Zoning Ordinance
for the Municipality of Winthrop

ENACTMENT BY THE TOWN COUNCIL

Date of the vote to amend this Ordinance: July 6, 2026

Certified by the Town Clerk: Deborah Nichols on 8/27/26.
(signature) *(date)*

TOWN OF WINTHROP INCORPORATED 1771 MAINE

Adopted 3/18/2019
Amended 4/6/2020
Amended 11/1/2021
Amended 12/21/2023
Amended 12/2/2024
Amended 2/2/2026
Amended 7/6/2026

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ARTICLE I - General

1. Purposes.

This Ordinance is adopted pursuant to and consistent with the Winthrop, Maine Comprehensive Plan, for the following purposes: to further the maintenance of safe and healthful conditions; to prevent overcrowding, blight, traffic congestion, and such nuisance conditions as may be caused by waste discharge, noise, glare, fumes, smoke, dust, odors or auto, truck or rail traffic; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses compatible with existing development; to conserve shore cover, and visual as well as actual points of access to waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. Authority.

This Ordinance is adopted pursuant to Home Rule powers as provided for in Article VIII, Part Second, Subsection 2 of the Maine Constitution and in Title 30-A, M.R.S.A., Section 3001 et. seq. and pursuant to zoning powers provided for in Title 30-A, M.R.S.A., Section 4352 et. seq. and in accordance with the provisions of Title 38 sections 435-448 of the Maine Revised Statutes Annotated (M.R.S.A.) and shall be known and may be cited as the "Zoning Ordinance for the Municipality of Winthrop, Maine", and will be referred to herein as "This Ordinance".

3. Applicability.

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Town of Winthrop shall be in conformity with the provisions of this Ordinance. No building, structure, land, or water area shall be used for any purpose or in any manner except as permitted within the Zoning District in which such building, structure, land, or water area is located. The Shoreland Zoning Districts in this Ordinance are those land areas within 250 feet, horizontal distance, of the normal high-water line of great ponds; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. Effective Date of Ordinance

This Ordinance, which was adopted by the Town Council on March 18, 2019, and amended on December 2, 2024 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day

period shall be governed by the terms of this Ordinance, if the Ordinance is approved by the Commissioner. See Article I.8.B.

5. Availability.

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

6. Severability.

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

7. Conflicts with Other Ordinances.

The 1972 Zoning Ordinance of Winthrop, as amended May 2, 1979; the State Minimum Shoreland Zoning Ordinance, imposed August 7, 1975; the Winthrop Mobile Home Ordinance, amended March 1971; and the 1981 Winthrop Zoning Ordinance, as amended, are repealed, and incorporated herein.

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 administered by the municipality, the more restrictive provision shall control.

8. Amendments.

A. Initiation of Amendment

An amendment to this Ordinance may be initiated by:

(1) The Planning Board provided four (4) of the Board members have so voted;
(2) Request of the Town Council to the Planning Board, or
(3) The Town Council, in accordance with the Winthrop Town Charter, and with notice to the Planning Board, or
(4) Written petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election.

B. Adoption of Amendment

An amendment to this Ordinance may be adopted by a majority vote of the Town Council. Any amendment affecting the shoreland areas shall not be effective unless approved by the Commissioner of the Department of Environmental Protection (DEP). If the Commissioner fails to act on any amendment within forty-five (45) days of the receipt of the amendment, the amendment is automatically approved.

Any application for a permit submitted within the forty-five day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

C. Public Hearing

The Planning Board and the Town Council shall hold a public hearing on the proposed amendment prior to a vote by the Town Council.

(1) The notice must be posted in the municipal office at least 13 days before the public hearing.
(2) The notice must be published at least 2 times in a newspaper that complies with M.R.S.A. Title 1, section 601 and that has a general circulation in the municipality.
    a. The date of the first publication must be at least 12 days before the hearing.
    b. The date of the 2nd publication must be at least 7 days before the hearing.

(3) Property owners affected by the proposed amendment shall be notified as required by State Law. [see 30-A M.R.S.A. 4352,9]
(4) The notice must be written in plain English, understandable by the average citizen and clearly indicate the property(s) under consideration.

D. Repetitive Petitions

No proposed changes in this Ordinance which have been unfavorably acted upon by the Town Council shall be considered on its merits by the Town Council within two (2) years after the date of such unfavorable action unless adoption of the proposed change is recommended by the vote of at least five members of the entire Planning Board.

ARTICLE II - Nonconforming Uses, Buildings and Lots

9. Nonconformance

A. Purpose.

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 9. Except as otherwise provided in this Ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

B. General

(1) Transfer of Ownership. Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

(2) Repair and Maintenance. This Ordinance allows, with a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

(1) Expansions.

All new structures must meet the minimum setback requirements contained in Table #3. A nonconforming 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 nonconformity of the structure and is in accordance with the subsections of this Section.

(a) 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.

(b) Expansion of any portion of a structure within 25 feet 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.

(c) All other nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 9(C)(1) and subsections (a) and (b) above:

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total footprint of all structures may not be expanded to an area greater than 30% larger than the footprint that existed on January 1, 1989.

(ii) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(iii) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total footprint of all structures may not be expanded to an area greater than 30% larger than the footprint that existed on January 1, 1989.

(iv) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

(v) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 9(C)(1)(c)(i) and (ii).

(d) In addition to the limitations in Section 9(C)(1) and subsections (a), (b) and (c) above, structures that are nonconforming due to their location within the Resource Protection District and are located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met:

(i) The maximum combined total footprint of all structures may not be expanded to an area greater than 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot.

(ii) The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

(iii) Any portion of the structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, must meet the footprint and height requirements of Sections 9(C)(1)(c)(iii) and (iv).

(iv) Any portion of the structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 9(C)(1)(d)(i) and (ii).

(e) Any approved plan for expansion of a nonconforming structure under Section 9(C)(1) must be recorded by the applicant in the registry of deeds of the county in which the property is located within 90 days of approval. The recorded plan must include the existing and proposed footprint of structures on the property, the existing and proposed height of structures on the property, the shoreland zone boundary and evidence of approval by the municipal permitting authority.

(2) Foundations.

Whenever a new, expanded or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the shoreline setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 9(C)(3) below.

(3) Relocation.

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

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

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

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

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

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

The Planning Board may also require replanting in accordance with Section 14(G).

(4) Reconstruction or Replacement.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance Section 9(C)(3) above. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 9(C)(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 9(C)(3) above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 9(C)(3) above, the physical condition and type of foundation present, if any.

(5) Change of Use of a Nonconforming Structure.

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

Within Resource Protection, Shoreland, Stream Protection and Public Water Supply Zones, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Nonconforming Uses

(1) Expansions.
Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 9(C)(1) above.

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

(3) Change of Use.
An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 9(C)(5) above.

E. Nonconforming Lots

(1) **Nonconforming Lots**: A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) **Contiguous Built Lots**: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on August 11, 1988, and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of Section 9(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

(4) Lots of record which are situated in subdivisions approved by the Winthrop Planning Board on or after August 6, 1969, under standards applicable at the time of approval of those subdivisions shall not be affected by the requirements above provided the minimum state requirements for subsurface wastewater disposal shall be met and provided that all other provisions of this Ordinance shall be met.

ARTICLE III - Zoning Districts

10. Districts and Zoning Map

A. Official Zoning Map.
The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Zoning Map(s) which is (are) made a part of this Ordinance:

(1) Resource Protection
(2) Shoreland
(3) Stream Protection
(4) Public Water Supply
(5) General Residential
(6) Limited Commercial
(7) General Commercial
(8) Industrial
(9) Village
(10) Rural
(11) Affordable Housing Overlay

B. Scale of Map.
The Official Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Zoning Map.
The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

D. Changes to the Official Zoning Map.
If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

E. Interpretation of District Boundaries.
Where uncertainty exists with respect to the boundaries of the various Zoning Districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways, right-of-ways, or alleys shall be construed to follow such centerline;
(2) Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines;
(3) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
(4) Boundaries indicated as following railroad lines shall be construed to follow such lines;
(5) Boundaries indicated as following shorelines of surface waters or wetlands shall be construed to follow such shorelines, and in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline; the upland edge of a wetland shall be defined by the current National Wetlands Inventory maps (available from the Maine Geological Survey) and verified on the ground by the Codes Enforcement Office; boundaries indicated as approximately following the centerline of streams, ponds, lakes, or other bodies of water shall be construed to follow such centerlines;
(6) Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (5) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map; and
(7) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) through (6), the Zoning Board of Appeals shall interpret the Zoning District boundaries.

F. Division of Lots by Zoning District Boundaries

Where a Zoning District boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, subject to approval by the Planning Board in accordance with the criteria for Conditional Use Permits and provided that it shall not extend into the Resource Protection, Shoreland, Stream Protection or Public Water Supply Districts.

G. Districts

To implement the provisions of this Ordinance, the Town of Winthrop is divided into Zoning Districts, located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Winthrop, Maine", dated and filed by the Town Clerk and Chairperson of the Planning Board at the time of the adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

(1) Resource Protection District.

