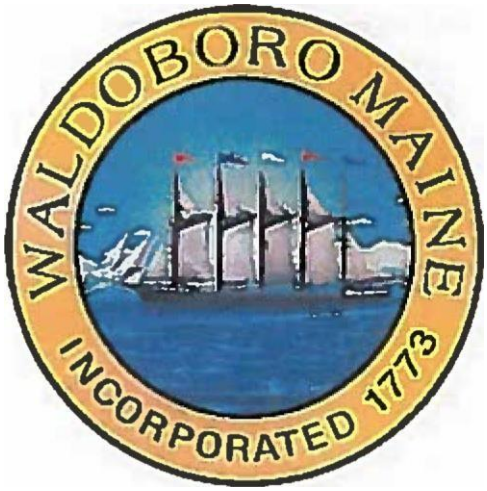

Town of Waldoboro
Land Use Ordinance

Adopted by Town Meeting

November 3, 2020

Last Amended by Town Meeting:

June 9, 2026

AMENDMENTS

June 13, 2023 (Articles 2, 3, 6, 7, 9, 10, 11, and 15)

June 11, 2024 (Articles 6, 10, and 15)

June 10, 2025 (Article 6)

June 9, 2026 (Articles 2, 5, 6, 9, 10, 12, and 15)

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Article 1 General

1.1 Title. This Ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Waldoboro, Maine" and will be referred to herein as "this Ordinance."

1.2 Authority. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the State of Maine Constitution and the provisions of 30-A M.R.S.A. § 3001 (Home Rule). It is also adopted pursuant to various provisions of law, including without limitation, the state's Growth Management Law, 30-A M.R.S.A. § 4312 et seq.; Zoning, 30-A M.R.S.A. § 4352 et seq.; the Mandatory Shoreland Zoning Act, 38 M.R.S.A. § 435 et seq.; the Subdivision Law, 30-A M.R.S.A. § 4401 et seq.; Protection of Drinking Water Supplies, 22 M.R.S.A. § 2642 et seq.; and Manufactured Housing, 30-A M.R.S.A. § 4358 et seq.

1.3 Purpose. The purposes of this Ordinance are:

1.3.1 To implement the provisions of the Comprehensive Plan;

1.3.2 To encourage the most appropriate use of land throughout the Town;

1.3.3 To provide adequate light, clean air and water;

1.3.4 To prevent overcrowding of real estate;

1.3.5 To conserve natural resources;

1.3.6 To prevent housing development in unsuitable areas;

1.3.7 To promote traffic safety;

1.3.8 To promote coordinated development;

1.3.9 To ensure the maintenance of the public health and safety respecting land, buildings, and premises;

1.3.10 To provide for the preservation of open space and aesthetic appearance;

1.3.11 To promote the development of the town as a desirable place to live and work;

1.3.12 To encourage the formation of the community units;

1.3.13 To conserve and enhance the value of land and buildings by protecting the integrity of the districts created herein from encroachment by incompatible uses;

1.3.14 To encourage appropriate commercial and industrial growth to ensure a diverse range of job opportunities to the residents of Waldoboro;

1.3.15 To ensure the continued viability of home occupations;

1.3.16 To promote the economic vitality of Waldoboro;

1.3.17 To encourage currently viable businesses to stay in, expand and prosper in Waldoboro;

1.3.18 To attract new businesses to Waldoboro that are consistent with the goal of preserving our small-town atmosphere;

1.3.19 To provide safety from fire, flood and erosion; and generally,

1.3.20 To promote the health, safety, convenience and welfare of the inhabitants of the Town of Waldoboro.

1.4 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 the availability of this Ordinance shall be posted.

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

1.6 Validity and Severability. In the event that any article, section, subsection, or other provision of this Ordinance is held or becomes invalid or void, by virtue of any decision of any court of competent jurisdiction, or by virtue of any controlling federal, State, or other law, then only such article, section, subsection or other provision which is specifically mentioned in such decision of the court, or which is specifically controlled by such federal, State, or other law, shall be affected and the remaining portions of this Ordinance shall continue to be valid, and remain in full force and effect.

1.7 Basic Requirements. After the effective date of this Ordinance no person shall 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; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved, or relocated without being in conformity with the provisions of this Ordinance.

1.8 Amendment

1.8.1 Initiation of Amendments. An amendment of this Ordinance may be initiated by a written petition of a number of the registered voters of the Town of Waldoboro equal to at least ten percent (10%) of the votes cast in the Town at the last gubernatorial election or by a recommendation of the Select Board.

1.8.2 Public Hearing. The Select Board shall fix the time and place of a public hearing on the proposed amendments in accordance with State law, and such public hearing shall be so held.

1.8.3 Effective Date. Amendments shall go into effect immediately after enactment.

1.8.4 Land Use Map. Whenever an amendment to the Land Use Map is made, the Town Clerk shall make such change on the official Land Use Map. Owners of affected properties shall be notified. If the amendment involves a shoreland zoning change, the Clerk shall forward it to the Commissioner of the Department of Environmental Protection for approval.

1.9 Effective Date. This Ordinance shall be effective immediately after passage by the legislative body of the Town of Waldoboro. Article 11 (Shoreland Zoning) shall not be effective unless approved by the Commissioner of the Department of Environmental Protection.

A certified copy of Article 11 (Shoreland Zoning), attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on Article 11 within forty-five (45) days of his/her receipt of Article 11, it shall automatically be approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of Article 11 if Article 11 is approved by the Commissioner.

1.9.1 Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-A(5), at which time the

State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone.

1.10 Fees Fees in effect at the effective date of this Ordinance shall remain in effect until such time as new fees are set by the Select Board after public notice and hearing.

Article 2 Administration

2.1 Code Enforcement Officer. Unless otherwise provided in this Ordinance, the Code Enforcement Officer, as duly appointed or reappointed annually by July 1st, by the Town Manager and confirmed by the Waldoboro Select Board, shall administer and enforce this Ordinance. No permit or certificate of occupancy shall be issued by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties, among others, in enforcing this Ordinance:

2.1.1 Preliminary Plans. Examine preliminary plans.

2.1.2 Applications and Fees. Act upon all applications and collect any fees due; refer/process all applications as required.

2.1.2.1 Code Enforcement Officer Applications. Act upon building, construction and use applications which are under the jurisdiction of the Code Enforcement Officer as set forth in Article 6.7.4 Matrix;

2.1.2.2 Planning Board Applications. Review Planning Board applications, subdivision applications, and hazardous materials applications for completeness of submissions and refer such applications to the Planning Board; and

2.1.2.3 Board of Appeals Applications. Refer requests for variances and administrative appeals to the Board of Appeals.

2.1.3 Inspections. Inspect sites where building permits have been issued to ensure compliance with all local, State and federal laws, codes and/or ordinances.

2.1.4 Complaints and Violations. Investigate complaints and reported violations.

2.1.5 Reports and Records. Keep written inspection reports and thorough records.

2.1.6 Violation notices. Issue violation notices.

2.1.7 Appeals. Participate in appeals procedures.

2.1.8 Consent Agreements. Process or act on consent agreements involving violations of this Ordinance or appear in court when necessary.

2.1.9 Agendas. Prepare agenda, comments and recommendations for mailing at least seven (7) calendar days before each meeting of the Board of Appeals, and attend meetings, provide advice and comments to the Planning Board and Board of Appeals.

2.1.10 Permit Revocation. Revoke a permit after notice if it was issued in error or if it was based on erroneous information.

2.1.11 Additional Duties. Performs additional duties as assigned by the Town Manager. When there is a question concerning the interpretation of this Ordinance, the Code Enforcement Officer may refer the matter to the Board of Appeals for interpretation.

2.2 Town Planner Assists the Town Manager, Select Board, Planning Board, and other Town staff in the administration of various land use regulations and programs.

2.2.1 **Administrative Support** The Town Planner is the primary contact and administrative support for the Planning Board. The Planner prepares Public Hearing notices, agendas, and notifications as needed. The Planner processes applications and background materials submitted by applicants. The Planner prepares draft findings and decision notices as determined by the Planning Board at a Public Hearing.

2.3 Planning Board

2.3.1 Establishment. Pursuant to M.R.S.A. Const. Art. VIII Part Second and 30-A M.R.S.A. § 3001, the Town hereby establishes the Planning Board for the Town of Waldoboro.

2.3.1.1 Appointments. Planning Board members shall be appointed by the Select Board and sworn by the Town Clerk or other person authorized to administer oaths.

2.3.1.2 Number of Members. The Planning Board shall consist of five (5) voting members and no restriction on the number of alternative voting members.

2.3.1.3 Terms. The term of each member shall be three (3) years.

2.3.1.4 Vacancy. When there is a permanent vacancy, the Select Board shall, within thirty (30) days of its occurrence, appoint a person to serve the unexpired term. A vacancy occurs upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or fails to attend at least seventy-five percent (75%) of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chair of the Board shall immediately so advise the Select Board in writing. The Planning Board may recommend to the Select Board that the attendance provision be waived for cause, in which case no vacancy will then exist until the Select Board disapprove the recommendation. The Select Board may remove members of the Planning Board by vote for cause after notice and hearing.

2.3.1.5 Select Board. The spouse of a Select Board member may not be a Planning Board member.

2.3.2 Organization and Rules

2.3.2.1 Offices. The Planning Board shall elect a chairperson from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-appointment.

2.3.2.2 Disqualification. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present and voting except the member who is being challenged.

2.3.2.3 Meetings. The chairperson shall call at least one (1) regular meeting of the Board each month. The Town Planner or their designated alternate shall prepare meeting agendas, information packets, comments, and recommendations for mailing to all members of the Board at least seven (7) calendar days before each meeting of the Board, and shall attend all Planning Board meetings.

2.3.2.4 Quorum. No meeting of the Board shall be held without a quorum consisting of three (3) members.

2.3.2.5 Majority Vote. The Board shall act by majority vote calculated on a quorum of the members present and voting.

2.3.2.6 Reconsideration. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision

within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony. Reconsideration must be for one of the following reasons:

2.3.2.6.1 The record contains significant factual errors or omissions; or

2.3.2.6.2 The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

2.3.2.7 Rules and Records. The Board shall adopt rules for transaction of business and the Town Planner shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times**.**

2.3.3 Duties and Powers

2.3.3.1 Reviews. The Planning Board shall be responsible for reviewing and acting upon applications in accordance with the provisions of Article 3 of this Ordinance, as well as certain shoreland zoning applications in accordance with the provisions of Article 11 and hazardous materials applications in accordance with Article 13. Following approval, the applicant shall return to the Code Enforcement Officer for building and other permits. The Planning Board shall also review applications requiring Planning Board approval set forth in Article 3.

2.3.3.2 Goods and Services. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

2.4 Code Enforcement Officer Permit Required. The owner of the property shall obtain a permit issued by the Code Enforcement Officer for 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; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved or relocated prior to the fact including:

2.4.1 Activities Listed in the Schedule of Land Uses. Any activity listed in Article 6 of this Ordinance as requiring a permit from the Code Enforcement Officer. No permit may be issued under this provision for an activity which is part of a site or project requiring Planning Board Review until such approval has been granted by the Planning Board.

2.4.2 Planning Board Review Activities. Any activity approved by the Planning Board under the Planning Board Review provisions of Article 3 of this Ordinance.

2.4.3 Shoreland Zoning Activities. Any activity listed in Article 11 as requiring a permit from the Code Enforcement Officer. See Article 11 for additional provisions for administering permits in the Shoreland Zone. No permit may be issued under the provisions of Article 11 for an activity requiring Planning Board review until approval for such permit has been granted by the Planning Board in accordance with the provisions of Article 11.

2.4.4 Floodplain Management Activities. Any activity listed in Floodplain Management Ordinance as requiring a permit from the Code Enforcement Officer. Such permit shall be issued in accordance with the provisions of the Floodplain Management Ordinance.

2.4.5 Permit Application Procedure

2.4.5.1 Application. The application for the permit shall be in writing on a form available from the Code Enforcement Officer and shall contain a description of any proposed structure(s) or land uses prior to the fact. A scale drawing of the structure(s) and a plan of the site shall accompany the application. When required by the State Plumbing Code, the Code Enforcement Officer shall require evidence of adequate capacity of the septic system to support the structure(s) contemplated. All applications shall be signed by the owner or owners of the property or other person(s) authorizing the work, certifying that the information in the application is complete and correct. The applicant shall submit proof of right, title or interest in the property. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee. 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.

2.4.5.2 Modifications. Any modifications to the description, scale drawing, or site plan of the proposed structure(s) shall require a revised permit application, payment of an additional one-half of the application fee, and a permit prior to beginning the work.

2.4.5.3 Fees. Each application shall be accompanied by an application fee payable to the Town of Waldoboro.

2.4.5.4 Burden of Proof. The applicant shall have the burden of proving that a proposed land use activity is in conformity with the provisions of this Ordinance.

2.4.6 Processing the Application. Within ten (10) working days of the date of receipt of a complete application for a permit, the Code Enforcement Officer shall examine such application and physically examine the premises to determine whether or not the proposed building, structure or use would be in compliance with this Ordinance.

2.4.6.1 Referrals. All applications which require action from the Board of Appeals or which require approval by the Planning Board shall within such period of thirty (30) days be referred to the applicable Board for action and public notice shall be given. After approval, with or without conditions, by such Board, the Code Enforcement Officer shall issue a building or use permit within ten (10) working days after being notified of such approval.

2.4.6.2 Approvals or Denials. In all other cases, the Code Enforcement Officer shall within such period of ten (10) working days approve or deny such applications for a permit in accordance with whether or not such proposed building, structure or use complies with this Ordinance.

2.4.6.3 Notification. The Code Enforcement Officer shall inform the applicant in writing of any actions taken by him regarding the permit application. If such application is rejected by the Code Enforcement Officer, such notice to the applicant shall contain a brief statement of the findings of the Code Enforcement Officer and the reasons for rejection. No permit shall be issued except to the owner of record or his or her authorized agent.

2.4.7 Applicant Responsibility

2.4.7.1 Posting. The applicant shall conspicuously post any permit issued, on the lot where the activity will occur, at a location clearly visible from the public street or road.

2.4.7.2 Appeals. Appeals from decisions of the Code Enforcement Officer may be taken to the Board of Appeals in accordance with the provisions of Article 5.

2.4.8 Duration of Permit. All building permits shall be void unless a substantial start is made in construction or in the use of the property within 180 days of the date of the permit. Construction authorized by a permit and which is not completed within two (2) years of the effective date of the permit shall not continue until another permit is obtained.

2.4.9 Proof of Compliance. No building or property shall be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said certificate after proper examination shows that all work performed, including installation of a functional septic disposal system, is in compliance with the provisions of all State and local codes.

2.5 Enforcement

2.5.1 Violations. 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.

2.5.2 Inspections. 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.

2.5.3 Records. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis in areas subject to Article 11, Shoreland Zoning, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

2.5.4 Legal Actions. When the above action does not result in the correction or abatement of the violation, the Select Board, upon notice from the Code Enforcement Officer, may 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 Select Board, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the 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.

2.5.5 Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452.

2.5.6 Violations of Floodplain Management. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

2.5.6.1 Legal Description. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2.5.6.2 Ordinance Violation. A clear and unequivocal declaration that the property is in violation of a cited State law or local law, regulation or ordinance;

2.5.6.3 Authority. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

2.5.6.4 Notice. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

2.5.6.5 Statement. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

Article 3 Application Review

3.1 Purpose. The purpose of this section is to provide a level of review that is proportionate to the anticipated impact of a proposed land use activity upon the Town. The level of review is determined by the potential impact of the proposed land use activity upon a land use district, its land features, its existing and anticipated development density, and how it can exist harmoniously with the dominant environmental and man-made features of the area it will occupy.

3.2 Types of Application Review. Activities/uses/structures which require review as indicated on the land use table shall be reviewed by one of the following: Code Enforcement Officer, Town Planner and Code Enforcement Officer, and Planning Board.

3.2.1 Code Enforcement Officer Review. Within 10 days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if incomplete, the specific material needed to make the application complete. The applicant shall be responsible for providing the additional material to the Code Enforcement Officer. The Code Enforcement Officer may conduct a site visit of the proposed activity. Within 10 days of determining that the application is complete, the Code Enforcement officer shall make a final decision on the application.

3.2.2 Town Planner/Code Enforcement Officer Review. Within 12 days of receiving an application, the Town Planner and the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if incomplete, the specific material needed to make the application complete. The applicant shall be responsible for providing the additional material to make the application complete. The Town Planner and Code Enforcement Officer shall conduct a site visit of the proposed activity. Within 12 days of determining that the application is complete, the Town Planner and Code Enforcement Officer shall make a final decision on the application.

The Town Planner and the Code Enforcement Officer after reviewing an application for completeness may at their discretion decide to have the application submitted to the Planning Board for Review if they find that the application would benefit from a public hearing and review by the Planning Board. They shall notify the applicant and the Planning Board of their decision and initiate the Planning Board Review process.

3.2.3 Planning Board Review. Within 14 days of receiving an application, the Town Planner shall determine if the application is complete and notify the applicant in writing that the application is complete, or if incomplete, the specific material needed to make the application complete. The Town Planner shall conduct a site visit of the proposed activity before deeming the application is complete. The applicant shall be responsible for providing the additional material to make the application complete.

After determining that the application is complete, the Town Planner shall place the application on the Planning Board agenda for review and make the applicable public hearing notifications for the Planning Board meeting. In no case shall a complete application take longer than 60 days to be placed on the Planning Board agenda.

The applicant shall provide the Town Planner with 10 complete copies of the complete application and any supporting documents at least 14 days prior to the Planning Board Public Hearing.

The Planning Board may conduct a site visit of the proposed activity.

Within 35 days of the public hearing or within another time as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall make a final decision on the application. The Planning Board may extend the review period if it requires additional studies or materials to be submitted.

The Planning Board may require the applicant to perform additional studies, submit additional materials or hire a consultant to review the application or portions thereof. The cost of the additional studies, additional materials or consultant shall be borne by the applicant.

3.3 General Requirements

3.3.1 Waivers. An applicant may submit a written waiver request from one or more submission requirements if it can be shown that the submission is inapplicable, unnecessary or inappropriate for the review. If approved, the applicable submission requirement will not be required for the completed application.

3.3.2 Rights Not Vested. The submittal of an application for review shall not constitute the start of the review process for the purpose of bringing an application under provisions of 1 MRSA Section 302. The formal review process shall commence upon notification to an applicant that a complete application has been submitted.

3.3.3 Decisions. After review of a complete application, the municipal reviewer shall determine whether the application meets the review criteria. A written decision to approve the application, approve the application with conditions or deny the application shall be made and delivered to the applicant. The decision of the Planning Board shall follow a vote by the Board.

3.3.4 Conditions of Approval. Upon consideration of the review criteria, the municipal reviewer may attach such conditions to the application that it finds necessary to further the purposes of the Ordinance. Conditions are limited to further address items already contained in this Ordinance. A condition may not be imposed to regulate an item not specifically addressed in this Ordinance.

Upon determining whether conditions are appropriate, the municipal reviewer shall consider the unique features of the site and surrounding conditions, proposed use, and the proposed structures. A written finding of fact shall be created stating the unique features of the proposal and how the conditions will further the purposes of this Ordinance. All conditions shall be listed in the permit and shall be enforceable under this Ordinance.

3.3.5 Permit Issued After Municipal Review. The final decision of an application review from the Town Planner and the Planning Board shall be provided to the Code Enforcement Officer. If approved or approved with conditions, the Code Enforcement Officer shall issue a permit for the proposed activity. Municipal approval does not exempt the applicant from other regulatory bodies or private agreements.

3.3.6 Boundary Survey Requirements. The Code Enforcement Officer, Town Planner or the Planning Board may require the applicant to submit a survey of the perimeter of the tract, giving complete descriptive data by bearings and distances, made and certified by a Registered Land Surveyor. The survey may be required for the construction of new structures or any construction proposed on an undeveloped tract or parcel of land, whenever the municipal reviewer finds that a survey is necessary to show compliance with requirements of this ordinance due to the size of the lot, location of the lot, or the placement of existing or proposed structures on the lot or neighboring properties.

3.4 Public Hearing Requirements. A public hearing shall be conducted for all Planning Board application reviews. The Town shall make the following public notices a minimum of 10 days prior to the Planning

Board meeting: post the public hearing notice in the Town Office; send a first class notice of the public hearing to all property abutters indicating the purpose of the hearing, and giving the date, time and place of the hearing: and publish a notice of the public hearing at least seven (7) days prior to the Planning Board meeting in a newspaper having general circulation in the town indicating the purpose of the hearing, and giving the date, time and place of the hearing.

For applicants that require using a private road to access the project site, a notice must be sent out to the relevant Road Association. If there is no established Road Association for the private road, a letter must be sent to each property owner/resident that benefits from the private road.

The owners of property shall be considered those against whom taxes are assessed. Failure of an abutter/ resident to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

The Planning Board may vote to continue the public hearing and in this case the Board shall not be required to meet the notice requirements listed above for the continued public hearing.

3.5 Submission Requirements

3.5.1 Submission Requirements for all Types of Review

3.5.1.1 An applicant shall submit a completed application to the Code Enforcement Officer or the Planner, who will issue a dated receipt and transmit the application to the appropriate municipal reviewer.

3.5.1.2 An application for review shall be submitted on the forms provided by the Town of Waldoboro and include all applicable attachments as necessary.

3.5.1.3 Name, street address, e-mail address, mailing address and telephone number of the applicant, applicant's agent, design professional and contractors.

3.5.1.4 Property location, street address, map and lot number, a copy of the tax map showing the property and surrounding location.

3.5.1.5 Verification of the applicant's right, title and interest in the property.

3.5.1.6 The appropriate application fees.

3.5.1.7 Estimated cost of the proposal and proposed construction schedule including beginning and completion dates.

3.5.1.8 A written description of the proposed project.

3.5.1.9 The anticipated start and completion dates for the project. Indicate if the project will be developed in phases.

3.5.1.10 A list of all other local, state and federal permits/approvals required for the project.

3.5.1.11 One or more site maps drawn to scale showing all the following features:

3.5.1.11.1 Property boundaries

3.5.1.11.2 Land use district boundaries if the property is located in more than one district

3.5.1.11.3 Setbacks, buffers and other dimensional requirements

3.5.1.11.4 Location of rights-of-way and other easements

3.5.1.11.5 Location and dimensions of all existing and proposed structures

3.5.1.11.6 Location of all utilities such as sewer, water, gas, and telecommunication lines

3.5.1.11.7 Location of all existing and proposed subsurface wastewater disposal systems

3.5.1.11.8 Erosion control plan

3.5.1.11.9 Locations of all existing and proposed wells

3.5.1.11.10 Location of existing or proposed fire hydrants, fire ponds or similar features

3.5.1.11.11 Existing and proposed stormwater features including the flow pattern of all storm drainage

3.5.1.11.12 Location of all water bodies including ponds, rivers, streams, and wetlands

3.5.1.11.13 Location of any significant wildlife and plant habitats as identified on the most current Beginning with Habitat Maps

3.5.1.11.14 Location of any archeological or historic resources as identified on the maps and/or data contained in the current comprehensive plan.

3.5.1.11.15 Location of all streets parking areas sidewalks, trails and similar features

3.5.1.11.16 Road/driveway opening designs showing compliance with applicable State or Town requirements

3.5.1.11.17 Location of all proposed signs

3.5.1.11.18 Location of all proposed landscaping including required buffers

3.5.1.11.19 Location of all exterior lighting

3.5.1.11.20 Location of the 100-year floodplain

3.5.1.11.21 Location of any shoreland zoning boundaries

3.5.1.11.22 Location of any lands in Resource Protection, conservation easement or areas where development is to be limited or prohibited

3.5.1.11.23 All easements

3.5.1.12 Estimated demand for potable water and sewage disposal

3.5.1.13 If public sewer is to be used, evidence that the site can connect to the public system

3.5.1.14 If A subsurface wastewater disposal is to be used, a hhe-200 form showing that a new system can be installed at the site or evidence that the existing system can be used

3.5.1.15 Proposed vehicular and pedestrian traffic into and through the property

3.5.1.16 Any other information necessary to show compliance with the review criteria or other requirements of this ordinance

3.5.2 Additional Submission Requirements for Planning Board Review

3.5.2.1 Title block showing the owner's name address, project title, location.

3.5.2.2 Names of engineer and other professionals

3.5.2.3 Planning Board approval block

3.5.2.4 Revision block

3.5.2.5 Block to list any conditions imposed by the Planning Board

3.5.2.6 Building and structure drawings showing the footprint, height, front, side and rear profiles and all design features necessary to show compliance with this Ordinance. (Structure plans to meet the requirements of the Building Code are not required for Planning Board Review, but will be necessary to obtain a building/construction permit.)

3.5.2.7 An estimate of the peak hour and average daily traffic to be generated by the project and evidence that additional traffic can be safely handled on the adjacent streets

3.5.2.8 A site map prepared and sealed by a professional engineer or architect

3.5.2.9 A stormwater and erosion control plan

3.5.2.10 Indicate the technical and financial capacity of the applicant to undertake and complete the proposed activity

3.5.2.11 Proposed contour lines at intervals not more than 10 feet

3.5.2.12 Fire protection provisions as per ordinance requirements

3.6 Review Criteria

3.6.1 Review Criteria for all types of Review. The applicant shall demonstrate that the proposed use or activity meets the review criteria listed below. The CEO, Town Planner or Planning Board shall approve an application unless they find that one or more of the following criteria has not been met.

3.6.1.1 The application is complete, and the review fee has been paid.

3.6.1.2 The proposed activity conforms to all applicable provisions of this ordinance.

3.6.1.3 The proposed activity will not result in water pollution, erosion or sedimentation to water bodies.

3.6.1.4 The proposal will provide for the adequate disposal of all wastewater and solid waste.

3.6.1.5 The proposal will not have an adverse impact upon wildlife habitat, unique natural areas, and archeological and historic resources.

3.6.1.6 The proposal will not have an adverse impact upon water bodies and wetlands.

3.6.1.7 The proposal will provide for adequate stormwater management.

3.6.1.8 The proposal will conform to all applicable Shoreland Zoning requirements.

3.6.1.9 The proposal will conform to all applicable Floodplain Management requirements.

3.6.1.10 The proposal will have sufficient water available to meet the demands of the development.

3.6.1.11 The proposal will not adversely impact groundwater quality or quantity.

3.6.1.12 The proposal will provide for safe and adequate vehicle and pedestrian access and circulation into the development.

3.6.2 Additional Review Criteria. The following review criteria shall be applicable only to Planning Board Review:

3.6.2.1 The applicant has the adequate financial and technical capacity to meet the provisions of this Ordinance.

3.6.2.2 The proposal shall be designed and located on the site so as to minimize any adverse impacts on neighboring properties.

3.6.2.3 The proposal will reflect the natural capabilities of the site to support the development. Structures and other features are located in areas of the site most suitable for the proposed activity. Environmentally sensitive areas including water bodies, steep slopes, floodplains, wetlands, significant plant and wildlife habitats, aquifers, and archeological and historic resources shall be preserved to the maximum extent.

Article 4 Non-Conforming Uses

4.1 Purpose. It is the intent of this Ordinance to promote land use conformities, except that the non-conforming conditions which existed before the effective date of this Ordinance shall generally be allowed to continue, subject to the requirements set forth herein. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. In a situation of abutting non-conforming properties in common ownership, one or more may become more non-conforming provided the non-conformity of the additional lot(s) is lessened.

4.2 General Provisions

4.2.1 Continuance. The lawful use of any building, structure or land that is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the provisions of this Ordinance.

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

4.2.3 Repair and Maintenance. This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, State, or local building and safety codes may require.

4.3 Non-Conforming Structures

4.3.1 Non-Conforming Structure Defined. A non-conforming structure is any structure that does not meet one or more of the dimensional requirements of this Ordinance.

4.3.2 Continuance. A non-conforming structure that is lawful at the effective date of the adoption or subsequent amendment of this Ordinance may continue to be occupied subject to the provisions of this Article. A structure that is made non-conforming by an action of eminent domain of a public entity may continue to be occupied subject to the provisions of this Article.

4.3.3 Expansion

4.3.3.1 Non-Shoreland Area. A non-conforming structure may be repaired, maintained, improved or replaced, but shall not be expanded, enlarged or increased unless such expansion does not make the structure more non-conforming regarding the dimensional requirements of this Ordinance, or unless a variance from such requirements is granted by the Board of Appeals according to the criteria established in Article 5 (Appeals).

4.3.3.2 Floodplain Area. New construction to, or substantial improvement of, any structure located within Zone A and A1-30 of Floodplain Management Ordinance shall have the lowest floor (including the basement) elevated to three (3) feet above the base flood elevation as certified by a registered Maine surveyor or registered professional engineer or architect.

4.4 Shoreland Area Expansions

4.4.1 All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Article 11 (Shoreland Zoning). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs 4.4.2 and 4.4.3 below.

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

4.4.3 Notwithstanding subparagraph 2 above, if a legally existing non-conforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section 4.3.3.

4.4.3.1 The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

4.4.4 All other legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by Section 4.3.3 above.

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

4.4.4.2 For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 4.4.3.1 and Section 4.4.4.1, above.

4.4.4.3 In addition to the limitations in subparagraphs 4.4.4.1 and 4.4.4.2, for structures that are legally non-conforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 4.4.4.1 and Section 4.4.4.2 above.

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

4.4.4.5 Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Relocation, Section 5 below.

The following table serves as summary for the Section 4.4.4 requirements

Distance from water/ wetland	Maximum structure allowed (Whichever is greater)	Maximum structure height allowed
< 25 feet	800 square feet or 30% larger	15 feet
< 75 feet	1000 square feet or 30% larger	20 feet
< 100 feet	1500 square feet or 30% larger	20 feet
Additional total limit of all structures combined		
0 to 250 feet	1500 or 30% larger	25 feet

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board 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:

4.4.5.1 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. Replacement trees must be planted no further from the water or wetland than the trees that were removed.

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

4.4.5.2 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.

4.4.6 Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (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 twelve (12) months of the date of said damage, destruction, or removal, and provided in shoreland areas that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Section 4.4.5 above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its proposed new location. If the total footprint of the original structure can be relocated or reconstructed outside 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 4.4.5 above.

In shoreland areas, any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed or damaged or destroyed by fifty percent (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 shoreland areas, in determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria above, the physical condition and type of foundation present, if any.

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

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

4.4.8 Non-Conforming Single-Wide Manufactured Homes. See Article 10, Section 10.24 of this Ordinance (Specific Standards, Single-Wide Manufactured Homes).

4.5 Non-Conforming Uses

4.5.1 Non-Conforming Use Define. A non-conforming use is any use of land, buildings, or structures lawfully existing at the effective date of adoption or amendment of this Ordinance, which does not conform to the requirements of the district or districts in which it is located.

4.5.2 Continuance. The lawful use of any building, structure, or land which is made non-conforming by reason of the enactment of this Ordinance, or subsequent amendment to this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance.

4.5.3 Discontinuance. A non-conforming use of a building, structure or land shall be considered discontinued if, in the case of a building or structure, it remains vacant for a period of twelve (12) months, and in the case of an activity, if it ceases for a period of twelve (12) months. During the following twelve (12) month period, the building or structure may be reoccupied, and the use re-established with approval by the Planning Board, pursuant to site plan review. Subsequent use shall conform to the regulations specified in this Ordinance for the district or districts in which the building, structure or land is located. If a non-conforming use is superseded by a permitted use, the non-conforming use shall not thereafter be resumed.

Resumption of a residential use that has been discontinued for over one (1) year will be allowed, provided that the structure has been used or maintained for residential purposes at any time during the preceding five (5) years.

4.5.4 Change of Use. An existing non-conforming use of a building, structure or land may be changed to another non-conforming use only when the new use has no greater impact on the subject and adjacent properties and resources, including water-dependent uses in the Commercial Fisheries/Maritime Activities District, than the former use, as determined by the Planning Board. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters,

natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

4.5.5 Expansion of a Non-Conforming Non-Residential Use. The Planning Board may issue approval for an expansion of a non-conforming, non-residential use up to a maximum of fifteen (15) percent of the original floor area of the existing structure, or in the case of an outdoor use, fifteen (15) percent of the original land area used for the activity, according to the criteria for site plan review contained in Article 3 (Application Review) of this Ordinance, provided that the expansion meets the dimensional requirements and other provisions of this Ordinance. The expansion of a non-conforming use shall not be for the purpose of changing that use to another non-conforming use, except as provided in paragraph 4.5.4 above.

4.5.6 Expansions of Non-Conforming, Residential Uses. Any non-conforming residential use of a building outside of the shoreland zone may be expanded upon approval from the Planning Board under the criteria for site plan review contained in Article 3 (Application Review) of this Ordinance, provided that said expansion is in compliance with the dimensional requirements and other provisions of this Ordinance.

4.5.7 Shoreland Zone. Expansions of non-conforming uses within the shoreland zone are prohibited except that non-conforming residential uses may, after obtaining approval from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 4.3 above and as approved by the Planning Board.

4.6 Non-Conforming Lots of Record

4.6.1 Non-Conforming Lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, 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, are 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.

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

If two (2) 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.

4.6.3 Contiguous Lots, Vacant or Partially Built. If two (2) 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, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one (1) 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.

Article 5 Appeals

5.1 Board of Appeals

5.1.1 Establishment. Pursuant to 30-A, M.R.S.A. § 2691 and 30-A M.R.S.A. § 4353, the Town hereby establishes the Board of Appeals for the Town of Waldoboro.

5.1.2 Appointment

5.1.2.1 Appointment. Board of Appeals members shall be appointed by the Select Board and sworn by the Town Clerk or other person authorized to administer oaths.

5.1.2.2 Number of Members. The Board of Appeals shall consist of five (5) members serving staggered terms such that one (1) member is appointed per year.

