) under Article 4, section 1.H as follows:

1. A seasonal conversion plumbing permit is required from the Local Plumbing Inspector - Code Enforcement Officer demonstrating the property is in compliance with the Maine Subsurface Wastewater Disposal Rules, *and*
2. For dwellings in the Shoreland Residential District which are non-conforming due to setbacks from any waterbody, and for all buildings within a Stream Protection and Resource Protection Districts, Site Review approval for change of use is required from the Planning Board (see Article 6, Section 3), *or*
3. For dwellings elsewhere in the Shoreland Residential District, a change of use permit from the Code Enforcement Officer is required. The Code Enforcement Officer shall issue a permit if the property: a) meets and maintains a minimum of 20% non-vegetated lot coverage; and b) The applicant submits a stormwater and erosion control implementation and maintenance plan which meets the requirements of Article 8, sections 10 and 11. The applicant may prepare the stormwater and erosion control plan; however, the Code Enforcement Officer may hire a third party consultant, at the applicant's expense, to confirm the effectiveness of the applicant's plan and/or to seek other appropriate recommendations. The Code Enforcement Officer shall condition any approval to ensure the plan is timely implemented and all prescribed stormwater and erosion control measures are properly maintained.
4. Seasonal conversion permits shall "run with the land." The permittee may transfer any or all interest in a seasonal conversion permit with any transfer of right, title or interest to the property. The purchaser or lessee may assume all permissions granted by a seasonal

conversion permit and shall be responsible for complying with all standards and special conditions of approval.

SECTION 25. SMALL WIND ENERGY SYSTEMS

A. Purpose and Intent

The purpose of this section is to regulate the placement and construction of Small Wind Energy Systems in order to promote their safe and efficient use. These regulations are meant to encourage the Town's government, residences, small businesses, home occupations, and farms to use Small Wind Energy Systems, which reduce on-site demand for utility-supplied electricity and increase consumer energy independence and the demand for a non-polluting source of energy. The regulations are also intended to minimize the visual, environmental and operational impacts of Small Wind Energy Systems on the Town and its residents.

B. Definitions

1. **Meteorological Tower** – A structure designed to support the gathering of wind resource data. This includes the tower, equipment booms, base plate, anchors, guy wires, and weather instrumentation.

2. **Small Wind Energy System** - A wind energy conversion system consisting of a wind turbine, air foils of various shape or size, a tower (or appropriate attachment to, or inclusion within a building) and all of its related components and associated control or conversion electronics, which has a rated capacity that does not exceed 100 kilowatts. A single Small Wind Energy System is intended to produce electrical power primarily for the benefit of a residence, home occupation, farm, small business, or institutional use as listed in Table1 of the Land Use Ordinance, or other similar uses. Such a system may, however, serve more than a single location or use.

3. **Small Wind Energy System Setback** – The horizontal distance measured from the center of a tower base to a second specified point.

4. **Small Wind Energy System Height** – The vertical distance measured from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the Small Wind Energy System tower to the highest point of the wind turbine blade when the tip is at its full vertical position.

5. **Tower** – A free-standing structure on which a wind measuring, weather instrumentation, or energy conversion system is mounted.

6. **Wind Energy System** – A wind powered generator and all associated equipment, including foundation, base, tower, nacelle, turbine, vane, wire, inverter, batteries, or other components necessary to fully utilize the wind energy.

C. Permit Applications

Small Wind Energy System and meteorological tower permit applications shall be submitted and reviewed in conformance with all applicable provisions of this Ordinance. In addition to other submissions required by this Ordinance, applications shall include:

1. A description of the wind energy system project, including the manufacturer and model, the maximum rated capacity of the Small Wind Energy System, tower type, the

system height, and whether or not it will be connected to the electric utility lines.

2. If available, standard drawings or blue prints of the wind turbine tower and footings and an analysis of the tower and footings certified by a licensed professional engineer shall be submitted. This analysis may be supplied by the manufacturer. Wet stamps shall not be required.
3. A small wind energy site plan drawn to scale and showing compass orientation, the planned location of the tower, property lines and physical dimensions of the property, location and dimensions of existing structures on the property, the proposed location of the tower, the location of major structures on abutting properties within two (2) times the system height from the proposed tower location.
4. Written evidence that the electrical utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electrical generator, unless the applicant does not plan, and so states, to connect the system to the electric utility lines.
5. A written statement signed by the applicant that certifies that the proposed facility is designed to meet the applicable standards of this section, including but not limited to those related to noise control, and acknowledges the applicant's obligation to take remedial action, if required, in accordance with this section.
6. For applications for roof-mounted wind generators, a structural assessment that includes evidence that the proposed roof-mounted wind generator system meets the provisions of this Ordinance; will be installed and operated in a manner consistent with the manufacturer's standards; and, will be installed only on a roof that is sufficiently sturdy to hold a roof-mounted wind generator in winds up to100 miles an hour for at least one hour, as certified by a qualified structural engineer.

D. Standards

1. Land Use Districts and Non-Conformity. Small Wind Energy Systems and meteorological towers are permitted as a principal or accessory use in Land Use Districts as detailed in Table 1 (Land Use Table) in Article 7 of this Ordinance. A different existing use or an existing structure on the same lot shall not preclude the installation of a Small Wind Energy System or meteorological tower. A small wind energy system or meteorological tower installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Setbacks. Small Wind Energy Systems shall be set back a minimum horizontal distance of 150% of the system height from property lines.

3. Power Production Scale. Small Wind Energy Systems shall be principally used to produce power for the benefit of a residence, home occupation, farm, small business, institution, or other similar uses. This standard does not preclude utility line connections for net metering or other small energy system grid tie-in plans that the Maine Public Utilities Commission may adopt. The maximum power output for each small wind energy system shall not be more than 100 kilowatts.

4. Height. The system height of a Small Wind Energy System shall not exceed 100 feet. The allowed height shall be reduced if necessary to comply with Federal Aviation Administration Requirements.

5. Ground Clearance. The blade tip of any rotor shall, at its lowest point, have a ground clearance of not less than twenty-five (25) feet.

6. Noise.

a. Except during short-term events including utility outages and severe wind storms, the audible noise at property boundaries that describe the outer limits of the system's site in combination with any parcel(s) owned by the system's site owner that are contiguous with the system site, shall not exceed:
    i. 45 dBA between 7:00 a.m. and 7:00 p.m.; and,
    ii. 35 dBA between 7:00 p.m. and 7:00 a.m.
b. The Code Enforcement Officer or his/her designee may perform measurements of sound levels resulting from routine operation of an installed Small Wind Energy System at the Officer's own initiative or in response to a noise-related complaint, to determine compliance with the relevant standards of this section. Such measurements shall be performed as follows:
    i. Measurements shall be obtained during representative weather conditions when the sound of the small wind energy system is most clearly noticeable; and,
    ii. Sound levels shall be measured in accordance with nationally recognized standards.
c. The permittee shall operate the Small Wind Energy System in conformance with the sound level limits of this section. If, based on post-installation measurements taken in accordance with this section, the Code Enforcement Officer determines that the applicable sound level limits are not being met, the permittee shall, at the permittee's expense, in accordance with the provisions of this Ordinance and in consultation with Code Enforcement Officer, take remedial action deemed necessary by the Code Enforcement Officer to ensure compliance with those limits. Remedial actions that the Code Enforcement Officer may require, include, but shall not be limited to, one or more of the following:
    i. Modification or limitation of operations during certain hours or wind conditions;
    ii. Maintenance, repair, modification or replacement of equipment;
    iii. Relocation of the system; and,
    iv. Removal of the system provided that the Code Enforcement Officer may require removal of the system only if the Code Enforcement Officer determines that there is no practicable alternative.