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

(a) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department of Environmental Protection as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

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

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

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

(e) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

(2) Shoreland District.
The Shoreland District includes those areas within 250 feet, horizontal distance from the normal high-water line of great ponds, suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

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

(4) Public Water Supply District.
The Public Water Supply District surrounds ponds which serve as water supplies to Augusta and Winthrop. The use of Carlton and Narrows Ponds as water supplies, and the fact that these ponds have a low capacity for assimilating pollutants necessitates additional protective measures around them. Since runoff from agricultural and development activity is apt to cause water quality problems, more stringent controls on such activities are applied to land areas within 1,000 horizontal feet of the shorelines of these ponds and the streams linking them.

(5) General Residential District.

The General Residential District includes those areas suitable for residential and limited public and commercial development. It extends to additional areas to provide locations suited to mixed residential and commercial development on a limited scale, compatible with existing development and close to town services and utilities.

(6) Limited Commercial District.

The Limited Commercial District includes areas of mixed, residential, and low and medium impact commercial uses. This district is devoted to a mix of residential and low intensity business and commercial uses.

(7) General Commercial District.

The General Commercial District establishes areas intended for high impact commercial uses, which may not be as compatible with other land uses, such as residential or recreational activities. It is located so as to provide an area suited to such development due to site conditions such as soils, slopes, proximity to highway access and public water and sewer services.

(8) Industrial District.

The Industrial District establishes an area in Winthrop intended for intensive commercial or industrial enterprises, which may not be compatible with other land uses, such as residential, recreational or agricultural activities. It is located so as to provide an area suited to development due to site conditions such as soils, slopes, proximity to highway and railway access and public water and sewer services.

(9) Village District.

The Village District includes the most highly developed areas in town. Development is more dense than in other areas and covers a broad mix of land uses including commercial, recreational, public and residential. This district seeks to maintain the existing character and land use mix.

(10) Rural District.

The Rural District includes land presently characterized by low density development, forests, abandoned fields, and farms. This District seeks to protect the existing open space, forestry, agricultural and residential uses, and to restrict commercial activity.

(11) Affordable Housing Development Overlay District.

1. The intent of this section is to comply with state law related to density bonuses for Affordable Housing Developments, as defined by this ordinance.

2. The Winthrop Affordable Housing Development Overlay District consists of the area served by public water and sewer as depicted on the Winthrop Zoning map.

3. For Affordable Housing Developments a density bonus of two and a half (2.5) times the number of units allowed per square feet of lot area in the base zoning district shall be allowed. Fractional results shall be rounded down to the nearest whole number.

4. Projects that meet the definition of Affordable Housing Development, as defined by this ordinance, are subject to:

a. The Winthrop Subdivision Regulations
b. Demonstration of long-term affordability by (1) execution of a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) recording the restrictive covenant in the appropriate registry of deeds to ensure affordability for at least thirty (30) years after completion of construction:

    i. 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 at the time of initial occupancy; and
    ii. 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 at the time of initial occupancy.

c. Shoreland Zoning requirements.

d. Minimum lot sizes for subsurface waste disposal if public sewer and water are not available.

e. Written verification that each unit of the housing development is connected to adequate water and wastewater services before receiving a certificate of occupancy. Written verification must include the following:

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

    ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

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

If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch.10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

11. Table of Zone Land Uses.

Key to Table 1:

Yes - Allowed (no permit required but use must comply with all applicable land use standards)
No - Prohibited

PB - Allowed with Conditional Use Permit issued by the Planning Board.
CEO - Allowed with Building or Use Permit issued by the Code Enforcement Officer
LPI - Allowed with Plumbing Permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection	GR - General Residential
S - Shoreland	LC - Limited Commercial
SP - Stream Protection	GC - General Commercial
PW - Public Water Supply	I - Industrial
	V - Village
	R - Rural

TABLE 1. LAND USES IN THE SHORE AREAS

	LAND USES	*DISTRICT*			
		RP	S	SP	PW
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes
2.	Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3.	Clearing or removal of vegetation for activities other than timber harvesting	CEO[1]	CEO	CEO	CEO
4.	Fire prevention activities	Yes	Yes	Yes	Yes
5.	Wildlife management practices	Yes	Yes	Yes	Yes
6.	Soil and water conservation practices	Yes	Yes	Yes	Yes
7.	Surveying and resource analysis	Yes	Yes	Yes	Yes
8.	Emergency operations	Yes	Yes	Yes	Yes
9.	Agriculture	PB	PB	PB	PB
10.	Aquaculture	PB	PB	PB	PB
11.	Principal structures and uses				
	A. One and two family residential, including driveways	PB[6]	CEO	PB[2]	PB
	B. Multi-unit residential	No	PB	No	No
	C. Commercial	No[7]	No[7]	No[7]	No[7]
	D. Industrial	No	No	No	No
	E. Governmental and institutional	No	PB	No	No
	F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CEO	PB[2]	PB
	G. Accessory Dwelling Units[10]	PB	Yes	Yes[2]	Yes
12.	Structures accessory to allowed uses	PB	CEO	CEO	PB
13.	Piers, docks, wharfs, bridges and other structures and uses extending or located below the normal high-water line or within a wetland				
	a. Temporary	CEO[8]	CEO[8]	CEO[8]	CEO[8]
	b. Permanent	PB	PB	PB	PB
14.	Conversions of seasonal residences to year-round residences	No	LPI	LPI	LPI
15.	Home occupations	PB	PB	PB	PB
16.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
17.	Essential services				
	A. Roadside distribution lines (34.5kV and lower)	CEO[3]	Yes[9]	CEO[3]	CEO[3]
	B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB[3]	CEO	PB[3]	PB[3]
	C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB[3]	PB	PB[3]	PB[3]
	D. Other essential services	PB[3]	PB	PB[3]	PB[3]
18.	Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
19.	Public and private recreational areas involving minimal structural development	PB	PB	PB	PB
20.	Individual private campsites	CEO	CEO	CEO	CEO
21.	Campgrounds	No[4]	PB	No	No
22.	Road construction	No[5]	PB	PB	PB
23.	Parking facilities	No[4]	PB	No	No
24.	Marinas	No	PB	No	No
25.	Filling and earth moving of <10 cubic yards	CEO	CEO	CEO	CEO
26.	Filling and earth moving of 10 to 25 cubic yards	PB	CEO	PB	PB
27.	Filling and earth moving >25 cubic yards	PB	PB	PB	PB
28.	Signs *See article IV.12.I of this Ordinance	Yes	Yes	Yes	Yes
29.	Uses similar to allowed uses	CEO	CEO	CEO	CEO
30.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
31.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB

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

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

[3] See further restrictions in Section 14(I).

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

[5] Except as provided in Section 14(F).

[6] Single family residential structures may be allowed by special exception only according to the provisions of Section 15(F), Special Exceptions. Two-family residential structures are prohibited.

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

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

[9] Permit not required but must file a written "notice of intent to construct" with *CEO.*

[10.] Accessory Dwelling Units must meet the minimum land area required for a dwelling unit in the RP, S & SP Districts.

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

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

TABLE 2. LAND USES OUTSIDE THE SHORE AREAS

LAND USES	***DISTRICT***					
	GR	LC	GC	I	V	R
1. Open space uses	Yes	Yes	Yes	Yes	Yes	Yes
2. Signs[1]	Yes	Yes	Yes	Yes	Yes	Yes
3. Earth-moving less than 10 cubic yards	Yes	Yes	Yes	Yes	Yes	Yes
4. Earth-moving greater than 10 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO
5. Individual private campsites	CEO	CEO	Yes	Yes	Yes	Yes
6. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	Yes	Yes	Yes	Yes
7. Accessory structures	CEO	CEO	CEO	CEO	CEO	CEO
8. Home occupations	CEO	CEO	CEO	CEO	CEO	CEO
9. Essential services	Yes	Yes	Yes	Yes	Yes	Yes
10. Single-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
11. Two-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
12. Multi-family dwelling	PB	PB	PB	PB	CEO	PB
13. Repealed	-	-	-	-	-	-
14. Livestock keeping	PB	PB	PB	Yes	No	Yes
15. Poultry keeping	PB	PB	PB	Yes	PB	Yes
16. Agriculture	PB	PB	PB	PB	No	Yes
17. Intensive agriculture	No	No	No	PB	No	PB
18. Mineral extraction[2]	No	No	No	No	No	PB
19. Recreational facilities	PB	PB	PB	PB	PB	PB
20. Campgrounds	PB	PB	PB	PB	PB	PB
21. Public buildings	PB	PB	PB	PB	PB	PB
22. Cemeteries	No	No	PB	CEO	CEO	CEO
23. Marijuana Store[2]	No	PB	PB	PB	PB	PB
24. Marijuana Caregiver Facility[2]	No	PB	PB	PB	PB	PB
25. Marijuana Cultivation Facility[2]	No	PB	PB	PB	No	PB
26. Marijuana Manufacturing Facility[2]	No	PB	PB	PB	No	PB
27. Marijuana Testing Facility[2]	No	PB	PB	PB	PB	PB
28. Marijuana Nursery[2]	No	PB	PB	PB	No	PB
29. Marijuana Dispensary[2]	No	PB	PB	PB	No	PB
30. Low impact commercial uses	PB	PB	PB	CEO	CEO	CEO
31. Medium impact commercial uses	PB	PB	PB	CEO	CEO	PB
32. High impact commercial use	No	No	PB	PB	PB	PB
33. Manufacturing	No	No	PB	PB	PB	PB
34. Reestablishment of Industrial use	No	No	PB	PB	PB	PB
35. Automobile graveyards and junkyards	No	No	PB	PB	No	PB
36. Waste processing or disposal facilities	No	No	No	PB	No	PB
37. Mobile home parks	No	No	PB	PB	PB	PB
38. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
39. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
40. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB
41. Solar Energy Generating Systems[2]	PB	PB	PB	PB	PB	PB

42. Electric Generation Projects	No	PB	PB	PB	No	PB
43. Small Wind Energy Systems[2]	PB	PB	PB	PB	PB	PB

[1]See Article IV.12.I of this Ordinance [2]See separate standalone ordinance for these items.