5.1.2.3 Term. The term of each member shall be five (5) years.

5.1.2.4 Vacancy. When there is a permanent vacancy, the Select Board shall within thirty (30) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least seventy-five percent (75%) of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chair of the Board of Appeals shall immediately so advise the Select Board in writing. The Board of Appeals may recommend to the Select Board that the attendance provisions be waived for cause, in which case no vacancy will then exist until the Select Board disapprove the recommendation. The Select Board may remove members of the Board of Appeals by vote, for cause, after notice and hearing.

5.1.2.5 Select Board. A spouse of a member of the Select Board may not be a member of the Board of Appeals.

5.1.3 Organization and Rules

5.1.3.1 Officers. The Board of Appeals shall elect a Chair from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.

5.1.3.2 Disqualifications. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present and voting except the member who is being challenged.

5.1.3.3 Meetings. The Chair shall call meetings of the Board of Appeals as needed.

5.1.3.4 Quorum. No meeting of the Board of Appeals shall be held without a quorum of three (3) members.

5.1.3.5 Majority Vote. The Board of Appeals shall act by majority vote calculated on the basis of those present and voting.

5.1.3.6 Reconsideration. The Board of Appeals may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within forty-five (45) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

Reconsideration should be for one of the following reasons:

5.1.3.6.1 The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or

5.1.3.6.2 The Planning Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.

5.1.3.7 Rules and Records. The Board of Appeals shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

5.1.4 Duties and Powers

5.1.4.1 To interpret provisions of this Ordinance called into question. 30-A, M.R.S.A., §4353 states that the Board of Appeals may interpret provisions of a Zoning Ordinance which are called into question. In practical terms, this means that an individual may appeal the denial of a permit which was based on an interpretation of a key provision of this Ordinance. In order to meet their responsibility, all Board members should be familiar with this Ordinance.

It should be emphasized that the Board of Appeals is a quasi-judicial body that establishes precedents which it should later follow. Therefore, when interpreting the Ordinance, the Board of Appeals should try very hard to look at what this Ordinance does say rather than what the Board of Appeals wants it to say.

5.1.4.1.1 General Rules of Interpretation. Using common sense is an important part of the interpretive process. Where there is no evidence of a contrary meaning, ordinance language should be given its ordinary meaning.

Sometimes the full meaning of a word in this Ordinance is not clear-cut, leaving it open to more than one interpretation. In such cases, doubts about the meaning of a word can often be resolved by paying close attention to words that have been tacked on to this Ordinance for clarification in a later enactment.

Problems of interpretation caused by ambiguous key words and phrases in this Ordinance may sometimes be cleared up by asking the advice of a lawyer or by relying on definitions given by "qualified experts", often found in technical assistance publications.

5.1.4.1.2 Conflicts in this Ordinance. In a situation where the Ordinance contains conflicting provisions, the Board of Appeals shall resolve the conflict in accordance with Article 1, Section 1.5, and report the internal conflict to the Planning Board for correction.

5.1.4.1.3 Legislative Intent. Statement of purpose, often included in a law or this Ordinance, may give a better understanding of what was intended when the law or this Ordinance was enacted. Referring to such statements of purpose may make interpretation easier. The Board of Appeals may also rely upon the testimony of a person who helped draft the law or this Ordinance, to determine what was intended by a key word or phrase.

5.1.4.2 To Hear Administrative Appeals. The Board of Appeals has the authority to hear appeals in the administration of this Ordinance in order to determine if the Code Enforcement Officer or the

Planning Board erred in granting or denying a permit. An applicant who is denied a permit may appeal. If the Board of Appeals finds that the Code Enforcement Officer or Planning Board acted in error, it should order the error to be corrected. The Board of Appeals has no authority to take the action of the Code Enforcement Officer or Planning Board for them, or force them to comply. If the Code Enforcement Officer ignores an order of the Board of Appeals, the appellant can then take court action to force compliance. See Rule 80B of the Maine Rules of Civil Procedure.

5.1.4.3 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.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board 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 shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

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

5.1.4.4 To Grant Variances. A variance is a setting aside of one or more requirements of this Ordinance, and is equivalent to permission not to comply with one or more of the provisions.

Before granting a variance, the Board of Appeals should be very careful to determine that this Ordinance gives them the authority to grant the requested variance and that all variance-granting requirements of Section 5.2. are met.

When granting a variance, the Board of Appeals may attach conditions provided this Ordinance does not expressly forbid it and provided the conditions are in order to promote substantial compliance with this Ordinance. For example, the Board of Appeals may grant a variance subject to the condition that the applicant landscape sufficiently to protect abutting property owners; or, in order to facilitate traffic flow and avoid congestion, the Board of Appeals may attach conditions which determine the location of driveways, parking areas or garages.

In all cases involving dimensional requirements, the variance, if granted, should be the minimum distance necessary to relieve hardship. For example, if an applicant requests a thirty (30) foot variance from a seventy-five (75) foot setback requirement which causes undue hardship, and a fifteen (15) foot variance would relieve hardship, the Board of Appeals should grant a fifteen (15) foot variance.

5.2 Appeals

5.2.1 Administrative Appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of the Ordinance. The jurisdiction shall be limited to hearing requests for interpreting the meaning of terms which are called into question, and to hearing a request to determine if the Code Enforcement Officer or Planning Board acted in accordance with the procedures of this Ordinance. The Board of Appeals shall not have the authority to substitute its judgment for that of the Code Enforcement Officer or Planning Board with respect to any of the standards of this Ordinance.

5.3 Variances. Prohibited Uses. Variances shall not be granted for establishment of any uses prohibited by this Ordinance.

Meet all Standards. The Board of Appeals shall not grant a variance unless it finds that the proposed structure or use would meet all of the standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought.

5.3.1 Undue Hardship. Except as provided in 5.3.2, 5.3.3, 5.3.4 and 5.3.5 below, the Board of Appeals may grant a variance only when strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

5.3.1.1 Reasonable Return. The land in question can not yield a reasonable return unless a variance is granted;

5.3.1.2 Unique Circumstances. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

5.3.1.3 Essential Character. The granting of a variance will not alter the essential character of the locality; and

5.3.1.4 Action of the Applicant. The hardship is not the result of action taken by the applicant or a prior owner.

5.3.2 Variance from Dimensional Standards. A variance from the dimensional standards of this Ordinance may be approved when strict application of this Ordinance to the petitioner and the petitioner's property would cause a "practical difficulty" and when the following conditions exist:

5.3.2.1 Unique Circumstances. That the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

5.3.2.2 Undesirable Change. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

5.3.2.3 Action Taken by the Petitioner. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

5.3.2.4 Other Feasible Alternative. No other feasible alternative to a variance is available to the petitioner;

5.3.2.5 Natural Environment. The granting of a variance will not unreasonably adversely affect the natural environment.

5.3.2.6 Not Within Shoreland Zone. The property is not located in whole or in part within shoreland areas as described in 38-A, M.S.R.A., § 435.

As used in this subsection, "practical difficulty" means that the strict application of this Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the district in which the property is located and results in significant economic injury to the petitioner.

As used in this subsection, "dimensional requirements" include, but are not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

5.3.3 Variance from Setback Standards for Single-Family Dwellings. A variance from the setback requirements only, may be granted for a single-family dwelling when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

5.3.3.1 Unique Circumstances. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

5.3.3.2 Essential Character. The granting of a variance will not alter the essential character of the locality;

5.3.3.3 Action Taken by the Applicant. The hardship is not the result of action taken by the applicant or a prior owner;

5.3.3.4 Abutting Property. The granting of the variance will not substantially reduce the value or impair the use of abutting property; and

5.3.3.5 Need. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance under this subsection is limited to setback requirements for a single-family dwelling that is the primary year-round residence of the applicant. The variance may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, except that variances of greater than twenty percent (20%) may be approved if the petitioner has obtained the written consent of any directly affected abutting landowner, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to 38 MRSA §435 - 449.

5.3.4 Variances – Floodplain Management. Within Floodplain Management areas the Board of Appeals may grant a variance from the requirements of this Ordinance consistent with State law and the following criteria:

5.3.4.1 Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

5.3.4.2 Variances shall be granted only upon:

5.3.4.2.1 A showing of good and sufficient cause;

5.3.4.2.2 A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;

5.3.4.2.3 A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

5.3.4.2.4 A determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

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

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

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

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

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

a. Other criteria of the Waldoboro Floodplain Management Ordinance and this Section are met; and

b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

a. The development meets the criteria of this Article; and,

b. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Any applicant who meets the criteria of this Article shall be notified in writing over the signature of the Chair of the Board of Appeals that:

a. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

b. Such construction below the base flood level increases risks to life and property; and

c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

5.3.5 Disability Variances. The Board of Appeals may grant a disability variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling. For the purposes of this subsection, a "disability" has the same meaning as a physical or mental handicap under 5 M.R.S.A. §4553, and the term "structure necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

5.4 Appeals Procedure

5.4.1 Making an Appeal

5.4.1.1 Timely Appeal. Any party aggrieved by a decision of the Code Enforcement Officer or Planning Board shall file an appeal request within thirty (30) days of the decision.

5.4.1.2 Notice. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

5.4.1.2.1 Relief Requested. A concise written statement indicating what relief is requested and why it should be granted, and what Article of this Land Use Ordinance is involved.

5.4.1.2.2 Sketch. 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.

5.4.1.2.3 Signature. The application must be signed by the applicant.

5.4.1.2.4 Fee. All variances and administrative appeals by an aggrieved party shall be accompanied by a fee payable to the Town of Waldoboro as established by the Waldoboro Select Board.

5.4.1.3 Additional Information. Additional information deemed necessary by the Board of Appeals to make a fair and equitable decision shall be supplied by the applicant upon request.

5.4.1.4 Record. Upon being notified of an appeal, 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.

5.4.1.5 Notification of Town Officials. The Town Planner shall notify the Board of Appeals and the Planning Board of the request. The Town Planner shall advertise the appeals request in the local newspaper at least seven (7) days before a hearing is scheduled, and such hearing shall be held within thirty (30) days of the request.

5.4.1.6 Notification of Abutters. The Town Planner shall notify the owners of property abutting the appellant's property and directly across the public rights-of-way from the property for which an appeal is requested, of the nature of the request and of the date, time and place of the public hearing thereon. Failure of any property owner to receive a notice of a public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

5.4.1.7 Code Enforcement Officer Involvement. The Code Enforcement Officer shall attend all hearings and may present to the Board all plans, photographs or other material s/he deems appropriate for an understanding of the appeal.

5.4.1.8 Planning Board. The Board of Appeals, where it deems appropriate, may request the Planning Board to review an appeal request and file an advisory opinion with the Board of Appeals. Any such advisory opinion shall be requested in a timely fashion in order that it may be read into the record at the Board of Appeals hearing.

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

5.4.2 Decision by Board of Appeals

5.4.2.1 Quorum. A majority of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal.

5.4.2.2 Majority Vote. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to effect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

5.4.2.3 Burden of Proof. The person filing the appeal shall have the burden of proof. For "de novo" administrative appeals, the Board of Appeals may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to represent the party's case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct any cross-examination that is required for a full and true disclosure of the facts.

5.4.2.4 Written Decision. The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

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

5.4.2.6 Variance Recorded. If the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local Registry of Deeds within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval. The certificate of variance shall be mailed to owners

of abutting property and the owner requesting the variance. The applicant shall be required to pay within ten (10) days all fees required to record the certificate of variance.

5.4.3 Appeal to Superior Court. 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 30-A M.R.S.A. §2691(3)(F), within forty-five (45) days from the date of the vote on the original decision of the Board of Appeals. This time period may be extended by the court upon motion for good cause shown.

5.4.4 Reconsideration. In accordance with 30-A M.R.S.A. § 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). For "de novo" administrative appeals, 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.

5.4.5 Repetitive Appeals. The Board of Appeals may not entertain a second application for a variance concerning the same property after the previous application has been denied, unless conditions have substantially changed.

Article 6 Land Use Districts

6.1 Districts Established. For the purpose of this Ordinance, the Town of Waldoboro is divided into the following districts:

Town-wide Districts	**Shoreland Districts (see Article 11)**
Downtown Business	Stream Protection
Historic Village	Resource Protection
Industrial	Limited Residential
Residential	Limited Commercial
Route 1 Commercial A	General Development
Route 1 Commercial B	Commercial Fisheries/ Maritime Activities
Rural	
Rural Village Business	
Village	
Wellhead Overlay (Article 14)	

6.2 Land Use and Shoreland Zoning Maps. The location and boundaries of the above districts are hereby established as shown on the map entitled "Land Use Map of the Town of Waldoboro, Maine" approved by the voters June 16, 2005 and “Town of Waldoboro Shoreland Zoning Map” dated August 1, 2002, filed with the Town Clerk, which maps are hereby made part of this Ordinance.

Shoreland areas as defined in Article 11 are supplemental to the Town-wide districts listed in Section A above and are subject to the provisions of Article 11 of this Ordinance, in addition to the provisions of the district in which they are located.

The Official Land Use Maps 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.

6.3 Location and Authority of Land Use Map. The official Land Use Map shall be located in the Town Clerk's office and shall be the final authority as to the current status of the land and water areas, buildings and other structures in the Town.

6.4 Uncertainty of District Boundaries. Land use district boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. When the Code Enforcement Officer cannot definitely determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Land Use Map, or by the fact that it clearly coincides with a property line, the Code Enforcement Officer shall refuse action, and the Board of Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Land Use Map and the purposes set forth in all relevant provisions of this Ordinance.

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

6.6 Purpose of Districts.

6.6.1 Downtown Business District. The intent of the Downtown Business District is to protect the downtown commercial area of Waldoboro by allowing commercial and residential uses in existing

buildings or in new buildings that are consistent with the architecture of a 19th century New England village, as well as apartments, theaters, libraries, public uses and parking lots. In order to encourage compact-type urban developments, there are no lot size requirements.

6.6.2 Historic Village District. The purpose of the Historic Village District is to preserve the 19th century character of the area. The intent is to allow residential uses, home occupations and some businesses in existing or new buildings consistent with the historic architecture.

6.6.3 Industrial District. The purpose of the Industrial District is to allow light industry/manufacturing and heavy industry/manufacturing into areas established for these activities.

6.6.4 Residential District. The purpose of the Residential District is to retain the rural character of Waldoboro and to protect residential property values by allowing agriculture, forestry, home occupations and low-density, single-family residential development. The district applies to land areas on the water sides of Route 32 and 220 south of Waldoboro Village and areas within 400 feet of the landward side of Routes 32 and 220 south of Waldoboro Village.

6.6.5 Route One Commercial A District. The purpose of the Route One Commercial A District, which applies to portions of Route One, is to replace the strip development with well-planned, attractive, well –landscaped development, to encourage a uniform street-scape along the corridor, to minimize roadway openings onto Route One, and to provide vehicle connections between lots. The district is designated for a mix of residential/commercial uses, commercial uses, light industry/manufacturing, agriculture and forestry.

6.6.6 Route One Commercial B District. The purpose of the Route One Commercial B District is to allow business and light industry/manufacturing development along Route One with fewer restrictions than in the Route One Commercial A District.

6.6.7 Rural District. The purpose of the Rural District is to retain the rural character of Waldoboro by allowing agricultural, forestry, aquaculture, home occupations, accessory retail and light industrial uses. Low-density residential uses are also permitted. The Rural District encompasses most of the land area in the Town and is intended for non-intensive uses and traditional rural activities subject to performance standards that retain the character and density. Permitted uses include open spaces, agriculture uses, forestry, and areas for wildlife and recreation. Manufactured home parks are permitted only within a two-mile radius of the intersection of Jefferson Street and Route One.

6.6.8 Rural Village Business District. The purpose of the Rural Village Business District is to encourage small scale residentially-compatible business activities in Waldoboro's historic rural crossroad neighborhoods.

6.6.9 Village District. The purpose of the Village District is to retain and protect the character of Waldoboro Village and to provide for future growth consistent with existing land development patterns. The following uses are encouraged: single, two family and multi-family residential, home occupations, municipal and institutional uses, churches, libraries, schools and small-scale commercial activities.

6.6.10 Wellhead Overlay Protection District. The purpose of the District is to protect the public water supply in Waldoboro from land uses that pose a threat to the quality and/or quantity of ground water being extracted from the wells that serve the public water system.

6.6.11 Shoreland Districts. The Shoreland Districts are intended to comply with the mandatory Shoreland Zoning, 38 M.R.S.A. § 435-449 (see Article 11).

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

6.6.11.1.1 Mix of Activities. Areas of two (2) or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including, but not limited to, the following:

6.6.11.1.2 Industrial Activities. Areas devoted to manufacturing, fabricating or other industrial activities;

6.6.11.1.3 Commercial Activities. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and,

6.6.11.1.4 Recreational Activities. Areas devoted to intensive recreational development and activities, such as, but not limited to, amusement parks, racetracks and fairgrounds.

6.6.11.1.5 Patterns of Uses. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

6.6.11.3 Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, excluding the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

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

6.6.11.5 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, General Development, or Water-dependent Commercial Maritime Activities Districts need not be included within the Resource Protection District:

6.6.11.5.1 Wildlife Habitat. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value 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 as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river. Wetlands rated as "moderate" or "high" value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife by document entitled "Conservation of Inland Fisheries and Wildlife Habitat", based on a wetlands inventory and assessment completed in 2006 by MDIF&W, include the wetlands listed below.

Wetland ID #	Tax Map	Wetland ID #	Tax Map
Iwwh030092	R10	Iwwh030037	R17
Iwwh200789	R8, R11	Iwwh030083	R1, R2
Iwwh030084	R11	Iwwh030739	R14, R15, R18, R19
Iwwh030006	R3	Iwwh030038	R15, R16, R18
Iwwh030012	R17	Iwwh030088	R15
Iwwh030009	R4	Iwwh030048	R14, R19
Iwwh030045	R23	Iwwh030047	R14, R19
Iwwh030057	R21	Iwwh030062	R14
Iwwh030034	R23, R24	Iwwh030074	R6, R15
Iwwh030031	R3, R4	Iwwh030077	R6, R9, R13, U7
Iwwh204320	R11	Iwwh030040	R13
Iwwh204158	R19, R20	Iwwh204172	R7
Iwwh030036	R18	Iwwh030042	R12
Iwwh204160	R18	Iwwh030050	R12
Iwwh030010	R17	Iwwh030075	R12, R13
Iwwh030041	R16, R17, U14		

6.6.11.5.2 100-Year Floodplains. 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. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps.

6.6.11.5.3 Slopes. Areas of two (2) or more contiguous acres with sustained slopes of twenty percent (20%) or greater.

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

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

6.6.11.6 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, excluding those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within 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.

6.6.11.7 Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/ Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in Table 6.7.5 and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

6.6.11.7.1 Winds. Shelter from prevailing winds and waves;

6.6.11.7.2 Slopes. Slope of the land within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line;

6.6.11.7.3 Water Depth. Depth of the water within one hundred and fifty (150) feet, horizontal distance, of the shoreline;

6.6.11.7.4 Support Facilities. Available support facilities including utilities and transportation facilities; and,

6.6.11.7.5 Upland Uses. Compatibility with adjacent upland uses.

6.7 Schedule of Uses.

6.7.1 Activity Categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Commercial; Industrial; Institutional; and Miscellaneous.

6.7.2 Symbols Used in Schedule of Uses. The following symbols contained in the Schedule of Uses have the following meanings:

- Yes - No permit required (must comply with land use standards).

- CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer.

- CP - Uses requiring approval from the Code Enforcement Officer and Town Planner in accordance with the requirements of Article 3 of this Ordinance.

- PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article 3 of this Ordinance.

- 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.

- Blank - Not permitted.

6.7.3 Compliance with Performance Standards. All uses which are permitted must occur and be maintained in compliance with the applicable requirements of the performance standards listed in Articles 7, 8, 9, and 10.

6.7.4 Change of Use. In any instance where the proposed 'PB' use shall alter only the use of the building, the proposed use shall be subject to 'CP' for approval. The use must still be considered permittable in the applicable district based on the placement found under 6.7.5 (Matrix). This subsection is not applicable to 6.7.6 (Land Uses in the Shoreland Zone) of this Ordinance.

6.7.5 Matrix

	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
RURAL USES									
Agriculture	YES	YES	YES	CEO	CEO	CEO	YES	YES	CEO
Agriculture-related business (Small)	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Agriculture-related business (Large)	PB	PB	PB				PB	PB	
Aquaculture	YES	YES	YES	YES	YES	YES	YES	YES	YES
Cemeteries	PB	PB	PB	PB	PB	PB	PB	PB	
Forestry	YES	YES	YES				YES	YES	
Green Cemeteries	PB								
Hybrid Growing	CP	CP	CP	CP	CP		CP	CP	CP
Horse Operation, Commercial	PB						PB	PB	
Livestock Operation	CP		CP				CP	CP	
Marine Recreation	CP		CP	CP	CP	CP	CP	CP	
Outdoor Conservation and Recreation Uses	CP	CP	CP	CP	CP	CP	CP	CP	CP
Passive Recreation	YES	YES	YES	YES	YES	YES	YES	YES	YES
Renewable Energy Structures (Self)	CP	CP	CP	CP	CP	CP	CP	CP	CP
Renewable Energy Structures (Commercial)	PB	PB	PB	PB	PB	PB	PB	PB	PB

	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Resource Extraction and Borrow Pits	PB	PB	PB				PB	PB	PB
Storage of Fishing, Clamming, and Similar Gear	YES	YES	YES	YES	YES	YES	YES	YES	YES
RESIDENTIAL USES									
Accessory Dwelling Unit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Accessory Structure (greater than 100sq ft)	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Child Care, Minor	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Community Living Facility	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Congregate Care Facility	PB	PB	PB	PB	PB	PB			
Expansion of an Existing Manufactured Home Park	PB	PB	PB	PB	PB	PB	PB	PB	
Group Home Facility							PB	PB	
Home Occupation	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Individual Campsite	CEO	CEO	CEO				CEO	CEO	
Boardinghouse	PB	PB	PB	PB	PB	PB	PB	PB	
Mixed-Use Dwelling *7	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
Multi-family Dwellings (3 or more units)	PB	PB	PB	PB	PB	PB	PB	PB	

	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
New Manufactured Home Park	PB	PB	PB	PB					
Open Space/ Cluster Subdivisions	PB	PB	PB	PB			PB	PB	
Single/ Two-family Dwelling	CEO	CEO	CEO	CEO	CEO	CEO	CP	CP	
Single-wide Manufactured Home	CEO	CEO	CEO	CEO	CEO	CEO	CP	CP	
Subdivisions	PB	PB	PB	PB	PB	PB	PB	PB	PB
Short-Term Rental	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
COMMERCIAL USES									
Adult Business Establishment/ Entertainment							PB		
Accessory Structure (greater than 100sq ft)	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Animal Recreation	PB		PB	PB					
Animal Services	PB		CP	PB		CP	CP	CP	
Artist/ Crafts/ Workshop Studio	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Auction Barn	PB		PB			PB	PB	PB	PB
Auto Graveyard	PB								
Barber, Beauty Shop	CP		CEO	CEO	CEO	CEO	CEO	CEO	
Bed & Breakfast/ Inn	PB	PB	PB	PB	PB	PB	PB	PB	

Boat Building and Repair	PB					PB	PB	PB	CEO
Breweries, Distilleries, and Vineyards/ Wineries	PB		PB	PB	PB	PB	PB	PB	PB
Building Supply Outlet						PB	PB	PB	
Business Incubator	PB		PB	PB		PB	PB	PB	PB
Cafes/ Delis/ Bars	PB		PB	PB	PB	PB	PB	PB	
Campground and Tenting Ground (Small)	PB	PB					PB		
Campground and Tenting Ground (Large)	PB						PB		
Catering	CP	CP	CEO	CP	CP	CEO	CEO	CEO	CEO
Child Care Facility	PB	PB	CEO	PB	PB	CEO	CEO	CEO	PB
Clubs and Civic Service	PB	PB	PB	PB	PB	PB	PB	PB	
Construction Services	PB		PB				PB	PB	PB
Convenience Store with Fuel Sales			PB			PB	PB	PB	
Convenience Store without Fuel Sales			CP	CP		CP	PB	PB	
Cottage Industries	CP		PB			CP	CP	CP	
Crematorium	PB						PB		PB
Distribution/ Fulfillment Center	PB						PB	PB	PB
Event Center (Minor)	PB			PB			PB	PB	

Event Center (Major)	PB						PB		
Farm Stands	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	
	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Farmers Market	PB	PB	PB	PB	PB	PB	PB	PB	
Fast Food Restaurant							PB	PB	
Financial Institution/ Bank			PB	PB	PB	CP	PB	PB	
Food Trucks	CP		CP	CP	CP	CP	CP	CP	CP
Food Truck Center			PB	PB			PB	PB	PB
Fuel Storage/ Distribution							PB	PB	PB
Funeral Home				PB	PB	PB	PB	PB	
Golf Course, Driving Range	PB						PB	PB	
Gun Club/ Shooting Range	PB								
Hotel or Motel	PB		PB			CP	PB	PB	
Kennels, Commercial	PB						PB	PB	
Kiosks			CEO	CP	CP	CEO	CEO	CEO	CEO
Land-based Aquaculture	PB						PB	PB	PB
Laundromats, Dry Cleaners			PB			PB	PB	PB	
Marina	PB	PB	PB			PB	PB	PB	PB
Medical Office			PB	PB	PB	PB	PB	PB	
Methadone Clinic							PB		

Minor Commercial Additions	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Museums and Galleries	PB	PB	PB	PB	PB	CEO	CEO	CEO	
	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Nursery, Greenhouse	PB		PB	PB	PB	PB	CP	CP	PB
Office	CEO		CEO	CP	CP	CEO	CP	CP	CP
Outdoor Performance	CP	CP	CP	CP	CP	CP	CP	CP	CP
Parking Lots	PB	PB	CEO	PB	PB	CEO	CEO	CEO	CEO
Recreational Facility	PB		PB	PB		PB	PB	PB	PB
Recycling Center							PB	PB	PB
Redemption Center	PB		CP	CP			CP	CP	
Research/ Lab Facilities						PB	PB	PB	PB
Restaurant			PB	PB	PB	CP	PB	PB	
Large Retail Sales			PB	PB	PB	CP	PB	PB	
Accessory (Small) Retail Sales	PB		PB	PB	PB	CP	PB	PB	
Self-storage Units, Commercial							PB	PB	
Shopping Centers	PB		PB			PB	PB	PB	
Theaters			PB	PB	PB	CP	PB	PB	
Vehicle Sales less than 15 vehicles	CEO		CEO				CEO	CEO	

Vehicles Sales more than 15 vehicles							CEO	CEO	
	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Vehicle Service	PB		PB				CEO	CEO	CEO
Veterinary Clinic	PB		PB	PB			PB	PB	PB
Wireless Telecommunication	PB						PB	PB	PB
	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Wholesale Business						PB	PB	PB	PB
Woodworking	CP		CP			~~PB~~	CEO	CEO	CEO
INDUSTRIAL USES									
Accessory Structure (greater than 100sq ft)	CEO						CEO	CEO	CEO
Boat Storage, Commercial	PB	PB					PB	PB	PB
Firewood Processing, Commercial	PB	PB					PB	PB	PB
Industrial							PB	PB	PB
Light Industrial	PB		PB				CEO	CEO	CEO
Sawmill							PB	PB	PB
Trucking Terminals							PB	PB	PB
Warehousing							PB	PB	PB
INSTITUTIONAL USES									
Church	PB	CP	CP	CP	CP	CP	PB	PB	

Community Service Organization	CP	CP	CP	CP	CP	CP	CP	CP	
Hospitals, Nursing and Convalescent Homes, and Commercial Schools	PB	PB	PB	PB	PB	PB	PB	PB	
Municipal Buildings and Uses	PB	PB	PB	PB	PB	PB	PB	PB	PB
Municipal Solid Waste Facility	PB								PB
	Rural	Residential	Rural Village	Village	Historic Village	Downtown	Route 1A	Route 1B	Industrial
Public Buildings and Uses other than Municipal			PB	PB	PB	PB	PB	PB	PB
Public and Private Schools	PB	PB	PB	PB	PB	PB			
MISCELLANEOUS USES									
Demolition	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Essential Services	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Essential Service Buildings	PB	PB	PB	PB	PB	PB	PB	PB	PB
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Allowed Uses	CP	CP	CP	CP	CP	CP	CP	CP	CP
Uses Similar to Uses Requiring CEO Approval	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring PB Approval	PB	PB	PB	PB	PB	PB	PB	PB	PB

KEY:

CEO- Code Enforcement Officer

CP- Code Enforcement Officer & Planner

PB- Planning Board

YES- Allowed without review

BLANK- Prohibited/ Not allowed in District.

(1) Manufactured home parks proposed in the Rural or Village Districts are only allowed if located within a two (2) mile radius of the intersection of Jefferson Street and U.S. Route 1

(2) Single-wide manufactured homes proposed in the Village, Route One Commercial A, or the Route One Commercial B Districts are allowed only in manufactured home parks in effect as of the effective date of this Ordinance or in permitted expansions of those manufactured home parks

(3) Uses proposed in a Shoreland District are also subject to the requirements contained in Article 11, Shoreland Zoning.

(4) A permit is needed for structures over 100 square feet outside the shoreland zone and all structures within the shoreland zone

(5) Uses listed as industrial are prohibited from that part of the Industrial District within 300 feet of the Medomak River downstream from Main Street

(6) Any activity proposed within the Wellhead Overlay Protection District shall comply with the applicable requirements of Article 14 of this Ordinance. The Waldoboro Land Use District Map shall be consulted to determine the Wellhead Overlay Protection District boundaries.

(7) For Mixed Use Buildings, the highest standard of review necessary for any of the proposed uses will be followed for all the uses. i.e. if any of the uses individually would require planning board approval, the whole project needs to go before the planning board. But if each use separately only needs Planner/CEO approval, the whole project only needs CP approval.

6.7.6 Land Uses in the Shoreland Zone

Shoreland Use	Stream Protection	Resource Protection	Limited Residential	Limited Commercial	General Development	Commercial Fisheries/ Maritime Activities
Non-intensive recreational use not requiring structures, such as hunting, fishing, and hiking	YES	YES	YES	YES	YES	YES
Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES	YES	YES
Motorized vehicular traffic on intertidal land						
Clearing or removal of vegetation for approved construction and other allowed uses	CEO	CEO[1]	YES	YES	YES	YES
Fire prevention activities	YES	YES	YES	YES	YES	YES

Wildlife management practices	YES	YES	YES	YES	YES	YES
Soil and water conservation practices	YES	YES	YES	YES	YES	YES
Mineral Exploration						
Mineral extraction including sand and gravel extraction						
Surveying and resource analysis	YES	YES	YES	YES	YES	YES
Emergency operations	YES	YES	YES	YES	YES	YES
Agriculture	YES	PB	YES	YES	YES	YES
Aquaculture	PB	PB	PB	YES	YES	YES
	Stream Protection	Resource Protection	Limited Residential	Limited Commercial	General Development	Commercial Fisheries/ Maritime Activities
Structures accessory to allowed uses	PB[4]	PB	CEO	CEO	CEO	PB
Conversions of seasonal residences to year-round residences. Example: water and septic	LPI	LPI	LPI	LPI	LPI	
Home Occupations	CEO	CEO	CEO	CEO	CEO	CEO
Accessory Apartment	CEO[4]	CEO	CEO	CEO	CEO	
Short-Term Rental			CEO	CEO	CEO	
Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
Service drops, as defined, to allowed uses	YES	YES	YES	YES	YES	YES
Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO[5]
Individual private campsites	CEO	CEO	CEO	CEO	CEO	
Campgrounds		[7]	PB	PB	PB	

Road construction	PB	[8]	PB	PB	PB	PB[5]
Driveway construction	CEO	[8]	CEO	CEO	CEO	CEO[5]
Parking facilities		[7]	PB	PB	PB	PB[5]
Marinas[14]						
Filling and earthmoving of 10 or less cubic yards	CEO[15]	CEO[15]	YES[15]	YES[15]	YES[15]	YES[15]
	Stream Protection	Resource Protection	Limited Residential	Limited Commercial	General Development	Commercial Fisheries/ Maritime Activities
Filling and earthmoving of greater than 10 cubic yards	PB[15]	PB[15]	CEO[15]	CEO[15]	CEO[15]	CEO[15]
Signs	CEO	CEO	CEO	CEO	CEO	CEO
Principal structures and uses						
One- and two-family residential	PB[4]	PB[9]	CEO	CEO	CEO	
Multi-unit residential			PB	PB	PB	
Commercial		[10]	[10]	PB	PB	PB[5]
Industrial					PB	
Governmental and Institutional			PB	PB	PB	PB[5]
Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO	PB[5]
Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland						
Temporary	CEO[11]	CEO[11]	CEO[11]	CEO[11]	CEO[11]	CEO[11]
Permanent	PB	PB	PB	PB	PB	PB[5]
Essential Services[2]						

Roadside distribution lines (34.5 kV and lower)	CEO[6]	CEO[6]	YES	YES	YES	YES
Non-roadside or cross-country distribution lines involving 10 poles or less in the shoreland zone	PB[6]	PB[6]	CEO	CEO	CEO	CEO
	Stream Protection	Resource Protection	Limited Residential	Limited Commercial	General Development	Commercial Fisheries/ Maritime Activities
Other essential services	PB[6]	PB[6]	PB	PB	PB	PB
Uses similar to:						
Allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
Uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
Uses requiring PB	PB	PB	PB	PB	PB	PB

- All items in the Shoreland Zoning matrix are subject to Article 11 (Shoreland Zoning)
- Activities in the intertidal zone relate to Land Use Matrix

KEY:

CEO- Code Enforcement Officer

CP- Code Enforcement Officer & Planner

PB- Planning Board

YES- Allowed without review (must comply with Land Use Standards)

LPI- Requires permit issued by the Local Plumbing Inspector

BLANK- Prohibited/ Not allowed in District.