7. <u>General Siting, Design and Operating Standard</u>

a. At the time of application, each Small Wind Energy System shall be set back from the nearest abutting inhabited structure by a distance not less than 150% of the system height. This distance may be reduced with the written consent of the owner of the abutting property.
b. Anchor points for guy wires for a tower shall be located within the site and are not otherwise constrained by setback requirements. The point of attachment for guy wires shall be enclosed by a fence or sheathed in bright orange or yellow covering to eight (8) feet above the ground.
c. The system's tower, turbine, and blades shall be a non-reflective neutral color unless otherwise required by the Federal Aviation Administration.
d. Exterior lighting on any tower or turbine associated with the small wind energy system shall not be allowed except that which is required by the Federal Aviation Administration.
e. Any Small Wind Energy Systems larger than 1 kW shall be equipped with automatic over-speed controls to limit the turbine speed to within design limits and brakes to lock or minimize rotation.

f. A Small Wind Energy System that is not in use shall be braked or locked so as to prevent uncontrolled rotation.
g. All Small Wind Energy Systems shall be maintained in safe condition. Systems that are structurally unsafe must be repaired or dismantled promptly.
h. The Small Wind Energy System shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
i. Small Wind Energy Systems shall be designed and sited to avoid unreasonable adverse shadow flicker effects.
j. Small Wind Energy Systems shall be equipped with an overspeed control system that: includes both an aerodynamic control such as stall regulation, variable blade pitch, or other similar system, and a mechanical brake that operates in fail safe mode; or has been designed by the manufacturer or a licensed civil engineer and found by the Code Enforcement Officer to meet the needs of public safety.
k. Any stand-alone tower (not including pole-mounted wind generators) shall be constructed to provide one of the following means of access control or another appropriate method of access control as approved by the Planning Board: tower climbing apparatus located no closer than twelve (12) feet from the ground; a locked anti-climb device installed on the tower; or, a locked, protective fence at least six (6) feet in height that encloses the tower.

E. Discontinuance

A Small Wind Energy System that is not generating electricity for eighteen (18) consecutive months shall be deemed a discontinued use and shall be removed from the property by the permittee, and at the permittee's expense, within 120 days of receipt of notice from the Code Enforcement Officer, unless the permittee provides information that the Code Enforcement Officer deems sufficient to demonstrate that the project has not been discontinued and should not be removed. If the system is not removed within this time period, the municipality may remove the system at the permittee's expense. The permittee shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation. Upon discontinuance of a Small Wind Energy System, the permit issued under the terms of this Ordinance lapses.

F. Waiver or Modification Provision

The Planning Board, in its sole discretion, may modify or waive any of the standards or requirements of this section if it determines that due to the type, size, design, construction, site circumstances, and/or location of the proposed system, that the granting of such modification or waiver:

1. would not cause adverse visual, environmental or operational impacts;
2. would not adversely affect residents or properties in the vicinity;
3. would not adversely affect the general health, safety, and welfare of the Town's residents; and,
4. would be consistent with the intent and purpose of this Ordinance and the provisions of this section.

All waiver or modification requests must be based upon a written request of the applicant submitted at the time of application. Waivers or modifications granted by the Planning Board shall be in writing.

ARTICLE 9
COMMERCIAL, INDUSTRIAL and INFRASTRUCTURE DISTRICT ADOPTION PROCEDURE

SECTION 1. PURPOSE

The purpose of the Commercial, Industrial and Infrastructure District designation process shall be to allow the opportunity for large-scale commercial, industrial and infrastructure activities to locate and expand within the Town in keeping with the character of the community.

The procedures contained in this section require that any land proposed to be placed in a Commercial, Industrial and Infrastructure District and its subsequent proposed use be reviewed by the Planning Board and then presented to the Town Meeting for approval. After the District is created, each land use, structure and building proposed for the district is required to obtain Site Review approval from the Planning Board.

SECTION 2. STANDARDS

All proposals for a Commercial, Industrial and Infrastructure District shall meet the following standards:

A. The proposed zoning change shall be consistent with the Town of Readfield Comprehensive Plan and shall be in keeping with the Town's rural character.

B. The proposed use shall be compatible with the surrounding area with respect to rural character, existing uses and anticipated development.

C. The proposal shall serve the public good, safety or welfare of the Town of Readfield.

D. The proposal shall be protective of all natural resources including significant wildlife habitat.

SECTION 3. GENERAL REQUIREMENTS

The applicant shall comply with the following requirements and restrictions:

A. Only conditions and restrictions that relate to the physical development or operation of the property shall be included in the proposal.

B. A Commercial, Industrial and Infrastructure District proposal shall not include any provision or condition that limits or restricts the Town of Readfield zoning authority.

C. Areas currently within a Village Residential District shall not be eligible for a Commercial, Industrial and infrastructure District designation.

D. Land uses within a Commercial, Industrial and Infrastructure District shall be limited to those allowed in the Table of Uses in Article 7 for the district as designated at the time of application for a Commercial, Industrial and Infrastructure designation.

E. The terms, conditions and restrictions of the zoning agreement shall run with the land and bind all future owners of the land or any other person who claims an interest in the property.

F. All development and use of the proposed re-zoned property shall comply with all applicable standards and requirements in this Ordinance.

G. Any conditions or requirements placed upon the proposed rezoning may be more restrictive but shall not be less restrictive than the applicable requirements of this Ordinance.

H. An agreement containing all conditions and restrictions of a Commercial, Industrial and Infrastructure District proposal shall be recorded in the Kennebec County Registry of Deeds within 10 days of the date that it is approved at the Town Meeting. The rezoning shall not become effective until the agreement is recorded.

I. Any violation of the terms, conditions and the restrictions contained in the zoning agreement shall be violations of this Ordinance and subject to applicable enforcement standards. A statement to this effect shall be included in the zoning agreement.

J. The proposed site has an existing or proposed access to a town, state-aid highway or state road.

K. The proposal contains provisions for a buffer area along all property lines sufficient to screen adjacent land uses. A landscape buffer area shall be provided along the road frontage that allows for safe access to the site and also sufficiently screens any development from public view.

L. The site plan shall show the future locations of all proposed structures or provide a written set of design standards for the placement of future structures. Structures shall be located on the site in a manner so as to protect the environment, minimize off-site impacts such as noise, light, and odors, provide the maximum visual screening from adjacent roads and property, and be in keeping with the Town's character.

M. The proposal shall include a list of those uses planned to be developed in the Commercial Industrial and Infrastructure District.

SECTION 4. APPLICATION REQUIREMENTS

A. The applicant for a Commercial, Industrial and Infrastructure District proposal shall submit an application to the Code Enforcement Officer.

B. The application shall include the following:

1. A survey plan of the site showing all applicable details required in Article 6, Section 3.J.1.c.
2. A narrative describing the proposal and how it specifically meets all the standards and requirements contained in this Article.
3. A copy of the conditions and restrictions proposed for the property.
4. A timetable indicating the start and completion dates of the development or construction in the proposed rezoned area.

C. Application Procedure:

1. The applicant shall submit the rezoning application and fee to the Code Enforcement Officer. The Code Enforcement Officer shall issue a dated receipt to the applicant upon acceptance of the application. The Code Enforcement Officer shall review the application for completeness and within 10 days notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
2. The Code Enforcement Officer shall submit the complete application to the Planning Board for a public hearing.

3. The Planning Board shall hold a public hearing within 30 days of receipt of a complete rezoning application.
4. The Town shall publish notice of the hearing stating the purpose of the hearing and giving the date, time and place of the public hearing in a newspaper of general circulation in the area. The notice shall be published 2 times, not more than 14 days before and not less than 7 days before the public hearing.
5. The Town shall notify by first class mail the owners of all property within 500 feet of the property to be rezoned at least 20 days in advance of the public hearing. The notice shall include the date, time and place of the public hearing, and a description of the proposed rezoning proposal. The owners of property shall be considered those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Planning Board. A list of all property owners that were mailed the public hearing notice shall be maintained and include the date the notice was mailed.
6 The Planning Board may continue the public hearing in order to conduct a site visit.
7. The Planning Board shall use the standards contained in Section 2 to make its recommendation upon the proposal. The Board may set conditions upon the application in order to further the purposes set forth in this section.
8. After reviewing the application, the Planning Board may vote to recommend the application, recommend the application with conditions or not to recommend the application.
9. The Planning Board's final recommendation upon the proposed re-zoning application shall be submitted to the Select Board which shall schedule the application for a vote of the Town to take place within ninety (90) days of the Select Board's receipt of the Planning Board's recommendation. If the annual Town Meeting is scheduled to take place within that ninety-day period, the Town vote on the application may occur as part of the annual Town Meeting. Otherwise, a Special Town Meeting shall be scheduled to conduct a vote on the application, except that the Special Town Meeting need not be held within sixty (60) days of the Annual Town Meeting.
10. The Town Meeting shall consider the rezoning article and may vote to approve the application as submitted or deny the application.
11. The Select Board members shall sign the rezoning agreement and the Town Clerk shall attest that the proposal was approved at the Town Meeting. A copy shall be provided to the applicant, Planning Board and the Code Enforcement Officer.
12. The Planning Board shall amend the Land Use Map to show the location of the approved Commercial Industrial and Infrastructure District.
13. In the event that the Town votes to approve a rezoning application under this Article, the proposed commercial, industrial or infrastructure project (except for projects subject to the Town of Readfield Solar Ordinance) shall then be submitted for full site review pursuant to Article 6, Section 3 of this Ordinance. If the proposed project is subject to the Town of Readfield Solar Ordinance, the applicant will then need to demonstrate compliance with the terms of that Solar Ordinance.