TABLE 3. DIMENSIONAL REQUIREMENTS

Lots in all districts shall meet or exceed the following minimum requirements:

	Min. Lot Size		Min. Frontage			Minimum Setback				Maximum	
Zoning District	With Sewer	Without Sewer	Road	Shore	Road Street[1]	Side Yard	Rear Yard	Shore Line	Height of Structure	Impervious Area	Non-Vegetated
Resource Protection	60,000	80,000	150’	200’	20’	10’	10’	250’	35[3] feet	20%	20%
Shoreland	40,000	80,000	100	200’	20’	10’	10’	100’	35[3] feet	20%	20%
Stream Protection	40,000	80,000	150’	200’	20’	10’	10’	75’	35[3] feet	20%	20%
Public Water	60,000	80,000	150’	200’	20’	10’	10’	100’	35[3] feet	20%	-
General Residential	30,000	40,000	100’	-	20’	10’	10’	-	35’	25%	-
Limited Commercial	40,000	40,000	150’	-	20’	20’	20’	-	65’	25%[2]	-
General Commercial	40,000	40,000	150’	-	20’	20’	20’	-	65’	40%[2]	-
Industrial	40,000	40,000	150’	-	20’	20’	20’	-	65’	40%[2]	-
Village	3,500	3500	50’	-	0’	10’	10’	-	65’	50%[2]	-
Rural	80,000	80,000	150’	-	10’	10’	10’	-	65’	20%[2]	-

[1] Setbacks from public or private ways shall be measured from the edge of the public right-of-way or from the edge of the traveled portion of a private right-of-way.

[2] Impervious area in excess of the standards shall require a Conditional Use Permit from the Planning Board.

[3] See Article II.C for graduated height allowances for nonconforming structures.

ARTICLE IV - Performance Standards

12. General Requirements

The following requirements shall apply to all districts;

A. Principal Building
If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building, notwithstanding other provisions of this Ordinance.

B. Required Yard Spaces Shall Serve Only One Lot
No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

C. Visibility at Corner Lots
All corner lots shall be kept free of visual obstructions for a distance of twenty-five (25) feet measured along the intersecting street lines.

D. Height of a Structure
Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed the district's maximum building height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance. Chimneys on residential structures shall be exempt from the requirements of this paragraph.

E. Erosion Control
Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "best management practices":

(1) Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as is practical, and shall be done in a way as to minimize erosion.

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

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

(4) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a conditional use permit from the Planning Board shall also require a written soil erosion and sedimentation control plan. The Code Enforcement Officer, at their discretion, may require such a plan with other applications as well. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

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

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

(5) The duration of exposure of the disturbed area shall be kept to a practical minimum. Exposed areas shall be temporarily stabilized within one week from the time it was last actively worked by application of mulch, sod, seed, riprap, or other effective measures. Exposed areas shall be permanently stabilized within nine months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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

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

(6) Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped on-site by the use of staked hay bale barriers or silt fence, or other acceptable methods as determined by the Codes Enforcement Officer.

(7) The top of a cut or bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Codes Enforcement Officer or waived by the abutter in a document recorded in the Registry of Deeds.

(8) Natural and man-made drainage ways and outlets shall be protected from erosion due to water flowing through them. Eroded areas shall be stabilized as specified by the Codes Enforcement Officer.

(9) When an excavation contractor will perform these activities in a Shore Area, compliance with the following shall be required:

(a) A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day these activities occur for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until installation of erosion and sedimentation control measures that will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.

(b) Include on the required plan or permit application, the name and certification number of the person who will oversee activities causing or resulting in soil disturbance.

F. Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation, and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

G. Off-Street Parking and Loading Requirements (fractional units to be rounded down)
The following standards shall apply to all new or expanded uses and structures:

(1) Off-street parking shall be considered as an accessory use when required or provided to serve conforming uses located in any zoning district. Such parking for all uses shall be located on the same lot as the principal building or use of premises or within three hundred (300) feet measured along lines of public access. Such parking areas shall be held under the same ownership or easement as uses served and evidence of such ownership shall be required. However, establishments occupying or intending to occupy existing structures on Main Street, from the intersection of Main Street and Western Avenue to the intersection of Main Street and Greenwood Avenue, in the Village District may be exempted from this requirement when the establishment's lot does not contain sufficient area or is not within three hundred (300) feet of sufficient parking area. No off-street parking facility shall have more than two (2) entrances and exits on the same street, each of which shall be less than twenty-six (26) feet in width. No parking space shall be placed within any required shoreline, side or rear setbacks. The shoreline setback for parking areas serving public boat launch facilities may be reduced to fifty (50) feet [except in the Village District where the setback is twenty-five (25) feet] if the Planning Board finds that no reasonable alternative exists.

(2) Where several uses occupy a single structure or lot, the total parking shall be the sum of the needs of the individual uses.

(3) In the event a particular building or use does not fit exactly into any of the categories listed in this section, the Codes Enforcement Officer shall apply the requirements of the category which he/she deems to be most closely analogous

(4) Parking spaces shall be available for the parking of vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use (unless stated in the provisions below), and shall not be used for sale, repair or servicing of any vehicle.

(5) Off-street parking in compliance with the following minimum requirements shall be provided and maintained for new construction, expansion of existing uses or structures, and changes of use. In case of expansion of an existing use or structure which is already lawfully non-conforming as to parking, additional parking must be provided for the expansion only and shall be in addition to the existing parking spaces which shall be retained. If a structure is demolished and a new structure with a different use is constructed, or a use ceases for a period of one year, the property shall meet the current parking requirements of the ordinance.

Dwelling	2 parking spaces per dwelling unit
Dwelling in a growth area	1 parking space per dwelling unit
Dwelling, Acessory	0 parking spaces
Dwelling, multi-family in a growth area	A minimum of 1 space per unit or 2 spaces for every 3 dwelling units
Motels, Tourist Homes, Rooming Houses, Hotels, Bed & Breakfast Inns	1 parking space for each guest room; 1 parking space for each employee based on the

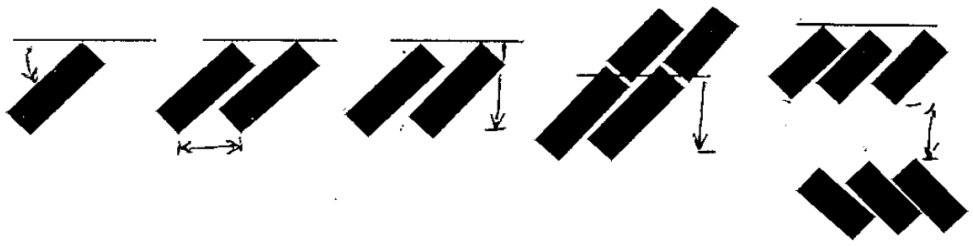
	expected average employee occupancy and, in addition, adequate parking based on the standards supplied in this section shall be provided for restaurants meeting rooms, auditoriums and other activities which are accessory to the principal use
Nursery School & Day Care Center	1 parking space for each adult volunteer or employee plus 2 parking spaces for child delivery and pickup
Schools	1 parking space for each adult employee plus 25 parking spaces for each 100 students or major fraction thereof of total enrollment
Nursing Homes	1 parking space per 3 beds plus 1 for each employee based on the expected average employee occupancy
Public Assembly-Indoor, Private Assembly, Religious Institutions, Commercial Recreation – Indoor	1 parking space for each 3 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats
Marina	Minimum of 30 parking spaces of which 25% will accommodate vehicles with trailers attached
Retail Trade, Hardware, Supermarket, Commercial Sales & Service	1 parking space for each 150 square feet, or major fraction thereof, of GFA (gross floor area) plus 1 parking space for each 1.2 employees
Bowling Alley	5 parking spaces for each bowling lane, plus 1 per employee
Restaurants: Standard	1 parking space for every 80 square feet of GFA with a minimum of I0 spaces plus 1 per employee
Restaurants: Fast Food & Drive Thru	1 space for every 70 square feet of GFA with a minimum of 10 spaces plus 1 per employee plus queuing spaces
Other Eating Establishments	With a maximum of 2,000 square feet of GFA a minimum of 10 spaces plus 1 per employee plus queuing spaces
Offices, Professional & Public Buildings, Banks, and Commercial use establishments	1 parking space for each 300 square feet or major fraction thereof of GFA. In no case will there be less than 1 parking space for every 1.5 employees