FOOTNOTES:

1. In Resource Protection: Not permitted within 75 feet, horizontal distance, of the normal high-water line of Great Ponds, except to remove safety hazards.
2. Following items require Planning Board approval based on restriction of Article 11, Section 11.6.13 (Shoreland Zoning, Essential Services).
3. *Removed*
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and accessory uses to such water-dependent uses only.
6. See further restrictions in Article 11, Section 11.6.13 (Shoreland Zoning, Essential Services).
7. Except when area is zoned for resource protection due to floodplain criteria, in which case approval is required from the Planning Board.
8. Only to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the Resource Protection area, in which case, approval is required from the Planning Board.

9. Single-family residential structures may be allowed by special exception only according to the provisions of Article 11, Section 11.7.8 (Shoreland Zoning, Special Exceptions). Two-family residential structures are prohibited.
10. Except for the commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective districts.
11. Excluding bridges and other crossings not involving earthwork, in which case, no permit is required.
12. Permit not required, but owner must file a written "notice of intent to construct" with Code Enforcement Officer.
13. *Removed*
14. Marinas are prohibited on both fresh and salt water.
15. Soil disturbance is prohibited within 75 feet of the normal high water line of fresh or salt water bodies, the upland edge of wetlands, and within 100 feet of Great Ponds and rivers that flow to Great Ponds; except as allowed under the State codes for wells and septic systems.

6.8 Schedule of Dimensional Requirements All structures and uses under 6.7.4 (Matrix) shall meet or exceed the following minimum dimensional requirements. Footnotes on some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

	Rural	Residential	Rural Village Business	Village	Historic Village	Downtown Business	Route 1 Commercial A	Route 1 Commercial B	Industrial
Minimum Lot Size **(sq. ft.)**	80,000	80,000			None	None			
Public Water & Sewer	-	-	5,000	5,000			5,000	5,000	5,000
Public Sewer Only	-	-	20,000	20,000			20,000	20,000	20,000
Public Water Only	-	-	40,000	40,000			40,000	40,000	40,000
No Public Water or Sewer	-	-	80,000	80,000			80,000	80,000	80,000
Road Frontage **(ft.)**	200	200			75	None			
Public Water & Sewer	-	-	50	50			75	75	75
Public Sewer Only	-	-	75	75			100	100	100
Public Water Only	-	-	100	100			200	125	125
No Public Water or Sewer	-	-	150	150			400	150	150
Shore Frontage **(ft.)**	200	200	200	200	200	200	200	200	200
Road Setback **(ft.)**	75	75	25	25	25	None	100	25	75
Side, Rear Setbacks **(ft.)**	30	30	15	15	5	None	30	15	30
Max. Lot Coverage	40%	40%	50%	50%	50%	100%	70%	70%	80%
Max. Building Height **(ft.)**	42	42	42	42	42	42	42	42	42

6.9 Other Dimensional Requirements

6.9.1 For multiple commercial uses, 80,000 square feet and 400 feet of road frontage and 100 feet setback for each use provided that developments which retain at least 50% of the frontage and lot area as open space and provide shared driveways no closer than 600 feet apart and/or a frontage road, the lot size is 80,000 square feet for the first use and 10,000 square feet for each additional use, the frontage is 400 feet for the first use and 50 feet for each additional use, and all buildings are set back at least 100 feet from the edge of the traveled way, but not within the right-of-way.

6.9.2 Lots for some utility installations such as pump lifts, transformer yards, telephone relays, etc. do not have to meet the minimum lot size.

6.9.3 Road setback is measured from the edge of the traveled way, but not within the right-of-way.

6.9.4 The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exception:

6.9.4.1 A duplex shall be subject to the same minimum lot size requirement as a single-family dwelling. By way of illustration, in the Rural District a single-family dwelling would require 80,000 square feet, a duplex would require 80,000 square feet, and two separate dwellings would require 160,000 square feet. Each separate dwelling on a single lot requires the net developable acreage as required by this Ordinance.

6.9.4.2 One (1) Accessory Apartment per lot shall be subject to the same minimum lot size requirement as a single-family dwelling. By way of illustration, in the Rural District a single-family dwelling would require 80,000 square feet, a single-family dwelling with one (1) Accessory Apartment would require a total of 80,000 square feet. This exception is not applicable in the Shoreland Zone. A single-family dwelling with one (1) Accessory Apartment in the Shoreland Zone shall require 160,000 square feet.

6.9.4.3 An Affordable Housing Development shall have a density of 2.5 times the base density that is otherwise allowed in that location if it complies with the standards found under Section 10.18 (Specific Performance Standards, Mult-Family Dwellings). By way of illustration, in the Village District, a Multi-Family Dwelling unit (3 or more families) would require a minimum of 15,000 square feet for three (3) units; whereas an Affordable Housing Development would contain seven (7) units on the same lot size of 15,000 square feet.

6.9.5 The minimum road setback of principal structures in the Rural Village, Village, and Historic Village Districts where buildings have traditionally been sited closer to the road may be reduced to the average road setback of existing principal buildings located within 500 feet and which front on the same road.

6.9.6 Notwithstanding other provisions of this ordinance, where no other feasible alternative exists, a handicapped ramp may be added to an existing building closer than the required setbacks, provided that the applicant is a disabled person, that the property is to be used by persons with disabilities, as defined by the Americans with Disabilities Act (ADA); or that the property is a place of "public accommodation"; and that the design of the access structure conforms with ADA guidelines.

6.9.7 All structures and uses under 6.7.6 (Land Uses in the Shoreland Zone) must conform to the dimensional requirements found in Article 11 Section 11.6.1 (Shoreland Zoning, Minimum Lot Standards).

Article 7 General Performance Standards

7.1 Buffer Areas No industrial or commercial buildings or uses shall be established in, or about, a residential use, unless a landscaped buffer strip is provided to visually screen the uses. Where no natural vegetation can be maintained due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, commercial boat storage, vehicle parking, mineral extraction, waste collection, and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained, and vegetation replaced to ensure continuous year-round screening.

The following standards apply to buffer strips, screening and landscaping required under this Ordinance:

7.1.1 Buffer Strips Buffer strips shall be required of the following widths for the following areas and/or purposes:

7.1.1.1 Protect Water Bodies Along any water body within or adjacent to the project where the Planning Board determines it desirable and necessary to protect such water bodies from sedimentation and pollution: Such buffer strips shall be a minimum of seventy-five (75) feet in width or such greater width which in the judgment of the Planning Board may be necessary to protect water bodies from sedimentation and pollution.

7.1.1.2 Buffer Strip on Adjacent Lot If there is a buffer strip on the adjacent lot and the applicant for Site Plan Approval provides the Planning Board with some form of guarantee from the abutter acceptable to the Board that the adjoining buffer strip will remain undeveloped, the Planning Board may reduce the required buffer strip by the width of the encumbered adjoining buffer strip.

7.1.1.3 Route 1 Buffer A vegetative buffer, 15 feet deep, as measured from the front property line, shall be provided along Route 1 for all new commercial developments and for the redevelopment and expansion of existing commercial properties. Parking shall be prohibited within this buffer strip.

7.1.1.4 Incompatible Uses Along any property line, where the Planning Board determines the adjacent uses are incompatible, to shield incompatible uses from one another. Such buffer strips shall be a minimum of twenty-five (25) feet in width and such additional width which in the judgment of the Planning Board may be necessary to shield incompatible uses from ordinary view. In determining incompatible uses, the Planning Board shall consider whether the intensity of uses on the site in question would cause an undue loss of “quiet enjoyment” upon an adjacent property.

7.1.1.5 Visual Impacts Along any property line, where the Planning Board determines it necessary to minimize the visual impact on adjoining traveled ways and properties of uses including, but not limited to, the following: exposed storage and service areas, sand and gravel extraction operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, and loading and unloading areas. Such buffer strips shall be consistent with setback requirements.

7.1.1.6 Buffering of Residential Uses Any lot within the Urban Compact line (see Appendix A) of the community that is used for nonresidential or multifamily residential purposes shall have a landscaped buffer on any property line that abuts a residential use or residentially zoned lot. The width of the buffer may vary depending on the treatment of the area. A buffer with dense planting, fencing, or changes in

grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width.

In all residential settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading or storage areas should be screened by dense planting, berms or a combination thereof.

7.1.2 Screening Screening within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features do not exist, is required as follows:

7.1.2.1 Natural Features Natural features in buffer strips shall be maintained wherever possible. When natural features such as topography, gullies, stands of trees, shrubbery, and/or rock outcrops do not exist or are insufficient to screen structures and uses from the view of abutting properties and, where applicable, public roadways, other types of buffers shall be provided to supplement the existing features.

7.1.2.2 Vegetation Variety All buffers that contain vegetation shall provide for a variety and mixture of landscaping. The variety shall be based on a consideration of susceptibility to disease, hardiness for specific site location, colors, season, textures, shapes, sizes, blossoms and foliage. Planted vegetation shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover, the species of which shall be well-suited to the Waldoboro area and approved by the Planning Board.

7.1.2.3 Vegetation Standards Where planting is required, as determined by the Planning Board, at least one (1) shade tree at least six (6) feet in height and at least two and a half (2 ½) to three (3) inches in diameter, measured at a point four (4) feet above finished grade level, shall be planted no nearer than five (5) feet to any lot line for each three hundred (300) square feet of required landscaped area; and at least one (1) deciduous shrub or evergreen at least eighteen (18) inches above finished grade level, shall be planted for each two hundred (200) square feet of finished landscaped area.

7.1.2.4 Fencing Where fencing is provided, it shall be no more than six (6) feet in height, and shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties, except that the Planning Board may require up to an eight (8) foot high fence to separate incompatible uses.

7.1.3 Maintenance of Buffer Areas

7.1.3.1 Maintenance All landscaped buffer areas shall be maintained in a healthy, neat and attractive condition by the owner. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.

7.1.3.2 Replacements Vegetation which dies shall be replaced as quickly as possible and within one (1) growing season. Replacement plantings shall conform to the original intent of the landscape design.

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

All parking lots shall be landscaped along the property boundaries with shrubbery, trees, and other landscape materials. Parking lots shall provide a two and one-half inch (2½") caliper shade tree per twenty (20) parking spaces (six (6) trees per acre) located throughout the lot.

7.2 Construction Standards All construction must meet the State adopted codes as follows:

7.2.1 The National Electrical Code, (NEC) published by the National Fire Protection Association.

7.2.2 The NFPA 101 Life Safety Code, published by the National Fire Protection Association.

7.2.3 MUBEC (Maine Uniform Building and Energy Code).

7.2.4 The Maine State Plumbing Code.

7.3 Electrical Disturbances No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio or television interference, or has known adverse effects on human health beyond the boundaries of the site.

7.4 Historic Village District, Architectural Standards The intent of these regulations is to allow uses as permitted in the Schedule of Uses in existing or new buildings consistent with the historic architecture of the District.

7.4.1 Minimal Alteration Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

7.4.2 Architectural Features The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

7.4.3 Historical Reference All buildings, structures, and sites shall be recognized as products of their own time.

7.4.4 Significance Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

7.4.5 Stylistic Features Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

7.4.6 Contemporary Design Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the scale and character of the property, neighborhood, or environment.

7.4.7 Form and Integrity Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

7.4.8 Visual Compatibility New and existing buildings and structures that are moved, reconstructed, materially altered, or repaired shall be visually compatible with the neighborhood.

7.5 Net Developable Acreage Calculation The net developable acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

7.5.1 Unavailable Areas Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.

7.5.2 Floodway Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency (FEMA).

7.5.3 Unsuitability Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

7.5.3.1 Slopes greater than a rise of one (1) foot vertical in four (4) feet horizontal.

7.5.3.2 Wetland soils.

7.5.3.3 Fifty percent (50%) of the poorly drained soils, unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.

7.5.4 Rights-of-Way Portions of the lot subject to rights-of-way, not including driveways with a thirty (30) foot right-of-way serving up to two (2) back lots.

7.5.5 Resource Protection Portions of the lot located in the Resource Protection zone.

7.5.6 Surface Water Portions of the lot covered by surface waters.

7.5.7 The developable area shall have a minimum width and a minimum depth equivalent to 50% the required frontage except that one dimension may be decreased by up to twenty-five percent (25%) as long as the other dimension is increased by the equivalent amount.

7.6 Noise The proposed development shall not increase noise levels to the extent that abutting or nearby properties are adversely affected. In order to comply with this, the development shall meet the following requirements:

The maximum permissible sound level of any continuous, regular, frequent or intermittent source of sound produced by any activity shall be limited according to the time of day and land use which abuts it as listed below.

Abutting Use	Sound level 7 am -7 pm	Sound level 7 pm – 7 am
Residential	55 dBA	45 dBA
Commercial	65 dBA	55 dBA
Industrial	70 dBA	60 dBA
Institutional	55 dBA	45 dBA

Where the abutting property is undeveloped, the sound level shall be equal to or less than the most restrictive other abutting use. Where there are no uses on abutting properties, the sound level at the property line shall be equal to or less than the least stringent use allowed by the land use ordinance.

Sound levels shall be measured at least four (4) feet above the ground at the property line of the resident who has voiced concern about the development. Sound levels shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the latest version of "American National Standards Institute (ANSI S1.4) American Standard Specification for General Purpose Sound Level Meters" and shall have been calibrated at a recognized laboratory within the past year.

The following uses shall be exempt from the sound pressure level regulations:

- Noises created by construction and temporary maintenance activities between 7 a.m. and 7 p.m.
- The noises of safety signals required by OSHA, warning devices, and emergency pressure relief valves and other emergency activities/ vehicles.
- Traffic noise on public roads
- Resource uses in rural areas

When a proposed development is to be located in an area where daytime pre-development ambient hourly sound level (Leq60) is equal to or less than 45 dBA and /or nighttime pre-development ambient hourly sound level is equal to or less than 35 dBA, the hourly sound level resulting from the development shall not cause the ambient hourly sound levels at the property lines of the development to be more than 5 dBA more than the ambient hourly sound level prior to development.

If the daytime and/or nighttime pre-development ambient sound level at the property line of the development site exceeds the daytime and/or nighttime limits by at least 5 dBA, then the daytime and or nighttime limits shall be 5 dBA less than the measured daytime and/or nighttime pre-development ambient hourly standards.

7.7 Lighting All exterior luminaries shall be shielded or hooded to avoid glare, adverse impact on neighboring properties and rights-of-way. No exterior lighting shall produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties.

7.7.1 Requirements Lighting shall meet the following requirements:

7.7.1.1 The light level at lot lines shall not exceed 0.5 foot-candles measured at ground level.

7.7.1.2 The maximum height of freestanding lights shall be the same as the principal building but shall not exceed 20 feet in height.

7.7.1.3 All lights shall have shielding to provide a beam cut-off at no more than seventy-five (75) degrees above nadir.

7.7.1.4 All exterior lighting except security lighting shall turn off between 11 p.m. and 6 a.m. unless the activity is open for business.

7.7.1.5 All commercial, institutional and other similar activities shall provide adequate exterior lighting for occupants, customers and employees.

7.8 Refuse Disposal The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in a manner provided for by federal and State law and this Ordinance. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste if municipal services are utilized. If demolition debris, stumps, rocks, and brush are to be disposed of, they shall be disposed on-site if possible. If they are disposed of at a municipal site, the costs of such disposal shall be paid for by the developer.

The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the Town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and federal regulations. The Planning Board may require the applicant to specify the amount and exact nature of all industrial or chemical and hazardous wastes to be generated by the proposed operation.

7.9 Sanitary Provisions Will provide for adequate sewage disposal.

7.9.1 Adequate Soils When not serviced by the public sewerage system, the approval of building permit applications shall be subject to presentation of a completed Maine Department of Human Services Bureau of Health Engineering site evaluation form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.

7.9.2 Common System When two (2) or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

7.9.3 Commercial or Industrial Waste Industrial or commercial waste waters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with municipal sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial or commercial waste waters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.

7.9.4 Medomak River Discharges Treated industrial waste discharges to the Medomak River shall be prohibited above head of tide.

7.9.5 Municipal Sewage Disposal If the development will use more than 33-1/3% of the available excess capacity of any portion of the municipal sewerage collection system, treatment facility, and/or discharge permits, the developer shall pay for the replacement of the available excess capacity needed by the development.

7.10 Signs For any signs located within Shoreland Zoning, Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts, see Article 11, Section 11.6.9 (Shoreland Zoning, Signs).

7.10.1 Statement of Purpose and Legislative Intent This Ordinance provides a comprehensive approach to sign management that is intended to be practical, fair and safe for everyone concerned. Signs exist to convey information to the general public. This Ordinance seeks to accomplish this purpose in the most efficient manner possible while recognizing the needs of Waldoboro's businesses, residents, and the public at large.

7.10.2 General Regulations No sign may be erected, placed, established, painted, created, or maintained in the town of Waldoboro except in conformance with the standards, definitions, procedures, exemptions, and other requirements of this Ordinance.

7.10.2.1 Illumination No sign shall be illuminated with flashing, moving, or animated-type lights except those which offer essential services to the public such as the date, time, temperature, and weather conditions.

7.10.2.1.1 In the Rural and Residential districts, all illuminated signs shall be turned off between the hours of 10:00 PM and 6:00 AM. Freestanding signs shall be lit from above by full cut-off fixtures (e.g., 'down-lighted'.)

7.10.2.1.2 Interior-lit signs must utilize opaque background for lettering and logos.

7.10.2.1.3 There shall be no interior-lit signs outside of the Route 1 Commercial B District and the Route 1 Commercial A District.

7.10.2.2 Moving Signs There shall be no moving signs or signs with moving parts.

7.10.2.3 Off-Premise Signs No sign shall be located off the site of the lot on which the related services are located except as provided for in this Ordinance and except for directional signs. If a business does not own frontage on any public or private road, one (1) sign may be placed off-premise with permission of the landowner.

7.10.2.4 Painted Signs No sign shall be painted on a structure over the allowable size for that structure.

7.10.2.5 Natural Features No on-premise sign shall be permitted which is painted or drawn upon trees, rocks or other natural features. [Numerical address signs are permitted to be painted on rocks or other natural features with the size limitations described in Section 7.10.5. Signs mounted upon trees, rocks, or other natural features shall be considered freestanding signs and shall meet all requirements of this Ordinance.

7.10.2.6 Numerical Signs; Directional Signs. Only two (2) numerical address signs are permitted per lot. The character height of numbers or letters contained in these sign types cannot exceed 18 inches. No directional sign shall be located on Main Street between Old Route One and Medomak Terrace or on Jefferson Street between School Street and Main Street or on Friendship Street between Main Street and Stahl Farm Road.

7.10.2.7 Roof Signs No sign shall be permitted on the roof of any building, except as specified in Section 7.10.6.1 (General Performance Standards, Non-Conforming Signs).

7.10.3 Permits

7.10.3.1 Permit Procedure See Article 2. Administration and Enforcement.

7.10.3.2 Calculation of the Sign Area The area limitation for the size of the sign relates to one (1) of two (2) sides of the signboard, both sides of which may have on it the sign message. For example, a sign limited to twelve (12) square feet may have two (2) sides with the result that the sign message covers an area of twenty-four (24) square feet but only twelve (12) square feet would be visible at one time.

7.10.3.3 Signs Not Requiring a Permit

7.10.3.3.1 Government Signs. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;

7.10.3.3.2 Legal Signs Legal notices, identification, information, or directional signs erected or required by governmental bodies;

7.10.3.3.3 Private Property Parking Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification;

7.10.3.3.4 Garage Sales Yard and garage sale signs posted for less than seven (7) days;

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

7.10.3.3.6 Signs of Organizations Signs erected by a public, civic, philanthropic, charitable, or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event;

7.10.3.3.7 Fairs and Expositions Signs erected by fairs and expositions;

7.10.3.3.8 Common Carriers Signs located on or in the rolling stock of common carriers except those which are determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance. Circumvention shall include, but not be limited to, rolling stock which is continuously in the same location or signs that extend beyond the height, width, or length of the carrier;

7.10.3.3.9 Registered Motor Vehicles Signs on registered and inspected motor vehicles, except those which are determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance.

7.10.3.3.9.1 Circumvention shall include, but not be limited to, signs on motor vehicles which are continuously in the same location or signs that extend beyond the height, width, or length of the vehicle;

7.10.3.3.10 Handheld Signs Handheld or similar signs not affixed to the ground or buildings, used by roadside vendors, with written permission of the property owner filed with the Code Enforcement Officer. These signs must be located in such a way as to avoid obscuring the visual sight lines of vehicular traffic, and are limited to two (2) signs per lot;

7.10.3.3.11 Name Signs Signs are allowed and may be used to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building and shall be no larger than three (3) square feet;

7.10.3.3.12Rentals Rental vacancies may be advertised with a non-illuminated sign no larger than three (3) square feet. Such sign shall be displayed only during such times as the rental property is vacant;

7.10.3.3.13 Creative Architectural Design & Public Art shall not be considered signs if they:

7.10.3.3.13.1 Do not identify or advertise a business, business activity, or product that is available for sale on the premises;

7.10.3.3.13.2 Do not consist of a company name, symbol, or trademark designed to be readily identifiable as a logo; and

7.10.3.3.13.3 Comply with building height limits and setback requirements applicable to the property on which they are located.

7.10.3.3.14 Sale of Real Estate The sale of real estate may be advertised by non-illuminated signs as follows:

7.10.3.3.14.1 One (1) sign only. Each broker or person advertising the sale of property shall be permitted only one (1) sign, which shall be no larger than six (6) square feet in area;

7.10.3.3.14.2 Site Plan Review Sales Projects subject to site plan review and subdivision review are permitted one (1) sign, advertising the sale of the property, and such sign shall not exceed thirty-two (32) square feet in area;

7.10.3.3.14.3 Architect/Contractor Sign Projects subject to site plan review and subdivision review are permitted one (1) sign denoting the architect, engineer, contractor, owner, or funding agency when placed upon work under construction and not exceeding thirty-two (32) square feet in area. Upon completion of

the construction one (1) sign identifying the project may be allowed, not to exceed fifteen (15) square feet in area.

7.10.3.3.15 "Open" Signs Open signs and flags may be displayed only when the premises it advertises is open for business.

7.10.3.3.16 Special Event Signs A sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit corporation. A special community-wide event or activity is one that seeks to attract donations, participants, or customers throughout the Waldoboro community. Signs shall not be erected more than 15 days prior to the event, and shall be removed within 48 hours after the event.

7.10.3.3.17 Sandwich Signs

7.10.3.3.17.1 Sandwich signs are limited to one (1) sign per business under separate ownership, operation, and control, and shall not exceed nine (9) square feet in area.

7.10.3.3.17.2 Sandwich signs are permitted in the Downtown Business District, Village District, and Historic Village.

7.10.3.3.17.3 Sandwich signs may be displayed only when the premises it advertises is open for business.

7.10.3.3.17.4 Sandwich signs may not impede pedestrian, bicycle, snow removal, or vehicular access.

7.10.3.3.17.5 Any sandwich sign found to impede the safe movement of pedestrians, bicycles, or vehicles may be ordered removed or relocated by the Code Enforcement Officer.

7.10.3.4 Signs Requiring a Permit

7.10.3.4.1 On-Premise Signs Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the service available within the premises.

7.10.3.4.2 Affixed to the Building On each site there is permitted one (1) sign affixed to the exterior of a building. For size allowances see Section 7.10.5. General Standards and Sizes.

7.10.3.4.2.1 Projecting Signs If attached to the structure by way of a frame or bracket that overhangs a pedestrian walkway or public sidewalk, the sign shall not extend beyond five (5) feet from the structure face to which it is attached and shall have a vertical height clearance of eight (8) feet.

7.10.3.4.2.2 Wall Signs If the proposed sign is to be attached to the structure without the use of overhanging frames or brackets, the wall sign shall not extend or project more than twelve (12) inches from the structure surface. Cut-out letters should not project more than six (6) inches from the building wall.

7.10.3.4.3 Free-Standing Signs Freestanding signs are limited to one (1) per lot. For traffic safety, where vision may be obscured entering a public street, the whole of the sign or display elements of any free-standing sign shall be either below three (3) feet in height or above seven (7) feet in height above the street grade. A free-standing sign may be located within the front yard space, but shall not be closer than the edge of the right-of-way line on state or state-aid highways. On town or private roads, a sign shall not be closer than ten (10) feet from the edge of the traveled way. No sign shall be closer than twenty (20) feet to either of the lot side lines. For size allowances see Section 7.10.5. (General Standards and Sizes of Signs per District).

7.10.3.4.3.1 Corner Lots Corner lots are allowed two (2) freestanding signs and two (2) attached signs provided that no more than one (1) freestanding and no more than one (1) attached sign face each traveled way.

7.10.4 Temporary Signs These signs must be located in such a way as to avoid obstructing pedestrian traffic or the visual sight lines of vehicular traffic.

7.10.4.1 Promotional Signs Promotion signs, banners, streamers, or placards erected, suspended, posted, or affixed in any manner outdoors shall not be illuminated or exceed ten (10) square feet. These signs are limited to one (1) sign per business under separate ownership, operation, and control and shall not be in place for more than thirty (30) days per promotion. The 30-day limit per promotion shall not apply to window signs.

7.10.5 General Standards and Sizes of Signs per District

Numbers represent maximum square footage of sign, except the Height column, which represents maximum sign height in feet.

Districts	Free-standing			Affixed to Building	
	Size	Height	Multi-business	Wall*	Projecting
Village; Historic Village; and Downtown	16	6	Additional 2 for every additional business up to a max of 24	24	12
Rural; Rural Village Business; and Residential	32	12	NA	32	12
Route 1 Commercial A: Route 1 Commercial B; and Industrial	32	16	Additional 4 for every additional business up to a max of 64	100	12

** Wall Signs may not exceed 10% of building front to which they are affixed.*

7.10.6 Administration and Enforcement

7.10.6.1 Non-Conforming Signs

7.10.6.1.1 Any sign that does not conform to this Ordinance, but that was legally permitted as of November 5, 1997, and had received all necessary approvals at the time of its installation, shall be a pre-existing non-conforming use.

7.10.6.1.2 No pre-existing non-conforming sign shall be replaced with another non-conforming sign.

7.10.6.1.3 All lots with permanent, complete, and functioning non-conforming signs as of November 5, 1997 may continue to use and maintain one freestanding or roof mounted non-conforming and one attached non-conforming sign, and corner lots may continue to use and maintain two attached non-conforming signs. Any change in wording, lettering, size, shape, business name, or business use shall require that the subject sign be brought into compliance with the requirements of this Ordinance.

7.10.6.2 Maintenance and Repair

7.10.6.2.1 All signs, including their supporting structures and other components, shall be maintained to prevent rust, peeling or similar deterioration. Vegetation and landscaping adjacent to any sign shall be

maintained in a neat condition and shall not interfere with legibility of the sign. Damaged signs shall be repaired or removed within ten (10) days.

7.10.6.2.2 The Code Enforcement Officer may, after ten (10) days' notice, have any damaged or worn sign removed, repaired, or secured at the expense of the owner or lessee of the sign.

7.10.6.2.3 Any sign determined by the Code Enforcement Officer to be a public safety hazard shall be removed, repaired, or secured to make it safe immediately upon notification by the Code Enforcement Officer. If the owner or lessee of the sign does not take immediate action to make it safe, the Code Enforcement Officer may secure or remove the sign at the expense of the owner or lessee.

7.10.6.3 Obsolete Signs Any sign, or portions thereof, which advertises, identifies, or pertains to any activity no longer in existence at that location, shall be removed by its owner or lessee within 90 days from the date the activity ceased. If the sign is not removed, the Code Enforcement Officer may have such sign removed at the expense of the owner or lessee. For the purposes of transition to a new business or new business owner, the sign may be painted over or otherwise covered while the business is sold or transferred to a new business.

7.10.6.4 Removal of Unlawful Signs

7.10.6.4.1 Notice to Remove The owner of a sign that was or is unlawfully erected or maintained either prior to or after the effective date of this Ordinance shall be in violation of this Ordinance until the sign is removed. The owner of the sign shall remove the sign within thirty (30) days of receipt of a notice to remove by the Code Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed.

7.10.6.4.2 Abandoned Signs If the owner fails to remove the sign as required, the Code Enforcement Officer shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

Any sign that becomes abandoned or is located on a property which becomes vacant or relates to a business no longer operating on the property, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed abandoned (see definitions, "abandoned sign") and be removed in its entirety, including all sign structure and supporting members, by the owner of the sign or the owner of the premises.

7.10.6.5 Waiver of Setback Requirements The Board of Appeals is authorized to waive the location requirements only if the applicant for a sign permit can show unusual hardship due to conditions of topography, access, or other physical characteristics.

7.11 Storage of Materials All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosure in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means. Material shall be stored so as to prevent wind-blown debris, insects, odors, or any form of liquid discharge from migrating beyond property boundaries.

Exposed non-residential storage areas, exposed machinery and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence or dense evergreen hedge) to provide a visual buffer sufficient to screen the proposed use from abutting residential uses and users of public streets.

All dumpsters or similar large collection receptacles for trash or other waste shall be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

7.12 Emergency Services All applications shall be reviewed by the Waldoboro Fire Chief, Waldoboro Police Chief, and Waldoboro EMS Chief. All Chiefs may make a recommendation, at their discretion, regarding the impact the proposed project may have on their performance. The Reviewing Authority may choose to accept the recommendations made by the Waldoboro Fire Chief, Waldoboro Police Chief, and/or Waldoboro EMS Chief if it is determined to be feasible and within their scope of review.

7.12.1 Water Applicants may be required to demonstrate access to a sufficient water supply that may be used by the Waldoboro Fire Department during a fire-related emergency.

7.12.2 Accessibility Applicants may be required to install a lockbox as specified by the Waldoboro Fire Department.

7.13 Archaeological/Historic Sites For any proposed land use activity requiring application review (Article 3), the owner or developer shall contact the Maine Historic Preservation Commission and request written confirmation as to whether or not the site of the proposed development has potential historic or archaeological significance, 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.

Article 8 Environmental Standards

8.1 Stormwater Management All new development and expansions of existing development shall provide for adequate stormwater management. A stormwater management plan shall be developed according to one of the options listed below.

8.1.1 Stormwater Plan Options A stormwater management shall conform to one of the following options:

8.1.1.1 A stormwater management plan as required by the Department of Environmental Protection as per Chapter 500 for a development.

8.1.1.2 The stormwater management plan shall be prepared in accordance with the latest edition of the Maine DEP "Stormwater Management for Maine: Best Management Practices". The stormwater plan be designed so that the post-development stormwater runoff does not exceed the pre-development stormwater runoff for the 24-hour duration, 2-year, 10-year, and 25-year frequency storm events.

8.1.1.3 A stormwater plan developed in accordance with the Low Impact Development (LID) practices contained in the latest edition of the Maine LID Guidance Manual. This option is available for all single-family residential dwellings and non-residential and multi-family developments. (Non-residential and multi-family uses are smaller development that do not require review under Chapter 500.)

8.1.2 Proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result either on or off site. If the development proposes to discharge stormwater runoff at an increased rate compared to the pre-application rate into a municipal stormwater system, then the developer shall improve or pay for the improvement of such municipal stormwater system so that it will have the capacity to handle such an increase plus 25% extra capacity. (Criteria in "Stormwater Management for Maine; Best Management Practices", as amended or revised, prepared by the Department of Environmental Protection, 1995, shall be followed).

8.1.3 A stormwater management plan shall be prepared for subdivision applications by a registered professional engineer or a stormwater management professional certified by the Maine Department of Environmental Protection. The stormwater plan shall include the following information for the pre- and post-development conditions:

1. Drainage area boundaries
2. Hydrologic soils groups
3. Ground cover type
4. Time of concentration flow paths
5. Modeling methodology
6. Calculations
7. Background data

8.2 Erosion Control

8.2.1 All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions shall require a written soil erosion and sedimentation control plan.

8.2.2 An erosion and sedimentation control plan shall be prepared for applications in accordance with the "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices", latest revision. At a minimum, the following items shall be discussed and provided:

1. The name, address, and telephone number of the applicant.
2. The name, address, and telephone number of the person responsible for implementing the plan.
3. A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
4. Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
5. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
6. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
7. Description of temporary and permanent erosion control practices that will be used.
8. Identification of the locations of the temporary and permanent erosion control practices.
9. Identification of how, where, and when collected sediment will be disposed.
10. Dust control measures.
11. Inspection and maintenance procedures, including schedule and frequency.
12. Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

8.3 Hydrogeologic Assessment of Groundwater Impacts

8.3.1 Groundwater Impact Analysis A groundwater impact analysis prepared by a groundwater hydrologist shall be required for projects involving on-site water supply or sewage disposal facilities with a cumulative capacity of two thousand (2,000) gallons or more per day.

8.3.2 Assessment Contents When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

1. A map showing the basic soil types.
2. The depth to the water table at representative points throughout the development site.
3. Drainage conditions throughout the development site.
4. Data on the existing groundwater quality, either from test wells on the development site or from existing wells on neighboring properties.
5. An analysis and evaluation of the impacts of the development on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, project nitrate-nitrogen concentrations. For development within the watershed of a lake, projections of phosphate impacts shall also be calculated.
6. The location of any subsurface wastewater disposal system and drinking water wells within the development and within two hundred (200) feet of the subdivision boundaries.

8.3.3 Potential Contamination Sources Projections of groundwater quality shall be made at any wells within the development site and at the development's boundaries or at five hundred (500) feet from potential contamination sources, whichever is a shorter distance.

8.3.4 Drought Conditions Projections of groundwater quality shall be based on the assumption of drought conditions (assuming sixty percent (60%) of annual average recharge from precipitation).

8.3.5 Increase of Contaminant Concentration No development shall increase any contaminant concentration in the groundwater to more than one half of the "Primary Drinking Water Standards". No

development shall increase any contaminant concentration in the groundwater to more than the "Secondary Drinking Water Standards"

8.3.6 Improvement or Treatment If existing groundwater quality already exceeds the primary standards, and development is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

8.3.7 Ambient Concentration If existing groundwater quality already exceeds the secondary standards, the development shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

8.3.8 Deed Restrictions Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the "Final Plan", and as restrictions in the deeds to the affected lots.

8.3.9 Lot Size Formula The Planning Board shall require lot sizes larger than required by Article 6 (Land Use Districts), where completion of the following formula indicates such lot sizes or densities are necessary to meet the standards above.