ARTICLE 10
ROAD STANDARDS

SECTION 1. PURPOSE

A. To establish minimum specifications for the lay-out and construction of Town **road**s;
B. To establish minimum specifications for the lay-out and construction of private **road**s;
C. To establish a procedure for acceptance of an existing private road to become a Town **road**;
D. To institute a procedure for the joint review by the Road Committee and the Planning Board for the lay-out and construction of all new or expanding **road**s.

SECTION 2. APPLICABILITY

This article applies to all **road**s as defined in Article 11, and road right-of-ways, proposed to be laid out and **construct**ed, expanded, or extended within the Town of Readfield including those roads to be constructed for acceptance by the Town of Readfield in accordance with Title 23, M.R.S.A. Section 3025.

SECTION 3. LIMITATIONS

A. The Town shall accept **road**s only by a vote of the legislative body.

B. Nothing in this article shall be construed as prior commitment by the Town to accept any **road**, irrespective of its condition or of any work performed or money expended in anticipation of acceptance by the Town.

C. Any proposed road construction subject to the provisions of this Article, including roads for acceptance by the Town as a public way, or as a private road as part of a subdivision, on or after the date of acceptance of this Ordinance shall be designed by a licensed professional engineer. The design must be consistent with the design standards set forth in this Article and Appendix "A" and any applicable standards pursuant to Article 6, section 3 (Site Review) and Article 8, sections 19.F (Roads and Driveways within the Shoreland Districts). For development proposals requiring Site Plan review by the Planning Board, all road-related design plans must be reviewed and approved by the Road Committee prior to final project approval by the Planning Board. All road development must be constructed as approved.

D. The re-construction of public roads shall meet the design standards and construction specifications of this Article to the greatest practical extent as determined by the Road Committee, which may include written recommendations from a licensed design engineer, legal counsel, or other professional representing the Committee.

SECTION 3.A. ACCEPTANCE OF PRIVATE ROADS

Existing private roads of record, including those considered legally abandoned or discontinued, and constructed prior to the effective date of the Article may be offered for acceptance by the Town subject to the recommendations of the Road Committee and acceptance of those recommendations by the Select Board. The Road Committee will base their recommendations on whether the road has been sited and constructed or upgraded to meet the requirements of this Article to the greatest practical extent. In determining the greatest practical extent, the Road Committee must consider the following:

- The degree to which the road meets the Road Construction Standards in Appendix "A";

- The stormwater drainage characteristics of the road and their direct impact on any private or public property or resources, including waterbodies; and
- The existing condition of the road, and expected future maintenance to the proposed right-of-way beyond the traveled way;

Prior to making a recommendation for acceptance by the Town, the Select Board ~~following~~ shall hold a public hearing and will consider, in addition to the Road Committee's recommendations:

- The amount of use or anticipated future use of the road;
- The degree to which the property owners benefited by the road support the proposed acceptance;
- The taxable valuation of properties benefited by the road to off-set future maintenance costs of the road;
- Any legal advice the Town's attorney may provide regarding legal ownership of the road, liabilities, or other issues as the Road Commissioner may request.

SECTION 4. ADMINISTRATION

A. **Applicant**s shall file a plan with any request to construct, expand or offer for acceptance by the town any road showing the following:

1. The name(s) of the developers or grantors of the road;
2. The scale of the plan;
3. The magnetic north bearing;
4. The starting and ending points of the **road** with relation to monuments;
5. The **right-of-way** (R-O-W)-lines in relation to monuments;
6. A legal description describing by metes and bounds the dimensions, both linear and angular, necessary for locating boundaries, **lot**s, easements, and other descriptive features;
7. All **lot**s abutting the R-O-W having an ownership interest in the existing or proposed R-O-W and their current owners of record, including mailing address, source of deed, and the Assessor's map and lot number of each parcel;
8. All natural water ways and water courses within the R-O-W of the said **road** and the least distance between the R-O-W and any other waterbody;
9. Location and specifications for all culverts and drainage-ways;
10. Construction specifications to include all applicable design and construction methods and materials, with cross-sectional drawings for new construction or as-built profile for an existing road;
11. Evidence that all land required for the right-of-way of specified width can be deeded to the Town free of any legal encumbrance;
12. Any application fee that may be required; and,
13. The licensed professional engineer's seal who prepared the plan.

B. Upon notice to the Select Board, the owner(s) or **applicant** to **construct** and/or dedicate a **road**, may petition for acceptance of said **road** after completion of the following:

1. Site Plan Review and approval by the Planning Board of any proposed **subdivision** road;
2. Establishment of minimum standards by the Road Committee for a new **road** or a determination by the Road Committee that an existing road meets these minimum standards to the greatest practical extent;
3. Inspection by the **Road** Commissioner;
4. Records of the inspections;

5. Preparation of the notice and layout by the Select Board filed with the Town Clerk;
6. Notice of public hearing (copy filed with Town Clerk);
7. The public hearing record filed with the Town Clerk;
8. Article in Town Warrant to accept **road** as a Town way;
9. Notice of decision filed with the Town Clerk and a copy to owner or **applicant**.

C. If an applicant to the Planning Board proposes to construct a new private **road** as part of a subdivision or other development project, and if the **applicant** proposes said **road** never be eligible for acceptance as a Town **Road**, the **applicant** shall so stipulate in said application and on the plan to be recorded at Registry of Deeds, thereupon the road may be constructed to Private Road Standards.

SECTION 5. CONSTRUCTION SPECIFICATIONS

A. General Specifications: The following specifications shall apply to all new **road**~~s~~ construction:

1. The excavated areas between ditches shall be cleared of all debris including large rocks, trees, stumps, roots, bushes, and other organic material.

2. All **developed area**s of the **road** section shall be located within the road right-of-way and in no case shall the edge of the shoulder be less than 8 feet from either edge of the right-of-way.

3. All construction activity involving soil disturbances shall **conform** with Maine Department of Transportation Best Management Practices for Erosion & Sediment Control (February 2008).

4. An applicant must demonstrate that provisions for stormwater from the road(s) comply with Maine Department of Environmental Protection standards adopted pursuant to the Maine Stormwater Management Law or Site Location of Development Law.

5. Culverts within a road right-of-way shall be constructed of High-Density Polyethylene or recognized equivalents accepted by the Maine Department of Transportation (MDOT). **Road**way culverts shall not be less than 18 inches in diameter for **road** crossing and 12 inches in diameter for **driveway**s, recreational trails, skid trails, or other uses requiring entrance from the roadway. Culverts, and stormwater basins and ponds shall be designed with principal spillways to control flows from a 24-hour storm of a 25-year frequency and may be required to be designed by a licensed professional engineer registered in the State of Maine.

6. Any proposed **bridge** construction shall be designed by a licensed professional engineer with regard to suitability and safety for the intended application. The licensed professional engineer's written recommendations or comments shall be submitted with the design.

7. The design standard for turnarounds shall be of the "T" Turnaround type as depicted in Appendix A-1.

8. No trees, shrubs, fill, fences, or other structures shall be installed or placed within a public **right-of-way** without prior written approval from the Road Commissioner.

B. Specifications for **Road**s: Any traveled way which meets the **building density** as defined in the definition of a **road** shall meet the **dimensional requirements** for **road**s as specified in

the **Road** Constructions Standards table of details in Appendix A. All gravel and bituminous material shall meet current M.D.O.T. specifications.

SECTION 6. EASEMENTS

Whenever it is required to create or alter an existing water course in **construct**ing a **road**, a drainage easement shall be secured from the property owner(s) affected. Wherever the toe of slopes for ditches, shoulders, grading, and other purposes required by this Ordinance cannot be adhered to within the required right-of-way limits, and grading or **excavation** is necessary beyond these limits, slope easements shall be secured from abutting property owners. Said drainage and slope easements shall be secured by the Town or by the **applicant** without cost to the Town.

SECTION 7. DRIVEWAY / ROAD ENTRANCES

The construction of any new entrance onto a Town or privately-owned road or a Right of Way requires a permit issued by the Road Commissioner or his/her designee and must comply with the Town of Readfield Driveway Entrance Siting and Culvert Installation Policy, adopted April 12, 2004.