Commercial Recreation: Outdoor	Spaces equal in number to one-third of the maximum design capacity in persons
Golf Driving Range	1.5 parking spaces for each tee plus one for each employee
Outdoor Game & Athletic Courts	4 parking spaces for each court
Public Utilities, Manufacturing/ Processing Warehouse & Storage Facilities, Construction Services, Truck Terminal space	1 parking space for each 1.2 employees based on the highest expected average occupancy or 1 space for 1000 square feet of GFA whichever is greater, plus one for each vehicle used in conduct of the enterprise
Miniature Golf Courses	3 parking spaces per hole, or 2 for each hole plus the requirements for all accessory uses, whichever is greater plus 1 per employee
Auto Service Station or Repair Garage	2 parking spaces for each enclosed bay and 1 space for each day shift employee
Medical, Chiropractic, Physical Therapy, Dental Clinic Veterinarian Hospital	3 parking spaces per examination or treatment room plus one space per employee
Gas Dispensing Facilities	2 spaces per gas pump plus one space per employee
Convenience Store	1 space per 200 square feet of GFA for the first 1000 square feet and 3 spaces per additional 500 square feet plus one space per employee
Handicapped Accessible Spaces	Any establishment which caters to or offers goods, facilities or services to the general public shall provide handicapped accessible spaces as defined in Section 12 (G)(6)

(6) Parking Dimensions

Standard stall dimensions are 9' x 18.5'. Vehicle/trailer dimensions are 9' x 37'

Parking angle in degrees 9' stall	Parallel stall width	Aisle to wall	Aisle to interlock	Aisle One-way	Two-way



30 Degree	18.0	17.0	13.2	12.0	26.0
45 Degree	12.7	19.4	16.3	12.0	26.0
60 Degree	I0.4	20.5	18.3	16.0	26.0
90 Degree	9.0	18.5	18.5	26.0	26.0

(a) Aisle and stall dimensions shall be measured as shown in the diagram and tables above. Dimensions specified for one-way aisles apply only when diagonal parking is provided from each side of the aisle and all such aisles are designated as “One Way” with adequate signage and marking to direct the traffic movement.

(b) Angled interlock parking shall only be used when a sufficient physical barrier is provided to prevent vehicular contact across the interlock.

(c) Handicapped-accessible requirements

Handicapped-accessible spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Curb ramps to the accessible route shall be provided at the end of all access aisles and will be constructed consistent with all state and federal laws and regulations.

Handicapped-accessible spaces shall contain the minimum required dimensions plus five (5) foot wide striped access aisle. Two accessible spaces may share a common access aisle. A "Wheelchair Van” space shall be a minimum of sixteen (16) feet wide and provide ninety-eight (98) inches of vertical clearance. Access aisles shall be cross-hatched.

Four (4) percent of the total required parking spaces, with a minimum of one space, shall be handicapped-accessible. At least one of these spaces shall be van-accessible. Each space shall be marked with the International Symbol of Accessibility. In addition, "Wheelchair Van” signs shall be located at van spaces. All signs shall be located so they cannot be obscured by a vehicle parked in the space.

Instead of the designs specified above, the “Universal” Parking Space Design may be substituted for all required handicapped-accessible parking spaces. The Universal Parking Space design shall have a minimum length of eighteen and one-half (18.5) feet and a minimum width of eleven (11) feet with a common five (5) foot access aisle. Each space shall be marked with only the International Symbol of Accessibility.

(d) Certificate of Legal Non-Conformance

The purpose of this section is to specify the conditions which will permit existing facilities, according to the requirements of this Ordinance, to achieve legal non-conformance with the parking requirements of this Ordinance in order to conform

to the parking requirements for handicapped accessibility of federal, state and local laws.

If an existing facility decreases its existing parking spaces by a single parking space or up to four (4) percent of its existing required total number of parking spaces by either restriping and/or resigning only, the modification shall not be subject to site plan review, and upon application to the Codes Enforcement Officer, the owner of the facility shall be issued a Certificate of Legal Non-Conformance with respect to the requirements for number of parking spaces contained in Section 12(G) of this Ordinance.

If an existing facility decreases its existing parking spaces by a single parking space or up to four (4) percent of its existing required number of parking spaces by modifications, other than restriping and/or resigning, that require and receive site plan approval, upon application to the Codes Enforcement Officer, the owner of the facility shall be issued a Certificate of Legal Non-Conformance with respect to the requirements for number of parking spaces contained in Section 12(G) of this Ordinance.

(7) Subject to site plan approval, the owner of any off-street parking, who provides for handicapped accessible parking in accordance with the requirements of the Maine Human Rights Act, 5 M.R.S.A. s/s 4551, et seq., shall provide proof of agreement, with the Winthrop Police Department, for the enforcement of handicapped parking restrictions in accordance with Article 17, Section 21, "An Ordinance Relating to Traffic and Parking Control" of the Winthrop Town Ordinances**.**

(8) Where off-street parking is required or provided, the following construction requirements shall apply and a scaled plan for such must be submitted to the Code Enforcement Officer at the time of application.

(a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided, design thereof shall be approved by the Code Enforcement Officer, where applicable

(b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a sub-grade consisting of gravel or equivalent materials, well-compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.

(c) A system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.

(d) Where artificial lighting is provided, it shall be shaded or screened so that no light source or unreasonable glare shall be directly visible from outside the area and its access driveways.

(e) The owner shall provide forty (40) square feet for each patron parking space planned. This forty (40) square feet shall be used to provide curbed and paved divider strips between parking aisles in order to provide safe pedestrian access between rows of

parking vehicles, proper traffic flow, lighting and landscaping. Where feasible, such divider strips shall be oriented at right angles to the main entrance of the principal building used in order to provide for maximum pedestrian convenience and safety

(9) Except in the Village Zoning District, parking areas with provision for five (5) or more vehicles and serving any non-retail commercial and industrial use shall be located, when practicable, in areas not visible from any public way.

(10) Stacking or Queuing Space Standards for Drive-Thru Businesses:

(a) Banks or other commercial uses: Minimum of eight spaces for the first drive thru window and two spaces for each additional window.

(b) Drive Thru Restaurant: Eleven spaces for the drive-up window, with a minimum of five of these spaces designated for the ordering station.

(c) Stacking or Queuing spaces shall be located on-site and shall not be located within the required setbacks. Stacking or queuing spaces shall not interfere with access to customer parking stalls.

(11) The Planning Board may provide a waiver of off-street parking and loading requirements if it finds that no reasonable alternative exists**.**

H. Sanitary Provisions

The installation of all water supply systems and private sewage disposal systems in all Zoning Districts shall conform to the provisions of the Maine State Internal Plumbing Rules and Subsurface Wastewater Disposal Rules**.**

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

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

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

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

I. Signs

All signs shall comply with State Law. The following additional provisions shall apply to all on-premise signs in all Zoning Districts where permitted

(1) Location, Illumination and Size

(a) No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

(b) No sign shall be located within three (3) feet of a street line or other lot line.

(c) Flashing, moving or animated signs are prohibited, except as provided in this subsection. Notwithstanding the provisions of Title 23 M.R.S. A. § 1914(11-A)(B)(1), changeable signs, as defined in Title 23 M.R.S.A. § 1914, are permitted only with the approval of the code enforcement officer and such signs shall meet the following requirements in addition to the dimensional requirements set forth in this ordinance. The display on each side of a changeable sign may be changed no more than once every ten (10) seconds.

(d) No sign shall exceed twenty (20) feet in height.

(e) Signs in the Resource Protection, Public Water Supply, Stream Protection and Shoreland Zoning Districts shall not exceed two signs per premises at no more than six (6) square feet in area, each. Signs in the Rural and General Residential Zoning Districts shall not exceed three (3) signs totaling sixty (60) square feet, and no one (1) sign shall be larger than twenty (20) square feet. Signs in the remaining Zoning Districts shall not exceed three (3) signs totaling two hundred (200) square feet, and no one sign shall be larger than one hundred (100) square feet.

(2) Types of Signs

(a) Public traffic and directional signs and signs designating public or semipublic activities shall be permitted. Signs relating to public safety shall permitted without restriction.

(b) Residential name signs shall be permitted, provided such signs shall not exceed two (2) square feet in area, and shall not exceed two (2) signs per premises.