$d = (q)(C\ nitrate - Cb) + (cs)(qs)$ where:

- 'd' is the allowable housing density in dwellings per acre
- 'q' is the rate of natural groundwater recharge, averaged over the year in gpm/acre; some representative numbers, based on soil types are:

Glaciomarine clay-silt	0.11 – 0.23
Thick silty clay	0.23
Thin soil over rock	0.33
Thin till over rock	0.46
Sandy glacial till	0.57
Glaciomarine fine sands	0.91
Raised beach deposits	1.16
Sand and gravel	1.16

- 'C nitrate' is the resultant concentration of nitrate-nitrogen in groundwater because of subsurface sewage disposal systems, 10 mg/l.
- 'Cb' is the background concentration of nitrate-nitrogen in groundwater; if records are not available, assume 0.25 mg/l.
- 'cs' is the nitrate-nitrogen concentration in typical septic tank discharge, 30 mg/l.
- 'qs' is the average leach field discharge rate per dwelling, which is equal to seventy percent (70%) of three hundred (300) gallons per day or 0.15 gal/min.

8.4 Water Quality Impacts Proposal will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater both on and off site.

8.4.1 General No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that has the potential to run off, seep, percolate, or wash into surface or groundwaters so as

to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, unsightliness, or be harmful to human, animal, plant, or aquatic life.

8.4.2 Storage Facilities All above-ground storage facilities for fuel, chemicals, chemical or industrial wastes ,and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding two hundred and seventy-five (275) gallons in size, are exempted from this requirement.

8.4.3 Below-ground Tanks All below-ground tanks must meet the standards of the Maine Department of Environmental Protection.

8.5 Phosphorus Control The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. The long-term effects of the proposed development will not unreasonably increase a Great Pond's phosphorus concentration during the construction phase and life of the proposed development. The following provisions are applicable to all projects requiring site plan or subdivision review that are located within the watershed of a Great Pond.

8.5.1 For all new principal structures, expansions of existing structures which increase the floor area by 30% or more over the lifetime of the structure, new accessory structure of three hundred (300) square feet or more and new or enlarged roads and driveways of three hundred (300) square feet or more on lots, phosphorus export from such development shall be equal to or less than that which is calculated using the methods established by the Maine Department of Environmental Protection and described in Section 4.2.1 of "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992)." The following phosphorus allocation factors shall be applicable.

Watershed (Pond)	Water Quality as Established by MDEP	Protection Level by MDEP	Phosphorus Allocation Phosphorus Coefficient (a)	Acceptable Increase in Phosphorus	Future Area to be Developed (b)	Per Acre Phosphorus Allocation (c)
Duckpuddle	Mod-sensitive	M	32.08	1.00	794	0.0404
Havener	Mod-sensitive	M	3.55	1.00	83	0.0426
Kalers	Mod-sensitive	H	4.36	0.75	50	0.0654
Little Medomak	Mod-sensitive	H	6.37	0.75	135	0.0354
Medomak	Mod-sensitive	M	11.70	1.00	384	0.0305
North	Mod-sensitive	M	1.80	1.00	24	0.0750
Pemaquid	Mod-sensitive	H	6.39	0.75	75	0.0639
Round	Mod-sensitive	M	1.76	1.00	31	0.0568

Watershed (Pond)	Water Quality as Established by MDEP	Protection Level by MDEP	Phosphorus Allocation Phosphorus Coefficient (a)	Acceptable Increase in Phosphorus	Future Area to be Developed (b)	Per Acre Phosphorus Allocation (c)
Sidensparker	Mod-sensitive	M	9.39	1.00	209	0.0449
Tobias	Mod-sensitive	M	0.19	1.00	4	0.0447
Unnamed (d)	Mod-sensitive	M	3.96	1.00	91	0.0434

Notes to Phosphorus Allocation Table

a) Indicates the amount of additional phosphorus that, if exported from the watershed to the lake, will produce a 1 part per billion (ppb) increase in the lake's phosphorus concentration (lbs/ppb/year).
b) Assumes fifteen percent (15%) of each watershed is undevelopable due to environmental considerations; thirty percent (30%) of the remaining acreage is likely to be developed over the next fifty (50) years.
c) Amount of phosphorus each developed acre can export without violating water quality goals.
d) Drains to Sidensparker Pond

8.5.2 For all other accessory buildings, expansions of existing structures, and expansions of existing roads and driveways, the applicant shall demonstrate that, by utilizing permanent vegetated buffers, limiting the clearing of vegetation and the size of the development area limiting impervious surfaces and directing runoff away from the affected water body, the potential for phosphorus export has been minimized.

8.5.3 For all developments which require a building permit, the applicant shall demonstrate to the satisfaction of the Code Enforcement Office that the existing septic system is functioning properly.

8.6 Soils No activity shall be permitted in any area where the soil is rated 'severe' or 'very severe' for the proposed activity, according to the County Soil Survey of the U.S.D.A Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, that construction methods will overcome any pertinent slope and soil inadequacies.

8.7 Air & Water Pollution Proposal will not result in undue air or water pollution on and off site.

8.7.1 In making this determination, the Code Enforcement Officer and /or the Planning Board shall at least consider:

1. The elevation of land above sea level and its relation to flood plains
2. The nature of soils and subsoils and their ability to adequately support waste disposal
3. The slope of the land and its effect on effluents
4. The availability of streams for disposal of effluents
5. The applicable state and local health and wastewater resources, rules, and regulations

8.7.2 No emission of dust, ash, smoke, or other particulate matter or gasses and chemicals shall be allowed which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fails to meet or cannot meet the standards set by the Maine Department of Environmental Protection.

8.8 Aesthetic, Cultural, and Natural Values Will not have an undue adverse effect on scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality or on Beginning with Habitat maps for Waldoboro, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

8.9 Flood Zone The applicant will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the project is in a flood prone area. If the project, or any part of it, is in such an area, the applicant will determine the 100-year flood elevation and flood hazard boundaries within the project. The proposed project plan shall include a condition of plat approval requiring that principal structures on lots in the project shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation

Any project in the flood zone must comply with the Town of Waldoboro Floodplain Ordinance.

8.10 River, Stream, Brook, and Wetlands Any river, stream, brook, or wetland within or abutting the proposed development has been identified on any maps submitted as part of the application. For purposes of this section, definitions for river, stream, brook, or wetlands have the meaning as in Title 38, section 480- B, subsection 9 of the Maine Statute.

8.11 Buffer Requirements for Water Quality Protection

8.11.1 Purpose Waldoboro's fishery supports a shellfish industry which is an important part of the Town's economy. These buffer requirements are designed to protect waterbodies from sediment and nutrient-laden runoff from entering into waterbodies. These requirements shall apply to all new development and expansions of existing development.

8.11.2 Standards

8.11.2.1 Vegetative buffers shall be located between all disturbed areas of development and all waterbodies on or adjacent to the development including wetlands containing open water, streams, rivers, ponds, and coastal waters.

8.11.2.2 Vegetative buffers shall retain existing vegetation or be planted with trees native to the locale, having a height of at least four (4) feet and be capable of growing to at least twenty (20) feet in height. For natural buffers or planted buffers at twenty (20) years after planting the canopy of the growth shall have no openings greater than 250 square feet. Trees shall be added where natural growth does not provide for sufficient canopy.

8.11.2.3 For both natural and planted buffer strips, the ground shall be left in its natural state to the greatest extent practical. The organic and duff layers shall not be removed.

8.11.2.4 Clearing of dead and diseased trees may occur. Additional trees conforming to 8.11.2.2 shall be added where clearings in the canopy are greater than 250 square feet.

8.11.2.5 The buffer width shall be related to the slope of the land in following table. If a larger buffer width is required as per another local, state, or federal rule or law, then stricter requirement shall be followed.

Average slope of land between disturbed area and normal water mark	Width of strip between the disturbed area and the high-water mark, measured along the surface of the ground.
0%	50 feet
10%	90 feet
20 %	130 feet
30%	170 feet
40 %	210 feet
50%	250 feet
60%	290 feet
70%	330 feet

Article 9 Roads, Parking, Driveways and Traffic Access

9.1 Traffic Impact Analysis

9.1.1 Traffic Impact Analysis A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets shall be required if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the a.m. or p.m. peak hour based upon "Trip Generation, Seventh Edition," published in 2003 by the Institute of Transportation Engineers.

9.1.2 Changes to Public Ways Any required changes to municipal owned or maintained public ways as a result of the development shall be paid for by the developer.

9.2 Street Access, Driveways, Street/Road Construction Standards

9.2.1 General Provision shall be made for vehicular access to any development. Circulation upon the site shall be provided in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

9.2.2 Permit Required No person shall construct or cause to be constructed any vehicular access way onto a public street or way without first obtaining a permit from the Code Enforcement Officer. The Code Enforcement Officer, together with the Road Commissioner, shall inspect the site prior to issuance of an entrance permit. This permit is required in addition to a Planning Board permit or Subdivision Review. Once the permit is obtained, the E911 addressing officer shall assign a number, or in the case of a private road, refer the matter to the Select Board for approval of a name.

9.2.3 Access Types As referenced below, and elsewhere in this ordinance, an access point shall be classified as one of the types below:

9.2.3.1 Low Volume Driveway Commercial, light industrial, or residential access point serving no more than two dwelling units, lots, or commercial businesses and having less than twenty-five (25) vehicle trips per day.

9.2.3.2 Medium Volume Driveway Any commercial driveway having from twenty-six (26) vehicle trips per day up to one hundred (100) trips per peak hour.

9.2.3.3 High Volume Driveway Any commercial driveway having a peak hour volume over 100 vehicle trips.

9.2.3.4 Minor Private or Public Street A private or public way serving 3-5 dwelling units or lots.

9.2.3.5 Intermediate Private or Public Street A private or public way serving 6-10 private dwelling units or lots.

9.2.3.6 Major Private or Public Street A private or public way serving more than ten (10) private dwelling units or lots.

9.2.3.7 Industrial/Commercial Street A private or public way serving only a commercial or industrial use, exclusive of parking lots, greater than 500' in length and having greater than twenty-five (25) vehicle trips per day.

9.2.4 Creation of Private Residential Street/Road A private drive may be created either through Planning Board or Subdivision approval or by addition of a third dwelling unit to a private driveway. A private drive serving three or more residential lots or dwelling units shall be considered a street and meet the standards 9.2.14.9 (Design Standards) below. The Code Enforcement Officer shall not issue a building permit for a third dwelling unit served by a common drive until the drive is upgraded to road standards along its entire length, to the point of, and including an emergency vehicle turn around, as described in 9.2.14.3 (Dead End Streets) below. In the case of a residential Subdivision, a road maintenance agreement prepared or approved by the town's attorney and paid for by the developer shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road, maintain the road in good condition, and a method of apportioning maintenance costs to current and future users.

9.2.5 Access Location and Connectivity

9.2.5.1 Avoidance of Local Streets The vehicular access to any development shall be arranged to avoid unnecessary traffic use of local residential streets.

9.2.5.2 Frontage on Two (2) Streets Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the street where is lesser potential for traffic congestions and for hazards to traffic and pedestrians.

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

9.2.5.3.1 Fire Protection When such driveway connection will facilitate fire protection services as approved by the Fire Chief; and/or

9.2.5.3.2 Adjacent Uses When such driveway will enable the public to travel between two (2) existing or potential uses generally open to the public, without need to travel upon a street.

9.2.6 Sign Distances Access points shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit lane with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

The sight distances provided below are based on passenger cars exiting from driveways or roads onto two (2) lane roads and are designed to enable exiting vehicles:

9.2.6.1 Acceleration Upon turning left or right, to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than ten (10) miles per hour; and;

9.2.6.2 Traffic Clearance Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

Operating Speed (MPH)	Safe Sight Distance Left (FT)	Safe Sight Distance Right (FT)
20	200	200
30	300	300
40	400	400
50	500	500

9.2.7 Vertical Alignment An access point shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume driveways shall slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25) feet followed by a slope of no greater than ten percent (10%) for the next fifty (50) feet. The maximum grade over the entire length shall not exceed fifteen percent (15%). Medium and high-volume driveways, and any classification of street should slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25) feet. Following this landing area, the steepest grade on the driveway shall not exceed eight percent (8%).

9.2.8 Access Location and Spacing

9.2.8.1 Minimum Corner Clearance Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general, the maximum corner clearance should be provided as practical based on-site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

Minimum Corner Clearance (feet)

Access Type	Intersection Signalized	Intersection Unsignalized
Low Volume Driveway	150	50
Medium Volume Driveway	150	50
Minor Private Street	150	50
Intermediate Private Street	150	50
Major Private Street	50	250
High Volume Driveway	500	250
Special Case Driveway:		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out	100	50

When standards cannot be met. Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternatively, construction of a shared access with an adjacent parcel is recommended.

9.2.8.2 Access Spacing Access points shall be separated from adjacent driveways and property lines as indicated below, in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between access points and from the access point of tangency to a projection of the property line at the edge of the roadway for spacing to the property line.

MINIMUM ACCESS SPACING

Minimum Spacing to Adjacent Acess[3], by Access Type[2]

Access Type	Minimum Spacing to Property Line[1] (feet)	Low (feet)	Medium (feet)	High w/o RT,* (feet)	High W/RT,** (feet)
Low Volume	8	***			
Medium Volume Driveway, Minor Street, or Intermediate Street	8	75			
High Volume Driveway, Major Street, Industrial/Commercial Street (w/o RT)*	75	75	150		
High Volume (w/ RT)**	75	75	250	500	
Special Case	8	75	75	75	40****

1 Measured from point of tangency of driveway to projection of property line on roadway edge.

2 For two or more access points serving a single parcel, or distance to a proposed access point from an existing access point.

3 Measured from point of tangency of driveway to point of tangency of adjacent driveway.

* High volume driveway without right turn channelization

** High volume driveway with right turn channelization

*** Low volume driveways are not permitted in combination with other driveway types on a single lot.

**** Right-turn-in-only up stream of right-turn-out-only. Right-turn-out followed by right-turn–in not allowed.

9.2.9 Number of Access Points The maximum number of access points onto a single existing public street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of access points independent of frontage length. In subdivision developments, the entire project shall be considered for determination of number of access points allowed to open onto an existing public street.

9.2.9.1 Low-Volume Traffic Generator No low-volume traffic generator shall have more than one (1) two-way access onto a single roadway.

9.2.9.2 Medium or High-Volume Traffic Generator No medium-volume or high-volume traffic generator shall have more than two (2) two-way access points or three access points in total onto a single roadway.

9.2.9.3 Notwithstanding other provisions of this ordinance, this driveway limit shall not apply to a private or public road being created as part of a subdivision or site plan.

9.2.10 Construction Materials/Paving

9.2.10.1 Curb Matching All access points entering a curbed street shall be curbed with materials matching the street curbing at point of entry. Curbing is required around all raised channelization islands or medians.

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

9.2.11 Increases to Traffic Volume

9.2.11.1 Capacity of Street The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have traffic-carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. The capacity of any such street or streets shall not drop below the Level of Service "D", due to the development, as determined by using the capacity analysis procedures set forth in the Highway Capacity Manual 2000 as published by the Transportation Research Board.

9.2.11.2 Traffic Management Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

9.2.11.3 Vehicle Queuing Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

9.2.12 Construction Standards for Driveways

9.2.12.1 Low Volume Driveways

9.2.12.1.1 Skew Angle Low-volume driveways shall be a two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

9.2.12.1.2 Curb Radius The curb radius shall be between five (5) feet and fifteen (15) feet, with preferred radius of ten (10) feet.

9.2.12.1.3 Driveway Width The minimum width of the driveway shall be twelve (12) feet.

9.2.12.2 Medium-Volume Commercial Driveways

9.2.12.2.1 Skew Angle Medium-volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

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

9.2.12.2.3 Width On a two-way driveway the width shall be between twenty (20) feet and twenty-six (26) feet, with a preferred width of twenty-four (24) feet; however, where truck traffic is anticipated, the width may be thirty (30) feet. On a one-way driveway the width shall be between sixteen (16) feet and twenty (20) feet, with a preferred width of sixteen (16) feet.

9.2.12.3 High-Volume Commercial Driveways

9.2.12.3.1 Skew Angle High-volume driveways shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

9.2.12.3.2 Curb Radius Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between thirty (30) feet and fifty (50) feet. With channelization islands, the curb radii shall be between seventy-five (75) feet and one hundred (100) feet.

9.2.12.3.3 Entering and exiting driveways shall be separated by a raised median which shall be between six (6) feet and ten (10) feet in width. Medians separating traffic flow shall be no less than twenty-five (25) feet in length, with a preferred length of one hundred (100) feet.

9.2.12.3.4 Width Driveway widths shall be between twenty (20) feet and twenty-six (26) feet on each side of the median, with a preferred width of twenty-four (24) feet. Right turn only lanes established by channelization island shall be between sixteen (16) feet and twenty (20) feet, with a preferred width of twenty (20) feet.

9.2.12.3.5 Signage Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and channelization islands.

9.2.12.4 Special Case Driveways Special case driveways are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These driveways are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed driveway. These driveways are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

9.2.13 General Requirements: Streets/Roads

9.2.13.1 Subdivision and Planning Board Review. The Planning Board shall not approve any subdivision and site review plan unless proposed streets and storm water management systems are designed in accordance with the specifications contained in this Ordinance.

Approval of the Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

9.2.13.2 Construction Drawings Developers shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

9.2.13.2.1 Date, scale, and magnetic or true north point.

9.2.13.2.2 Intersections Intersections of the proposed street with existing streets.

9.2.13.2.3 Dimensions Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

9.2.13.2.4 Drainage Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

9.2.13.2.5 Curves Complete curve data shall be indicated for all horizontal and vertical curves.

9.2.13.2.6 Turning Radii Turning radii at all intersections.

9.2.13.2.7 Centerline gradients.

9.2.13.2.8 Utilities Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.

9.2.13.3 Road Commissioner Review Upon receipt of plans for a proposed public street, the Code Enforcement Officer shall forward one (1) copy to the Select Board and one (1) copy to the Road Commissioner or engineer retained by the Town of Waldoboro for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner for review and comments.

9.2.14 Street Design Standards

9.2.14.1 General These design standards shall be met by all streets within the subdivision or Planning Board review plan, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

9.2.14.2 Through Traffic Streets shall be designed to discourage through traffic within a residential Subdivision or Site Plan.

9.2.14.3 Dead End Streets In addition to the design standards in 9.2.14.9, dead end streets shall be constructed to provide a turn-around for emergency and service vehicles as described below:

9.2.14.3.1 A cul-de-sac with minimum radii: Property line sixty-five (65) feet; outer edge of pavement fifty (50) feet. The Planning Board may require the reservation of a twenty (20) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. Where Subdivision or Site Plan is required, the Planning Board may also require the reservation of a thirty-six (36) foot easement in line with the street to provide continuation of the road where future subdivision is possible.

9.2.14.3.2 Alternatively, a T-turn around is permissible for residential subdivisions carrying an ADT (average daily trips) of 100 or less. The turnaround area shall have a width equal to the street width, a 5-foot turning radius, and a total length of 50 feet centered above the street.

9.2.14.4 Reserve Strips Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.

9.2.14.5 Commercial Streets Adjacent to areas of commercial use, or where a change to a commercial uses is contemplated, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this Ordinance.

9.2.14.6 Narrow Streets Where a proposed development borders an existing narrow street (not meeting the width requirements of the standards for streets) the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.

9.2.14.7 Arterial Street Where a proposed development for more than 10,000 square feet of floor space abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.

9.2.14.8 Two Street Connections Any proposed development may be required to have at least two (2) street connections with existing public streets, or streets on an approved subdivision plan or site review plan for which performance guarantees have been filed and accepted to provide for safe access for emergency vehicles. Any street may be required to have at least two (2) street connections leading to existing public streets, streets shown on an official map, or streets on an approved subdivision plan or site review plan for which performance guarantees have been filed and accepted to provide for safe access for emergency vehicles.

9.2.14.9 Design Standards The following design standards apply according to street classification.

Type of Street

Description	Arterial	Collector	Minor	Industrial/ Commercial[1]	Major Private Street	Intermediate Private Street	Minor Private Street
Minimum Right-of-Way Width	80'	50'	50'	80'	50'	36'	36'
Minimum Traveled Way Width	44'	20'	18'	36'	18'	16'	12'
Sidewalk Width	5'	5'	3'	5'	3'	3'	3'
Minimum Grade	.5%	.5%	.5%	0.5%	.5%	0.5%	0.5%
Maximum Grade	5%	8%	10%	5%	10%	12%	12%
Minimum Centerline Radius	800'	230'	75'	230'	75'	75'	75'
Minimum Tangent between curves of reverse alignment	300'	200'	60'	300'	60'	60'	60'
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft	¼" ft	¼"/ft	¼"/ft
Minimum angle of street intersections	90°	90°	75°	90°	75°	75°	75°
Maximum grade within 60 ft of intersection	2%	2%	2%	2%	2%	2%	2%
Minimum curb radii at intersections	30'	20'	15'	20'	15'	15'	15'
Minimum r/o/w radii at intersections	20'	10'	10'	10'	10'	10'	10'
Minimum width of shoulders (each side)	6'	3'	2'	6'	2'	2'	2'

Notes: The Planning Board may allow light industrial and commercial uses with minimal traffic to be built to major private street standards.

9.2.14.10 Grades, Intersections and Sight Distances

9.2.14.10.1 Conformance to Terrain Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.

9.2.14.10.2 Vertical Curves All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

9.2.14.10.3 Sight Distances Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

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

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

9.2.14.10.4 Four-Cornered Intersections Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

9.2.14.11 Sidewalks Sidewalks shall be installed within all proposed development within the urban compact area as shown on the Maine Department of Transportation Compact Area Map 1984 (see Appendix A). Where installed, sidewalks shall meet these minimum requirements.

9.2.14.11.1 Bituminous Sidewalks

9.2.14.11.1.1 Gravel Aggregate Sub-Base The gravel aggregate sub-base course shall be no less than twelve (12) inches thick.

9.2.14.11.1.2 Crushed Aggregate Base The crushed aggregate base course shall be no less than two (2) inches thick.

9.2.14.11.1.3 Bituminous Surface The hot bituminous pavement surface course shall be no less than two (2) inches after compaction.

9.2.14.11.2 Portland Cement Concrete Sidewalks

9.2.14.11.2.1 Sand Base The sand base shall be no less than six (6) inches thick.

9.2.14.11.2.2 Concrete The Portland Cement concrete shall be reinforced with six (6) inch square, #10 wire mesh and shall be no less than four (4) inches thick.

9.2.14.12 Curbing Where installed, curbing shall be granite and shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. The specified pavement width above shall be measured between the curbs.

9.2.15 Street Construction Standards

9.2.15.1 Thickness Minimum thickness of material after compaction:

	Minimum Requirements				
Street Material	**Arterial**	**Collector**	**Minor**	**Private Road**	**Industrial / Commercial**
Aggregate Sub-base Course (max. sized stone 4")	18"	18"	18"	12"	18"
Crushed Aggregate Base Course	4"	3"	3"	3"	4"
Hot Bituminous Pavement:					
Total Thickness	3½"	3"	3"	N/A	3½"
Surface Course	1½"	1"	1"	N/A	1½"
Base Course	2"	2"	2"	N/A	2"

9.2.15.2 Preparation

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

9.2.15.2.2 Removal of Objectionable Materials Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the area to be paved.

9.2.15.2.3 Organic Material All organic materials shall be removed below the sub-grade of the roadway. Rocks and boulders over eight (8) inches shall be removed to a depth of two (2) feet below the sub-grade of the roadway. On soils which have been identified by the Knox and Lincoln Counties Soil Survey as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or geotextiles may be used in accordance with industry standards.

9.2.15.2.4 Slide Slopes Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, seeded, and mulched according to the specifications of the erosion and sedimentation control plan.

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

9.2.15.3 Bases and Pavement

9.2.15.3.1 Bases

9.2.15.3.1.1 Aggregate Sub-Base The Aggregate Sub-Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base course shall contain no particles of rock exceeding four (4) inches in any dimension.

9.2.15.3.1.2 Aggregate Base The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The graduation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base course shall contain no rocks exceeding four (4) inches in any dimension.

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

9.2.15.3.3 Curbs and Gutters

9.2.15.3.3.1 Installation Street curbs and gutters shall be installed as required by the Planning Board.

9.2.15.3.3.2 Handicapped Access Curbs shall be arranged for handicapped access at street corners and crosswalks, as specified by the Planning Board.

9.2.15.3.4 Pavements

9.2.15.3.4.1 M.D.O.T. Base Layer Specifications Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than one (1) inch maximum.

9.2.15.3.4.2 M.D.O.T. Pavement Specifications Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than ¾ inch maximum.

9.2.16 Street Names, Signs and Lighting Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the municipality, and shall be subject to the approval of the Select Board. No street name shall be the common given name of a person. The developer shall reimburse the municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Planning Board.

9.2.17 Certification of Construction before Municipal Acceptance Upon completion of street construction and prior to a vote by the Select Board to submit a proposed public way to the town meeting for acceptance by the Town, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Select Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of the Ordinance. "As built" plans shall be submitted to the Select Board.

9.3 Parking and Loading Note: The following standards shall not apply in the Downtown Business District nor to Home Occupations.

9.3.1 General A use shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements.

9.3.1.1 No Backing onto Street Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

9.3.1.2 Joint Use The joint use of a parking facility by two (2) or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

9.3.1.3 Certificate of Occupancy Parking spaces shall be provided as required and made available for use prior to the issuance of the certificate of occupancy.

9.3.2 Additional Requirements for Commercial and Industrial Establishments

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

9.3.2.2 Visibility All driveway entrances and exits shall be kept free from visual obstructions between three (3) and seven (7) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

9.3.2.3 Loading Facilities Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any Town way.

9.3.2.4 Landscaped Area Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide

visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

9.3.3 Parking Lot Design Criteria (Not applicable to single-family dwellings and duplexes)

9.3.3.1 Vehicular Entrance and Exit

9.3.3.1.1 Clear Identification Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.

9.3.3.1.2 Design Standards Entrance/exit design shall be in conformance with the standards for Street Access.

9.3.3.2 Interior Vehicular Circulation

9.3.3.2.1 Uninterrupted Traffic Movement Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

9.3.3.2.2 Identification of Circulation Patterns Enclosures, such as guardrail, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

9.3.3.2.3 Vehicle Stacking Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.

9.3.3.3 Parking

9.3.3.3.1 Access to Stalls Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.

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

9.3.3.3.3 Pedestrian Access Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

9.3.3.3.4 Setbacks All parking spaces and access drives shall have at least eight (8) feet from any side or rear lot line, except for the additional requirements in buffer yards.

9.3.3.3.5 Parking Stalls Parking stalls and aisle layout shall conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'- 0"		18' - 5"	24’ – 0”
60°	8'- 6"	l0'- 5"	16' - 0"	One way only
45°	8'- 6"	12'- 9"	17' - 5"	One way only
30°	8'- 6"	17'- 0"	12' - 0"	One way only

9.3.3.3.6 Parking Stripes In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 1'0" on center.

9.3.3.3.7 Directional Arrows In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.

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

9.3.3.3.9 Number Required

Minimum Required Parking

Land Use	(s.f. = square feet)
Accessory Retail	2/1000 s.f.
Art gallery	6.5/1000 s.f.
Auto sales	5 plus 1/3000 s.f. indoor or outdoor display
Auto/truck repairs	5/service bay
Bank	4/1000 s.f.
Barber shop	3/chair
Beauty shop	3/chair
Bed & Breakfast	1/guest room
Campground	1/campsite
Child care	1/four children licensed for care
Church	1/two seats
Club, lodge	1 space per every 4 members
Convenience store	4/1000 s.f.
Convenience store with gas pumps	4/1000 s.f.; ½ the service spaces at pump islands may be used to meet not more than ½ the total parking required.
Fitness center, health spa	5/1000 s.f.
Funeral home	1/100 s.f.
Hardware, home improvements	3/1000 s.f.
Hospital and medical care facility	1 space for every 3 beds and every 2 employees on maximum shift
Industry, light	1.5/1000 s.f.
Industrial park	1.5/1000 s.f.

Minimum Required Parking

Land Use	(s.f. = square feet)
Library	6.5/1000 s.f.
Manufacturing	1.5/1000 s.f.
Methadone clinic	4/1000 s.f. plus 3 additional spaces per dispensing room
Motel, hotel, inn	1/rm and for each employee on the largest shift
Museum	6.5/1000 s.f.
Nursing home	1/three rms
Office, general	3/1000 s.f.
governmental	4/1000 s.f.
medical, dental	4/1000 s.f.
Residential	2/dwelling unit.
Apartments, condominiums	2/dwelling unit.
Senior citizen, Multi-family	1/dwelling unit
Affordable, Mult-Family	2 for every 3 affordable dwelling units
Dwelling unit within Rural Village, Village, Historic Village, or Downtown zones (Designated Growth Areas)	1/dwelling unit
Restaurant	9/1000 s.f. or 1/three seats
Fast food	14/1000 s.f. or 1/two seats
Café/deli/bar	To be determined on a case-by-case basis
Drive-in	To be determined on a case-by-case basis
School, Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom

Minimum Required Parking

Land Use	(s.f. = square feet)
Post-secondary	1 space for each student and 1 space for each faculty and staff member
Services	4/1000 s.f.
Shopping center	4/1000 s.f.
Sports club	5/1000 s.f.
Store, Accessory Retail	2/1000 s.f.
Store, retail	4/1000 s.f.
Store, retail Accessory	
Theater, auditorium, public assembly	1 space per 3 seats based on maximum seating capacity
Warehousing	1/1000 s.f.
Other uses not listed	sufficient spaces to accommodate normal parking demand as determined by the Planning Board

NOTES

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

2. Minimum Standards. The above are minimum standards, and additional parking spaces shall be required if necessary, to provide off-street parking.

3. Gross Floor Area. Where floor space is to be used in calculating the number of required parking spaces , gross floor area shall be used unless otherwise noted.

4. The Reviewing Authority has the right to waive the minimum required parking spaces if the applicant can demonstrate that not meeting the Minimum Required Parking will not cause traffic impacts to neighboring parcels and public rights-of-way. The Reviewing Authority shall also propose any alternative parking proposal to the Emergency Services and Department of Public Works prior to approval. If the Reviewing Authority chooses to waive the minimum parking spaces determined under Section 9.3.3.3.9 (Number Required), the Reviewing Authority must provide a Condition of Approval that states the number of parking spaces that the applicant shall provide for the proposed use.

5. A developer may meet parking requirements through off-site parking agreements with existing parking facilities located within 0.25 miles of a development site. The developer shall provide documentation demonstrating the availability of sufficient capacity at the off-site parking afciaility as determined by a professional parking study per Maine Statute 30-A MRSA 4364-D

Article 10 Specific Performance Standards

10.1 Accessory Dwelling Unit Accessory Dwelling Units are permitted in any district where single-family residences are a permitted use. Not more than one (1) Accessory Dwelling Unit may be developed within, attached to, or built as a new structure on the lot of a single residential dwelling structure. There shall be no additional density requirements or lot area requirements required for the one (1) Accessory Dwelling Unit if it meets the standards of this Ordinance, with the exception of those located in the Shoreland Zone. If an Accessory Dwelling Unit is located within the Shoreland Zone, the minimum dimensional standards under Section 6.8 (Land Use Districts, Schedule of Dimensional Requirements) shall apply.

10.1.1 **Water and Wastewater** The owner of an Accessory Dwelling Unit must provide written verification to the municipality that the Accessory Dwelling Unit is connected to adequate water and wastewater services. Written verification must include the following:

10.1.1.1 If an Accessory Dwelling Unit is connected to the Waldoboro Utility District, or other comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

10.1.1.2 If an Accessory Dwelling Unit is connected to a private septic system, the Town's Local Plumbing Inspector must confirm that the private septic system meets the standards of State Statute 4221. Plans for 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;

10.1.1.3 If an Accessory Dwelling Unit is connected to the Waldoboro municipal water system, or other centrally managed water system as defined in this Ordinance, proof of adequate payment for the connection and the volume and supply of water required for the unit; and

10.1.1.4 If an Accessory Dwelling Unit is connected to a private well, proof of access to a 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, and a copy of the results must be provided prior to certification of occupancy or similar type of approval process.

10.1.2 Setbacks An Accessory Dwelling Unit is subject to the same dimensional and setback requirements as a primary residential structure as described under Section 6.8 (Land Use Districts, Schedule of Dimensional Requirements).

10.1.3 Nonconforming Lots An Accessory Dwelling Unit may be allowed on a nonconforming lot; however, any new structure built to accommodate an Accessory Dwelling Unit must meet existing setback requirements as determined by the Code Enforcement Officer. The Accessory Dwelling Unit and single-family structure built on a nonconforming lot must also be created with the understanding that both units must remain on the same lot, and the nonconforming lot may not be split with the intention to have an Accessory Dwelling Unit and single-family structure on two separate lots.

10.1.4 Parking The individual using the Accessory Dwelling Unit have unhindered access to one of the two minimum parking spaces for a single-family dwelling unit pursuant to Section 9.3 (Roads, Parking, Driveways and Traffic Access, Parking and Loading).

10.2 Adult Business Establishments/Adult Entertainment

10.2.1 Findings and Purpose The Town of Waldoboro hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts or if allowed to concentrate in certain other districts within the Town. Moreover, such establishments are incompatible with uses characterized as family and youth activities. The purpose of this Section is, therefore, to prevent such deleterious effects and thus protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishment as defined.

10.2.2 Requirements

10.2.2.1 Location Adult business establishments must be at least 1,000 feet from any other business establishment and at least 1,000 feet as measured along the ordinary course of travel from the main entrance of each premise of a public, private or parochial school, school dormitory, church, synagogue or similar place of worship or legally established residential structure in existence prior to the establishment of the business. Adult business establishments may be located only in the Route 1 Commercial B and Route 1 Commercial A Districts.