SECTION 8. UTILITIES

Longitudinal runs of water mains and sanitary lines shall be located and separated as prescribed by applicable State standards. Public utility poles shall be placed behind the flow line of the road ditches and as approved on Town roads by the Select Board.

SECTION 9. INSPECTION DURING CONSTRUCTION

Roads approved for construction must conform to the following inspection process:

A. All **road**s shall be inspected by the **Road** Commissioner or a licensed professional engineer appointed by the Town Select Board at the expense of the **applicant** at the following intervals:

   1. At the point that the area to be **construct**ed has been grubbed.

   2. At the point sub**grade** has been reached, and prior to the delivery of subbase gravel. This inspection may be waived by the **road** inspector if grubbed surface and sub**grade** are the same.

   3. At the completion of grading the sub-base or base gravel.

   4. Upon completion of **grade**d or paved surface.

B. Scheduling of inspections shall be the responsibility of the developer or builder and require a 24-hour notification.

C. Reports of inspection required in sub-section A shall be provided within 7 days of the completed inspection to all concerned parties.

ARTICLE 11
DEFINITIONS

SECTION 1. CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in this Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The word "shall" and "will" are mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "structure" includes the word "building".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The word "Town" means the Town of Readfield.

SECTION 2. DEFINITIONS

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

Abutter: The owner of any parcel with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or stream along the road, railroad or stream from the parcel involved in application or appeal. Property owners shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and includes any Qualified Conservation Holder of an easement in any of the parcels described herein.

Accessory Dwelling Unit: A self-contained dwelling united located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. For purposes of this definition self- contained shall mean that each unit contains living, cooking, and bathroom facilities.

Accessory Use or **Structure**: A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term "incidental" in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. For example, a mobile home dwelling unit is not customarily subordinate and minor in significance to the principle structure even when used only for storage. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

Affected Land: "Affected land" means reclaimed and un-reclaimed land, land that has or shall have the overburden removed, land on which stumps, spoil or other solid waste has or shall be

deposited and storage areas or other land, except natural buffer strips, that shall be or has been used in connection with the excavation.

Affordable Housing Development: A residential housing development in which:

> **For rental housing:** A household whose income does not exceed 80% of the area median income for the community, as defined by the U.S. Department of Housing and Urban Development, and can afford 51% or more of the units in the development without spending more than 30% of the household's income on housing expenses, including rent and utilities.
>
> **For owned housing:** A household whose income does not exceed 120% of the area median income for the community, as defined by the U.S. Department of Housing and Urban Development, and can afford 51% or more of the units in the development without spending more than 30% of the household's income on housing costs, including mortgage payments and insurance, and certain other taxes and fees.

Agriculture: The traditional cultivation of fields, crops, and orchards, the raising of livestock, including cattle, horses, swine, sheep, and poultry to provide income including farm stands and greenhouses when the products of the greenhouses are sold commercially. Agriculture is essentially synonymous with farming. Agriculture does not include forest management and timber harvesting or livestock confinement feeding operations.

Agriculture, Intensive: "Excluding seasonal farm stands that operate less than one-hundred and eighty (180) days in a twelve (12) month period, retail, wholesale or commercial agricultural uses/activities on a site which meets the following criteria:

1. The site contains at least 3000 square feet of floor area, in the aggregate, of non-residential structures that are directly associated with the agricultural activities/use(s) such as; greenhouses, barns or other structures; and/or
2. There are, generally, a combined total of 20 or more vehicle entrances and exits per business day.

Agriculture Light Industry: a low impact commercial activity which results in a product or service primarily derived from the crops or livestock located or raised on the property. The business is conducted in whole or in part on the same premises where the owner of the business resides. Agricultural light industry is small in scale, is carried on primarily in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing there, is in keeping with the character of the district, and the activity is, and remains, clearly incidental and secondary to the primary use of the premises as a residence. Examples of Agricultural Light Industry include, but are not limited to: wreath making, and maple syrup and honey production, which may be sold directly from the home or through mail order. Agricultural light industry does not include commercial activities such as meat processing and slaughter operations.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant 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 a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

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

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

Applicant: The person(s) applying for approval under this Ordinance.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner.

Automotive Body Shop: A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Graveyard: See Article 8, Section 25 on Junkyards, Automobile Graveyards and Automobile Recycling.

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement of motor vehicles.

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

Basement: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one month. This dwelling must also be the full-time, permanent residence of its owner or operator. There shall be no provisions for cooking in any individual guest room.

Bedroom: Any room within a dwelling unit, or any room within an accessory structure to a dwelling unit that may serve primarily as sleeping quarters; a bedroom must have a closet and a means of exterior egress.

Boarding House: See "Rooming/Boarding House

Buffers/Screening: Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: see Structure.

Bureau: State of Maine Department of Conservation's Bureau of Forestry.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

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

the principal dwelling. Such structures shall be constructed only under a permit for limited use occupancy and shall not be converted to a dwelling unit, as defined, until all applicable standards for a dwelling unit are met.

Campground: Reference Article 8, Section 24, L. Definitions.

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

Certificate of Mailing: A form of mailing which provides evidence of mailing per U.S. Postal Services Domestic Mail Manual, Section 914.

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

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

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

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space. Such open space or the development rights of that open space shall be owned in common by lot/unit owners, the Town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Code Enforcement Officer: A person appointed by the Town Manager to administer and enforce this Ordinance. Reference to a Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, Plumbing Inspector and the like when applicable.

Commercial Establishment: Establishments that render goods and/or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc. Lawn and garage sales, conducted for more than 14 calendar days in any year, shall be subject to site review requirements of Article 6, Section 3, and Planning Board approval.

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

Common Shoreland Access: The use of any shorefront property to provide a point of access for the occupants of three or more dwelling units, whether accomplished through ownership, lease, easement, or any other arrangement.

Communication Tower: A **structure** on which commercial transmitting and/or receiving devices are located.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

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

Commercial Scale Wind Energy Systems: A wind energy conversion system which:

- has a rated capacity greater than 100 Kilowatts; and/or
- produces electrical power primarily for sale; and/or
- is intended to produce electrical power primarily for the benefit of its locations and / or land uses other than residences, home occupations, farms, small businesses, institutions, as listed in table 1 of the Land Use Ordinances, or other similar uses.

Community Living Arrangement: A residential community living arrangement consisting of a housing facility for persons with disabilities that is approved, authorized, certified or licensed by the State. Disability has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602.

Construct: To build, place, move upon, pave, grade, or make other physical improvements to land. Excavation, placing fill, and the like shall be included in this definition.

Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than fifteen feet wide.

Cross-sectional area: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

Day Care Facility: A building or use of property operated for the care or instruction of three or more persons who are not children of the principal child-care provider or blood relatives of the principal adult caregiver.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

Dead-end: A road which connects with a Town way at only one intersection.

Demolition: To tear down or raze a structure or portion of any structure, and the appropriate removal and disposal of all the debris resulting from the demolition according to local, state and federal laws and regulations.

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to: the construction of, additions or improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations, sewage disposal systems or water supply facilities.

Developed Area: Any land area on which development exists.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

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

Docks, Marinas, Bridges and other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Waterbody or within a Wetland:

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

Driveway: a private vehicular way providing access to no more than one lot for one single family dwelling or other single ownership structures.

Dwelling Unit: Any building or structure or portion thereof designed, used, or intended for occupancy as separate living quarters, permanent or temporary in nature, used or proposed to be used as separate living quarters seasonally or throughout the year. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have a direct access from the outside of the building or through a common hall. A building or structure providing temporary accommodations such as a bunkhouse, as defined, shall not constitute a dwelling, but shall be counted as a bedroom as defined in the Maine State Plumbing Codes. The term shall include mobile homes and Tiny Homes as defined in Maine law at 29-A M.R.S. § 101(80-C), but shall not include travel trailers or other recreational vehicles.

1. **Single-Family Dwelling**: Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached.

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

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

Essential Services: The construction, alteration, and maintenance of gas, electricity, communication facilities (excluding communication towers), small cell facilities, steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, pipelines, call boxes, and similar accessories, whether above- or below-ground, but shall not include buildings which are necessary for the furnishing of such services. Essential Services includes primary transmission and pipeline corridors, and wind turbines for off-site energy supply and distribution.

Excavation: Any removal of earth material from its original position.

Expansion of a 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.