(c) Residential users may display a single sign not over eight (8) square feet in area relating to the sale, rental, or lease of the premises. In the Resource Protection, Public Water Supply, Stream Protection and Shoreland Zoning Districts, such sign shall not exceed three (3) square feet in area, except for temporary "house for sale" signs.

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

(e) Signs relating to goods and services sold on premises shall be permitted, provided such signs shall not exceed two (2) signs per use.

(f) Signs relating to goods and services not rendered on the premises are prohibited in the Resource Protection, Public Water Supply, Stream Protection and Shoreland Zoning Districts.

J. Stormwater Run-off

All new construction and development shall be designed to minimize stormwater run-off from the site in excess of the natural pre-development conditions. Surface water run-off shall be minimized and detained on-site if possible or practicable. Where possible, existing natural controls, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce run-off and encourage infiltration of stormwater. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or right-of-ways shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Water Quality Protection

No activity shall locate, store, deposit, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that will run, seep, percolate, or wash into surface or ground waters or cause nuisances (such as objectionable shore deposits) or unsightliness, or be harmful to human, animal, plant, or aquatic life.

Commercial or industrial development and other similar intensive land uses (e.g. subdivisions) may be required to provide a phosphorus control plan according to the current edition of the Department of Environmental Protection's manual, "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development".

13. Specific Activities

The following standards shall apply to specific activities in all Zoning Districts:

A. Home Occupations

(1) There shall be no exterior display, nor exterior storage of materials and no other visible indication of the home occupation or variation from the residential character of the principal building except for exterior signs as allowed.

(2) Exterior signs shall not exceed four square feet in area and shall not exceed one sign per premise where allowed.

(3) No traffic shall be generated in substantially greater volumes than normally expected in the neighborhood.

(4) Off-street parking spaces in addition to those already required for a resident shall be provided for each non-resident employee and for the maximum number of customers at any one time.

(5) No offensive nuisance, waste discharge, noise, vibration, smoke, dust, odors, heat, glare and/or radiation shall be generated.

(6) Home occupations in the Resource Protection, Public Water Supply, and Shoreland Zoning Districts shall not involve non-resident employees nor display more than one exterior sign.

(7) Home occupations in the General Residential, Rural, Village, Limited Commercial , General Commercial, and Industrial Zoning Districts may involve no more than 2 non-resident employees.

B. Livestock and Poultry Keeping

Farm buildings, sheds, feedlots, and fenced pens used intensively for the keeping of livestock (such as rabbits, horses, cattle, sheep, goats and pigs) or poultry shall be located fifty (50) feet away from property lines, except where a property line abuts a public way, and one hundred (100) feet away from any existing abutting residences. Adverse conditions resulting from livestock or poultry keeping shall be handled under Section 12(F) Nuisance Conditions**.**

C. Mobile Homes

(1) Individual Mobile Homes

All mobile homes shall be placed on a permanent masonry foundation or shall be enclosed by permanent skirting. Evidence of payment of state sales tax shall be submitted for any new manufactured housing prior to issuance of a Building Permit.

(2) Mobile Home Parks

(a) Mobile home parks shall be licensed by the State Manufactured Housing Board.

(b) Mobile home parks shall be subject to the Subdivision Ordinance for the Town of Winthrop and the State Subdivision Law.

(c) The park shall be served by public sewer and the minimum lot size shall be sixty-five hundred (6,500) square feet, notwithstanding the dimensional requirements for Zoning Districts under Table 3 of this Ordinance.

(d) The minimum road frontage for each lot within the mobile home park shall be fifty (50) feet; the minimum road setback for each mobile home within the mobile home park shall be twenty (20) feet.

(e) The minimum sideline and rear line setbacks for each mobile home within the mobile home park shall be ten (10) feet).

(f) A fifty (50) foot wide buffer strip, including individual lot setbacks shall be required along any mobile home park boundary abutting residential use if the per-acre density of the homes within the park is at least two times greater than:

The density of residential development on immediately adjacent parcels of land, or if adjacent land is undeveloped, the maximum density allowed in that Zoning District.

The first twenty-five (25) feet of the buffer strip, measured in from the exterior boundary of the mobile home park, shall consist of a continuous landscaped area containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof which forms a visual barrier along exterior lot lines, except that driveways shall be kept open to provide visibility for vehicles entering and leaving. No structures, streets or utilities shall be located in the buffer strip, except where it is necessary for utilities to cross.

(g) Public roads within the mobile home park shall be in accordance with the "Ordinance for the Construction, Reconstruction, Laying Out and Acceptance of Streets, Roads Ways or parts thereof, in the Town of Winthrop." Private roads shall meet the standards in the Subdivision Ordinance for the Town of Winthrop except where those standards are more restrictive than Title 30 MRSA Section 4358, Regulation of Manufactured Housing.

D. Multi-family Dwelling Units

(1) Two-Family Dwelling Units - Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units except that density requirements do not apply to an Accessory Dwelling.

(2) Multi-Family Dwelling Units - Multi-family (3 or more) dwelling units shall meet the following criteria:

(a) The minimum lot size required for a multi-family dwelling served by a subsurface wastewater disposal system or served by public sewer and located in the Shoreland Zoning District shall be the product of the number of dwelling units on the lot times the minimum lot size required for single-family dwellings.

(b) In all other Zoning Districts, the minimum lot area per dwelling unit shall be the minimum lot size required for a single-family dwelling and five thousand (5,000) square feet for each additional dwelling unit beyond the first unit except that in the Village District each additional unit requires an additional lot area per dwelling unit equal to the minimum lot size required for single-family dwellings.

(c) For multi-family buildings existing prior to June 4, 1981 and located in the Village Zoning District with access to public water and sewer, the minimum lot size shall be two thousand (2,000) square feet for the first unit and fifteen hundred (1,500) square feet for each additional unit, provided that there is no expansion of the existing structure.

(d) The minimum shoreline frontage required for a multi-family dwelling in the

Shoreland Zoning District shall be three hundred (300) feet and additional twenty-five (25) feet for each dwelling unit beyond the third unit; each multi-family dwelling shall meet the greater of the following setback requirements: fifty (50) feet from the side lot lines or one hundred (100) feet from any adjacent dwelling. Lots for multi- family dwelling units shall meet all other dimensional requirements.

(e) Common shorefront recreational facilities such as beaches, docks, boat ramps, or picnic areas, shall be a minimum of seventy-five (75) feet from side lot lines. All multi-family development shall be visually screened from abutting lots by trees, evergreen shrubs, fences, or other materials as may be required by the Planning Board.

(f) All multi-family dwellings or development located in the Shoreland Zoning District or which involve any type of common shoreland access, shall be limited to impervious area of no more than ten (10) percent of the lot area, unless all stormwater runoff is infiltrated on-site.

(g) All multi-family dwellings shall be connected to a common water supply and distribution system.

(h) All multi-family dwellings shall be connected to a public sewer system if, available, or to one or more common subsurface wastewater disposal systems designed in compliance with State Subsurface Wastewater Disposal Rules. An area of suitable soils shall be identified and reserved for a future replacement system.

(i) Any lot used for multi-family dwellings or development which is divided by the Shoreland, Public Water Supply or Resource Protection Zoning District and any other Zoning District or which involves any form of common shoreland access, shall fully meet the more restrictive requirements specified for Shoreland, Public Water Supply, and Resource Protection Zoning Districts in this section.

E. Route 202 Development

In accordance with the policies of Winthrop's Comprehensive Plan, all commercial and industrial development in the Industrial Zoning District along Route 202 shall meet the following standards:

(1) Within new subdivisions, there shall be only one combined access point with ramps to allow merging of traffic on Route 202.

(2) All development shall maintain a twenty-five (25) foot buffer along Route 202, except for the driveway or access point.

(3) For existing lots of record, there shall be only one access point per lot or one common access between two lots with ramps to allow merging of traffic on Route 202.

(4) Any applicant shall demonstrate through a traffic safety impact study that the entrance/exit to the development as well as the development itself will provide for safe circulation of vehicles and will not interfere with the primary role of Route 202 as a traffic carrier. All projects shall conform with Town traffic control standards.

F. Clustered Residential Development

(1) In approving any subdivision in any zoning district where single family dwellings are allowed, clustered residential development shall be allowed provided that net residential density is not greater than would be allowed under traditional subdivision development. All Shoreland Zoning Districts may be counted toward the total lot size of the subdivision except areas zoned Resource Protection and property that is not zoned Resource Protection but meets the definition of Resource Protection by the State of Maine Mandatory Shoreland Zoning Act of 1990.

(2) All clustered residential development shall be connected to the Municipal Sewer and Water Systems.

(3) Minimum lot size shall be eight thousand (8,000) square feet.

(4) Minimum road frontage per lot shall be fifty (50) feet.

(5) All house lots in the actual clustered development must be located at least two hundred fifty (250) feet away from the seasonal high water mark of a great pond.

(6) Dedicated open space land must be either:

(a) Encumbered by a conservation easement
(b) Conveyed to a non-profit conservation organization under Maine law, and/or
(c) Owned, in equal shares, by all lot owners in the development.