10.2.2.2 Visibility of Materials No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

10.2.2.3 Compliance Adult business establishments shall comply with all other codes of the Town of Waldoboro.

10.3 Agriculture The keeping of barnyard animals shall be subject to the following:

10.3.1 Best Management Practices The management of animals must be consistent with the Maine Department of Agriculture Best Management Practices (MAPA Title 5, Chapter 275 and Nutrient Management Rules, Chapter 565).

10.3.1.1 Buffering and Screening Standards The property shall be subject to the Buffering and Screening standards of this Ordinance, Article 7, General Performance Standards, Section 7.1.

10.3.1.2 Fence The landowner or occupant shall fence in any area in which animals are allowed to roam free with a fence of a type and height adequate to contain their livestock.

10.3.1.3 Manure Storage No manure shall be stored within 300 feet of the normal high water line of any water body, watercourse, fresh water or coastal wetland, or wells used to supply water for human consumption, or within 150 feet from the nearest dwelling other than the applicant's, unless stored in a weather-proof structure designed to agricultural standards.

10.3.1.4 Feed and Grain All processed feed and grain must be kept in enclosed rodent-proof containers.

10.4 Agriculture Related Activities

10.4.1 Purpose The purpose of this section is to establish requirements for activities which can supplement agriculture operations by providing additional revenue sources and opportunities for accessory activities which complement the rural character. These activities must be accessory to the principal agricultural use and are available only to agricultural uses which are operating. There are two

categories of related agricultural activities which are distinguished by the amount of traffic generated.

10.4.2 Activities Activities may include by way of example the following: value-added products from item grown/raised on the farm. Sale of goods and items grown or raised on the farm, teaching/classes on related agricultural arts/crafts and skills, social/experiential activities for children and/or adults, and similar activities and uses which connect to and complement the agricultural operation.

10.4.2.1 Small Scale Activities The proposed activity is not expected to increase the daily vehicle trip count by more than 40 vehicle trips per day. (This includes seasonal events and activities of limited duration such as, Farm days and maple syrup days.)

10.4.2.2 Large Scale Activities The proposed activity will exceed 40 vehicle trips per day.

10.5 Automobile Graveyards, Junkyards, or Recycling Centers

10.5.1 Permits

10.5.1.1 DEP Permit Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from DEP stating that a permit is not required.

10.5.1.2 Permit Renewal Permits shall be renewed annually to be valid until the first day of the following year. After five consecutive years of violation-free operation, permits may be issued for five years. Revocation or suspension of the permit will require annual renewal for five consecutive years before a five-year permit may be issued. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The Code Enforcement Officer shall inspect quarterly or by cause, to ensure that the provisions of this Ordinance and state laws are complied with and document conditions for the Planning Board's use at the time of renewal. Violation of any condition, restriction or limitation of this Ordinance is cause for revocation or suspension of the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, junkyard or automobile recycling business. Notice of hearing in front of the Planning Board shall be sent to the owner or operator by registered mail at least seven (7) but not more than fourteen (14) days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

10.5.1.2 Fee The Code Enforcement Officer shall collect in advance from the applicant a fee payable to the Town of Waldoboro for each permit for an automobile graveyard, automobile recycling or junkyard business plus the cost of posting and publishing the notice of public hearing.

10.5.1.3 Liability Insurance Applicant shall furnish proof of general liability insurance in the amount of $1,000,000 to ensure adequate financial protection in the event of injury or damage caused to members of the public.

10.5.2 Site Considerations

10.5.2.1 Aquifer No motor vehicles, junk or salvage material shall be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey or a licensed geologist.

10.5.2.2 Floodplains No motor vehicles, junk or salvage material shall be located within the 100-

year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.

10.5.2.3 Visual Buffer A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard shall be established and maintained along all property lines. All motor vehicles, junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.

10.5.2.4 Dwelling or School No motor vehicles or junk or salvage material shall be stored within 500 feet of any dwelling or school.

10.5.2.5 Water Body No motor vehicles or junk or salvage material shall be stored within 300 feet of any water body.

10.5.2.6 Road Rights-of-Way, Property Lines No motor vehicles or junk or salvage materials shall be stored within 100 feet of the road right-of-way or fifty (50) feet from the side or rear lot lines in order to protect neighboring landowners from any adverse consequences of the business, such as noise during operating hours.

10.5.2.7 Height No motor vehicles or junk or salvage materials shall be stored over twelve (12) feet in height

10.5.2.8 Size Automobile graveyards, junkyards or recycling businesses shall not be over five (5) acres in size.

10.5.2.9 Fluids Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground. A concrete containment slab is required to be used for all dismantling operations. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner. The applicant shall provide documentation of methods to handle fluids prior to annual permit renewal.

10.5.2.10 Burning No open burning of salvage material or junk shall be permitted on the premises.

10.5.2.11 Sanitation

10.5.2.11.1 Storage The facility shall be at all times maintained in a sanitary condition. Refuse shall be kept in a water-tight, insect-proof, and animal-proof enclosure.

10.5.2.11.2 Prohibition No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the property.

10.5.2.11.3 Weeds and Vegetation Weeds and vegetation on the property, other than trees and shrubs, shall be kept at a height of not more than ten (10) inches.

10.5.2.12 Hours of Operation

10.5.2.12.1 7:00 a.m. to 10:00 p.m. No junk shall be delivered to the facility on Sundays, legal holidays, nor before the hour of 7:00 a.m. or after the hour of 10:00 p.m. on other days, except that special permission may be granted by an officer of the Waldoboro Police Department in the event of extenuating circumstances.

10.5.2.12.2 Crushing Equipment Any equipment used to crush motor vehicles shall only be operated within the area enclosed by screening of junked motor vehicles. No such equipment shall be operated on Sundays, legal holidays, or before the hour of 7:00 a.m. or after the hour of 10:00 p.m. on other days, except that special permission may be granted by an officer of the Waldoboro Police Department in the event of extenuating circumstances.

10.6 Bed & Breakfasts

10.6.1 Scale Drawing The application for approval shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.

10.6.2 Parking There shall be no less than one (1) parking space for each rental room in addition to the spaces required for the dwelling unit.

10.6.3 Bathrooms There shall be one (1) bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.

10.6.4 Room Size Each rental room shall contain not less than 120 square feet of floor space.

10.6.5 Smoke Detector Each rental room, stairwell and hallway on each level shall be equipped with a ULC approved smoke detector.

10.7 Campgrounds and Tenting Grounds Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of conflict, the stricter rule shall apply):

10.7.1 General

10.7.1.1 Acreage and Location

10.7.1.1.1 Small Campgrounds A small campground shall have a minimum of 2 acres of land. All campsites or structures shall be located at least 50-feet from any property line and 100 feet from any residence on abutting property and have a maximum limit of 10 units or sites.

10.7.1.1.2 Large Campgrounds A large campground shall have a minimum of at least ten (10) acres of land. All camping sites or structures shall be located at least fifty (50) feet from any property line and 100 feet from any residence on abutting property and have a maximum limit of 100 units or sites.

10.7.1.2 Site Layout Campsites shall be laid out and screened in such a manner that none are within view from public roads, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard.

10.7.1.3 Density Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed eight (8) sites per acre of land excluding

circulation roads.

10.7.1.4 Floodplain No campsite shall be located within the 100-year flood plain.

10.7.2 Parking and Circulation

10.7.2.1 Off-Street Parking A minimum of 300 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.

10.7.2.1.1 Vehicle Separation Recreational vehicles shall be parked in spaces so that there shall be a minimum of twenty-five (25) feet between vehicles.
10.7.2.1.2 Tent Site Separation There shall be a minimum of seventy-five (75) feet between all tent sites.

10.7.3 Health and Safety

10.7.3.1 Picnic Table, Trash Receptacle Each recreational vehicle, tent, or covered shelter site shall be provided with a picnic table and trash receptacle for every three (3) sites. The park management shall empty said containers at least once every two (2) days.

10.7.3.2 Water and Sewer A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than two (2) toilets and two (2) lavatories be provided for every ten (10) camping and tent sites.

10.7.3.3 Fire Extinguishers Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations.

10.7.3.4 Fireplace Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Town of Waldoboro Fire Chief.

10.8 Excavation/Borrow Pits

10.8.1 Permit Required Topsoil, rock, sand, gravel and similar earth materials may be removed only after a site plan for such operations has been approved by the Planning Board. The following earth-moving activity shall be allowed without approval from the Planning Board:

10.8.1.1 Less Than 1,000 Cubic Yards The removal of less than 1,000 cubic yards of material (500 cubic yards of topsoil) from any lot in any twelve (12) month period.

10.8.1.2 Incidental to Construction The removal of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

10.8.1.3 Right-of-Way, Essential Service The on-site removal of material incidental to construction, alteration or repair of a public or private right-of-way or essential service.

All other earth-moving, processing and storage shall require a Site Plan Review approved by the Planning Board.

10.8.2 Submission Requirements

10.8.2.1 Site Plan Review Procedures Applications to the Planning Board for a Site Plan Review for the excavation, crushing, screening or storage of soil (including topsoil), peat, loam, sand,

gravel, rock, or other mineral deposits shall be prepared according to Article 3 (Application Review).

10.8.2.2 Hydrogeologic Study The Planning Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

10.8.2.3 Restoration Plan The applicant for site plan approval for the operation of an earth-moving activity shall present a restoration plan for the operation of the activity and the restoration of the land. Such plan shall include dates by which the various temporary and permanent conservation practices will be initiated and must be reviewed and evaluated by the Knox/Lincoln County Soil Conservation Service before it will be considered acceptable.

10.8.3 Performance Standards

10.8.3.1 Property Lines and Streets No part of any extraction operation shall be permitted within 100 feet of any property or street line, except drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land.

10.8.3.2 Fencing If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out.

10.8.3.3 Slopes No slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted at any extraction site unless a fence at least five (5) feet high is erected to limit access to such locations.

10.8.3.4 Liability Insurance Before commencing removal of any earth materials, the owner or operator of the extraction site shall provide evidence to the Code Enforcement Officer of $1,000,000 insurance policy against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.

10.8.3.5 Hours of Operation The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.

10.8.3.6 Secured Vehicles Loaded vehicles shall be suitably secured to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Road Commissioner. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.

10.8.3.7 Access Roads All access/egress roads between the extraction site and public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.

10.8.3.8 Debris, Shelters No equipment debris, junk or other material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of active extraction operations.

10.8.3.9 Grade Restoration Within six (6) months of the completion of extraction operations at any extraction site or any one (1) or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved restoration plans filed with the Planning Board. Operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve (12) month period.

10.8.3.10 Removal or Burial of Debris All debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or in the case of inorganic materials, buried and covered with a minimum of two (2) feet of soil.

10.8.3.11 Storm Drainage, Water Courses Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

10.8.3.12 Disturbed Areas All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the "Maine Erosion & Sediment Control Handbook for Construction: Best Management Practices", as amended or revised, published by the Maine Department of Environmental Protection.

10.8.3.13 Permanent Slopes No permanent slope greater than three (3) feet horizontal to one (1) foot vertical shall be permitted.

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

10.8.3.15 Depth to Water Table Excavation may not occur within five (5) feet of the seasonal high-water table. If standing water already exists in an excavated area, no further excavation that would result in an increased area of standing water shall be allowed. The Planning Board may allow excavation to extend to or below the water table and an area of standing water may be increased through excavation if such excavation is approved by the Maine Department of Environmental Protection.

10.8.4 Imposition of Conditions In granting site plan approval for the operation of an earth-moving activity, the Planning Board may impose other reasonable conditions to safeguard the neighborhood and the municipality. Such conditions may include but shall not be limited to:

10.8.4.1 Processing Methods of removal or processing.

10.8.4.2 Hours Hours of operation.

10.8.4.3 Structures Type and location of temporary structures including installation of barriers such as fences to control access.

10.8.4.4 Routes Routes of transporting materials.

10.8.4.5 Excavations Area and depth of excavations.

10.8.4.6 Debris Disposition of stumps, brush and boulders.

10.8.4.7 Streets Cleaning, repair and resurfacing of streets used in removal activity which have been adversely affected by such activity.

10.9 Fuel Storage Commercial fuel storage facilities for wholesale or retail distribution other than automobile service stations shall be located a minimum of 300 feet from a public way, and 300 feet from a residential dwelling unit.

10.10 Groundwater Extraction, Impact Assessment and Permit

10.10.1 Permit Required The removal of more than 1000 gallons per day of groundwater or spring

water as part of a residential, commercial, industrial, or land excavation operation or for a public water supply or distribution system, where allowed under this ordinance, shall require a Planning Board Site Plan Review approval. The Planning Board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform to the requirements of this Section and Article 3 (Application Review).

10.10.2 Submission Requirements The application together with site plan shall include the following information:

10.10.2.1 Statement Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;

10.10.2.2 DHS Review A letter from the Maine Department of Human Services with review comments on the facility as proposed where the Department has jurisdiction over the proposal.

10.10.2.3 Hydrogeologic Investigation Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist with demonstrated groundwater hydrology impact assessment experience and training. This report shall include the following information:

10.10.2.3.1 Aquifer Map A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one (1) in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.

10.10.2.3.2 Aquifer Characteristics The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility, and impacts on the water table in the tributary aquifer and all private or public wells within the tributary aquifer or within 1,000 feet of the proposed extraction facilities whichever is greater shall be assessed.

10.10.3 Performance Standards

10.10.3.1 Water Table The quantity of water to be taken from groundwater sources will not substantially lower the groundwater table beyond the property lines, cause salt water intrusion to any existing well, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten (10) years.

10.10.3.2 Water Quality The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

10.10.3.3 Recharge Area The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse effect on a public water supply will result.

10.10.3.4 Records The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.

10.10.3.5 Groundwater Rights Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

10.11 Home Occupations A home occupation shall be permitted if it complies with all of the requirements of this Section:

10.11.1 Incidental Use The use of a dwelling unit for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

10.11.2 Residents A home occupation shall be carried on only by residents of the dwelling unit and not more than four (4) persons other than family members residing in the home.

10.11.3 Residential Character A home occupation may not alter the residential character of the structure or change the character of the lot from its principal use as a residence.

10.11.4 Principal or Accessory Structure The home occupation shall be carried on wholly within the principal and/or one (1) accessory structure. The home occupation may utilize up to 2,500 s.f. footprint in the accessory structure plus not more than forty (40) percent of the footprint of the principal structure. The outside storage or display of materials or products shall be screened from view from the abutting properties and street. Exterior storage of materials shall occupy no more than 1,000 square feet of land area, and such land area shall meet the setback requirements for structures as specified in this Ordinance. The storage of up to two (2) commercial fishing boats shall not be included in the 1,000 square foot limitation.

10.11.5 Sign One (1) externally lit sign no larger than six (6) square feet may be erected on the premises.

10.11.6 On-Premise Products The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, items which are accessory and incidental to a service which is provided on the premises and antiques which, because of their age, rarity or historical significance, have a monetary value greater than their original value.

10.11.7 Traffic A home occupation shall not create greater traffic than normal for the area in which it is located.

10.11.8 Nuisance Control No home occupation shall be permitted or allowed to operate if it creates any of the following nuisances off the lot: noise, vibration, glare, odors, dust, smell, smoke or heat. In addition no home occupation shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes visual or audible interference in any radio or television receivers off the premises, or such that it causes voltage fluctuations off the premises.

10.12 Hotels, Motels, Overnight Cabins For traffic safety on and immediately adjoining each motel, hotel or cabin and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this Section, the terms hotel, motel and cabin are used interchangeably.

10.12.1 Cooking and Eating Facilities If cooking or eating facilities are provided in hotel rental units, each such rental unit shall be considered a dwelling unit, and the hotel with more than three (3) such units shall be required to meet all the standards for multifamily dwellings (see Article 10.17).

10.12.2 Size Each motel rental unit shall contain not less than 200 square feet of habitable floor area

enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve (12) by fifteen (15) feet in floor area exclusive of bath. Each rental unit shall include private bathroom facilities.

10.12.3 Apartment On each hotel lot, one (1) apartment may be provided for a resident owner, manager, or other responsible staff person.

10.13 Kennels, Commercial, and Veterinary Clinics

10.13.1 Residential Setback Structures or pens for housing or containing the animals shall be located not less than 100 feet from the nearest residence other than the owners' existing at the time of permit.

10.13.2 Impacts on Other Properties All pens, runs, or kennels and other facilities shall be designed, constructed, and located on the site to minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

10.13.3 Sanitary Conditions The owner or operator of a kennel shall maintain the premises so that no garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.

10.13.4 Temporary Storage Containers Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every four (4) days. Such containers shall be made of steel or plastic to facilitate cleaning and shall be located in accordance with the setbacks required for outdoor runs.

10.13.5 Kennels and Runs Any kennels or runs shall be fenced if located within 250 feet of any property line. A kennel run shall be constructed of suitable material to provide for cleanliness, ease of maintenance and noise control.

10.13.6 Incineration Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from the nearest residence other than the applicant’s and shall have a chimney vent not less than thirty-five (35) feet above the average ground elevation. The applicant shall demonstrate that there will be no offensive odor.

10.13.7 Performance Standards All other relevant performance standards in Article 7 (General Performance Standards), 8 (Environmental Standards), and 9 (Roads, Parking, Driveways, and Traffic Access) shall also be observed.

10.14 Industry/Manufacturing, Warehousing and Trucking Terminals

10.14.1 Environmental Standards These standards shall apply to industrial uses as defined. When submitting an application for a Site Plan Review, the applicant shall submit the following information:

10.14.1.1 Description of Operations A written description of the industrial operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects.

10.14.1.2 Plan for Wastes Engineering and architectural plans for the treatment of and disposal of

sewage and industrial wastes and any on-site disposal of wastes.

10.14.1.3 Plans for Impacts Engineering and architectural plans for handling any traffic congestion, noise, odor, heat, glare, air pollution, fire hazard, or safety hazard.

10.14.1.4 Fuel Use Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.

10.14.1.5 Shifts and Employees The proposed number of shifts to be worked and the maximum number of employees on each shift.

10.14.1.6 Landscape Features A plan prepared by a registered professional landscape architect, engineer, surveyor, or architect indicating trees to be retained, streams and other topographical features on the site and within one hundred (100') feet from the exterior boundaries of the property.

10.14.1.7 Chemicals A list of all chemicals and all hazardous materials regulated by the U.S. Environmental Protection Agency or the Maine Department of Environmental Protection that are to be hauled, stored, used, generated or disposed of on the site, and a list of required State and Federal permits.

10.14.2 General Requirements

10.14.2.1 Enclose Buildings All business, service, repair, manufacturing, storage, processing, or display on property abutting or facing a residential use or property or public road shall be conducted wholly within an enclosed building unless screened from the residential area or road.

10.14.2.2 Loading Docks Loading docks, overhead doors and similar openings in structures shall be prohibited on sides of the structure adjacent to or across the street from a residential use or property.

10.14.2.3 Yard Maintenance All other yards abutting or across a street from a residential use or property shall be continuously maintained in lawn or other landscaping unless screened from the residential use.

10.14.2.4 Access Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

10.14.2.5 Sanitary Conditions All materials including wastes shall be stored, and all grounds shall be maintained, in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

10.14.2.6 Ordinance Provisions Prior to the issuance of building permits, the applicant shall demonstrate that all provisions of this Ordinance have been met.

10.14.2.7 Off-Street Parking Off-street parking requirements as stated in Article 9, Section 9.3 (Roads, Parking, Driveways and Traffic Access, Parking and Loading) shall be met.

10.14.2.8 Buffers The requirements for buffers contained in Article 7, Section 7.1 (General Performance Standards, Buffer Areas) shall be met.

10.14.2.9 Noise The noise level of the industrial process shall not exceed 60 decibels at any property line from 10:00 p.m. to 7:00 a.m. and 70 decibels from 7:00 a.m. to 10:00 p.m.

10.14.2.10 Exterior Storage Exterior storage of materials shall occupy no larger than 5,000 square feet of contiguous land area and be screened, per Article 10.1 above.

10.14.2.11 Property Line Impacts There shall be no objectionable land, water or air discharges or emissions at any property line.

10.14.2.12 Machinery Testing The operation or testing of machinery and engines, including but not limited to saws, splitters, snowmobiles, and all-terrain vehicles, shall be prohibited other than in enclosed buildings.

10.14.2.13 Deliveries There shall be no deliveries or shipments of hazardous materials in quantities large enough to cause a public health hazard in case of accidental release.

10.14.2.14 Discharges Discharges shall be in conformance with Article 7, section 7.9 (General Performance Standards, Sanitary Provisions).

10.15 Light Industry

10.15.1 Specific Performance Standards

10.15.1.1 General Requirements The Planning Board shall classify an industrial use a light industrial use if it finds that it meets all of the following standards:

10.15.1.1.1 Will generate less than 30 truck trips per day.

10.15.1.1.2 Noise will not exceed 50 decibels at any property line from 10:00 p.m. to 7:00 a.m. and 60 decibels from 7:00 a.m. to 10:00 p.m.

10.15.1.1.3 Outside storage of materials or waste shall not exceed 1,000 s.f.

10.15.1.1.4 Will not create a nuisance by smoke, vibration, odor or appearance.

10.15.1.1.5 Parking and loading facilities are not oriented towards any residence within 300 feet.

10.15.1.1.6 The total footprint of all structures does not exceed 10,000 s.f.

10.15.1.1.7 The use is determined to be a low-impact activity, including, by way of example only, the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods.

10.16 Manufactured Home Parks

The following provisions shall apply to all development proposals for new construction of manufactured home parks and to any expansion of existing manufactured home parks.

10.16.1 Plan

10.16.1.1 Site Plan Review An approved manufactured home park plan shall be necessary under the Site Plan Review provisions of this Ordinance, prior to the establishment or expansion of a manufactured home park.

10.16.1.2 Other Requirements An approved manufactured home park plan shall not exempt an applicant from meeting other applicable local, State, or federal requirements.

10.16.1.3 Construction Time Limits Manufactured home park construction shall be accomplished in accordance with the approved plan and shall be completed within forty-eight (48) months from approval date of the plan. If construction is incomplete after forty-eight (48) months and the manufactured home park operator desires to continue construction, the applicant must re-submit a plan for Planning Board approval.

10.16.2 General

10.16.2.1 Single Parcel A manufactured home park shall consist of a single parcel of land.

10.16.2.2 Three (3) Lot Minimum At least three (3) manufactured home lots shall be established and provided with utilities before manufactured home park occupancy is allowed.

10.16.2.3 Electrical Service Electric substations, transformers, transmission lines, distribution lines, and meters shall be located in such a manner that they are not hazardous.

10.16.2.4 Sanitary Sewers New manufactured home parks shall either be connected to the municipal sanitary sewer system or be located within a two-mile radius of the intersection of Jefferson Street and U.S. Route 1, provided that manufactured home parks shall be prohibited in the Residential, Historic Village, Downtown Business, Route 1 Commercial B or Route 1 Commercial A Districts. Developers of proposed manufactured home parks not on the municipal sanitary sewer system shall conduct a hydrogeologic assessment according to the "Hydrogeologic Assessment of Groundwater Impacts" standard in Article 8, Section 8.2 of this Ordinance.

10.16.3 Access A manufactured home park shall have safe and convenient vehicular access from public streets.

10.16.4 Lot Size

10.16.4.1 Minimums Notwithstanding other requirements of this Ordinance, lots shall meet the following requirements:

	Minimum Lot Size Sq. ft.	Minimum Frontage Feet
Lots served by public sewer	5000	50
Lots served by individual subsurface wastewater disposal systems	20,000	100
Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services	12,000	75

10.16.5 Overall Density The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each 20,000 square feet of total park area. The total area of a manufactured home park shall not be less than the sum of the following:

10.16.5.1 Lot Total The combined area of the manufactured home park lots, which shall each meet the minimum lot requirements,

10.16.5.2 Roads The area required for road rights-of-way,

10.16.5.3 Buffer Strips The area required for buffer strips,

10.16.5.4 Open Space For parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots.

10.16.6 Setbacks

10.16.6.1 Minimums Minimum setback distances for structures shall be as follows:

Location Setback	
Street right of way	25 feet
Side lot line	10 feet
Rear lot line	10 feet

10.16.6.2 Boundaries Structures shall be set back a minimum of thirty (30) feet from manufactured home park boundary lines.

10.16.7 Placement of Units on Lots

10.16.7.1 Manufactured Home Lots All manufactured homes shall be placed upon separate lots within the manufactured home park. The boundaries of each lot shall be clearly marked with permanent corner pins for each lot, and the lots shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon.

10.16.7.2 Manufactured Home Pad Each manufactured home shall be set upon a manufactured home pad consisting of at least a twelve (12) inch thickness of gravel base material. Concrete or other durable pads approved by the Planning Board may be used. The width and length of the manufactured home pad shall conform to those dimensions of the manufactured home placed upon it.

10.16.7.3 Skirting The vertical space from the manufactured home pad to the manufactured home frame shall be enclosed with a durable material, installed in a neat manner within thirty (30) days after the manufactured home is set in place. The material requires approval of the manufactured home park operator and the Code Enforcement Officer of the Town of Waldoboro.

10.16.7.4 Utility Building Each occupied home lot shall be provided with a utility building within thirty (30) days after the manufactured home is set in place. The minimum size of the utility building shall be eight (8) feet square. The utility building shall be stable and attractive. This utility building requires the approval of the manufactured home park operator and the Code Enforcement Officer of the Town of Waldoboro.

10.16.7.5 Accessory Structures Accessory structures such as a garage shall be allowed upon mobile home lots provided the structure meets requirements of this Ordinance.

10.16.7.6 Refuse Each occupied manufactured home lot shall be provided with a water-tight, insect-proof and animal-proof enclosure for storage of refuse. The responsibility of providing the refuse storage enclosure shall be that of the manufactured home park operator prior to the installation of a manufactured home.

10.16.7.6.1 Single Structure A single structure, if built by the operator of the manufactured home park, shall satisfy the requirements of this Section, provided it is of sufficient size and design to meet the purposes of those provisions.

10.16.7.6.2 Location The refuse storage enclosure required herein need not be on the same lot as the manufactured home.

10.16.7.6.3 Collection Collection of refuse shall be conducted at regular intervals and shall be performed in a neat workmanlike manner. Collection and disposal of refuse shall be the responsibility of the manufactured home park operator and shall be accomplished according to State of Maine and local regulations.

10.16.7.7 Grading and Drainage Every lot used in a manufactured home park shall be properly graded and drained for disposal of surface and storm water.

10.16.8 Landscaping

10.16.8.1 Pad Orientation Manufactured home pads shall be oriented in regard to natural features where practical.

10.16.8.2 Trees Wooded areas and individual trees shall be preserved where practical.

10.16.8.3 Vegetative Cover Vegetative cover such as grass shall be provided for land area not paved, graveled, or occupied by a structure.

10.16.8.4 Other Plantings Other planting shall be established to create an attractive setting for manufactured-home homes, promote privacy, minimize glare, and provide shade.

10.16.9 Street Illumination

10.16.9.1 Brightness Streets shall be illuminated with a minimum illumination level of 0.1-foot candle per square foot.

10.16.9.2 Intersections Street intersections shall be illuminated.

10.16.10 Manufactured Home Park Roads

10.16.10.1 Roads for Public Acceptance Manufactured home park roads which the developer intends to offer to the municipality for acceptance as Town ways shall be constructed to the road standards found in Article 7.

10.16.10.2 Private Roads Manufactured home park roads which the developer intends to retain in private ownership shall be designed in accordance with accepted engineering standards by a licensed professional engineer and stamped with a professional engineer's seal in accordance with the requirements of the Manufactured Housing Board, and shall be constructed to the standards in Table 1.

Table 1

Manufactured Home Park Private Road Standards

Minimum right-of-way width	23 feet

Minimum pavement width	20 feet
Minimum sidewalk width, if installed	5 feet
Minimum grade	0.5%
Maximum grade within 100' of the intersection of a public way measured from the center line of the public way	1.0%
Maximum grade	8.0%
Minimum center line radius	100 feet
Minimum tangent between curves of reverse radius	50 feet
Minimum roadway crown	1/8” feet
Maximum roadway crown	1/2” feet
Minimum angle of street intersections	75 degrees
Minimum curb radii at street intersections	20 feet
Minimum right-of-way radii at intersections	10 feet
Minimum width of shoulders without sidewalks (each side)	3 feet

Cul-de-sac & turn around radii:

Property Line	65 feet
Outer edge of pavement	50 feet
Inner edge of pavement	30 feet

10.16.10.3 Off-Street Parking At least one (1) off-street parking space shall be provided for each manufactured home lot at a distance less than 100 feet from the manufactured home it serves. Off-street parking spaces shall be constructed with a minimum thickness of twelve (12) inches gravel base material. Such parking space shall have a minimum dimension of ten (10) feet width by twenty (20) feet length.

10.16.10.4 Street Maintenance Streets within the manufactured park not to be offered to the Town for acceptance as Town ways shall be constructed, maintained, and serviced by the manufactured home park operator.

10.16.11 Buffer Strips

10.16.11.1 Continuous Buffer Strip A continuous buffer strip or an existing wooded area not less than twenty-five (25) feet in width shall be required, and shall contain evergreen shrubs, trees, fences, walls, or any combination of the above. The buffer strip shall be located along all

boundaries of the manufactured home park.

10.16.11.2 Structure Prohibition No structures, streets or utilities shall be permitted in the buffer strip, except that utilities may cross a buffer strip to provide services to a manufactured home park, and driveways may cross the buffer strip to provide access to roads outside the park.

10.16.12 Conversion of Park No lot in a manufactured home park may be sold or otherwise conveyed without prior written approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the district in which it is located.

10.16.13 Utilities

10.16.13.1 Water Supply

10.16.13.1.1 Individual Service Each manufactured home shall be provided with an adequate, safe, potable water supply.

10.16.13.1.2 Quantity The water supply shall provide a minimum of 150 gallons of water per day per manufactured home.

10.16.13.1.3 Plumbing Code Water supply systems shall be installed and maintained in accordance with the State of Maine Plumbing Code, 10-144A CMR 238 and all revisions thereof.

10.16.13.2 Sanitary Sewer System

10.16.13.2.1 Plumbing Code Sanitary sewer systems shall comply with the State of Maine Plumbing Code, 10-144A CMR 241 Subsurface Wastewater Disposal Rules and all revisions thereof.

10.16.13.2.2 On-Site System Where public sewer is not available, a sanitary sewer system and treatment facility shall be designed and installed under supervision of an engineer registered in the State of Maine.

10.16.13.2.3 Connection to Public Sewer A manufactured home park located within 1500 feet of a public sewer system shall provide an internal sewer system connected into the public system. The internal sewer system shall be designed and installed under the direction of an engineer registered in the State of Maine.

10.16.13.2.4 Septic Systems Septic systems for individual lots are permitted. Privies shall not be permitted in a manufactured home park.

10.16.13.2.5 Maintenance The sanitary sewer system within the manufactured home park shall be constructed and maintained under the responsibility of the manufactured home park management.

10.16.13.2.6 Off-Premises Maintenance A portion of a sanitary sewer system located outside a manufactured home park and not maintained by a public utility shall require maintenance under the responsibility of the manufactured home park owner.

10.16.13.3 Electric Supply

10.16.13.3.1 Regulations A manufactured home park shall contain an electrical system designed, installed, and maintained in accordance with the National Fire Protection

Association's NFIPA-70-1990 National Electric Code and applicable State of Maine and local regulations.

10.16.13.3.2 Design, Installation The electrical system shall be designed and installed under the supervision of an electrical engineer registered in the State of Maine.

10.16.13.3.3 Lines Electrical distribution lines within the manufactured home park may be installed overhead or underground. All underground lines shall be protected by a rigid conduit or encased in concrete.

10.16.14 Innovative Manufactured Home Park Design

10.16.14.1 Waivers The Planning Board may consider waiving provisions of these regulations to allow innovative design. However, the following minimum standards must be met:

10.16.14.1.1 Purpose The purpose and intent of this Ordinance shall be upheld.

10.16.14.1.2 Regulations Federal, State and local regulations shall not be violated.

10.16.14.1.3 Frontage Reductions Manufactured home lots bounding cul-de-sacs or curvilinear streets may have reduced street frontage requirements up to ten percent (10%) or a maximum of seven and a half (7.5) feet.

10.16.14.1.4 Setback Reductions Setback requirements may be reduced according to the following:

Location	Normal Setback	Modified Setback
Street right-of-way	25 feet	20 feet
Side lot line	10 feet	8 feet
Rear lot line	10 feet	8 feet

10.16.14.1.5 Density The manufactured home park net residential density shall not exceed five (5) mobile homes per acre. Net residential density is computed by dividing the number of lots by the total lot acreage.

10.16.14.2 Open Space Land accumulated by reducing lot size to areas within the net residential density shall be used to increase recreational space.

10.16.15 Fire Protection

10.16.15.1 Fire Regulations A manufactured home park shall comply with state and local fire regulations.

10.16.15.2 Internal Fire Protection A manufactured home park located within 1500 feet of an adequate public water supply system shall provide an internal fire protection water supply system connected to the public system. The internal fire protection water system shall be designed and installed under direction of an engineer registered in the State of Maine.

10.16.15.3 Fire Extinguisher Each manufactured home shall be equipped with at least one (1) fire extinguisher rated as Class A-B-C of not less than four and three-fourths (4-3/4) pounds capacity.

10.16.15.4 Smoke Detectors Each manufactured home shall be equipped with two (2) or more

smoke detectors.

10.16.16 Exterior Lighting Exterior lighting installed on a manufactured home or manufactured home lot shall be installed in accordance with Article 7, Section 7.7 (General Performance Standards, Lighting and Glare), such that it is not directed toward surrounding property, street, or other manufactured home lots.

10.16.17 Signs All signs shall be in conformance with Article 7, General Performance Standards, subsection 7.10 Signs.

10.16.18 Lot Identification

10.16.18.1 Lot Number Each manufactured home lot shall have a number applied by the operator of the manufactured home park, and the lots shall be numbered in an orderly consecutive fashion. Even numbers shall be on the one side of a street and odd numbers shall be on the opposite side of the street.