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

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, as measured from the exterior faces of these exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks, but excluding steps or stairways up to four feet in width. Floor area shall include all habitable or potentially habitable areas of a dwelling, including but not limited to: 1) basements if overhead clearance is 6'0" or more, and 2) half stories measured within points having 4' or more of overhead clearance.

Forest Management Activities: Timber cruising and other forest resources evaluation, management and planning activities, insect and disease control, timber stand improvement, pruning, timber and other forest harvesting, regeneration of forest stands, and other similar associated activities, and the construction of skid trails and roads used primarily for timber harvesting--but not the construction or creation of roads for other developments purposes.

Forested wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand: A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation: The supporting substructure of a building or other structure including basements, slabs, frost walls, or other base consisting of concrete, block, brick, stone or similar material..

Frontage, **Road** or Shore: The horizontal, straight-line distance between the intersections of the side lot lines with (1) the road right-of-way or (2) the shoreline at normal high-water elevation.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil is sold to the public for use in a motor vehicle, regardless of any other business on the premises.

General Town Way: A way constructed to a minimum standard that may be laid out by the municipal officers, and offered in a warrant for acceptance by the legislative body.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in

excess of thirty (30) acres except where such body of water is man-made and in addition is completely surrounded by land held by a single owner.

Ground cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Group Home: A dwelling which provides common living area and supervision to three or more persons not related to the owner or operator of the dwelling and which does not constitute a Community Living Arrangement, as defined.

Harvest Area: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Height of a Structure: The vertical distance between the mean elevation of the finished grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: See Article 8, Section 7.A, or any amendment thereto.

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

Increase in nonconformity of a structure: The expansion of any structure, or portion thereof, which causes further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in waterbody, wetland, road, or property boundary setback distances, increase in lot coverage, or increase in height of a structure.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Industry Heavy: Industrial activity that uses or processes relatively large volumes of raw materials, usually involving large and heavy products, equipment, and /or facilities, and often involves complex manufacturing processes. Heavy industry is typically capital intensive and sells its products to other industrial customers rather than end consumers. Examples of heavy industry include, but are not limited to those involving the production of: chemicals, plastics, steel, oil, machinery and automobiles.

Industry Light: Industrial activity that uses a moderate amount of raw or partially processed

materials, and requires a relatively small amount of area and power, to produce or assemble small end-user or consumer goods. Light industry is typically more labor than capital intensive. Examples of light industry include, but are not limited to the manufacture or assembly of: clothing, consumer electronics and furniture.

Institutional Use: A building or use devoted to some public, governmental, educational, charitable, medical, or similar purpose.

Junkyard: See Article 8, Section 25 on Junkyards, Automobile Graveyards and Automobile Recycling.

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

Land Management Road: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester: A forester licensed under 32 M.R.S.A. Chapter 76.

Livestock: Farm animals kept for use or profit such as, but not limited to, horses, cattle, goats, sheep or swine.

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

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

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A **lot** with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all non-vegetated surfaces, including but not limited to the total footprint area of all structures, paved or unpaved driveways and parking areas, and other non-vegetated surfaces including land previously developed.

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

Lot, Shorefront: Any lot abutting a body of water.

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

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

Marijuana Cultivation: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. "Cultivation" or cultivate" does not include marijuana manufacturing, testing or extraction.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels as determined by the Town Assessor or a qualified real estate appraiser.

Medium Borrow Pit: A borrow pit that has a total reclaimed and un-reclaimed area from 5 to 30 acres.

Mining and Mineral Extraction: Any area of excavation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location for the purpose of transporting the product or material being removed away from the extraction site. Mining and mineral extraction does not includes the preparation, washing, cleaning or other treatment of that product so as to make it suitable for commercial, industrial or construction use; nor does mining and mineral extraction include excavation or grading as a part of any approved construction or development project.

Mobile Home: A structure transportable in one or more sections which, when erected on a site, measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Park model recreational vehicles are not mobile homes.

Mobile Home Park: A parcel or adjoining parcel of land, under single ownership, that has been planned and improved for the placement of three or more mobile homes (M.R.S.A. Title 10, Section 9081).

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality may require a lot to be designated on a mobile home park plan.

Modular or Manufactured Home: Manufactured housing units which the manufacturer certifies are in compliance with Title 10, chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, or electrical systems contained in the unit. These units shall measure no less than 18 feet in width for the entire body length when assembled at the site.

Native: Indigenous to the local forests.

Natural Buffer Strip: "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

Naturally Internally Drained: Areas of a site that, as a result of the predevelopment topography and interim topography produced during development of the site, are and will remain at all times over the course of the development graded so that neither eroded materials nor runoff either crosses the property boundary or enters a protected natural resource, natural buffer strip or other protected area. Areas that rely on man-made structures, including but not limited to berms, dikes, basins or undersized culverts, in order to maintain internal drainage shall not be considered naturally internally drained.

Natural Resource-Based Industries: Natural resource-based industries shall be construed to include the following: Extraction and processing of water, wood and lumber, minerals and soils, and the associated retail functions for those natural resource-based industries. Examples of the same would include wells and bottling plants, sawmills and lumberyards and mining and soils processing industries.

Natural Resource-Based Recreation: Outdoor commercial recreational facilities which have a primary characteristic of requiring a sizable amount of land including, but not limited to, ballfields, golf courses, driving ranges, and the associated retail functions for those natural resource-based recreational uses. Such retail functions must be incidental to the recreational use and may include the sale or rental of goods and services related to the recreation, as well as refreshment stands.

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

Non-Conforming: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. Any change of use, increase in the size, or any further deviation from the dimensional standards creating the non-conformity shall constitute an increase in non-conformity. (See definition for "Increase in non-conformity of a structure.")

Non-Town Way: A way constructed at a standard less than the general town way standards and shall not be laid out by the municipal officers.

Normal High Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominately terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Normal Repair and Maintenance of a Structure: Construction work intended to prevent the ordinary and predictable deterioration of an existing structure or to maintain it in its established functional state. This may also include capital repairs intended to extend the normal economic life or to increase the functionality of the structure but only insofar as repairs do not include any new construction, increase in the footprint of the structure; new, enlarged or replacement of a foundation; relocation, structural alteration or substantial demolition to a structure; or result in Reconstruction (as defined Article 11) or the change of Use (as defined Article 11) of the structure.

Nuisance: A nuisance includes, but is not limited to the use of any property defined as a nuisance in Title 17 MRSA, section 2802 or for any other type of conduct or in any manner as to cause or permit a condition to exist which results in injury or damage or interferes with the reasonable private use and enjoyment of the property of another, different from that sustained by the general public. A nuisance may be either such a use as is unreasonable because of its very nature or a use which, though reasonable in and of itself, becomes unreasonable because of the negligent manner in which it is exercised with respect to the legal rights of others.

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

Official Submittal Date: The date upon which the Board issues a receipt indicating a complete application has been submitted.

Open Space Uses: Non-intensive uses of land not requiring structures, such as hunting, fishing, hiking, motorized vehicular traffic, forest management activities, fire prevention activities, wildlife management practices, soil and water conservation practices, mineral exploration, surveying and resources analysis and harvesting of wild crops.

Outside Corner Lot: A lot situated on the exterior angle created by a loop in a road or by the intersection of two roads.

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

Passenger Car Equivalents at Peak Hour: The number of passenger cars, or in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this article, one tractor-trailer combination is the equivalent of two (2) passenger cars.

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

Permanent Marker: Stone monument, concrete monument, drill hole in ledge or iron pin not less than 1/2 inch in diameter and 24 inches long.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the **subdivision** to be submitted to the Planning Board for its consideration.

Premises: One or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures, and improvements.

Primary Sand and Gravel Recharge Area: The surface directly overlying sand and gravel formations that provides direct replenishment of groundwater in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

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

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

Public and Private Schools: Primary and secondary schools or parochial schools which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business, or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

Public Drinking Water Source: Any groundwater well or surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days of the year.

Public Facility: Any facility, including buildings, property, recreation areas, schools, cemeteries, museums, libraries, which are owned, leased, or otherwise operated or funded by a government body or a public or quasi-public entity. A public facility also includes a church, hospital, congregate housing, fraternal organization or any similar building or property devoted to an institutional use whether publicly- or privately-owned and operated. A public facility does not include roads or other linear transportation facilities.