(7) It shall be limited by easements or restrictive covenants to:

(a) Conservation
(b) Agriculture
(c) Forestry
(d) Non-intensive public outdoor recreational activities which do not require modifications or improvements to the land other than access points or trails, such as hiking, bird watching, nature study, cross-country skiing, snowmobiling or hunting.

(8) The use of dedicated open spaces may be further restricted by Planning Board stipulation, restriction imposed by the grantor of the conservation easement fee interest in the dedicated open space, if appropriate, or by mutual consent of the common owners.

(9) All clustered residential developments must meet the Common Shoreland Access standards, if applicable, as per Section 14(U) of this ordinance.

(10) All other requirements of this Ordinance shall be met.

G. Accessory Dwelling Unit

One Accessory Dwelling Unit shall be allowed on all parcels where single and two-family dwellings are allowed. The following standards apply for an Accessory Dwelling:

(a) Lot size shall not apply for an accessory dwelling unit.
(b) Minimum floor area shall be at least 190 square feet.
(c) Maximum floor area shall not exceed the floor area of the primary dwelling unit on the property or 1200 square feet, whichever is less.
(d) ADU's must meet all structural setback requirements.
(e) There shall be no additional on-site parking required for an accessory dwelling.
(f) All water and sewer/septic system rules for a dwelling unit shall be met.
(g) All other federal, state, and/or local rules, ordinances, and codes applicable to a dwelling unit.

Note: Nothing in this subsection prohibits additional dwelling units from being constructed on a parcel of land where all other ordinance standards for the additional units can be met, including but not limited to density, setback, parking, and other standards.

H. Campgrounds.

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

(1) Sites shall contain a minimum of 1000 square feet (not including roads and streets) for each R.V. and tent site, except that in areas subject to the 250-foot mandatory Shoreland Zoning Act, there shall be a minimum of 5000 square feet of suitable land, (not including orads and streets,) for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

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

I. Individual Private Campsites.

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

(1) On a vacant lot, one campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) On a lot that contains a principal use or structure, the lot shall contain the minimum lot dimensional requirements for that principal use or structure separately from the thirty thousand (30,000) square feet of lot area within the shoreland zone required per individual private campsite.

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

(4) Only one recreational vehicle shall be allowed 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.

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

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

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

J. Roads and Driveways.

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

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

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

This section does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of 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 a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 12.E.

(5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (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 buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

(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 grade is ten (10) percent or less.

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

(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 storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

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

L. Mineral Exploration and Extraction is governed by the Town of Winthrop Mineral Extraction Ordinance effective March 9, 2024.

M. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former 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 one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

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

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

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

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

N. Timber Harvesting – Regulated by the Maine Forest Service

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

P. Archaeological Site

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

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

14. Development in Shore Areas

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

(1)

	Minimum Lot Area (80,000 s.f w/out sewer)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit w/sewer		
(i) Within the Shoreland Zone	40,000	200
(b) Governmental or Institutional w/sewer per principal structure	60,000	300
(c) Public and Private Recreational Facilities w/sewer	40,000	200

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

(3) 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.

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

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

B. Principal and Accessory Structures

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

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

Permitting under the Natural Resources Protection Act for activities adjacent to significant wildlife habitat areas may require greater setbacks. Contact your local Department of Environmental Protection office to see if additional permitting is required.

In addition:

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

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

NOTE: Refer to Section 16 for definition of tributary stream.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Shoreland, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height.

(a) This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(b) The height of a structure shall exclude an inhabitable feature mounted on a structure roof for observation purposes, such as a cupola, a dome or a widow's walk, provided the following conditions are met:

(i) the feature is being added to, or is part of, a conforming structure,
(ii) the structure is not located in a Resource Protection or Stream Protection District,
(iii) the feature does not extend beyond the exterior walls of the structure,
(iv) the feature has a floor area of fifty-three (53) square feet or less, and
(v) the feature does not increase the height the structure, as defined, more than seven (7) feet.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. Accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance that is consistent with the April 2005 or later version under the National Flood Insurance Program.

(4) Non-vegetated surfaces shall not exceed twenty (20) percent of the portion of the lot located within the shoreland zone. Non-vegetated surfaces include, but are not limited to the

following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces for lots that were recorded on March 24, 1990, and that have been in continuous existence since that date.

Section 14(B)(4) shall not apply to public boat launching facilities, regardless of the district in which the facility is located.

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

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

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

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

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

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

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

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

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

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

(iii) Only native species may be used to establish the buffer area;

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

(v) A footpath not to exceed the standards in Section 14(M)(2)(a), may traverse the buffer.

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

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

(7) Notwithstanding the requirements in Section 14(B)(1) above, the permitting authority may approve a deck over a river if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, which may include the revitalization of structures formally used as mills that do not meet the setback requirements, provided that the following requirements are met:

(a) The total deck area attached to the structure does not exceed seven hundred (700) square feet;

(b) The deck is cantilevered over a segment of the river that is located within the boundaries of the downtown revitalization project;

(c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project; and

(d) The construction of the deck complies with all other applicable standards, except the setback requirements in Section 14(B)(1).

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

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending or Located Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) No more than one structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 14(A), a second structure may be allowed and may remain as long as the lot is not further divided.

(2) 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 existing developed or natural beach areas.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

(5) 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 feet for non-commercial uses.

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

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as, a watercraft.

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

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

(9) Structures built on, over or abutting a pier, wharf, dock or other structure extending or located below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

(10) The Planning Board may approve shoreline stabilization of an eroding shoreline, provided that the following requirements are met:

(a) Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.

(b) When necessary, the removal of vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the shoreline stabilization is complete, the construction equipment access way must be restored.

(c) Any restoration or revegetation shall occur in accordance with Section 14(G).

NOTE: A permit pursuant to the Natural Resources Protection Act is required from the Department of Environmental Protection for shoreline stabilization activities.

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

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the shoreline buffer extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees in accordance with Section 14(E).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section 14(D)(1) above, within a shoreline buffer extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a shoreline buffer extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:

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

(b) Selective cutting of trees within the shoreline buffer is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 14(D)(2)(b) a "well-distributed stand of trees" adjacent to a great pond, or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular (1,250 square feet) area as determined by the following rating system.

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

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

NOTE: As an example, adjacent to a great pond, if a 25 foot 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:

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

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

The following shall govern in applying this point system:

(i) The 25 foot by 50 foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25 foot by 50 foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 14(D)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25 foot by 50 foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath as described in Section 14(D) paragraphs (2) and (2)(a) above.

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

(e) In order to maintain the vegetation in the shoreline buffer, removal of storm-damaged, hazard or dead trees and any required replanting shall occur in accordance with Section 14(D).

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 14(D)(2).

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

is greater, including land previously cleared. This provision applies to the portion of the lot within the shoreland zone, including the shoreline buffer area.

(5) Legally existing nonconforming cleared openings may be maintained, in accordance with Section 14(O). If these areas, fields or other cleared openings have reverted back to primarily woody vegetation, as a result of not maintaining them in accordance with Section 14(O), then the provisions of Section 14(M) shall apply.

E. Hazard Trees, Dead Trees and Storm-Damaged Trees

(1) Hazard trees may be removed with a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:

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

(b) Outside the shoreline buffer, if the removal of hazard trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches as measured at four and one half (4.5) feet above ground level. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches at four and one half (4.5) feet above ground level.

(c) The code enforcement officer may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(d) The code enforcement officer may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4.5) feet above ground level.

(2) Dead trees may be removed with a permit, provided the following requirements are met:

(a) The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.

(b) The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.

(c) Stumps shall not be removed.

(3) Storm-damaged trees may be removed with a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:

(a) Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required:

(i) The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every eighty (80) square feet of open canopy.

(ii) The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.

(iii) Stumps shall not be removed.

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

(b) Outside the shoreline buffer, if the removal of storm-damaged trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then the area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis.

F. Exemptions to Section 14(D)

The following activities are exempt from the standards for clearing or removal of vegetation set forth in Section 14(D), provided that all other applicable requirements of this Ordinance are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The clearing or removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the standards of Section 14(D), such as but not limited to cleared openings in the canopy or fields. If any of these areas revert back to primarily woody vegetation, due to a lack of removal of vegetation every two (2) years, the requirements of Section 14(D) shall apply.

(2) The clearing or removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 14(B) are not applicable.

(3) The clearing or removal of vegetation from the location of public swimming areas associated with allowed public recreational facilities.

(4) The clearing or removal of vegetation associated with allowed agricultural uses, provided that best management practices are utilized.

(5) The clearing or removal of vegetation associated with brownfields or voluntary response action program projects pursuant to 38 M.R.S.A section 343-E, provided that the following provisions are met:

(a) The clearing or removal of vegetation is within the shoreland zone of rivers that do not flow to great ponds; and

(b) The clearing or removal of vegetation is necessary for remediation activities to clean up contamination.