10.16.18.2 Manufactured Home Number Each manufactured home shall be numbered in a manner consistent with the number assigned to the lot.

10.16.18.3 Display The manufactured home lot number shall be prominently displayed upon the manufactured home on a surface facing the street. Manufactured home lot numbers shall be uniformly located on each manufactured home if possible.

10.16.19 Recreational Areas Not less than eight percent (8%) of the gross site area shall be devoted to recreational facilities, with no single recreation area being less than 10,000 square feet. Such areas shall be located in one (1) or more convenient, central location(s) with easy and safe access for all park residents.

10.16.20 Mailboxes The manufactured home park operator shall supply mailboxes for the residents in a place, number and manner satisfactory to the Post Office.

10.16.21 Miscellaneous

10.16.21.1 General Requirements

10.16.21.1.1 Regulations A manufactured home park shall conform to this Ordinance and to the "State of Maine Rules and Regulations of The Professional and Financial Regulation, Manufactured Housing Board to Mobile Homes".

10.16.21.1.2 Occupant Notification The manufactured home park operator shall inform occupants of this Ordinance and indicate the responsibilities of the occupants under this Ordinance.

10.16.21.1.3 Register Manufactured home park management shall maintain a register containing names and lot numbers of manufactured home park occupants. The register shall be available for inspection by federal, State, and local authorities upon request during normal business hours.

10.16.21.1.4 Utility Connections Manufactured home park management shall be responsible for connection of utilities for set-up of a manufactured home.

10.16.21.1.5 Installation Permit A permit is required prior to a manufactured home or

accessory structure being installed on a manufactured home park lot.

10.16.21.1.6 Removal of Manufactured Home A manufactured home shall not be removed from a lot until a written certificate is obtained from the tax collector of the Town of Waldoboro, identifying the manufactured home and stating that all property taxes applicable to the manufactured home, including those for the current tax year, have been paid or that the manufactured home is exempt from such taxation.

10.16.21.2 General Prohibitions

10.16.21.2.1 District Prohibitions Manufactured home parks are not allowed within the Shoreland Zone; such parks are allowed only in those districts where specific provision is made for them in Article 6, Section 6.6 (Land Use Districts, Purpose of Districts).

10.16.21.2.2 Ruins Ruins caused by fire or other causes are not allowed within a manufactured home park. If ruins are created, such ruins shall be removed within sixty (60) consecutive calendar days from the time of their creation.

10.16.21.2.3 Fuel Tanks Fuel tanks and bottled gas shall not be placed such that they face a street or road.

10.17 Mass Gatherings Applications for mass gatherings shall contain the following information:

10.17.1 A site plan showing the following:

10.17.1.1 The area to be used for the mass gathering;

10.17.1.2 The area to be used for parking;

10.17.1.3 Traffic ingress and egress;

10.17.1.4 Sight distances at ingress and egress drives;

10.17.1.5 Existing and proposed structures to be used for gathering; and

10.17.1.6 A site plan drawn to scale, if requested by the Code Enforcement Officer or Planning Board.

10.17.2 Written information including the following:

10.17.2.1 How will traffic control / public safety be handled?

10.17.2.2 How will emergency medical services be handled?

10.17.2.3 How will fire control be handled?

10.17.2.4 Refuse disposal provisions

10.17.2.5 Sanitary provisions

10.17.2.6 Proposed signs: size, location, and duration

10.17.2.7 Number of days and hours of operation of event

10.18 Multi-Family Dwellings Multi-family developments shall be approved by the Planning Board pursuant to this Ordinance. All proposals to construct multi-family developments shall be in conformance

with this Ordinance and the design requirements listed below.

10.18.1 Water Supply*

10.18.1.1 Public Supply – Mandatory Connection When a multi-family development is proposed within the service area of a public water supply system, all dwellings shall be connected to the system. The applicant shall demonstrate by a signed letter from an authorized representative of the Water Department that an adequate water supply can be provided to the development for potable water supply purposes and at an adequate pressure for firefighting purposes. Fire hydrants shall be located so that they are not more than 500 feet from any building, as the fire hose is laid on the street.

10.18.1.2 Hydrogeologic Assessment When a multi-family development is proposed outside of the service area of a public water supply system, the applicant shall provide a hydrogeologic assessment and demonstrate the availability of a quantity of potable water sufficient for both domestic and firefighting purposes. The developer must comply with standards outlined in 01-672 C.M.R. ch.10, Section 10.25 (J), Land Use Districts and Standards. Any tests of an existing well or proposed well must indicate that the proposed Centrally Managed water system is potable and acceptable for domestic use when the application is presented to the Planning Board. The Planning Board may require the construction of fire ponds and dry hydrants.

10.18.2 Sewage Disposal

10.18.2.1 Public Supply – Mandatory Connection All residential buildings shall be connected to the Waldoboro Utility District system if the property boundary is within 500 feet of the system. The applicant shall submit to the Planning Board a letter from the Superintendent of the Utility District confirming that service is available and that the District can and will treat the sewage from the development.

10.18.2.2 Private System If a development is unable to connect to the Waldoboro Utility District, proof of adequate sewage disposal for subsurface wastewater is required. The Comparable Sewer System, as described in this Ordinance, must be verified as adequate by a local plumbing inspector under Section 4221 of the State Statute. Plans for 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.

10.18.3 Rubbish, Snow Removal, and Maintenance It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.

10.18.4 Storm Water and Drainage Storm water and surface drainage systems shall be designed in accordance with Article 8, Section 8.1 (Environmental Standards, Stormwater Management).

10.18.5 Multiple Street Access All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one (1) means of access (for emergency and safety purposes). No more than two (2) accesses shall be allowed on any single street or roadway.

10.18.6 Recreation and Open Space All multi-family developments of fifteen (15) dwelling units or more shall provide a developed open space of no less than 5,000 square feet that may be used for recreation, a community garden, or similar use. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

10.18.7 Affordable Housing These standards are required under 30-A MRSA §4364 for all proposed Affordable Housing Developments. If there is potential conflict between the Waldoboro Land Use

Ordinance and State Statute, the more restrictive provisions shall be used for site plan review.

10.18.7.1 Covenant The applicant must enter a restrictive covenant that is enforceable in Maine State and Federal courts by a party acceptable to the Town of Waldoboro. The applicant must have the restrictive covenant recorded at the Lincoln County Registry of Deeds to ensure that, for at least thirty (30) years after completion of construction:

10.18.7.1.1 For rental housing, occupancy of all the units designated affordable, as defined in this Ordinance, will remain limited to households at or below 80% of the local area median income for Lincoln County at the time of initial occupancy; and

10.18.7.1.2 For owned housing, occupancy of all the units designated affordable, as defined in this Ordinance, will remain limited to households at or below 120% of the local area median income for Lincoln County at the time of initial occupancy.

10.18.7.2 Density The applicant must demonstrate that the density of the Affordable Housing Development is no more than 2.5 times the minimum lot size that is otherwise allowed in the applicable district. The project must comply with minimum lot size requirements found under Section 6.8 (Land Use Districts, Schedule of Dimensional Requirements) of this Ordinance.

10.18.7.3 Parking The applicant must demonstrate that there will be at least two (2) parking spaces for every three (3) proposed affordable housing units.

10.18.7.4 Growth Area The site must be in a designated Growth Area pursuant to 30-A M.R.S. §4349-A(1)(A) or (B) and set forth in the up-to-date voter-approved Town of Waldoboro Comprehensive Plan.

10.18.7.5 Number of Units A majority of the proposed units must be determined as "affordable" as defined in the Waldoboro Land Use Ordinance Article 15 (Definitions).

10.19 Open Space Subdivisions

10.19.1 Introduction

10.19.1.1 Policy It is the policy of the Town of Waldoboro to encourage the use of open space subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Waldoboro Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedures and to waive or reduce certain otherwise applicable standards and provisions of this Land Use Ordinance if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design for the development of single and multi-family residential areas that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

10.19.1.2 Purposes To qualify as an open space subdivision, the Planning Board must find that the

subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

10.19.1.2.1 Long-term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan and the Land Use Ordinance, including but not limited to:

10.19.1.2.1.1 State-defined critical areas, and unique natural features located on the parcel to be subdivided;

10.19.1.2.1.2 Historic land use patterns and historic structures;

10.19.1.2.1.3 Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;

10.19.1.2.1.4 Contiguous stands of mature trees;

10.19.1.2.2 Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;

10.19.1.2.3 Provision of adequate buffers for adjoining properties where needed;

10.19.1.2.4 Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;

10.19.1.2.5 Conservation of land suitable or actively used for agriculture and forestry, particularly where the open space subdivision borders active agricultural or forest land or land suitable for the same;

10.19.1.2.6 Conservation of traditional land uses;

10.19.1.2.7 Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Waldoboro;

10.19.1.2.8 Construction of affordable housing;

10.19.1.2.9 Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and

10.19.1.2.10 Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

10.19.1.3 Types of Open Space Subdivisions There are two types of open space subdivisions, which may be used separately or in combination:

10.19.1.3.1 Cluster Subdivisions A cluster subdivision achieves the purposes of this performance standard by reducing the lot size and frontage and setback requirements in the Land Use Ordinance, modifying the road design standards contained in the Subdivision Regulations, and clustering housing or business structures and uses in those areas where they will have the least impact on identified environmental and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions and/or conservation easements that run with the land. The cluster principle can be applied to

subdivisions of any size.

10.19.1.3.2 Conservation Density Subdivisions A conservation density subdivision achieves the purposes of this performance standard through the creation of significantly lower lot densities than what would be allowed in the applicable land use district. In no event may the density of such a subdivision average less than ten (10) acres per principal structure, including the land placed in open space for the parcel or portion of the parcel to be developed. This low density is maintained in perpetuity through the use of permanent conservation easements or covenants and restrictions running with the land.

10.19.1.4 Grouping Contiguous Parcels In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping will benefit the Town and that it helps achieve the purposes set forth in Article 10.18.1.2.

10.19.2 Planning Board Review

10.19.2.1 Pre-Application An individual may test the feasibility of an open-space subdivision as part of the pre-application conference described in Article 3 (Application Review).

10.19.2.2 Application Procedure

10.19.2.2.1 Required Plans The submissions for an open space subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a conventional subdivision.

10.19.2.2.2 Waiver of Submission and Review Requirements The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more efficient where the number of lots proposed for development in a parcel is five or fewer within any five-year period, or the proposed open space subdivision is a conservation density subdivision.

10.19.3 General Requirements In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of the Land Use Ordinance:

10.19.3.1 Use and District Requirements All open space subdivisions shall meet the use standards of the districts in which they are located.

10.19.3.2 Allowable Density

10.19.3.2.1 The allowable density for a proposed development of five or fewer lots within any five-year period on a parcel of land under one ownership or a grouping of contiguous parcels as described in Article 10, Section 10.18.4 (Specific Performance Standards, Multi-Family Dwellings). shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.

10.19.3.2.2 The provisions for open space subdivisions may be applied to a development consisting of a single lot where the purposes set forth in Article 10.18.1.2. will be served and which may provide effective long range planning for a larger parcel of land than sought to be developed, when

used in conjunction with the flexible open space and substitution, timing, or phasing provisions of this performance standard. In such cases, sufficient open space to accommodate the single lot shall be permanently preserved as set forth in Article 10.19.4., Open Space Requirements.

10.19.3.2.3 The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:

10.19.3.2.3.1 Determine the buildable area of the parcel according to the definition of "net developable area" contained in Article 7, General Performance Standards, subsection 7.5, and reduce it by 20%; then

10.19.3.2.3.2 Divide the reduced net developable area by the minimum lot size required in the district to obtain the net residential density allowable.

10.19.3.2.4 A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

10.19.3.2.5 A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot. Any such further subdivision shall only be made in accordance with Article 10.18.

10.19.3.2.6 Any affordable housing density bonus provision provided for in the Land Use Ordinance shall also apply within clustered residential projects.

10.19.3.2.7 In a conservation density subdivision, where all other requirements of Article 10.18 are met, the Planning Board may include up to 50% of land in Resource Protection zones and wetland areas for purposes of calculating density.

10.19.3.3 Layout and Siting Standards In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations. Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residences and business structures shall be sited to maximize the following principles. The Planning Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

10.19.3.3.1 In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where existing or future agricultural, forestry, or recreational uses are particularly sought to be preserved.

10.19.3.3.2 In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and Great Ponds.

10.19.3.3.3 Within woodlands or along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils, to provide shade in the summer and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;

10.19.3.3.4 In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;

10.19.3.3.5 In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development;

10.19.3.3.6 In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the land use district;

10.19.3.3.7 In locations such that diversity and originality in lot layout and individual building, street, and parking layout is encouraged.

10.19.3.3.8 So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.

10.19.3.4 Space Standards

10.19.3.4.1 Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the land use district.

10.19.3.4.2 Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.

10.19.3.4.3 In areas outside of the shoreland zone, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than one-half acre. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the land use district as modified by Article 10.19.3.2 Allowable Density.

10.19.3.4.4 Minimum road frontage requirements of the Land Use Ordinance may be waived or modified by the Planning Board provided that:

10.19.3.4.4.1 Any applicable provisions regarding roads in Article 9 are satisfied.

10.19.3.4.4.2 Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and /or common driveways.

10.19.3.4.4.3 No common driveway shall provide access to more than three (3) lots.

10.19.3.4.5 A reduction of required setback distances may be allowed at the discretion of the Planning Board, provided that the front, side and rear setbacks shall be no less than twenty-five feet or that required for the applicable land use district, whichever shall be less. For the perimeter of a multi-family cluster development, site setback shall not be reduced below the minimum front, side and rear setbacks required in the land use district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.

10.19.3.5 Utilities At the discretion of the Planning Board, in order to achieve the most appropriate

design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided the same shall not unreasonably interfere with the open space purposes to be achieved under this performance standard and for the particular parcel(s) that is the subject of the application for open space subdivision.

10.19.3.5.1 The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that due to the specific placement of wells and septic systems:

10.19.3.5.1.1 Adequate groundwater is available at all locations proposed for individual water systems; and that

10.19.3.5.1.2 There is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10 mg/l of nitrates.

10.19.3.5.2 If a private central collection septic system is proposed for a single-family clustered development or a multiplex cluster development, the applicant must show that at least one (1) designated site for each lot, either in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the Maine State Plumbing Code, or that a second designated site on the parcel has the size, location and soil characteristics to accommodate a system similar to the one originally proposed.

10.19.3.5.3 If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common, and written evidence of said maintenance agreement shall be submitted to the Planning Board.

10.19.4 Open Space Requirements In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Land Use Ordinance or the Subdivision Regulations.

Open space set aside in an open space subdivision shall be permanently preserved as required by this performance standard, except as allowed under this provision for flexible open space and the substitution for and/or the addition to the same. Land set aside as permanent open space may, but need not, be a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement or a declaration of covenants and restrictions is placed on such land and provided that the Planning Board approves such configuration of the open space.

10.19.4.1 Open Space Uses On all parcels, open space uses shall be appropriate to the site. Open space shall include natural features located on the parcel(s) such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

10.19.4.1.1 On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.

10.19.4.1.2 When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant

habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

10.19.4.1.3 Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.

10.19.4.1.4 If the open space is to be devoted at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.

10.19.4.1.5 The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

10.19.4.1.6 Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Article 10, Section 10.18.4 (Specific Performance Standards, Multi-Family Dwellings). Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval under Article 3 and the provisions for open space subdivisions.

10.19.4.2 Notations on Plan Open space must be clearly labeled on the Final Plan to show ownership, management, responsibility for maintenance, method of preservation, permitted uses and the portions of the open space to which such uses apply, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Article 10, Section 10.19.4.5 and 10.19.4.6 and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

10.19.4.3 Preservation in Perpetuity An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in Article 10.18.1.2 are achieved and all other requirements of this performance standard are met, subject to the following conditions:

10.19.4.3.1 A perpetual conservation easement or declaration of covenants and restrictions restricting development of the open space land must be incorporated in the open space plan.

10.19.4.3.2 The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, or to a qualified not-for-profit conservation organization acceptable to the Planning Board.

10.19.4.3.3 Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.

10.19.4.3.4 The Planning Board may require that such conservation easement, or declaration of

covenants and restrictions, be enforceable by the Town of Waldoboro if the Town is not the holder of the conservation easement or beneficiary of the declarations.

10.19.4.3.5 The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry, and recreation), and shall not be amendable to permit such use.

10.19.4.3.6 The conservation easement or declarations shall be recorded in the Lincoln County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Lincoln County Registry of Deeds.

10.19.4.3.7 Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that:

10.19.4.3.7.1 The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;

10.19.4.3.7.2 The Planning Board grants approval for such lots; and,

10.19.4.3.7.3 The applicant has reserved the right to apply for approval for such additional lots.

10.19.4.4 Ownership of Open Space Land Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowners' association (HOA); dedicated to the Town, county or State governments or agencies; transferred to a non-profit organization such as a conservation trust or association acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in Article 10.18.1.2. and under the other requirements of this Land Use Ordinance.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Article 10, Section 10.18.4 (Specific Performance Standards, Multi-Family Dwellings) above. Unless so determined, or unless deeded to the Town of Waldoboro and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land shall be included in the deed for each lot. Ownership of the open space land shall be indicated on the final subdivision plan.

10.19.4.5 Flexible Open Space and Substitution; Phasing An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Article 10, Section 10.18.4 (Specific Performance Standards, Multi-Family Dwellings) will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met and such substitution is specifically allowed in any documentation associated with the open space, conservation easement, or homeowners' association. Development that is phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.

10.19.4.6 Maintenance Standards Maintenance standards for open space land, where appropriate, shall be in accordance with other requirements of this Land Use Ordinance.

10.20 Recreational Facilities All recreation facilities shall meet the provisions below:

10.20.1 Parking There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.

10.20.2 Rubbish Facilities Containers and facilities for rubbish collection and removal shall be provided.

10.20.3 Screening Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

10.21 Recycling Centers other than Automobile Recycling Facilities

10.21.1 Processing No processing shall be conducted on-site except to bundle/bale the materials for pick-up.

10.21.2 Time Limits No processing, pickup or delivery of recyclable materials shall take place before 7:00 a.m. or after 10:00 p.m. during any day.

10.21.3 Storage The facility shall store the materials on-site for a period of time not to exceed one (1) year.

10.21.4 Maintenance The facilities shall be maintained in a neat, clean and orderly manner.

10.21.5 Identification The facility shall be clearly identified.

10.22 Restaurants

10.22.1 Seating Capacity The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.

10.22.2 Public Sewer Connection Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.

10.22.3 Restrooms Restroom facilities for the patrons shall be provided consistent with State law.

10.22.4 Parking Parking shall comply with the standards in Article 9.

10.23 Shipping Containers, Mobile Homes and Buses as Outdoor Storage

10.23.1A property owner may apply for a building permit to temporarily locate a single shipping container on a lot for a period not to exceed six (6) months. Use of such shipping container shall be limited to the temporary storage of residential goods, such as household furniture, appliances, bathroom fixtures, clothing and similar items, while the residence is being remodeled or is being repaired after damage due to fire, flood or similar event. A three (3) month extension of a building permit may be granted at the discretion of the Code Enforcement Officer.

10.23.2. Shipping containers may be permanently permitted on lots in the Route 1 Commercial A, Route 1 Commercial B, Rural, and Industrial Districts subject to Site Plan Review, if applicable, and issuance

of a building permit by the Code Enforcement Officer and further subject to the following standards:

10.23.2.1 Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.

10.23.2.2 The total floor area of all shipping containers on a lot shall not exceed seven hundred (700) square feet.

10.23.2.3 They are located outside of any required setback, parking space or vehicle maneuvering area.

10.23.2.4 They do not adversely affect sight distance at any point of access from the site onto a public or private way.

10.23.2.5 They do not adversely affect stormwater flow across the site.

10.23.2.6 They are visually screened and buffered to avoid being seen by abutting landowners.

10.23.3 Shipping containers that are significantly repurposed to change the primary function from storage to a commercial or residential use shall be exempt from the restrictions of this Section. This exemption does not apply if the shipping container is primarily used for storage.

10.24 Single-Wide Manufactured Homes

10.24.1 Older Single-Wide Manufactured Homes (Pre-June 1976)

10.24.1.1 Nonconforming Structures Older single-wide manufactured homes which were legally existing in the Town of Waldoboro as of the effective date of this Ordinance, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, and expanded. Legally nonconforming older single-wide manufactured homes may also be relocated from one lot to another within a manufactured home park, from one manufactured home park in the Town of Waldoboro to another manufactured home park in Waldoboro, from an individual lot in the Town of Waldoboro to a manufactured home park, or if it meets the standards in 10.24.1.2, below, to individual lots in Waldoboro.

10.24.1.2 Importation of Older Single-Wide Manufactured Homes Older single-wide manufactured homes being relocated into the Town of Waldoboro shall be at least fourteen (14) feet wide and shall have at least 750 square feet of floor area and be certified as being in compliance with the safety standards contained in Rule 02-385, Department of Professional and Financial Regulation, Manufactured Housing Board.

10.24.1.3 Alteration of Older Single-Wide Manufactured Homes No person shall remove any structural component from under the older single-wide manufactured home such that it might weaken its structural integrity unless the older single-wide manufactured home is to be set on a permanent foundation that shall adequately support the older manufactured home in such a way as to maintain its structural integrity.

10.24.2 Newer Single-Wide Manufactured Homes

10.24.2.1 Placement on Individual Lots A single-wide manufactured housing unit meeting the following standards may be placed on any residential lot in the Rural District.

10.24.2.1.1 Minimum Horizonal Dimension Fourteen (14) feet;

10.24.2.1.2 Living Space At least 750 square feet;

10.24.2.1.3 Roof A pitched, shingled roof with a minimum pitch of 3/12 that meets the standards of the State of Maine Manufactured Housing Act;

10.24.2.1.4 Construction Meets standards of the U.S. Department of Housing and Urban Development;

10.24.2.1.5 Siding Residential in appearance;

10.24.2.1.6 Foundation Any foundation system allowed by the State's "Manufactured Housing Installation Standards," 1991, as amended, with properly attached and residential appearing skirting, or a full basement.

10.24.3 Construction Sites The Code Enforcement Officer may issue a special permit for use of a single-wide manufactured home for a temporary office for the length of the project period on construction sites anywhere in the Town of Waldoboro.

10.24.4 Placement in a Manufactured Home Park The following types of manufactured housing may be placed in an approved manufactured home park:

10.24.4.1 Newer manufactured homes (manufactured after June 15, 1976)

10.24.4.2 Modular homes

10.24.4.3 Safety Standards Older manufactured homes which meet the safety standards referenced in Article 10 subsection 10.23.1.2 and the following:

10.24.4.3.1 Width Are at least fourteen (14) feet in width;

10.24.4.3.2 Size Have a minimum of seven hundred fifty (750) square feet of living area;

10.24.4.3.3 Roof Have a roof which sheds snow (minimum pitch 3/12); and

10.24.4.3.4 Siding Have residential siding.

10.24.5 Travel Trailers A travel trailer shall in no case be used as a manufactured home or a tiny home, and any travel trailer in use as a temporary dwelling (i.e. not more than three (3) months) shall have adequate health and sanitation facilities provided. A travel trailer while not in use may be stored on the premises of the owner.

10.24.6 Replacement of a Non-Conforming Single-Wide Manufactured Home A single-wide manufactured home that is non-conforming due to a setback from a road or lot line may be replaced provided that such non-conformity is reduced to the greatest practical extent.

10.25 Small Wind Energy Regulations

10.25.1 Intent of this Section The Town of Waldoboro regulates the placement and construction of Small Wind Energy Systems in order to promote their safe and efficient use. These regulations are meant to encourage the Town's government, residences, small businesses, home occupations, and farms to use Small Wind Energy Systems, which reduce on-site demand for utility-supplied electricity and increase consumer energy independence and the demand for a non-polluting source of energy. The regulations are also intended to minimize the visual, environmental and operational impacts of Small Wind Energy Systems on the Town and its residents.

10.25.2 Definitions

10.25.2.1 "AWEA" means the American Wind Energy Association**10.25.2.2** "Diameter" means the cross-sectional dimension of the circle swept by the rotating blades or helix or other rotating or moving component of the Small Wind Energy System.

10.25.2.3 "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, air foils of various shape or size, a tower (or appropriate attachment to, or inclusion within a building) and all of its related components and associated control or conversion electronics, which has a rated capacity that does not exceed 100 kilowatts. A single Small Wind Energy System may serve more than one lot, residence, home occupation, farm or small business.

10.25.2.4 "System Height" means the height above grade to the tip of the Small Wind Energy System when it reaches its highest elevation when in operation.

10.25.2.5 "Tower" means, with regard to a Small Wind Energy System, the structure on which the Small Wind Energy System is mounted. This includes a monopole, or a freestanding or guyed structure that supports a Small Wind Energy System.

10.25.2.6 "Tower Height" means the height above grade of the fixed portion of the Tower, excluding the wind turbine and air foils.

10.25.3 Permit Required In addition to the procedures set forth in Article 2, Administration, subsection 2.3, the following permitting procedures shall apply:

10.25.3.1 Notice to Abutters Notice of an application for installation of a Small Wind Energy System shall be provided by regular US mail by the Town to property owners whose property line is within 1000 feet of the site of the proposed Small Wind Energy System. Responses to the notice shall be filed with the Code Enforcement Officer no later than 20 days from the date of notice. The Code Enforcement Officer may request that the Planning Board call a public hearing concerning the application if responses from abutters indicate that a public hearing, in the discretion of the Code Enforcement Officer, is either necessary or advisable.

10.25.3.2 Public Notice The Code Enforcement Officer may, if he or she deems it necessary due to circumstances specific to the proposed installation, provide notice of the application by placing a display advertisement in at least one newspaper of general circulation. The applicant shall pay the cost of the display advertisement. The Code Enforcement Officer may request the Planning Board to call a public hearing concerning the application if responses to the public notice indicate that a public hearing, in the discretion of the Code Enforcement Officer, is either necessary or advisable.

10.25.3.3 Modifications Any modifications to a previously permitted installation must receive the review and approval of the Code Enforcement Officer.

10.25.4 Schedule of Dimensional Requirements

10.25.4.1 The permit applicant shall provide evidence that the proposed Tower Height does not exceed the tower height recommended by the manufacturer or distributor of the system.

10.25.4.2 Small Wind Energy System Tower Heights of not more than 80 feet may be allowed on parcels of one acre or less;

10.25.4.3 Small Wind Energy Systems on parcels of more than one acre may be allowed to accommodate Tower Heights of up to 90 feet.

10.25.4.4 In determining allowances for tower heights, consideration shall be given to the heights

of surrounding trees, to existing wind corridors and to the proximity of buildings on abutters' and the permit applicant's properties.

10.25.4.5 The Tower shall be set back from the property line at least 100% of the System Height, except that guy wire anchors may extend to the property boundary.

10.25.4.6 Consideration shall be given to Restrictive Small Wind Energy System Easements on abutting parcels to satisfy acreage and setback requirements. If a Wind Easement and/or Restrictive Small Wind Energy System Easement has been obtained or granted to the owner of the proposed Small Wind Energy System, setback may be measured from the extent of the easement boundary (see #10 of this section)

10.25.4.7 Blade Clearance For horizontal axis wind turbines, the minimum distance between the ground and any protruding propeller blades shall be not less than 15 feet as measured at the lowest point of the arc of the blades. For vertical axis wind turbines, the ground clearance shall be not less than 15 feet from the ground to the bottom of the lowest revolving element, unless adequate safety measures are in place.

10.25.5 Performance Standards

10.25.5.1 Capacity A Small Wind Energy System shall be rated to a maximum capacity of 100KW or less, and shall be used primarily to provide electricity on-site, rather than as a generator to the grid.

10.25.5.2 Visual Impacts

10.25.5.2.1 Each wind turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features to screen views of the wind turbine(s) from occupied buildings, scenic resources, and public roads.

10.25.5.2.2 When existing features do not screen views of a wind turbine from occupied buildings, scenic resources and public roads, screening shall be provided, where feasible and effective, through the planting of trees and/or shrubs. Generally, such plantings should be of native varieties. In order to maximize the screening effect and minimize wind turbulence near the wind turbine, plantings should be situated as near as possible to the occupied buildings, scenic resources and/or public roads.

10.25.5.2.3 If requested by an affected party, the Planning Board may require a visual impact assessment by a qualified professional. The Planning Board may, at the applicant's expense, require an independent second assessment. If the Planning Board determines that the proposed project will constitute an "undue adverse effect" upon a neighboring property, it may require mitigation of the effects to the greatest practical extent. However, visual impact shall not be grounds for denial of an application.

10.25.5.3 Lighting Illumination, signals, signs, and antennas are expressly prohibited on Small Wind Energy Systems except as required by the Federal Communications Commission or the Federal Aviation Administration.

10.25.5.4 All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

10.25.5.5 Tower The tower shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground. Lattice structures shall be prohibited

and guyed structures shall only be permitted if the Code Enforcement Officer deems them to be appropriate for their intended site and location within the Town.

10.25.5.6 Attached Small Wind Energy Systems Small Wind Energy Systems designed for attachment to a building shall be allowed provided the system meets the applicable requirements of this section and is engineered to prevent damage or wear to the building and injury to its inhabitants.

10.25.5.7 Shadow Flicker Wind turbines shall be sited and designed to avoid unreasonable adverse shadow flicker effects on any occupied building located on another landowner's property.

10.25.5.8 All electrical lines leading from the Small Wind Energy System shall be buried.

10.25.5.9 Both a manual and an automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation and noise.

10.25.5.10 Noise A Small Wind Energy System shall conform to the noise provisions of Article 7.6 of this Ordinance, except during short-term events such as utility outages and severe windstorms. Owners operating Small Wind Energy Systems which exceed the allowed noise level shall be required, within 30 days of receipt of notice from the Code Enforcement Officer, (i) to modify the operation and/or design of the system to bring it into compliance with this section and (ii) to pay any cost abutter(s) incurred for a sound level test. Owner's failure to comply with this section within the designated timeframe shall constitute sufficient grounds for the Code Enforcement Officer to demand and enforce the immediate shut-down of the small wind energy system.

10.25.6 Submission Requirements The following information shall be submitted to the Code Enforcement Officer as part of the building permit application for a Small Wind Energy System:

10.25.6.1 Standard drawings of the footprint on the lot showing (i) a title block with date, scale, and arrow point north; (ii) the applicable zoning district; (iii) setbacks of all existing and proposed structures or uses; (iv) the location of all existing and/or proposed structures or uses; and (v) any overhead utility lines.

10.25.6.2 Small Wind Power Energy System specifications, including manufacturer and model; diameter; generating capacity; tower height, type of tower (free-standing or guyed); evidence of compliance with AWEA standards, and a photograph, line drawing or digital image of the Small Wind Energy System.

10.25.6.3 Tower foundation blueprints or drawings.

10.25.6.4 Standard drawings and an engineering analysis of the tower or certification by the manufacturer or by a professional mechanical, structural or civil engineer that the system meets AWEA standards. The analysis shall include standards for ice and wind loading and operations in winter weather and evidence that the proposed Small Wind Energy System will not exceed the permitted noise level. If a distance of less than system height is proposed from all boundaries and structures (including allowances for wind easements and/or restrictive small wind energy easements), then the Code Enforcement Officer may require that the Small Wind Energy System and foundation design, taking into consideration soil conditions at the installation site, be certified by a State of Maine Licensed Professional Engineer.

10.25.6.5 Confirmation that the generators and alternators specified do not interfere with radio and television signals.

10.25.6.6 If applicable, documentary evidence of any restrictive small wind energy system easements and wind easements.

10.25.6.7 Evidence of compliance with, or non-applicability of, FAA regulations.

10.25.6.8 Information demonstrating that the system will be used primarily to reduce onsite consumption of electricity.

10.25.6.9 Evidence that the completed Small Wind Energy System is in compliance with dimensional requirements.

10.25.6.10 Photographs of the proposed site and surrounding landscape.

10.25.6.11 Any additional information the Code Enforcement Officer deems to be necessary.

10.25.7 Prohibitions Small Wind Energy Systems shall not be allowed in the Historic Village District.

10.25.8 Expeditions Review and Commissioning The Code Enforcement Officer shall review an application for a Small Wind Energy System in accordance with Article 2.3.6. of this Ordinance. Small Wind Energy Systems approved pursuant to this Section shall only become operable when commissioned by inspection of the Code Enforcement Officer.

10.25.9 Fees The Select Board shall determine the fees the Town charges to review an application and to issue a permit for a Small Wind Energy System.

10.25.10 Wind Easement A restrictive easement may be placed on a property abutting a property with a Small Wind Energy System. If an easement contains terms restricting the uses and structures within the easement area, a Small Wind Energy System may be permitted closer to the easement abutter's property line than would normally be allowed by applicable setback requirements. Any property owner may grant a wind easement in the same manner and with the same effect as a conveyance of any interest in real property. Wind easements shall be created in writing and shall be filed and duly recorded. Recorded easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that an easement may terminate upon the conditions stated therein.

10.25.11 Dismantling of Unsafe or Non-Functional Small Wind Energy Systems In the event the Code Enforcement Officer determines any Small Wind Energy System is unsafe, the Code Enforcement Officer shall inform the owner of the determination in writing. The owner shall immediately repair the Small Wind Energy System to meet all Federal, State and local safety standards within 30 days of receipt of the Code Enforcement Officer's written determination. A facility that does not generate electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the owner within 120 days of receipt of notice from the municipality, unless the owner provides information that the Code Enforcement Officer deems sufficient to demonstrate that the project has not been discontinued and should not be removed. The owner's failure to comply with the above provisions within its time limitation shall constitute sufficient grounds for the Code Enforcement Officer to obtain a court order, in the interest of the safety of the public, to enter the owner's property and to dismantle the Small Energy Wind System at the owner's expense.

10.25.12 Insurance If, after examining the documents submitted pursuant to Section 5, above, the Code Enforcement Officer determines, in his or her sole discretion, that a collapse or other failure of the Small Wind Energy System could threaten or endanger persons, buildings, vehicles, vegetation or other features of abutting properties, the owner shall be required to submit proof of adequate liability insurance against such collapse or failure as a condition precedent to the commissioning of the Small Wind Energy System.