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

Qualified Conservation Holder: pursuant to 33 MRSA Section 476 et seq., a qualified conservation holder is any of the following which hold a legal interest in real property for which the purpose is to conserve and permanently protect natural resources and open space, including wildlife habitat, significant scenic areas, ecologically sensitive areas, productive agricultural and forest lands, or public recreation areas:

i. The State of Maine acting through its Department of Conservation or Department of Inland Fisheries and Wildlife;
ii. The United States acting through its U.S. Forest Service of the Department of Agriculture or the U.S. Fish and Wildlife Service or Park Service of the Department of Interior;
iii. The Town; or

A nonprofit, tax-exempt nature conservation organization qualifying under Section 501(C)(3) of the Internal Revenue Code.

Rear Lot: A lot which has no frontage or insufficient frontage on a public or privately owned road in the land use district in which it is located. A rear lot does not include legally-existing non-conforming lots of record with some, but insufficient frontage on a public or privately owned road.

Rear Lot, Access: The permanent easement for a right-of-way, or the fee simple ownership of frontage not conforming to the requirements of the district in which it is located, and which is at least 30 feet in width, described by metes and bounds, or by a plan, and recorded in the Kennebec County Registry of Deeds, and held by deed or other legal instrument by the owner of the rear lot, as required for the development of rear lots under Article 8, Section 5.

Reclamation: The rehabilitation of the area of land affected by mining, including but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest and the enhancement of wildlife and aquatic habitat and aquatic resources.

Reconstruction: The replacement, repair to, restoration or improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, or 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, must be registered with the State Division of Motor Vehicles, and must be currently inspected where required to be inspected in the state in which it is registered.

Recycling Operation: A privately owned facility for the recycling of heavy goods and bulk metal.

Redemption: The redemption of goods such as bottles and cans as a recycling activity.

Residual Basal Area: The average of the basal area of trees remaining on a harvested site**.**

Residual Stand: A stand of trees remaining in the forest following timber harvesting and related activities.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot line, including land transactions by the applicant not indicated on the approved plan.

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

Right-of-way: A strip of land acquired by deed, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

Road: Any route for vehicle access other than a driveway.

Road Committee: Individuals appointed by the Select Board for advising the Road Commissioner.

Rooming/Boarding House: A residential use consisting of at least one dwelling unit together with one or more rooms that are rented or intended to be rented to more than one occupant (s), but which rooms, individually or collectively do not constitute separate dwelling units. A rooming or boarding house is designed to be occupied by longer-term residents as opposed to overnight guests.

Seasonal Conversion: Any development to seasonal dwelling which has the effect of rendering that structure habitable for year-round occupancy (see Article 8, section 27).

Screening: See Buffers/Screening

Service Business: A form of business providing different types of labor services in a wide variety of business sectors, including but not limited to: professional (e.g. law, accounting, medical, banking, insurance, brokerage, etc.), lawn and landscaping services, contracting and building services, fabrication, repair, and cleaning services, pet grooming and hair salons, funeral homes, catering, delivery, rental, and telecommunications.

Setback: The minimum horizontal distance from a road, lot line or normal high-water line of a water body, tributary stream or upland edge of a wetland to the nearest part of any structure.

Shared Driveway: A driveway jointly owned by the owners of the properties it gives access to, either owned in common or with reciprocal right-of-way easements legally described on a deed. A shared driveway comprises the entire width of its easements as extending from the public way to which it is attached, to the point at which it serves only one lot. All lots which contain a portion of the shared driveway or its easement shall be deemed to be served by the shared driveway whether or not the lots have alternate access to another road. The shared driveway does not create frontage for any lots. (See Article 8, section 18.E for additional standards).

Shoreland District: All land area located within the Shoreland Residential, Resource Protection, and Stream Protection Districts as described in Article 7, Section 4.

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

Sign: See Article 8, Section 14H (Definitions), or as amended.

Significant Sand and Gravel Aquifer: A deposit of ice-contact and glacial outwash sediment that stores and transmits significant quantities of recoverable water. Significant sand and gravel aquifers are identified on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers", Map 17, as compiled by the Maine Geological Survey.

Skid Road or 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.

Stream: A free-flowing body of water from the point where it is depicted as a perennial stream on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland.

Structure: This term shall be defined by 38 MRSA section 436A, to mean anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind.

The term "structure" includes anything that is:

temporarily or permanently constructed or erected on, in or above the ground or waterbody, or is attached to something having a fixed location on the ground, including, but not limited to, buildings, patios, carports, storage sheds, outdoor wood boilers, and other building features; docks, swimming pools, ponds in excess of 10,000 square feet~~,~~ exterior satellite dishes, exterior antennas and other exterior utility services, including, but not limited to, fuel tanks, generators, heat pumps, solar panels or other heating/cooling or electrical services; and, semi-trailers and truck-boxes or other similar containers in a fixed location for more than thirty (30) consecutive days.

The term "structure" does not include:

sidewalks, steps or stairways of no more than four feet in width, driveways, parking lots, utility hook ups, utility poles and metering services, subsurface wastewater disposal system components;~~,~~ storm water treatment field or garden walls or embankment retaining walls, or fences, except as subject to waterbody setback requirements and for purposes of this definition, legally established signs are not considered a structure.

Subdivision: Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended, i.e., generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition).

Subdivision, Major: Any subdivision containing more than three lots or dwelling units that are wholly within the boundaries of the Town of Readfield or that extends across the Town of Readfield's boundary into a neighboring municipality; or any campground with fifty or more sites; or any subdivision having one or more lots to be used for three or more principal buildings or uses on the same lot.

Subdivision, Minor: Any subdivision containing not more than three lots or dwelling units that are wholly within the boundaries of the Town of Readfield or that extends across the Town of Readfield's boundary into a neighboring municipality, or not otherwise qualifying for classification as a major subdivision.

Substantial Construction Start: Improvements to a site or building for which development approval has been granted, in accordance with this Ordinance, which constitutes the completion of at least 30% of the proposed improvements.

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; grand-fathered 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.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained, or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least thirty-six (36) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Timber harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to this Ordinance.

Topsoil: The top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream or a private road established by the abutting landowners.

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 bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance.

Upland edge of a wetland: The boundary between upland and wetland. 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) foot) tall or taller.

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

Variance: A relaxation of the terms of this Ordinance where such variance is not contrary to the public interest and where owing to conditions peculiar to the property, and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Vernal Pools: Vernal pools are temporary to semi-permanent pools occurring in shallow depressions that usually contain water for only part of the year, filling during the fall and winter as the water table rises and typically drying out by mid to late summer. Significant Vernal Pool habitat is further defined and protected by law under the Natural Resource Protection Act, 38 MRSA, section 480.

Waterbody: Any great pond or stream.

Water crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Water-Dependent Uses: Those uses that require, for their primary purposes and functions, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational boating facilities, excluding recreational boat storage buildings, waterfront docks, boat building facilities, navigational aids, marinas, retaining walls, and uses that primarily provide general public access to inland waters.

Wetland: Freshwater swamps, marshes, bogs, and similar areas, excluding forested wetlands, which are:

1. of 2 or more contiguous acres, or of less than 2 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 2 acres; and,
2. 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 typically adapted for life in saturated soils.

Wetlands, Forested: A freshwater wetland dominated by woody vegetation that is 6 meters or taller.

Wholesale Business: A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or resale.

Wind firm: The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

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

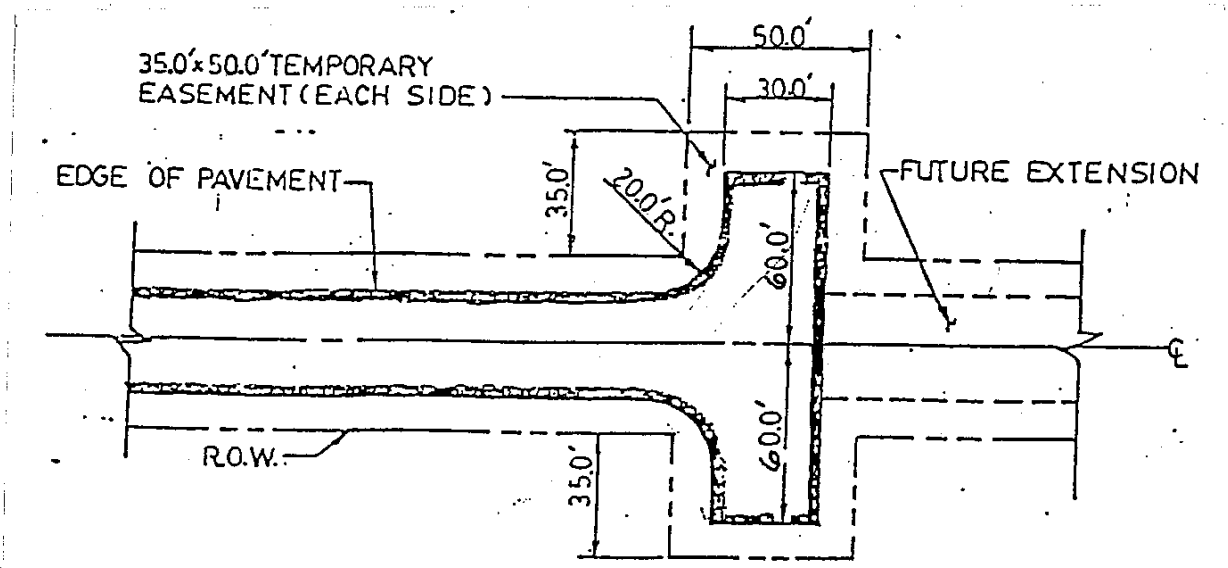
Working Pit: The extraction area, including side slopes of an excavation for mineral extraction as defined. It does not include a stockpile area or an area that has a permanent fixed structure such as an office building, permanent processing facility or fixed fuel storage structure.