(6) The clearing or removal of non-native invasive vegetation, provided that the following requirements are met:

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

(b) The clearing or removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

(c) If the clearing or removal of non-native invasive vegetation results in a standard of Section 14(D) being exceeded, then the area shall be revegetated in accordance with Section 14(G) to achieve compliance with the applicable standard(s) of Section 14(D).

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

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

G. Revegetation Requirements

When revegetation is required to address the removal of non-native invasive species of vegetation, to address removal of vegetation in conjunction with shoreline stabilization, in response to violations of the standards set forth in Section 14(D), or as a mechanism to allow for development that may otherwise not be permissible due to the standards of Section 14(D), then revegetation shall comply with the following requirements:

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

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur

along the same segment of shoreline and as close as possible to the area where vegetation was removed.

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

(4) Revegetation activities must meet the following requirements for trees and saplings:

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

(b) Replacement vegetation must consist of saplings at a minimum;

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

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

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

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

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

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

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

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

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

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 14(G) for a minimum of five (5) years.

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

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

(b) Where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and

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

H. Seasonal Conversions

(1) Seasonal conversions shall be prohibited in the Resource Protection Zoning District.

(2) Within the Shoreland, Stream Protection or Public Water Supply Zoning Districts, seasonal conversions shall conform with all applicable requirements of State law and the Maine Subsurface Wastewater Disposal Rules.

(3) A seasonal conversion shall be deemed to have been completed if the property owner has installed a subsurface wastewater disposal system in conformance with the approved design attached to the Seasonal Conversion Permit, or if the use of the residential structure is converted from seasonal to year-round use, as defined by State law.

I. Common Shoreland Access

The use of any property for common shoreland access shall require a minimum shore frontage of three hundred (300) feet and an additional twenty-five (25) feet for each dwelling unit beyond the third unit using the common shoreland access. Any recreational facilities associated with common shoreland access, such as beaches, docks, boat ramps or picnic areas shall be a minimum of seventy-five (75) feet from all side lot lines. All construction shall conform to all applicable state laws administered by the Department of Environmental Protection.

ARTICLE V - Administration

15. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(a) The Zoning Board of Appeals shall be appointed by the Town Council and shall consist of up to five (5) members and not more than two associate members, all of whom shall be legal residents of the Town, serving staggered terms of at least three (3) and not more than five (5) years. The Board shall annually elect a Chair from its members and may appoint a recording secretary from outside the Board, who shall be compensated for the duties performed. The Secretary shall keep the minutes of

the proceedings of the Zoning Board of Appeals which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall be at least three (3) members attending.

(b) Neither a municipal officer nor his/her spouse may serve as a member or associate member of the Zoning Board of Appeals.

(c) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

(d) A member of the Board may be dismissed for cause by the Town Council upon written charges and after public hearing.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law and the Town Charter.

B. Permits Required.

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

(4) Any application also requiring a variance from The Zoning Board of Appeals shall receive the ZBA approval prior to being approved under this section.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Article III Section 11.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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

(4) No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his authorized agent in conformance with the Subsurface Wastewater Disposal Rules and Internal Plumbing Rules.

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

D. Procedure for Administering Permits.

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 11, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.

The Planning Board shall hold a public hearing on a complete Conditional Use Permit request, a Town Official shall notify the applicant, the owners of all abutting property and the owners of all property within five hundred (500) feet of the property involved by reguar mail at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. The CEO or their designee shall maintain a record of addresses.

The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

E. Factors Applicable to Conditional Uses

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

After the submission of a complete Conditional Use application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will be established and maintained in accordance with an approved erosion and sediment control plan;

(3) Will ensure access to the site from existing or proposed roads is safe and adequate. The proposed use will not cause or aggravate undue traffic congestion.;

(4) Will have adequate water supplies to meet the demands of the proposed use and for fire protection purposes.;

(5) Will include adequate provisions for the disposal of all waste water and solid waste;

(6) Will not cause water pollution and sedimentation;

(7) Will provide for adequate management of stormwater runoff without adverse impact on the site, adjacent land or water bodies;

(8) Will ensure the site design is in conformance with all flood hazard protection regulations, and any proposed construction or fill will not affect a water body's ability to store floodwater;

(9) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(10) Will conserve shore cover, visual and physical points of access to lakes, ponds and streams, and natural beauty;

(11) Will not adversely affect the quantity or quality of ground water;

(12) Will comply with all applicable performance standards in this Ordinance;

(13) Will ensure the proposed site design provides adequate buffers and on site landscaping to protect neighboring property from detrimental factors of the proposed development;

(14) Will protect archaeological and historic resources as designated in the Comprehensive Plan.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

F. Special Exceptions.

In addition to the criteria specified in Section 15(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

(4) The total footprint, as defined, is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

G. Expiration of Permit.

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

H. 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 located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

I. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

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

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

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

(i) The proposed structure or use would meet the provisions of Article IV Sections 12, 13 and 14 except for the specific provision which has created the nonconformity and from which relief is sought; and

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

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

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

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

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

(d) Notwithstanding Section 15(I)(2)(c)(ii) above, in accordance with 30-A M.R.S.A section 4353-A, the Code Enforcement Officer may approve a permit to the owner of a residential dwelling unit for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses that dwelling. The permit is deemed to include the variance, which shall be solely for installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include ramps and associated railing, and wall or roof systems necessary for the safety or effectiveness of the structure. Such permitting is subject to Sections 15(I)(2)(f) and 15(I)(4)(b)(iv) below.

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

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

(3) Administrative Appeals

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

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

(4) Appeal Procedure

(a) **Making an Appeal**

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 15(I)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

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

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

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

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

(iv) The Code Enforcement Officer shall notify the appellant, the owners of all abutting property and the owners of all property within five hundred (500) feet of the property

involved by regular mail at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing. The Code Enforcement Officer shall maintain a record of adressees.

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

(b) **Decision by Board of Appeals**

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

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

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

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

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

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

J. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

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

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions 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.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2,500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5,000 (38 M.R.S.A. section 4452).

ARTICLE VI - Definitions

16. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Adaptive reuse- the development of a new use for an older commercial building originally designed for a special or specific purpose.

Affordable Housing Development -

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

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

Agriculture - the production, keeping or maintenance for sale or lease, of plants or animals, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental green-house products. Agriculture does not include timber harvesting.

Alteration- any change, addition or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Automobile graveyard- a yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out or junked 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.

Billboard- a sign, structure or surface larger than six (6) square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Boathouse - a non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

Boat launching facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

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

Campground - any premises established for overnight use for two or more parties for the purpose of temporary camping including, but not limited to, tents, recreational vehicles, or other shelters.

Campsite – see Individual Private Campsite in this section.

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

Channel- a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Clearing- the cutting and removal of vegetation on a lot up to one (1) acre for an approved use.

Cluster development- a development controlled by a single developer on any size parcel of land which contemplates an imaginative, more compact grouping of residential housing units. Cluster developments treat the developed area as an entirety to promote flexibility of design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of common open space, and the retention of the natural characteristics of the land.

Codes Enforcement Officer- a person appointed to administer and enforce this Ordinance.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. Specific types of commercial uses are defined as follows:

Low impact- a barber shop, beauty shop, hair styling salon, small appliance or television repair shop, professional offices (accounting, consulting, insurance, legal, medical, realty, or veterinary), nursing and convalescent homes, and similar uses.

Medium impact - retail sales with less than twenty-five hundred (2,500) square feet of gross floor area and open no more than twelve (12) hours per day (with no sale of gasoline), instructional facilities serving fewer than twenty (20) students at any one time, and similar uses.

High impact- any commercial use not otherwise defined or specified in this Ordinance.

To further define specific commercial uses, the following table shall be used as guidance:

Commercial Attributes	**Low**	**Medium**	**High**
Hours of Operation	8 hours	8-12 hours	12 hours
Impact on Abutters	none	slight	significant
Number of Customers	0-5/hour	6-25/hour	25+/hour
Duration of Visit	short	medium	lengthy
Peak Traffic Times	daytime	daytime or evening	daytime only evening
Building Compatibility with Neighborhood	similar	slightly different	highly different
Restaurant Seating	Less than 20	20-75	More than 75

Any tower or similar structure not exempted by provisions of Section 4 of the Winthrop Wireless Telecommunications Facilities Ordinance, and excepting Stealth Towers, shall be considered a commercial use.

Common shoreland access - The use of any shorefront property to provide a point of access for the occupants of three (3) or more dwelling units, whether accomplished through ownership, lease, easement, or any other arrangement.

Conditional use - a use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision of such Conditional Use is made in this Ordinance.

Conditional use permit- a permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

Conforming use - a use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

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

Cultural features- structures or features historically used by the community such as railroad tracks, churches, municipal buildings, etc.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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.

District- a specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Dwelling - a fixed structure, containing one or more dwelling units.

Dwelling unit - a room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and toilet facilities. Recreational vehicles are not residential dwelling units.

Dwelling Unit, Accessory (ADU) - A secondary dwelling unit containing living, sleeping, cooking, and toilet facilities located within, attached to, or detached from a one-family dwelling located on the same parcel of land. ADU's are exempt from minimum lot size and parking requirements except in the Resource Protection, Shoreland and Stream Protection Districts.