The insurance shall be maintained for as long as the Small Wind Energy System remains in place. The insurance policy shall name the Town as an additional insured under its terms and shall require the insurance company to give the Town thirty (30) days' written notice prior to terminating the policy.

10.26 Transmission Lines

10.26.1 Transmission lines and structures built in existing corridors may exceed the height restrictions set forth in this ordinance provided that all other dimensional standards and performance standards are met but shall not exceed an average of greater than 80' within a single project. This section shall not allow steel lattice-type structures. An applicant wishing to exceed the height requirements of the ordinance shall be required to submit a visual impact analysis prepared by a qualified professional as part of the site plan review process. This analysis must identify the potential visual impacts on existing businesses and homes, scenic roads, other scenic resources, and public recreation areas, within the viewshed of the proposed transmission corridor. This analysis must use the methodology as described in "*Protecting Local Scenic Resources – Community Based Performance Standards."*[1]

For the purposes of this analysis, the limits of the viewshed shall not exceed one mile from the transmission corridor, unless there is substantial evidence that the proposed transmission line or structure would be visible beyond that distance. The analysis must, at a minimum, quantify the following based on Table 1 below.

10.26.2 In its review of a proposed project, the Planning Board shall consider the following visual elements in determining the off-site impact of the project.

10.26.2.1 Landscape compatibility, which is a function of the sub-elements of color, form, line and texture. Compatibility is determined by whether the proposed activity differs significantly from its existing surroundings and the context from which they are viewed such that it becomes an unreasonable adverse impact on visual quality.

10.26.2.2 Scale contrast, which is determined by the size and scope of the proposed activity given its specific location within the viewshed.

10.26.2.3 Spatial dominance, which is the degree to which an activity dominates the whole landscape composition or dominates the landform, water bodies, or sky backdrop within the viewshed.

Table 1

Assessing Visual Impacts

Visual Element	**Sub-Element**	**Indicators**	**Scoring (points)**	***Visual Impact based on Impact Severity Rating***
Landscape Compatibility *(rate each indicator)*	Color	Significantly different color, hue, value, and chroma *(0-3 points with 0 = no impact and 3 = severe impact)*		***27-36 points -***
	Form	Incompatible dimensional shape with landscape surroundings		

1 "*Protecting Local Scenic Resources – Community Based Performance Standards." Faunce, 2007.* Publication is available from the Maine State Planning Office.

		(0-3 points with 0 = no impact and 3 = severe impact)		***Severe Visual Impact***
	Line	Incompatible edges, bands, or silhouette lines *(0-3 points with 0 = no impact and 3 = severe impact)*		
	Texture	Incompatible textural grain, density, regularity or pattern *(0-3 points with 0 = no impact and 3 = severe impact)*		***18-26 points - Strong Visual Impact***
Scale Contrast *(select only one indicator)*		Major scale introduction/intrusion (*12 points)*		
		One of several major scales or major objects in confided setting *(8 points)*		
		Significant object or scale *(4 points)*		***9-17 points - Moderate Visual Impact***
		Small object or scale *(0 points)*		
Spatial Dominance		Object/activity dominates or is prominent in the whole landscape composition OR is prominently situated within the landscape OR dominates landform, water, or sky backdrop *(0-12 points with 0 = no impact and 12 = severe impact)*		***0-8 point - Negligible Visual Impact***
Impact Severity Rating (total points)				

10.26.3 Using the Potential Visual Impact Matrix (Table 2), the Planning Board shall determine the level of mitigation effort required to impacted properties. If mitigation is required, based on Table 2, the applicant shall submit a mitigation strategy to the Planning Board. This strategy may include, but shall not be limited to, either singly or in combination, the following:

10.26.3.1 Redesign or relocation of the project to reduce the impact severity rating to E. This may include siting any portion of the project at a different location on the property of an existing proposal, or siting any portion of the project on another property,

10.26.3.2 Addition of screening elements (e.g. trees, shrubs or earthen berms), or

10.26.3.3 A monetary offset sufficient to compensate, in full or in part, for the loss in market value to affected properties if the height restriction is increased. Such loss in market value shall be determined by an appraisal completed by a Maine certified general appraiser that estimates the potential diminution of value if the structure height limit is exceeded.

10.26.3.4 Off-site measures that, in the opinion of the Planning Board, are reasonable mitigation for visual impacts that may result from the transmission line in the case of Scenic Roads and Public Recreational areas.

The applicant must demonstrate that the proposed mitigation strategy will reduce impacts to affected properties to the greatest extent practicable. Any such mitigation proposal is subject to review and approval of the Planning Board, which may require specific revisions to the strategy if it determines that the visual impact is still unacceptable. Such revisions may include up to full compensation for the loss in market value as described in subsection above. As used in Section 10.24, "impacted

properties" means those properties identified in Table 2 that a visual impact analysis demonstrates are subject to "severe", “strong”, or “moderate” visual impacts.

Table 2
Potential Visual Impact Matrix

Type of property	Impact Severity Rating (from Table 1)				Level of Mitigation Effort Required*
	Severe 27-36	Strong 18-26	Moderate 9-17	Weak/None 0-8	**A** Unacceptable – High level of visual contrast in line, form, color or texture between existing high quality landscape and development proposal; view of water or other significant visual resource obstructed. May be grounds for project denial. **B** Acceptable with Major Mitigation – High degree of contrast on landscape of medium significance; moderate degree of contrast on highly significant landscape. Project re-design necessary **C** Acceptable with Mitigation – Some modification to project siting or design necessary to achieve better landscape “fit”. **D** Acceptable with Minor Mitigation – Relatively minor adjustments to plan or siting necessary to achieve a higher level of project compatibility. **E** Low/No Impact – No perceptible change to the visual landscape. No mitigation required.
Public Recreational	A	B	C	E	
Scenic Road	B	C	D	E	
Private Home, Business, or Organization	C	D	D	E	
Private Vacant Land	E	E	E	E	

*Where project adjustments or mitigation cannot reduce Impact Severity Rating to outcome “E”, a monetary offset shall be paid to impacted properties in accordance with X.3.c.

10.27 Wildlife/Natural Areas Preservation Any project affecting significant wildlife or fisheries habitat, as identified in the most recent Comprehensive Plan or current Beginning with Habitat maps for Waldoboro, shall include mitigation measures aimed at minimizing the adverse impacts of development on these resources. Such mitigation shall include as a minimum:

10.27.1 Clustering The clustering of the project to protect to the greatest extent the wildlife habitat pursuant to the standards of Article 10.19 (Open Space Subdivisions).

10.27.2 Vegetation Efforts to preserve the existing vegetation in such a manner that the only vegetation cut or removed shall be necessary for the actual construction involved. Specific vegetation to be retained and to be removed shall be indicated on the development plan;

10.27.3 Erosion Control Best Management Practices for erosion control shall be used.

10.28 Wireless Telecommunications Facilities

10.28.1 Purpose
These regulations are an exercise in state zoning authority permitted under 47 U.S.C. Section 332(c)(7) (704 of the Telecommunications Act of 1996) and are intended to strike a balance between the need for new or upgraded wireless facilities and adverse impacts caused by the wireless facility on the residents of Waldoboro. The Planning Board should consider the character of the area, visual and

aesthetic impacts, impacts on property values, confirmation of a significant gap in wireless coverage, the availability and feasibility of less impactful alternatives to mitigate a significant gap in wireless coverage, and other appropriate land use factors when approving sites for the location of wireless facilities.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services.

10.28.2 Applicability This Section applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers, except as provided in

10.28.3 Exemptions The following are exempt from the provisions of this Ordinance:

10.28.2.1 Amateur (Ham) Radio Stations Amateur (ham) radio stations licensed by the Federal Telecommunications Commission (FCC).

10.28.2.2 Antennas as Accessory Uses Antennas that are accessory uses, including parabolic type antennas less than 7' in diameter and antennas permitted by FCC Over-the-Air Reception Devices "OTARD" preemption.

10.28.2.3 Maintenance or Repair Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

10.28.2.4 Temporary Wireless Telecommunications Facility Temporary wireless telecommunications facility, in operation for a maximum period of 180 days.

10.28.2.5 Broadband Internet Infrastructure Communications towers 120' or shorter, and 24" or less in diameter, used primarily for delivering Broadband Internet Access to fixed locations in accordance with FCC rules shall be exempt from the location requirement in 10.28.4.1 below, and are permitted in all zones except the Historic Village District.

10.28.4 Definitions

Designated Scenic Resource means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of: 1.) a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or 2.) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

Unreasonable Adverse Impact means that the proposed project would produce an end result which is: 1.) excessively out-of-character with the designated scenic resources affected, including existing buildings, structures, and features within the designated scenic resource, and 2.) would significantly diminish the scenic value of the designated scenic resource.

Significant Gap in Wireless Coverage: Decided on a case-by-case basis. Factors in determining whether a service gap is significant: 1) Number of potential users affected by the service gap; 2)

the severity of the service gap.

10.28.3 Planning Board Review Application Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of Article 3, unless such requirements are waived by the Planning Board in accordance with Article 3 and shall also include the following additional information:

10.28.3.1 FCC License A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations

10.28.3.2 Topographical Map A USGS 7.5-minute topographic map showing the current location of all structures and wireless telecommunications facilities less than 200 feet in height above ground level, except antennas located on roof tops, within a 20 mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (i.e. within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database. Include documentation of longitude and latitude.

10.28.3.3 Site Plan A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.

10.28.3.4 Elevation Drawings Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

10.28.3.5 Landscaping Plan A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

10.28.3.6 Photo Simulations The Photo Simulations shall be based on photos taken in the field during a Balloon Test at no more than 20 locations chosen by Planning Board. The applicant shall perform a Balloon Test by flying a brightly colored balloon, at least 6 feet in diameter, at the location and maximum elevation of any proposed tower at a wireless facility. The applicant shall inform the planning board in writing of the date, time, and location of the Balloon Test, at least 40 days in advance of the test. The Town Planner will advertise the date, time, and location of this Balloon Test at least 14 days in advance of the test in a newspaper with a general circulation in the Town. The balloon shall be flown for at least eight consecutive daylight hours on two days. Balloon Test shall be performed while visibility and weather conditions are adequate for observers to clearly see the balloon test. Balloon Test shall be conducted after deciduous leaves have fallen from trees in autumn, if trees are screening a proposed wireless facility from view.

10.28.3.7 Description of Network A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

10.28.3.7.1

Applications shall include the following information to document a Significant Gap in

Coverage to be mitigated by the proposed wireless facility:

- Coverage maps depicting existing and proposed coverage in -dBm levels for each proposed carrier.
- A certified report by a radio frequency engineer that depicts any existing and proposed -dBm signal strength levels as well as identify the minimum -dBm level each proposed carrier needs in order for a wireless telephone to be able to make a telephone call from the subject area.
- The radio frequency engineer's certified report shall identify the source of the coverage data contained in the coverage maps.
- In the report, the certifying engineer must demonstrate his or her first-hand knowledge of the underlying data for the reception levels shown in the coverage maps or that they otherwise have sufficient knowledge of the underlying data and how it was secured that they personally can reliably certify the data's accuracy.
- The report must include the actual reception data and identify whether it is drive-by, in-building, missed calls, reception-level canvassing, or some other identified generally accepted reception testing method.
- The report must identify who conducted the testing and when it was conducted.
- The applicant shall provide a narrative explain why the chosen design for the wireless facility represents the least intrusive means to solve the significant gap in service. No new tower shall not be permitted unless it is demonstrated that adequate service in accordance with FCC guidelines cannot be provided within a coverage gap area by exhausting all other available and reasonable locations for the proposed tower to the satisfaction of the Planning Board.

10.28.3.8 No Existing Site Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of any one (1) or more of the following:

10.28.3.8.1 None in Coverage Area Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

10.28.3.8.2 Existing Facilities – Insufficient Height Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

10.28.3.8.3 Existing Facilities – Insufficient Strength Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

10.28.3.8.3.1 Equipment Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

10.28.3.8.3.2 Electromagnetic Interference The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause

interference with the applicant's proposed antenna.

10.28.3.8.3.3 Insufficient Space Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

10.28.3.9 Agreements A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

10.28.3.9.1 Timely Response Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

10.28.3.9.2 Negotiation with Third Parties Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

10.28.3.9.3 Shared Use Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation;

10.28.3.9.4 Allow Local and County emergency operations communication devices to be installed and maintained free of charge.

10.28.3.9.5 Reasonable Charge Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10.28.3.10 Surety The owner of the facility shall establish a form of surety tied to inflation for the length of the lease in an amount to be agreed upon between the owner and the Planning Board to secure the cost of removing the tower at a future date in the event of its abandonment, including demolition, removal, and disposal costs.

10.28.3.10.1 In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the town of the transfer.

10.28.3.11 Liability Insurance

Applicant shall maintain liability insurance for the duration of the facilities' existence with the following minimum limits.

1. Commercial general liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; Automobile coverage: $1,000,000 per occurrence/$2,000,000 aggregate; Workers' compensation and disability: statutory amounts;
2. General Liability policy shall include a Pollution rider: $1,000,000 per occurrence/$2,000,000 aggregate
3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town of Waldoboro with at least 30 days' prior written notice in advance of the cancellation of the insurance.

5. Renewal or replacement policies or certificates shall be delivered to the Town of Waldoboro at least 15 days before the expiration of the insurance that such policies are to renew or replace.
6. Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than 15 days after the granting of the wireless facilities permit, the holder of the wireless facilities permit shall deliver to the Town of Waldoboro a copy of each of the policies or certificates representing the insurance in the required amounts.

10.28.3.12 Lightning Mitigation Application shall include a lightning strike mitigation plan meeting the requirements of NFPA 780.

10.28.4 Standards

10.28.4.1 Location A wireless telecommunications facility is permitted only within 300 yards of Route 1.

10.28.4.1.1 A new or expanded wireless telecommunications facility shall have a minimum setback of 800 feet from conservation land, wetlands, agricultural preserves, land under permanent conservation easement, designated wildlife corridors or critical habitat areas, or designated scenic resources.

10.28.4.2 Siting on Municipal Property If an applicant proposes to locate a new wireless telecommunications facility on municipal property, or expand an existing facility on municipal property, the applicant must show the following:

10.28.4.2.1 Municipal Regulations The proposed location complies with applicable municipal policies and ordinances.

10.28.4.2.2 Interference The proposed facility will not interfere with the intended purpose of the property.

10.28.4.2.3 Liability Insurance The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

10.28.4.3 Design for Collocation A new or expanded wireless telecommunications facility and related equipment must be designed and constructed to accommodate future collocation of at least three additional wireless telecommunications facilities or providers. Broadband wireless infrastructure is exempt from collocation requirements under this section. Collocation shall not be considered an expansion.

10.28.4.4 Height The maximum height of new or expanded wireless telecommunications facilities shall be 195 feet. The facility shall be designed to collapse in a manner that does not harm other property.

10.28.4.5 Setbacks A new or expanded wireless telecommunications facility must comply with the setback requirements set forth in this Ordinance or be set back 150% of its height to a public or private road and 200% from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

10.28.4.6 Landscaping Screening planting shall provide 80% visual cover of the entire wireless facility, *other than the tower,* as measured with a visual estimation cover board using a generally accepted such as the Bureau of Land Management's procedure for using a Nudd's cover board. Assessing cover shall be from performed from the point of view of neighboring properties or other locations selected by the Planning Board. Visual cover provided by screening plantings must exist year round. Plants selected for screening shall be native plants as identified by the Maine Cooperative extension, such as in their Bulletin #2500, Gardening to Conserve Maine's Native Landscape: Plants to Use and Plants to Avoid.

10.28.4.7 Fencing A new or expanded wireless telecommunications facility must be fenced with a secured perimeter fence of a height of eight (8) feet to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Alternatively, the Planning Board may allow anti-climb plates provided they extend a minimum of 8' above finished grade.

10.28.4.8 Lighting A new or expanded wireless telecommunications facility must be illuminated as necessary to comply with FAA or other applicable State, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site, to the maximum extent practicable.

10.28.4.9 Signage No commercial messages nor any other signs beyond safety warnings and an identification sign of not greater than six square feet shall be placed on any tower.

10.28.4.10 Color and Materials A new or expanded wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

10.28.4.11 Structural Standards A new or expanded wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

10.28.4.12 Utility Service: Utility Service must be run underground from the tower to a pole on a town or state roadway.

10.28.4.13 Noise
Operation of the wireless facility, including any on-site electrical power generation, must meet the Residential noise standards outlined in Article 7, General Performance Standards, subsection 7.6.

10.28.4.14 Generator Testing of the back-up generator must occur only between the hours of 10:00 a.m. and 3:00 p.m. (1500 Hours) Eastern Standard Time. Generator may be tested a maximum of once per week during the weekday. Testing may not be performed on Saturday or Sunday.

10.28.4.15 Visual Impact Standards
Application shall include a narrative describing the extent to which the proposed facility would be visible from or within a Designated Scenic Resource, the tree line elevation of vegetation within 100 feet of the facility, and the distance to the proposed facility from the designated scenic resource's noted viewpoints.
The proposed wireless telecommunications facility will have no unreasonable adverse impact upon Designated Scenic Resources within the Town, as identified either in the municipally adopted

comprehensive plan, or by a State or federal agency.

10.28.4.16 Environmental Evaluation If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the Federal 30 day comment period, and the Town process, shall become part of the application requirements. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying applicable FCC rules.

10.28.5 Standard Conditions of Approval Conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include the agreements below and any others required by Article 10.28 and the Planning Board: .

10.28.5.1 Electronic Emissions As a Standard Condition of Approval, prior to commencing regular operation of the tower, all tower owners and operators must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the tower and all co-located equipment. All tower operators and owners shall bring towers into compliance with any new federal, state, and local laws and regulation concerning electromagnetic radiation and other electric emissions applicable to the tower and all co-located equipment in accordance with such regulations and submit a new certificate of compliance to the town.

10.28.5.2 Independent Party Testing Applicant shall bear the cost of independent 3rd party testing performed by a testing agency selected by the town to confirm that the wireless facility's electronic emissions meet current FCC regulations. Testing shall be repeated after any changes to the equipment at the wireless facility. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

10.28.6 Abandonment A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of a written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned. If the Owner fails to show that the facility has not been abandoned, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality to ensure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

10.29 Methadone Clinics

10.29.1 Location Clinics must be located within Waldoboro's Route 1 Commercial A District.

10.29.2 Requirements

10.29.2.1 State Certified The approval by the Planning Board shall be contingent upon receipt of the appropriate state certification.

10.29.2.2 Parking Parking for the clinic staff and patients must be provided on site. Parking must be sufficient to provide ample space during peal business activity. (See standards outlined in Article 9)

10.29.2.3 Waiting Area Inside seating, in waiting and treatment rooms, must be available for the scheduled patients at all times. Waiting or queuing of patients outside of the clinic building will not be tolerated. The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on peak business activity.

10.29.2.4 Evidence of On-Site Security At a minimum, methadone clinics shall have door and window intrusion alarms with audible and police notification components.

10.29.2.5 Limit No more than one (1) Methadone Clinic/Opioid Treatment Facility shall be located in the Town of Waldoboro.

10.30 Event Centers

10.30.1 Purpose The purpose of this section is to establish requirements for event centers pertaining to traffic, hours of operation, noise, event frequency and visual impact upon the neighborhood. Event center is a multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions, private parties, concert settings and general get-togethers. An event center may have a catering kitchen, indoor and /or outdoor seating and a stage or event area. Event Centers are classified as Minor Event Centers and Major Event Centers.

10.30.2 Minor Event Centers A seasonal activity and is typically an accessory operation to another principal use such as a farm . The frequency of events, size/scale of the activities are limited, and are subject to the following standards:

- The limit is a total of 100 vehicle trips per event.
- Driveway access shall be designed to accommodate vehicles entering and exiting the site with respect to sight distances.
- The road serving the site can safely accommodate the anticipated traffic from the special event center.
- Activities are subject to the noise standards listed under Section 7.6 (Noise) of the General Performance Standards.
- The venue site including the parking area must be screened from view of the abutting properties
- Frequency of events is limited to one event per weekend. The total number of events per calendar year is limited to 12 events. (Small events serving less than 25 persons are unlimited)
- On street parking is prohibited.
- Parking areas and outside gathering areas must be screened from the road and neighboring properties.
- No event shall exceed 8-hours in duration excluding set-up and break-down in a calendar day.
- All applicable local and state food and alcohol permits shall be obtained.

10.30.3 Major Event Center A principal use. This type of activity is designed to accommodate events throughout the year and is designed to accommodate traffic and parking for events. This is subject to the following standards:

- The site shall meet the screening and buffering requirements for the district it is located in.
- The site shall comply with all applicable traffic access standards contained in this Ordinance.
- Activities are subject to the noise standards listed under 7.6 (Noise) of the General Performance Standards.
- All applicable local and state food and alcohol permits shall be obtained

10.31 Free-Standing Commercial Kiosks All free-standing commercial kiosks less than 100 square feet in area may be located in existing parking areas and on lots without having to meet the minimum lot-size requirements for a primary building or use.

10.31.1 All free-standing commercial kiosks having more than 100 square feet in area shall conform to all applicable dimensional requirements for a principal building or use.

10.31.2 Kiosks shall be designed to safely accommodate traffic and be incorporated into the traffic flow pattern of the area. Traffic entering and exiting the kiosk shall be directed with signs, striping, raised islands, or similar features.

10.31.3 The area dedicated for the kiosk, including all queuing areas, shall not reduce the required parking spaces necessary for adjacent uses.

10.31.4 The kiosk shall not a have a separate entrance or exit from the road. The existing entrances and exits to the area shall be used.

10.32 Rear-Lot Access and Frontage New rear lots proposed to be placed behind a legally conforming lot that has existing road frontage shall be deemed to comply with the minimum road frontage requirements if they meet all of the following:

10.32.1 The lot conforms to all dimensional requirements for the district in which it is located except for road frontage.

10.32.2 The lot has Right of Way or Deeded access which conforms to the applicable requirements of the Street Access, Driveways, Street/Road Construction Standards contained in this Ordinance.

10.32.3 The necessary right-of-way to access the rear lot does not reduce the road frontage of the existing road lot below the minimum established for the district in which it is located.

10.32.4 That portion of the new rear lot which abuts the rear lot line of the front lot shall extend a minimum length equal to the minimum road frontage required for the land use district in which it is located. The deeded right of way does not count toward road frontage calculations.

10.32.5 The front lot line for the purposes of conforming to the front structure setback requirements for the rear lot shall be measured from the rear lot line of the existing road frontage lot.

10.32.6 The rear lot does not have any existing road frontage of its own other than what is deeded as a right of way from the front lot to a private or public roadway.

10.33 Flag Lot Existing lots that meets the definition of Flag Lot: being a rear lot with road frontage that

does not meet the minimum road frontage requirements for the zoning district and meets the Ordinance requirements in every other way and shall have:

10.33.1 At least 50 feet of road frontage

10.33.2 Has land running from the road to the lot which conforms to the dimensional requirements of a Major Private Street as outlined in the Street Access, Driveways, Street/Road Construction Standards contained in this Ordinance.

10.33.3 Are preexisting lots that were created prior to the adoption of this Ordinance in 2005 and which would otherwise be non-conforming and non-buildable because of insufficient road frontage as required by this Ordinance. No new flag lots will be created.

10.33.4 That portion of the rear lot which abuts the rear lot line of the front lot shall extend a minimum length equal to the minimum road frontage required for the land use district in which it is located and extend back a distance equal to the required front setback.

10.33.5 The front lot line for the purposes of conforming to the front structure setback requirements for the rear lot shall be measured from the rear lot line of the existing road frontage lot.

10.34 Cottage Industry All cottage industries shall comply with the following:

10.34.1 Each cottage industry shall be considered a principal use and shall comply with all applicable dimensional requirements. A cottage industry which only uses existing structures on a property is exempt from meeting the lot size, road frontage and set-back requirements.

10.34.2 Cottage industries which grow or exceed these standards shall not be considered as a non-conforming use and shall be treated as a new use subject to the applicable requirements in this Ordinance.

10.34.3 Any proposed exterior storage of goods shall be completely screened from the road and neighboring properties. Any exterior storage shall not exceed 2,000 square feet in area.

10.34.4 Outside processing, assembling, any manufacturing activity or similar activity is prohibited.

10.35 Food Truck Standards All food trucks serving the general public to be placed on a site on a regular basis shall be subject to these standards. Food trucks serving temporary events, festivals or catering private parties are not subject to these standards.

10.35.1 Standards

10.35.1.1 The Vehicle shall be registered by the Maine Department of Motor Vehicles and licensed by the Maine Department of Health and Human Services.

10.35.1.2 The vehicle shall be located on private property and provide for onsite parking for customers, A minimum of five (5) parking spaces shall be designated for each food truck. The applicant shall obtain a written agreement/lease /permission from the property owner to use the property.

10.35.1.3 The applicant shall have a Victualer's License from the Town of Waldoboro and all applicable food service permits from the State of Maine.

10.35.1.4 Trash and recycling receptacles shall be provided, and all trash shall be removed from the

site each day.

10.35.1.5 Food trucks shall meet all applicable setbacks for the district they are located in.

10.35.1.6 All food preparation shall take place within the food truck. Separate pizza ovens/grills and smokers are permitted.

10.36 Renewable Energy Structures (Commercial):

10.35.1 Decommissioning Plan A solar farm used for commercial purposes shall submit a Decommissioning Plan to the Maine Department of Environmental Protection as required by MRSA 35A Section 3494, Decommissioning Plan, and Section 3495, Standards. A copy of the Decommissioning Plan, along with the Maine Department of Environmental Protection's signed approval, shall be submitted to the Town Office prior to a building permit being issued.

A plan shall be submitted to the Town of Waldoboro for when the area will either cease to generate power or become abandoned by the owner. The plan shall include the following:

10.35.1.1 The parties responsible for the physical removal of the installation;

10.35.1.2 The timeline for removing the installation no more than six (6) months after the reported date of discontinued use. The timeline should include a notification to the Town of Waldoboro and abutters that provides details of the deconstruction and contact information for the project manager in the event of an emergency. At least one (1) notice must be sent out to the listed parties a minimum of fourteen (14) days prior to the start of deconstruction;

10.35.1.3 The proposed location for the disposal of all solid and hazardous materials. The applicant must also comply with all government regulations regarding waste disposal;

10.35.1.4 Remediation plans for the site to restore natural vegetation and/or vernal pools that were potentially impacted by the site. The removal must include equipment and materials up to twenty-four (24) inches below surface level;

10.35.1.5 A budget outlining the cost for removing the structures and restoring the area to pre-project conditions. This budget must demonstrate that the applicant has accounted for inflation at the earliest period at which this project is expected to cease. This budget must be updated at least once every ten (10) years. The Town may hire, at the applicant's expense, a qualified professional to review the estimates.

10.35.2. Performance Guarantee The applicant will submit a performance bond in the amount of 150% of the applicant's budgetary items as outlined in Section 10.35.1.5. This assurance will be released either to the applicant or the property owner upon the removal of the renewable energy system.

10.35.2.1 If the financial assurance is inadequate based on the update as outlined in Section 10.35.1.5, the applicant shall supplement the amount within one (1) year of the update to address the difference.

10.35.3 Abandonment Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Town of Waldoboro retains the right to use the performance guarantee and all legal or available means necessary to cause an abandoned, hazardous, or decommissioned renewable energy system to be removed. Funds from the Performance Bond may be used for—but not limited to—legal fees and rehabilitation of the site.

10.35.4 Construction The applicants will submit a timeline for their construction and maintenance phases, which includes vehicle traffic and expected inconveniences for abutters. The applicant will be responsible with providing notifications to the Town of Waldoboro and abutters that include details of when construction is estimated to start and contact information for the project manager to voice concerns. At least one (1) notice must be sent to the listed parties a minimum of fourteen (14) days prior to the start of construction.

10.36 Tiny Homes

10.36.1 Safety Standards Tiny homes must comply with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety, and construction, or the National Fire Protection Association standard 1192 on plumbing, propane, and fire and life safety for recreational vehicles.

10.36.2 Municipal Inspection A tiny home may be placed on a property for up to one hundred and eighty (180) days without an inspection if it is not being used for a permanent residence. If the structure becomes a permanent dwelling unit, a building permit and site inspection will be required to verify the following:

10.36.2.1 The structure will not be placed in a location violating setback restrictions or regulations regarding natural environmental habitats/wetlands;

10.36.2.2 The tiny home is placed on a stable surface, ground, or footing;

10.36.2.3 All wastewater rules and requirements are met;

10.36.2.4 The home is not connected to, or near, a device or structure that could become a fire hazard;

10.36.2.5 Any siding or other exterior features shall be residential in appearance.

10.36.3 Limit No more than one (1) tiny home may be placed on a lot unless the combined square footage of multiple tiny homes does not exceed four hundred (400) square feet.

10.36.3 Location A tiny home shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable requirements in the Waldoboro Land Use Ordinance for Single-Family Dwellings or as an Accessory Structure.

10.37 Accessory Retail

10.37.1 Accessory Retail Dimensions is any retail business where the size of the retail space is less than 1000 sq ft.

10.37.2 Parking Accessory Retail businesses must comply with requirements and exemptions in Article 9: Roads, Parking, Driveways and Traffic Access conforming with all requirements of a Home Occupation Business and parking space requirements for Accessory Retail business as outlined in the Minimum Required Parking chart.

Article 11 Shoreland Zoning

11.1 Purposes The purposes of this Article are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historical resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual, as well as actual, points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

11.2 Authority This Article has been prepared in accordance with the provisions of 38 M.R.S.A § 435-449.

11.3 Applicability This Article applies to all land areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water lines of Duckpuddle, Gross, Havener, Kalers, Little Medomak, Medomak, Moose Meadow, Sidensparker, and Tobias Ponds, the Medomak River, or a saltwater body; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal or freshwater non-forested wetland; and within seventy five (75) feet, horizontal distance, of the normal high-water line of a stream as defined. This Article 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. Article 6.6.11.5.1 (Land Use Districts, Purpose of Districts) lists the wetlands identified by the State. On-site studies may show a need to revise this list.

11.4 Districts and Shoreland Zoning Map Land Use Map and Shoreland Zoning Map of the Town of Waldoboro (see Article 6 (Land Use Districts)). The Land Use Map and Shoreland Zoning Map for the Town of Waldoboro are merely illustrative of the general location. The exact boundaries of the Shoreland Zone shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

11.4.1 Certification of Official Shoreland Zoning Map The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

11.4.2 Changes to the Official Shoreland Zoning Map If amendments, in accordance with Article 1.8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

11.5 Table of Land Uses All land use activities, as indicated in Table 1 in Article 6, Section 6.7.5 (Land Use Districts, Land Uses in the Shoreland Zones), Land Uses in the Shoreland Zone below, shall conform to all of the applicable land use standards in Section 11.6. The district designation for a particular site shall be determined from the Official Land Use Map of the Town of Waldoboro.

11.6 Land Use Standards

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable.

11.6.1 Minimum Lot Standards

11.6.1.1 Lots All lots shall comply with Article 6.8 (Land Use Districts, Schedule of Dimensional Requirements).

11.6.1.2 Exclusions 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.

11.6.1.3 Opposite Sides of a Road 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.

11.6.1.4 Lot Width 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.

11.6.1.5 Multiple Structures If more than one (1) residential dwelling unit or more than one (1) principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

11.6.1.6 Reduced Lot Size The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The overall dimensional requirements including frontage and lot area per dwelling unit must be met. When determining whether dimensional requirements are met, only land areas within the Shoreland Zone shall be considered.

11.6.1.7 Common Area Each shoreland common area shall have a minimum of two hundred (200) feet of shore frontage plus an additional twenty-five (25) feet in shore frontage for each family, lot or residential dwelling unit above five (5) which has access or right of use to the shoreland common area.

11.6.1.8 Governmental, Institutional, Commercial or Industrial per Principal Structure The minimum shore frontage is 300 feet within the Shoreland Zone adjacent to non-tidal areas.

11.6.2 Principal and Accessory Structures All structures shall comply with the setback requirements of Article 6.8 (Land Use Districts, Schedule of Dimensional Requirements) and the following:

11.6.2.1 Setbacks 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, rivers that flow to Great Ponds, saltwater bodies, or the upland edge of a coastal wetland. The setback from a freshwater wetland shall be at least seventy-five (75) feet, horizontal distance.

Exceptions: In the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. 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. Abutting a saltwater body or coastal wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high-water line of the water body or the upland edge of the wetland. A naturally vegetated shoreland buffer strip must be preserved as described in Section 11.6.17.2.

Where uncertainty exists as to the exact location of the normal high-water line the Code Enforcement Officer may choose to make such a determination or may have the determination made by a qualified professional. If the CEO's decision is unacceptable to the applicant, another determination may be sought from a mutually acceptable professional. If that determination is rejected by either party, the case shall go to the Board of Appeals. The Board may employ expert assistance. All costs, by whomever incurred, shall be borne by the applicant.

In addition:

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

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

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

11.6.2.1.4 Authorization to Increase Setback The Planning Board is authorized to increase the required setback of a proposed structure, as a condition to permit approval, if necessary, to accomplish the purposes of this Article. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slope, shallow or erodible soils, or where an adequate vegetative buffer does not exist.

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

11.6.2.2.1 Flood Elevation The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least two (2) feet above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph. (See also the Waldoboro Floodplain Management Ordinance).

11.6.2.3 Non-Vegetated Surfaces With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to Great Ponds, and Commercial Fisheries/ Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the Shoreland Zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

11.6.2.4 In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to Great Ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the Shoreland Zone. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to, the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

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

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

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

11.6.2.5.3 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;

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

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

11.6.2.5.6 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

11.6.2.5.7 A vegetated buffer area must be established within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland. The buffer area must meet the following characteristics:

11.6.2.5.7.1 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;

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

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

11.6.2.5.7.4 A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal highwater line or upland edge of a wetland;

11.6.2.5.7.5 A footpath not to exceed the standards in Section 11.6.17.2.2 may traverse the buffer.

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

11.6.3 Piers, docks, wharves, bridges and other structures extending over or beyond the normal high-water line of a water body or within a wetland, and shoreline stabilization:

11.6.3.1 No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 11.6.1.1, a second structure may be allowed and may remain as long as the lot is not further divided.