Appendix A
Road Construction Standards

	Commercial/Industrial Institutional	General Town Road	Private Road
Right-of-way width	66 feet	60 feet	50 feet[6]
Travel way width	22 feet	20 feet	14 feet
Shoulder width[5]	4 feet	2 feet	2 feet
Gravel base depth[1]	20 inches	16 inches	16 inches
Surface gravel depth	4 inches	4 inches	4 inches
Bituminous pavement[2] (Inches of binder/surface)	3/1	2/1	2/1
Roadway crown (paved) (unpaved)	¼ inch per foot	¼ inch per foot ¾ inch per foot	¼ inch per foot ¾ inch per foot
Maximum grade	10%	12%	12%
Minimum grade	0.5 %	0.5%	0.5%
Minimum angle of street intersection	80 degrees	60 degrees	60 degrees
Minimum radius	300 feet	250 feet	150 feet
Minimum tangent	100 feet	25 feet	0
Minimum back slope	2/1	2/1	2/1
Minimum fill slope	4/1	3/1	2/1
Radius at intersection	40 feet	25 feet	20 feet
Sight distance	As per Driveway Entrance Siting Policy	As per Driveway Entrance Siting Policy	As per Driveway Entrance Siting Policy
Sidewalk width	4 feet (if required)	N/A	N/A
Culverts[3, 4]	18 inches minimum	15 inches minimum	15 inches minimum
Shoulder grade	1-1 ½ inches per foot	1-1 ½ inches per foot	1-1 ½ inches per foot
Ditch elevation	36 inches	30 inches	24 inches
Parking on roadside	If required	N/A	N/A

1. Geo-textile fabric is required for Private Roads (except by waiver) and may be required for General Town Roads at the discretion of the Road Commissioner or the Town's design engineer.
2. Bituminous pavement is not required but when used, must comply with the above construction standards.
3. Culverts must be constructed of High-Density Polyethylene meeting at least AASHTO M294, Type S standards.
4. Actual culvert size to be determined by the Road Commissioner or design engineer based on watershed drainage characteristics.
5. No shoulder is required when concrete, stone, or asphalt curbing is used.
6. 49.5 feet for a layout of old county or town roads.

Appendix A-1
Road Construction Standards



MINIMUM DIMENSIONS "T" TURNAROUND

Appendix B
Other Town Ordinances Relating to Land Use

The following additional documents are adopted by reference as an integral part of this Land Use Ordinance and are found on file with the Town Clerk.

A. Noise Standard Ordinance; adopted June 11, 1998.

B. An Ordinance Regulating Storage and Land Application of Sludge and Other Residuals; adopted September 21, 1998 and amended February 22, 1999, June 14, 2001, December 9, 2002 and September 15, 2004.

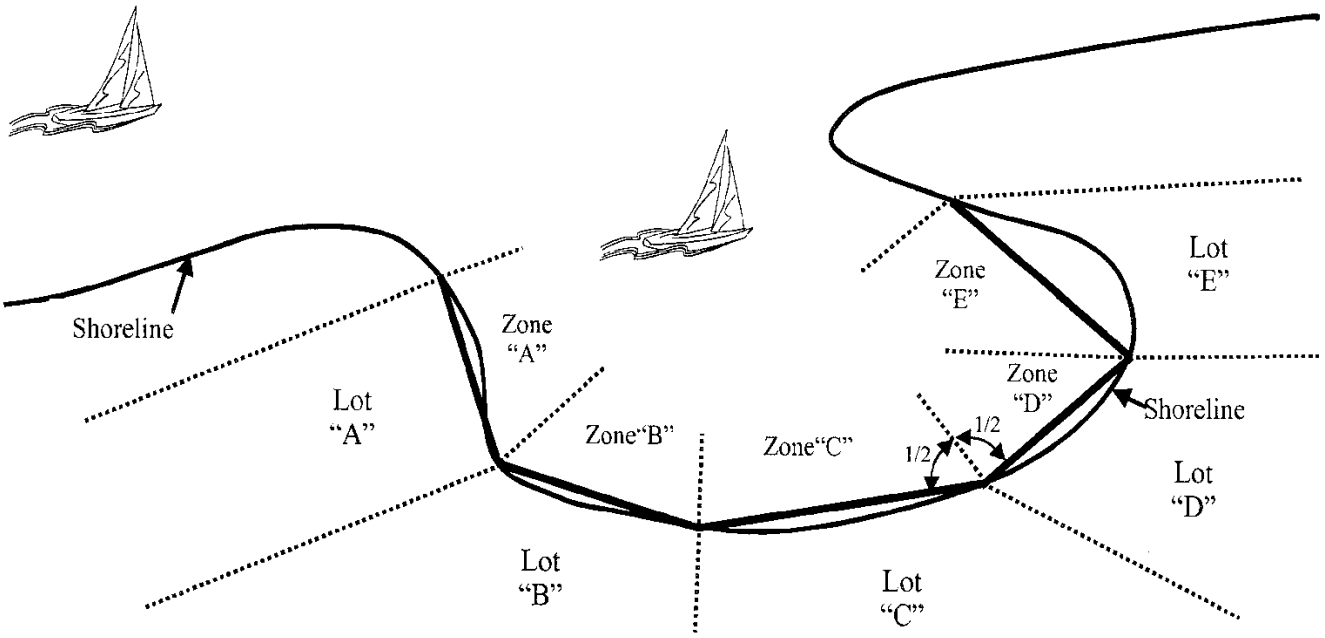
C. Telecommunications Towers Ordinance, adopted June 11, 1998 and amended February 22, 1999 and May 15, 2008.

D. Floodplain Management Ordinance adopted February 10, 1997 and amended June 11, 2009.

E. Town of Readfield Solar Ordinance adopted June 8, 2021

Appendix C

Riparian Rights Lines



Step 1: Extend lot lines to the shoreline
Step 2: Connect the points found in Step 1
Step 3: Bisect angles formed by the connections in Step 2 and extend to the line of navigation.

Appendix D

Readfield Standard Conditions of Approval

Unless otherwise specifically stated in the permit or deemed inapplicable, the following Standard Conditions of Approval shall apply to all Site Review and subdivision approvals granted by the Readfield Planning Board (PB) and to all permits issued by the Code Enforcement Officer (CEO) and Local Plumbing Inspector (LPI) for land use activities as indicated in ARTICLE 7, Land Use Table. Strict conformance with these conditions, any other specific conditions of approval specified by the Readfield Planning Board or CEO/LPI, and the performance standards in Article 8 of the Readfield Land Use Ordinance (LUO) is necessary for the project to meet the legal criteria of approval.

1. This approval is limited to and includes those proposals and plans subject to site plan or subdivision review contained in the application and supporting documents submitted by the permittee as approved by the PB or CEO/LPI. All deviations from the plans and proposals contained on these documents must be reviewed and approved prior to implementation of the project.

2. All structures shall be constructed in compliance with all setbacks from water bodies, wetlands, roads and property lines, and from any other features and within any building envelope specified in the approval of the PB and the LUO.

3. Permittees shall secure and comply with all applicable Federal, State, and local licenses, permits, covenants or deed restrictions approved by the, authorizations, conditions, agreements and orders prior to and during construction and operation.