Dwelling, Multi-Family – A structure containing three or more dwelling units.

Earth- topsoil, sand, gravel, clay, peat, rock, or other minerals.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.
Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.Additionally excluded is the development of electrical generation projects.

Eutrophication- the process of nutrient enrichment of water bodies.

Excavation - any removal of earth or earth material from its original position.

Excavation contractor - an individual or firm that either is engaged in a business that causes the disturbance of one or more cubic yards of soil, or is in a business in which the disturbance of one or more cubic yards of soil results from an activity that the individual or firm is retained to perform. Disturbance includes: grading, filling, and removal. A person or firm engaged in agriculture or timber harvesting activities is not considered an excavation contractor as long as best management practices for erosion and sedimentation control are used. Municipal, state and federal employees engaged in projects associated with that employment are not considered excavation contractors.

Expansion of a structure - an increase in the footprint or height 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 footprint or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel. Such unit shall not exceed five persons not related by blood or marriage.

Fast Food drive-thru restaurant- a business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposable containers.

Filling- depositing or dumping any matter on or into the ground or water.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to: cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

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

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

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

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.

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

Frontage - road or street- the horizontal distance between the intersections of the side lot lines with the front lot line.

Frontage - shore- the horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to waters. Recreational boat storage buildings are not considered to be a functional water-dependent use.

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 for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Gross Floor Area (GFA) - The area in square feet of any applicable structure, utilized by the public, calculated by using the exterior dimensions thereof.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

High water elevation, normal- along lakes and ponds, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial; and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark. Specifically, normal high water elevations of major lakes and ponds in Winthrop is defined as follows in feet above Mean Sea Level, National Geodetic Vertical Datum:

Annabessacook Lake	170.2 feet
Berry Pond	241.5 feet
Cobbossee Lake	167.3 feet
Dexter Pond	241.5 feet
Little Cobbossee Lake	167.3 feet
Lower and Upper Narrows Ponds	172.0 feet
Maranacook Lake	211.5 feet
Wilson Pond	241.5 feet

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) carried on by a member of the family residing in the dwelling unit, 2) clearly incidental to and compatible with the residential use of the property and surrounding residential uses, 3) which does not change the essential residential character of the dwelling unit, and 4) which employs no more than two (2) persons other than family members residing in the home.

Impervious area- surface that is impermeable to water and prevents infiltration of water into the soil, including but not limited to roofs, pavement, and crushed rock or gravel, except those areas designed, maintained and functioning as permanent infiltration areas.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in non-vegetated surfaces, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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.

Institutional - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Intensive Agriculture- Livestock production involving more than fifty (50) animal units, as defined by the U.S. Department of Agriculture.

Junkyard- a yard, field or other area used as a place of storage for discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture; discarded, scrap and junked lumber; old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous and nonferrous material.

Lagoon- an artificial enlargement of a water body, primarily by means of dredging and excavation.

Livestock keeping- the keeping of animals such as rabbits, goats, sheep, cattle, pigs or horses for the use of the immediate household and not for commercial purposes. The term livestock keeping does not include cats, dogs or other household pets.

Lot – a parcel of land in single ownership, described on a deed, plot or similar legal document.

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 - back or rear- a lot not located with frontage on a road or shoreline. Such a lot shall have a width equal to the frontage requirements of the Zoning District.

Lot - corner- a lot with at least two contiguous sides abutting upon a street.

Lot - interior- any lot other than a corner lot.

Lot lines- the lines bounding a lot as defined below:

Front lot line - on an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from each street. On a so-called back lot the front line will be the direction of entry.

Rear lot line - the lot line opposite the front line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line of the least dimension.

Side lot line - any lot line other than the front lot line or rear lot line.

Lot width - the horizontal distance between the side lot lines, measured at the setback line.

Lot of record- a parcel of land, a legal description of which or the dimensions of which are recorded on a document or may on file with the County Register of Deeds or in common use by Town or County Officials.

Lot - shorefront - any lot abutting a water body.

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

Manufacturing – the production of merchandise for use or sale using labor and machines, tools, chemical and biological processing, or formulation.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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.

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

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

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

Mobile home – a prefabricated structure, built in a factory on a permanently attached chassis before being transferred to a site. Used as permanent homes or temporary accommodation, they are left semi-permanently in one place but may be moved if necessary.

Mobile home park - a parcel of land under unified ownership approved by the Town for the placement of three (3) or more mobile homes. A mobile home park is a subdivision as defined by the State Subdivision Law, and is subject to that law.

Modular homes – prefabricated buildings that consist of repeated sections constructed in a factory, at equal or higher standards as on-site stick-built homes. Delivered to the intended site, installation of prefabricated sections allows for a variety of configurations and styles.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native - indigenous to the local forests.
Net residential acreage - The gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

Net residential density - The number of dwellings per net residential acre.

Nonconforming condition - nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

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

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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 predominantly 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.

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

Parking space - A minimum area of one hundred sixty-seven (167) square feet, exclusive of drivers, aisles or entrances, fully accessible for the storage or parking of vehicles.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses - extending or located below the normal high-water line or within a wetland.

Temporary - structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent - structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planned unit development - a development controlled by a single developer on a tract ten acres or larger in **size** for residential, commercial or industrial (or any combination of the preceding) purposes. PUD's treat the developed area as an entirety to promote flexibility of design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of common space, and the retention of the natural characteristics of the land.

Planning Board - the municipal body that reviews and regulates land use development according to state statutes and local ordinances.

Poultry Keeping – the keeping of female domesticated birds raised for meat or egg production, excluding fully mature male chickens.

Premises - one or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal structure - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same lot.

Private water supply- a dug well, drilled well, point or spring used as a source of drinking water.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

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

Public water supply - A drinking water supply provided by the Winthrop Utilities District or Augusta Water District.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Restaurant - an establishment where meals are prepared and served to the public for consumption for compensation

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

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

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Sapling – a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling – a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from a lot line, or the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. Setbacks from public or private ways shall be measured from the edge of the public right-of-way or edge of the traveled portion of a private right-of-way.

Shore Area – Land area located in the Resource Protection, Shoreland, Stream Protection and Public Water Supply Districts as defined by the Winthrop Zoning Ordinance and depicted on the Official Zoning Map.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.
Shoreline - the normal high-water line, or upland edge of a freshwater wetland.

Sign - A name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Standard restaurant - a business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the meal.

Stealth tower - Any structure which allows for use of a pre-existing building, steeple, silo or other object of sufficient altitude for commercial telecommunications and which

1. Does not increase the height of the original structure,
2. Blends visually to a very high degree with the original structure.

Examples are: a facility using a steeple which has the appearance of being part of the steeple; a facility atop a building which has the appearance of a chimney, vent or other traditional use, and which is no higher than the highest point of the original structure.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or remains standing, and is damaged beyond the point of recovery as a result of a storm event.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey, on the website of the United States Geological Survey or the national map, to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure - whether temporary or permanent: anything located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind; anything built, constructed or erected on or in the ground. The term structure includes decks, patios, and satellite

dishes. Structure does not include fences; poles; wiring, guy wires, guy anchors and other aerial equipment normally associated with service drops; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; and wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Subdivision - the division of a tract or parcel of land into three (3) or more lots, as defined by 30-A M.R.S.A. 4401.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of vegetation in the shoreland zone associated with any other land use activity, and 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 vegetation shall be regulated pursuant to Section 14(D), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

NOTE: Timber harvesting within the shoreland zone is regulated by the Maine Forest Service.

Tower - any structure the primary purpose of which is to provide sufficient height for a commercial purpose, such as, but not limited to, telecommunications.

Trailer - utility - a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer or snowmobile trailer.

Tree - a woody perennial plant that has a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, that has a more or less definite crown and that reaches a height of at least ten (10) feet at maturity.

Tributary or intermitant stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary or intermitant stream located within the shoreland zone of the receiving water body or wetland.

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Use- the purpose of which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance - a relaxation of the terms of this Ordinance where such variance would not be 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 undue hardship.

As used in this Ordinance, a variance is authorized only for height, area and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in the adjoining Zoning Districts.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river 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.

Wetland - a freshwater wetland.

Wetlands associated with great ponds and rivers - freshwater wetlands contiguous with or adjacent to a great pond or river and which during normal high water are connected by surface water. Also included are freshwater wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river.

Wetland - Forested- a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

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

1. Ten (10) or more contiguous acres, or of less than ten (10) acres and adjacent to a surface water body (excluding any river or stream or tributary stream) such that the combined surfaces area is in excess often (10) acres.

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Woody vegetation - live trees or woody, non-herbaceous shrubs.

Yard- the area of land on a lot not occupied by the principal building.

Front yard- the area of land between the front lot line and the nearest part of the principal building.

Rear yard- the area of land between the rear lot line and the nearest part of the principal building.

Side yard- the area of land between the side lot line and the nearest part of the principal **b**uilding.