4. Permittees shall submit all reports and information or other documents requested by the Planning Board or CEO within thirty (30) days of the date of decision for this project, or as otherwise required by this permit, demonstrating that all conditions of this approval have been complied with.

5. All land use activities shall be conducted in such a manner as to minimize stormwater discharges, soil erosion and sedimentation to surface waters, wetlands, and adjacent properties. All land use activities, including road and driveway construction shall conform to the performance standards relating to stormwater runoff and erosion control specified in Article 8, Sections 10 and 11 of the LUO and the Driveway Entrance Policy of the Town of Readfield.

6. In all Shoreland Districts, clearing of vegetation for approved construction shall conform to the performance standards specified in Article 8, Section 19.D, of the LUO. Where natural vegetation is removed and is to be replanted, it must be replanted with vegetation effective in stabilizing soil and preserving natural beauty.

7. The specific character and healthful condition of the area of the activity covered by this permit shall be maintained. The area shall be kept free of litter and trash and any other deposits which could create nuisances, unsightly, unsafe, or unhealthy conditions.

8. Work to be performed by a contractor pursuant to this approval shall not begin before the contractor has been provided by the permittee with a copy of the Notice of Decision, permit and a copy of this Standard Conditions of Approval.

9. Filling, excavating, or other soil disturbance conducted as part of any approved activity is not allowed adjacent to (within 75 feet) or below the mean high water line of any surface water body or wetland, except as may be approved by the Maine Department of Environmental Protection.

10. With the exception of subdivision approvals, this land use permit shall expire if the work authorized by the permit is not substantially started within one year of the date from which this permit was approved by the Planning Board, CEO or LPI, except that the CEO, LPI may renew this permit for one additional year provided there is no change in the proposed project or applicable regulations, and the $25.00 renewal fee has been paid.

    This permit shall "run with the land" (i.e. remains in effect if property is transferred to a new owner or lessee) unless it expires pursuant to Article 4, Section 7 or the approved use is abandoned or discontinued as defined and further described in Article 4, Section 7A. A purchaser or lessee of the property that is the subject of this approval assumes all rights and obligations granted by the permit, including all standard and special conditions of the approval subject to the provisions of Article 4, Section 7A.

11. These permitted activities do not grant any property rights. It does not authorize any person to trespass, infringe upon or injure the property of others but allows Duly Authorized Officials of the Town to inspect the property.

12. If the review of any portion of this project was based upon written recommendations from the Cobbossee Watershed District, then this development shall comply with all of those recommendations, unless otherwise approved by the Planning Board. All costs and fees associated with this review, including any environmental compensation fees required by the District, shall be paid by the applicant prior to any development.

13. If the approval of this land use permit is conditioned upon the recording of any documents with the Kennebec County Registry of Deeds, this recording must be completed within ninety (90) days of this approval or prior to commencing the activity, whichever occurs first, unless the condition for recording states otherwise. Attested copies or other proof of recording of these recorded documents shall be forwarded to the Code Enforcement Office within thirty (30) days of the date of recording or prior to the issuance of any additional permits, whichever occurs first. All costs associated with recording these documents shall be paid by the permittee.

14. The landowner shall provide reasonable access to the CEO/LPI or others authorized by the Town to inspect the property to ensure that all Town provisions of the approved permit(s), including the Standards Conditions of Approval and any additional conditions of approval are being met, e.g. storm water management measures erosion control measures, dimensional requirements, assessing, etc. Reasonable access shall mean access within 72 hours of the request, unless the CEO, LPI, Health Officer determines that good cause exists for not providing access within 72 hours in which case the CEO, LPI, HO

shall establish another time to inspect. After the second failure of reasonable access to the property, the landowner shall be deemed in violation of Readfield's Land Use Ordinances (LUO) and subject the landowner to the penalties prescribed in Title 30-A M.S.R. Section 4452 in addition to any other remedies the LUO at Law or State Regulations.

15. Should the project be found at any time not to be in compliance with any of these Standard Conditions of Approval, or should the permittee construct or operate this development in any other way other than specified in the application or supporting documents, or as modified by the conditions of approval, then the terms of this approval shall be considered to have been violated and enforcement action shall be taken to achieve compliance as specified in Article 2, Section 1of the LUO.

16. You are advised that commencing development or use of your property within 45 days of this notice of decision is at your own risk, even as approved by the Planning Board. During the 45-day period, any party aggrieved by the Planning Board decision may file an appeal with the Board of Appeals to overturn, amend, or further condition this Planning Board, CEO/LPI decision.

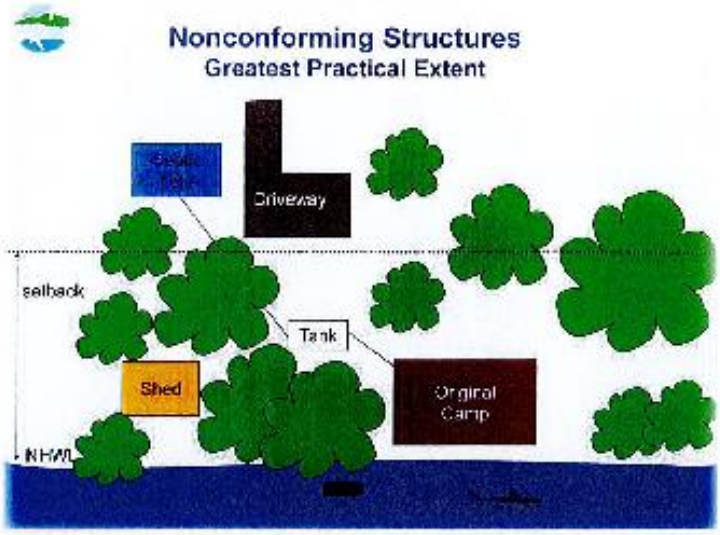
    Subdivisions are also subject to the following additional conditions:

17. Unless otherwise approved by the Planning Board, all subdivision site improvements, including the conveyances of any proposed easements, must be completed prior to the issuance of any lot use or development permits.

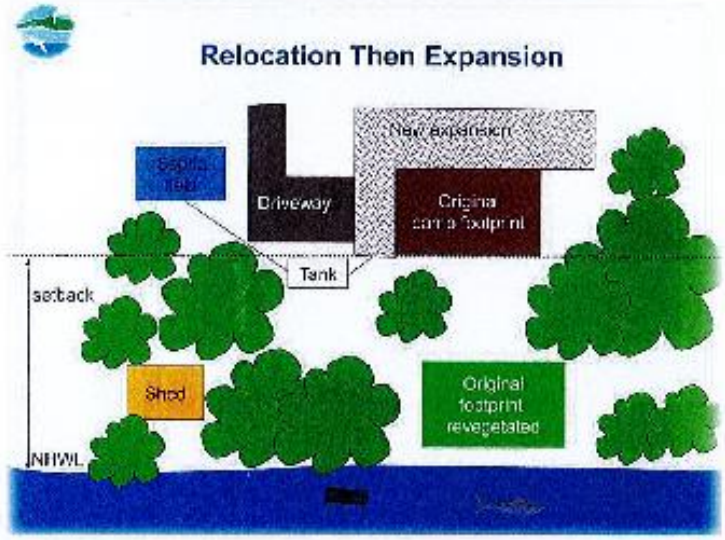
18. Land use permits approved for subdivisions shall "run with the land" (i.e. remain in effect if property is transferred to a new owner or lessee). In the event any or all interest in this permit transfers with any transfer of right, title, or interest to this land, a new purchaser or lessee assumes all rights and obligations granted by the permit, including compliance with all standard and special conditions of the approval, subject to relevant provisions of Article 4, Section 7A.

19. All recorded subdivision plans shall contain the following statement: "The revisions to this subdivision plat/plan/deeds shall be approved by the Readfield Planning Board as in Title 30-A M.R.S. Section 4407."

Any approval, amendment or revision thereto of any subdivision plan or plat shall be recorded with the Kennebec County Registry of Deeds within ninety (90) days of this approval or prior to commencing the activity, whichever occurs first, unless the condition for recording states otherwise. Attested copies or other proof of recording of these recorded documents shall be forwarded to the Code Enforcement Office within thirty (30) days of the date of recording or prior to the issuance of any additional permits, whichever occurs first. All costs associated with recording these documents shall be paid by the permittee.


Nonconforming Structures
Greatest Practical Extent
Driveway
setback
Tank
Shed
Orginal
Camp
NHWL


Is this the Greatest P ent?


Relocation Then Expansion
New expansion
Driveway
Tank
setback
Shed
Original
footprint
revegetated
NHWL