11.6.3.2 Siting Docks or other facilities located over mudflats are permitted for commercially licensed marine-related use. Structures for private or recreational uses are prohibited over mudflats that are active or potential shellfish harvesting areas. Applicants must demonstrate that proposed structures comply with the provisions of the Maine Natural Resources Protection Act (N.R.P.A. Title 38, Section 480). Individual lot owners are encouraged to consolidate the use of docks wherever possible to minimize waterfront congestion.

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

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

11.6.3.4 Beach Areas The location shall not interfere with existing developed or natural beach areas.

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

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

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

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

11.6.3.9 Structure Height on Docks and Wharves Except in the General Development District and Water-Dependent Commercial Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a

wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure; 38 M.R.S.A. § 480-C.

11.6.3.10 Vegetation may be removed in excess of the standards in Section 11.6.17 of this ordinance in order to stabilize an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.

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

11.6.3.10.2 Revegetation must occur in accordance with Section 11.6.20.

11.6.3.11 A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:

11.6.3.11.1 The total deck area attached to the structure does not exceed 700 square feet;

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

11.6.3.11.3 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;

11.6.3.11.4 The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Section 11.6.2; and

11.6.3.11.5 The construction of the deck complies with all other State and federal laws.

11.6.4 Campgrounds Campgrounds shall conform to the minimum requirements imposed under State licensing procedures, Article 10.7 (Specific Performance Standards, Campgrounds and Tenting Grounds), and the following:

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

11.6.4.2 Setbacks 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 from the normal high-water line of a Great Pond or a river flowing to a Great Pond and the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

11.6.5 Individual Private Campsites Individual, private campsites for use for no more than seven (7) months per year and not associated with campgrounds are permitted provided the following conditions are met:

11.6.5.1 One Per Lot One campsite per lot existing on the effective date of this Article, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.

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

11.6.5.3 Setbacks Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a Great Pond or river flowing to a Great Pond and from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

11.6.5.5 Vegetative Clearing 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.

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

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

11.6.6 Commercial and Industrial Uses Commercial and industrial uses shall comply with Article 10 (Specific Performance Requirements) of this Ordinance. The following new commercial and industrial uses are prohibited within the Shoreland Zone adjacent to water bodies, Great Ponds, and rivers and streams which flow to Great Ponds:

11.6.6.1 Auto washing facilities.

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

11.6.6.3 Chemical and bacteriological laboratories.

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

11.6.6.5 Commercial painting, wood preserving and furniture stripping.

11.6.6.6 Dry cleaning establishments.

11.6.6.7 Electronic circuit assembly.

11.6.6.8 Laundromats, unless connected to a sanitary sewer.

11.6.6.9 Metal plating, finishing or polishing**.**

11.6.6.10 Petroleum or petroleum product storage and/or sale, except storage on the property on which the use occurs, and except for storage and sales associated with marinas**.**

11.6.6.11 Photographic processing.

11.6.6.12 Printing.

11.6.7 Parking Areas Parking areas shall comply with the parking standards in Article 9 (Roads, Parking, Driveways and Traffic Access), and the following:

11.6.7.1 Setbacks Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/ Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities in districts other than the General Development 1 and Commercial Fisheries/ Maritime Activities Districts may be reduced to no less than fifty (50) feet, horizontal distance, from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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

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

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

11.6.7.3.2 Internal Travel Aisles Approximately twenty (20) feet wide.

11.6.8 Roads and Driveways Roads and driveways shall comply with the standards in Article 9 (Roads, Parking, Driveways, and Traffic Access) of this Ordinance, and the following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

11.6.8.1 Setbacks Roads and driveways shall be set back at least one hundred (100) feet 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 Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet 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 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 for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline, or tributary stream, due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

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

11.6.8.3 New permanent roads are not allowed within the Shoreland Zone along Significant River Segments except:

11.6.8.3.1 To provide access to structures or facilities within the zone; or

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

11.6.8.4 Resource Protection District Prohibition New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case 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.

11.6.8.5 Slope Road 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 subsection 11.6.21.

11.6.8.6 Standards Road and driveway grades shall be in conformance with the standards in Article 9 (Roads, Parking, Driveways and Traffic Access).

11.6.8.7 Road and driveway grades shall be no greater than ten (10) percent except for segments of less than twenty (20) feet.

11.6.8.8 Buffer Strip In order to prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip of at least fifty (50) feet in width 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.

11.6.8.9 Drainage Facilities Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips. To accomplish this, the following shall apply:

11.6.8.9.1 Spacing Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road 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

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

11.6.8.9.3 Road or Driveway Grade 10% or More On road or driveway sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the center line of the road or driveway.

11.6.8.9.4 Culverts 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.

11.6.8.10 Maintenance 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.

11.6.9 Signs Signs shall comply with the sign standards of Article 7.10 (General Performance Standards, Signs) and the following provisions governing the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

11.6.9.1 Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed thirty-two (32) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

11.6.9.2 Name signs are allowed, provided they shall not exceed two (2) signs per premises, and shall not exceed two (2) square feet in the aggregate.

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

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

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

11.6.9.6 No sign shall extend higher than sixteen (16) feet above the ground.

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

11.6.10 Stormwater Runoff Storm water runoff shall comply with Article 8, Section 8.1 (Environmental Standards, Storm Water Management), and the following:

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

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

11.6.11 Septic Waste Disposal

11.6.11.1 Installation All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The Rules, among other requirements, include:

11.6.11.1.1 Setback The minimum setback for new subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. 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. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

11.6.11.1.2 Holding Tank A holding tank is not allowed for a first-time residential use in the Shoreland Zone.

11.6.11.1.3 Replacement Systems Replacement systems shall meet the standards for replacement systems as contained in the Rules. The Rules are available for review at the Town Office.

11.6.12 Wells All wells shall be installed in accordance with all adopted State laws, codes and regulations.

11.6.13 Essential Services

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

11.6.13.2 Prohibited Location The installation of essential services, other than roadside 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 to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

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

11.6.14 Mineral Exploitation and Extraction Mineral exploration and extraction, including sand and gravel extraction, is prohibited in the Shoreland Zone.

11.6.15 Agriculture

11.6.15.1 Manure Guidelines All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture, Conservation and Forestry (formerly known as the Maine Department of Agriculture) on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).

11.6.15.2 Manure Storage 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 one hundred (100) 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.

11.6.15.3 Soil Tillage in Excess of 40,000 Square Feet Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the Shoreland Zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Article. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

11.6.15.4 Tilling Setback 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; nor within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Article, and not in compliance with this provision, may be maintained.

11.6.15.5 Setbacks – Livestock Grazing 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, nor within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

11.6.16 Timber Harvesting must follow *MFS (Maine Forest Service) Rule - Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.*

11.6.17 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting 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 11.6.17.2 below.

11.6.17.1 Resource Protection District Prohibition In a Resource Protection District abutting a Great Pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section 11.6.18.

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.

11.6.17.2 Other Areas Except in areas as described in Section 11.6.17.1 above, within a strip of land 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 strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

11.6.17.2.1 Abutting a saltwater body or coastal wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high-water line of the water body or the upland edge of a wetland.

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

11.6.17.2.3 Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. 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 (1250 square feet) area as determined by the following rating system.

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

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

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:

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

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

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

11.6.17.2.3.4 Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

11.6.17.2.3.5 Where conditions permit, no more than 50% of the points in any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, or 12.5 inches in circumference, measured at 4½ feet above ground level may be removed in any ten (10) year period.

Vegetation less than four (4) inches in diameter at four and one half (4 1/2) feet above ground level may be pruned and thinned provided that sufficient numbers of trees and other vegetation are retained to ensure adequate regeneration of the overstory and to retard erosion.

11.6.17.2.4 In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in paragraph 11.6.17.2.2 above.

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

11.6.17.2.6 In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 11.6.20, below, unless existing new tree growth is present.

11.6.17.3 Forty Percent (40%) Limitation At distances greater than one hundred (100) feet, horizontal distance, from a Great Pond or a river flowing to a Great Pond and 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, or 12.5 inches in circumference, measured at 4½ 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.

In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty five (25) percent 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 a lot within the

Shoreland Zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/ Maritime Activities Districts.

11.6.17.4 Lawns and Fields Lawns and fields within one hundred (100) feet of any water body or wetland shall not receive fertilizers and pesticides.

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

11.6.18 Hazard Trees, Storm-Damaged Trees and Dead Tree Removal

11.6.18.1 Hazard Trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

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

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

11.6.18.1.3 The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

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

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

11.6.18.2 Storm-damaged trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

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

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

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

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

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

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

11.6.19 Exemptions to Clearing and Vegetation Removal Requirements The following activities are exempt from the clearing and vegetation removal standards set forth in Section 11.6.17, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

11.6.19.1 The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as, but not limited to, cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 11.6.17 apply;

11.6.19.2 The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 11.6.2 are not applicable;

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

11.6.19.4 The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 11.6.15 are complied with;

11.6.19.5 The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a General Development District, Commercial Fisheries and Maritime Activities District or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a Voluntary Response Action Program pursuant to 38 M.R.S. section 343-E, and that is located along:

11.6.19.5.1 A coastal wetland; or

11.6.19.5.2 A river that does not flow to a Great Pond classified as GPA pursuant to 38 M.R.S. section 465-A.

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

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

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

11.6.19.6.3 If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species of vegetation, the area shall be revegetated with native species to achieve compliance.

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

11.6.20 Revegetation Requirements

11.6.20.1 When revegetation is required in response to violations of the vegetation standards set forth in Section 11.6.17, to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

11.6.20.1.1 The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was removed, 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.

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

11.6.20.1.3 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.

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

11.6.20.1.4.1 All trees and saplings removed must be replaced with native non-invasive species;

11.6.20.1.4.2 Replacement vegetation must at a minimum consist of saplings;

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

11.6.20.1.4.4 No one species shall make up fifty (50) percent or more of the number of trees and saplings planted;

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

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

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

11.6.20.1.5.1 All woody vegetation and vegetation under three (3) feet in height must be replaced with native non-invasive species of woody vegetation and vegetation under three (3) feet in height, as applicable;

11.6.20.1.5.2 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;

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

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

11.6.20.1.5.5 Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.

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

11.6.20.1.6.1 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;

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

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

11.6.21 Erosion and Sedimentation Control Erosion and sedimentation control shall comply with the standards in Article 8, Section 8.2 (Environmental Standards, Erosion Control), and the following:

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

11.6.21.1.1 Mulching, Revegetation Mulching and revegetation of disturbed soil.

11.6.21.1.2 Runoff Controls Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

11.6.21.1.3 Stabilization Structure Permanent stabilization structures such as retaining walls or rip-rap.

11.6.21.2 Topography and Soils 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.

11.6.21.3 Erosion Controls 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.

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

11.6.21.4.1 Mulch 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.

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

11.6.21.4.3 Siltation Measures 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.

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

11.6.22 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 groundwater 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.

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

11.6.24 Archaeological Sites Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, determined by the permitting authority, shall be submitted by the applicant to the Maine Historic

Preservation Commission for review and comments at least twenty (20) days prior to action being taken by the permitting authority. Permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

11.7 Shoreland Zoning Administration

11.7.1 General The provisions of this section shall apply to the administration of Article 11 (Shoreland Zoning).

11.7.2 Permits Required After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved or relocated without a permit. Repairs and maintenance do not require a permit. A shoreland zoning activity permit other than a building permit shall be valid for the period of one (1) year from date of issuance. The Planning Board may extend the duration of such a permit at its discretion, not to exceed five (5) years.

11.7.2.1 Road Culvert Exemption A permit is not required for the replacement of an existing road culvert as long as the replacement culvert is:

11.7.2.1.1 Size Not more than one (1) standard culvert size wider in diameter than the culvert being replaced;

11.7.2.1.2 Length Not more than twenty-five percent (25%) longer than the culvert being replaced and not longer than seventy-five (75) feet; and

11.7.2.1.3 Erosion Control Provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that the crossing does not block fish passage in the watercourse.

11.7.2.2 Archaeological Excavation 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.

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

11.7.3 Application Fees All applications shall be accompanied by an application fee paid to the Town of Waldoboro.

11.7.4 Procedure for Administering Shoreland Zoning Permits Projects requiring a Code Enforcement Officer permit shall be subject to the provisions of Article 2.3 (Administration and Enforcement, Code Enforcement Officer Permit Required). Projects requiring Planning Board approval shall be subject to the following provisions:

11.7.4.1 Application Every applicant for approval shall submit to the Planning Board a written application, including a scaled site plan, on a form provided by the Code Enforcement Officer.

11.7.4.2 Signed All applications shall be signed by the 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.

11.7.4.3 Dated All applications shall be dated, and the Planning and Development Director shall note upon each application the date and time of its receipt.

11.7.4.4 Septic System Permit If the property is not served by a public sewer, the applicant shall submit a valid septic system permit or a completed application for a septic system permit, including the site evaluation approved by the plumbing inspector, whenever the nature of the proposed structure would require the installation of a subsurface disposal system.

11.7.4.5 Procedure for Administering Permits Within thirty-five (35) days of the date of receiving a written application, the Planning and Development Director shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specific additional material is needed to make the application complete. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application, or within thirty-five (35) days of the public hearing, if one is held.

11.7.4.6 Burden of Proof 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.

11.7.4.7 Photographic Record All applicants receiving approval for projects located in the Shoreland Zone must provide the municipal permitting authority with pre-construction photographs and, no later than twenty (20) days after completion of the development, post-construction photographs of the shoreline vegetation and development site.

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

11.7.5.1 Safe Conditions Will maintain safe and healthful conditions;

11.7.5.2 Water Pollution Will not result in water pollution, erosion, or sedimentation to surface waters;

11.7.5.3 Wastewater Will adequately provide for the disposal of all wastewater;

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

11.7.5.5 Shore Cover Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

11.7.5.6 Archaeological and Historic Sites Applicant shall check with the Maine Historic Preservation Commission to verify whether the site contains any identified prehistoric or archaeological site;

11.7.5.7 Archaeological and Historical Sites Will protect archaeological and historical resources as designated in the Comprehensive Plan;

11.7.5.8 Fishing Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District;

11.7.5.9 Floodplains Will avoid problems associated with floodplain development and use; and

11.7.5.10 Land Use Standards Is in conformance with the provisions of Article 11.6 (Shoreland Zoning, Land Use Standards).

11.7.6 Denial or Approval 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 this Ordinance or any regulation or any State law which the municipality is responsible for enforcing.

11.7.7 Conditions Permits granted under this section may be made subject to reasonable conditions to ensure conformity with the purpose and provisions of this Article.

11.7.8 Special Exceptions In addition to the criteria specified in this Section 1.7.5 Review Standards, 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:

11.7.8.1 No Other Location There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

11.7.8.2 Undeveloped Lot The lot on which the structure is proposed is undeveloped and was established and recorded in the Lincoln County Registry of Deeds before the adoption of the Resource Protection District.

11.7.8.3 Location of Improvements The proposed locations of all buildings, sewage disposal systems and other improvements are:

11.7.8.3.1 Slopes Located on natural ground slopes of less than twenty percent (20%); and

11.7.8.3.2 Floodplain Located outside the floodway of the 100-year floodplain along rivers and artificially-formed Great Ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least two (2) feet above the 100-year floodplain elevation; and the development is otherwise in compliance with this Ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half the width of the 100-year floodplain.

11.7.8.4 Square Footage The total footprint, including cantilevered or similar overhanging extensions of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

11.7.8.5 Setback All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than one hundred (100) 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 and high-value wetlands.

11.7.9 Proof of Compliance After completion of the permitted construction, or land use change, the Code Enforcement Officer of the Town shall inspect the premises and if the same conforms to the original permit, issue to the permit holder a certificate of compliance, upon receipt of which said holder may enter upon the intended use of the premises

11.7.10 Installation of Public Utility Service No public utility, water district, sanitary district or any utility company of any kind may 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 Article or any previous Article has been issued by the Code Enforcement Officer, or other written arrangements have been made between the municipal officials and the utility.

Article 12 Subdivision Standards

12.1 Purpose The purposes of this article are:

12.1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions.

12.1.2 To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, MRS § 4404.

12.1.3 To preserve and enhance the rural character of the community.

12.1.4 To assure the safety, health, and welfare of the people of the Town of Waldoboro.

12.1.5 To protect the natural and cultural resources of the Town of Waldoboro.

12.1.6 To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions can support the proposed uses and structures.

12.1.7 To promote the development of an economically sound and stable community.

12.1.8 To minimize the potential impact from new subdivision on neighboring properties and on the municipality.

12.2 Applicability The provisions of this Ordinance shall apply to all development considered to be a subdivision as defined by Title 30-A MRS § 4401 and this Ordinance.

12.3 Review Criteria the Planning Board shall consider the following criteria and before granting approval must determine that:

12.3.1 The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

12.3.1.1 The elevation of the land above sea level and its relation to the floodplain,

12.3.1.2 The nature of the soils and subsoils and their ability to adequately support waste disposal,

12.3.1.3 The slope of the land and its effect upon effluents, and,

12.3.1.4 The applicable state and local health and water resources rules and regulations.

12.3.2 The proposed subdivision has sufficient water available for the reasonable needs of the subdivision.

12.3.3 The proposed subdivision will not cause an unreasonable burden on an existing water supply.

12.3.4 The proposed subdivision will not cause unreasonable soil erosion, unmitigated stormwater runoff, or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

12.3.5 The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe intersections or other conditions with respect to the use of the highways or public roads existing or proposed.

12.3.6 The proposed subdivision will provide for adequate sewage waste disposal and will not cause an

unreasonable burden on municipal services if they are used.

12.3.7 The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste.

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

12.3.9 The proposed subdivision conforms with the applicable standards and requirements of this Ordinance, the comprehensive plan, and other local Ordinances. In making this determination, the Planning Board may interpret these Ordinances and plans.

12.3.10 The subdivider has adequate financial and technical capacity to meet all the Review Criteria and the standards and requirements contained in this Ordinance.

12.3.11 Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, Great Pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

12.3.12 The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

12.3.13 Based on Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundary within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with the lowest floor, including the basement, at least one foot above the 100-year flood elevation.

12.3.14 All freshwater wetlands and vernal pools within the proposed subdivision have been identified and delineated on any maps submitted as part of the application, regardless of the size of these wetlands. All wetlands shall be preserved to the greatest extent practicable.

12.3.15 Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. All rivers, streams or brooks shall be protected from any adverse development impacts. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, Great Pond or wetland as these features are defined in Title 38, Section 480-B subsection 9, none of the lots created within the subdivision shall have a lot depth to shore frontage ratio greater than 5 to 1.

12.3.16 The proposed subdivision will provide for adequate storm water management.

12.3.17 The long-term cumulative effects of the proposed subdivision will not increase a Great Pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

12.3.18 For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will

not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

12.3.19 Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of the subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14. (30-A MRSA 4404, sub-20)
In order to determine if these criteria will be met, the Planning Board may hire a qualified professional, the services of whom shall be paid by the applicant, to provide the necessary information and an expert opinion. The selection and fee for the services of the consultant should be mutually acceptable to the Planning Board and the applicant. If the applicant is not satisfied with the findings of the consultant, the applicant may appeal to the Board of Appeals.

12.4 Administration and General Procedures

12.4.1 Administration

12.4.1.1 The Planning Board shall administer this Ordinance and review all subdivision applications according to the applicable review criteria and standards.

12.4.1.2 The Planning Board shall provide the Code Enforcement Officer a copy of its decision on a subdivision application including all application materials.

12.4.2 Decisions

12.4.2.1 The Planning Board shall make the final determination as to whether the subdivision application is complete when it has determined it has received any additional information requested from the applicant before it makes a final decision on the application.

12.4.2.2 After review of a complete application the Planning Board shall determine whether or not the application meets the Review Criteria.

12.4.2.3 The Planning Board shall make a written finding of fact to support its decision and vote to

approve the application, deny the application, or approve the application with conditions.

12.4.2.4 If in its findings, the Planning Board determines that the application may not meet the review criteria, and that additional actions by the applicant will be sufficient to meet them, it may require such actions, as conditions of approval. The conditions may set forth requirements in addition to those set forth in the Ordinance only when the Planning Board finds it necessary to further the purposes of this Ordinance. Each condition approved by the Planning Board shall be listed along with the reasons for these conditions in the Planning Board's decision. Each condition shall also be listed on the final subdivision plan.

12.4.2.5 Each waiver approved by the Planning Board shall be listed along with the reasons for these waivers in the Planning Board's decision. Each waiver shall also be listed on the final subdivision plan.

12.4.2.6 Approved subdivision plans must be recorded with the registry of deeds following the requirements of Title 30-A § 4408. and must have action taken on it within two years of the approval.

12.4.3 Burden of Proof

12.4.3.1 The applicant shall have the burden of proof to show the proposed subdivision application meets the applicable review criteria and standards contained in this Ordinance.

12.4.4 Additional Studies

12.4.4.1 The Planning Board may require the applicant, to perform additional studies or pay for the services of a consultant to review the entire or portions of the subdivision application. The cost to perform additional studies or pay for the services of a consultant shall be borne by the applicant. The Planning Board may require the applicant to deposit with the Town the estimated cost of any consultant or additional study which shall be placed in an escrow account. The Town shall pay for the services rendered and reimburse the applicant, if funds remain after payments are completed. The applicant shall place additional funds into the escrow account in order to meet expenses.

12.4.5 Rights Not Vested

12.4.5.1 The submittal of a sketch plan or a preliminary plan to the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1 MRSA § 302. The formal review process shall begin upon written notification to the applicant that a complete application has been received.

12.4.6 Site Inspection

12.4.6.1 The Planning Board may vote to schedule an on-site inspection of the proposed project. The Planning Board shall schedule the date and time of the site inspection at the pre -application meeting or at another time. The Planning Board shall post the date, time and place of the site inspection at the Town Office seven days prior to the site inspection. Minutes will be taken for the on-site inspection. The purpose of the site inspection is for the Planning Board to obtain knowledge about the site and surrounding area.

12.4.7 Waivers

12.4.7.1 The Planning Board may vote to waive portions of submission information if the Board finds that

the information is not required to determine compliance with the standards and review criteria.

12.4.7.2 The Planning Board may vote to waive one or more of the performance standards if the applicant has proposed an alternative design that will satisfy the review criteria equally or better than one or more performance standards.

12.4.7.3 The Planning Board may vote to waive one or more of the performance standards due to the size of the project, circumstances of the site or unique features of the proposals provided that the review criteria are satisfied.

12.4.7.4 The applicant shall submit information and materials that support the waiver request with the application. The burden of proof shall be on the applicant to demonstrate that the review criteria have been satisfied.

12.4.7.5 The Planning Board shall review any written waiver request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until such time that the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

12.4.8 Subdivision Review Process

12.4.8.1 All subdivision applicants shall be required to follow a three-tier review process. Review of each tier must be completed prior to proceeding to the subsequent tier. The tiers in order of review are: Pre-Application Meeting; Preliminary Plan Review and Final Plan Review.

12.4.9 Revisions to Approved Plans

12.4.9.1 An application for a revision to a previously approved plan shall be submitted to the Code Enforcement Officer at least 14 days prior to a scheduled meeting of the Planning Board. If the revision involves a modification to a condition imposed by the Planning Board; the addition of additional units; the addition of new lots; or an expansion of the subdivision, then the procedure for a new application shall be followed. If the revision only involves minor modifications to the plan, the Planning Board may consider the request at the meeting. The Planning Board may vote to hold a public hearing on the proposed revision.

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

12.4.9.3 The applicant shall submit a copy of the approved plans and copies of the revised portions of the plans as specified for a preliminary plan submission. The application shall include enough supporting data to allow the Planning Board to decide that the proposed revision meets the review criteria.

12.4.9.4 The Planning Board shall vote to approve the revision, deny the revision or approve the revision with conditions. The Planning Board may vote to require that additional information be submitted in order to ensure that the review criteria are met.

12.4.9.5 The applicant shall record any subdivision plan revision approved by the Planning Board

according to Title 30-A MRS § 4407.

12.4.10 As Built-Plans

12.4.10.1 Upon Completion of all the public improvements contained in the subdivision, the applicant shall submit a copy of as-built plans to the Planning Board.

12.4.11 Appeals to Superior Court

12.4.11.1 An aggrieved party may appeal any final decision of the Planning Board under this Ordinance to Superior Court, within 30 days of the date the Planning Board issues a written order of its decision.

12.4.12 Public Hearing Requirements

12.4.12.1 The Planning Board shall hold a public hearing on all preliminary plan applications. The Planning Board may vote to hold a public hearing on a final application.

12.4.12.2 The public hearing notice shall be made as follows:

12.4.12.2.1 The Planning Board shall hold a public hearing within 30 days after receiving a complete application. A notice of the date, time and place of the public hearing shall be:

12.4.12.2.1.1 Published, at least two times, in a newspaper having general circulation in the municipality. The date of the first publication shall be at least 7 days before the hearing.

12.4.12.2.1.2 Mailed by first class mail to the applicant, at least 7 days prior to the public hearing.

12.4.12.2.1.3 Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters and record the date the notice was mailed. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

12.4.12.3 The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

12.4.13 Joint Meetings

12.4.13.1 If any portion of a proposed subdivision crosses municipal boundaries, the Planning Board shall follow the notice, meeting, and review requirements specified in Title 30-A MRS § 4401- 4407.

12.4.14 Performance Guarantee

12.4.14.1 A performance guarantee shall be required for all public improvements proposed for the subdivision. The applicant shall submit a proposal for the performance guarantee at the time of submission of the Final Plan. A detailed list of all proposed public improvements including the cost for each shall be submitted with the performance guarantee.

12.4.14.2 The performance guarantee may include one or more of the following:

12.4.14.2.1 A certified check, in an amount equal to the expense of installing the public improvements,

made payable to the Town.

12.4.14.2.2 A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the Town, issued by a surety company.

12.4.14.2.3 A conditional agreement with the Town, whereby no lot in the subdivision may be sold and no building permit issued until the applicant installs all public improvements.

12.4.14.2.4 An irrevocable letter of credit from a bank or other lending institution which shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

12.4.14.3 The Applicant, prior to approval of the final plan, shall consult with the Town Manager on the terms proposed by the applicant for the performance guarantee. The Town Manager shall decide on the amount of the certified check, performance bond letter of credit or the terms of the performance guarantees. A period of 1 year (or such period as the Town Manager may determine appropriate, not to exceed 3 years) shall be set forth in the bond time within which required improvements must be completed. The terms established by the Town Manager for the performance guarantee shall be provided in writing to the Planning Board and included as a condition for approval of the subdivision application.

12.4.14.4 Prior to the release of the performance guarantee, the Town Manager shall determine that the proposed improvements meet or exceed the design and construction requirements specified in this Ordinance and the subdivision plans. The Town Manager shall base its decision upon the inspection reports filed by the Code Enforcement Officer, other Municipal Officials or other designated inspector.

12.4.14.5 Submittal of the, as-built subdivision plans, is a requirement for the release of the performance guarantee.

12.4.14.6 If the Code Enforcement Officer, or other designated inspection official finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall report this condition to the Town Manager. The Town Manager shall take any steps necessary to preserve the Town's rights.

12.4.15 Inspection Requirements

12.4.15.1 The Code Enforcement Officer shall be responsible for conducting and/or coordinating all inspections with other municipal officials. The following municipal officials shall perform the following inspections:

12.4.15.1.1 All private roads and roads proposed for public acceptance shall be inspected by a professional engineer as per the road performance standards. The engineer will submit a detailed engineer's inspection report to the Code Enforcement Officer.

12.4.15.1.2 The Local Plumbing Inspector shall inspect the installation of all subsurface wastewater treatment systems.

12.4.15.1.3 The Code Enforcement Officer shall inspect all erosion control measures, stormwater management features, and all other site features.

12.4.15.2 At least 15 days prior to commencing construction of required improvements, the subdivider

shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

12.4.15.3 The applicant shall be responsible for scheduling all inspections. The Code Enforcement Officer and all other inspection officials shall keep a record of all inspections and all deficiencies. It shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing that a deficiency exists and the steps necessary to remedy the situation. The Code Enforcement Officer shall notify the Town Manager whenever the applicant fails to remedy a deficiency. Upon completion of the subdivision and/or consideration of release of the performance guarantee, all inspection reports shall be made available to the Town Manager.

12.5 Pre-Application Meeting

12.5.1 Purpose The purpose of the pre-application meeting and site visit is for the applicant to present general information regarding the proposed subdivision to the Planning Board and to receive the Planning Board's comments prior to the expenditure of substantial sums of money for developing the subdivision plan.

12.5.2 Procedure

12.5.2.1 The applicant shall submit a complete sketch plan to the Code Enforcement Officer at least 14 days before a scheduled meeting of the Planning Board.

12.5.2.2 The applicant shall present the sketch plan to the Planning Board and make a verbal presentation regarding the site and the proposed subdivision.

12.5.2.3 Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the preliminary plan application.

12.5.2.4 The Planning Board shall determine the contour intervals to be shown on the plan, 10 feet or less.

12.5.2.5 The applicant shall indicate if any proposed roads will be considered for public acceptance.

12.5.3 Submissions

12.5.3.1 The sketch plan does not have to be an engineered plan and may be a free hand penciled sketch.

12.5.3.2 The sketch plan shall show in simple sketch form the proposed layout of roads, lots, buildings, and other features in relation to existing site conditions.

12.5.3.3 The sketch plan shall show general location of steep slopes, wetlands and vegetative cover.

12.5.3.4 The sketch plan shall be submitted on forms provided by the Planning Board and include the following:

12.5.3.4.1 A copy of the Tax Assessors map of the site and surrounding area.

12.5.2.4.2 A copy of Beginning with Habitat Map 1 "Water Resources" and Map 2 "High Value Plant and Animal Habitats" with a half mile circle delineated from subject property on each map. The boundary of the watershed where subject property is located shall be highlighted.

12.6 Preliminary Plan Review

12.6.1 Procedure

12.6.1.1 The applicant shall submit a complete preliminary plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

12.6.1.2 The application including all maps and related attachments shall consist of the following: PDF copy, 2-full size copies of the maps and plans, and 9- applications with maps and plans reduced to 11x17.

12.6.1.3 As soon as possible, after the receipt of the preliminary plan the Town shall notify by first class mail all abutters to the proposed subdivision that an application for a subdivision has been submitted to the Planning Board, specifying the location of the proposed subdivision and including a general description of the project. The notice shall also indicate that a copy of the application is available for public review at the Town Office. The Town shall maintain a list of all abutters notified by first class mail, specifying the date the notice was mailed.

12.6.1.4 Within 30 days of the receipt of the preliminary plan application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific material needed to complete the application.

12.6.1.5 The Code Enforcement Officer shall schedule a public hearing for the Planning Board within 30 days of determining that it has received a complete application. The PDF and reduced plan copies shall be distributed to the Planning Board at least 7 days prior to the scheduled public hearing.

12.6.1.6 Within 30 days of the public hearing, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall decide on the application.

12.6.1.7 Upon approval of the preliminary plan, the applicant is eligible to submit a final plan to the Planning Board for consideration. The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to preparation of the final plan. The final plan shall be submitted for consideration upon fulfillment of the requirements of this Ordinance and conditions of preliminary approval, if any.

12.6.1.8 The Planning Board shall inform the Code Enforcement Officer after approval of the preliminary plan if it will require a public hearing on the final plan.

12.6.2 Preliminary Plan Submissions

12.6.2.1 The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria, and requirements and performance standards contained in this Ordinance. The preliminary plan submissions shall consist of the following:

12.6.2.1.1 A receipt from the Town indicating that the application fee has been paid.

12.6.2.1.2 A preliminary plan application form and all required attachments and maps.

12.6.2.1.3 Waiver request form, if applicable.

12.6.2.1.4 A location map, drawn at an appropriate scale to show the relationship of the proposed subdivision to adjacent properties, the map shall show the following:

12.6.2.1.4.1 Existing subdivisions abutting the proposed subdivision.

12.6.2.1.4.2 Locations and names of existing and proposed roads.

12.6.2.1.4.3 Boundaries and designations of all shoreland zoning and other land use districts.

12.6.2.1.4.4 An outline of the proposed subdivision and any remaining portion of the owner's property if not included in the subdivision proposal.

12.6.2.1.5 The following general information:

12.6.2.1.5.1 Name and address of the applicant and applicant's agent.

12.6.2.1.5.2 Verification of right, title or interest in the property.

12.6.2.1.5.3 A copy of the most recently recorded deed for the parcel.

12.6.2.1.5.4 A copy of all existing and proposed, deed restrictions, rights-of-way, or other encumbrances affecting the property.

12.6.2.1.5.5 The book and page, and map and lot information of the property.

12.6.2.1.5.6 The name, mailing address, and map and lot of all property owners abutting the property.

12.6.2.1.5.7 Acreage of the proposed subdivision.

12.6.2.1.6 A subdivision plan consisting of one or more maps drawn to a scale of not more than 100 feet to the inch. The plan shall show the following:

12.6.2.1.6.1 Name of the subdivision.

12.6.2.1.6.2 Number of lots.

12.6.2.1.6.3 Date, north point, graphic scale.

12.6.2.1.6.4 Proposed lot lines with dimensions.

12.6.2.1.6.5 A survey of the perimeter of the tract giving complete descriptive data by bearing and distances, signed and sealed by a Professional Land Surveyor. The corner of the tract shall be located on the ground and marked by permanent markers. The plan shall indicate the type of permanent marker proposed to be set or found at each lot corner.

12.6.2.1.6.6 Contour intervals of 10 feet or less.

12.6.2.1.6.7 The location of all wetlands regardless of size and all vernal pools.

12.6.2.1.6.8 The location of all rivers, streams, brooks and ponds within or adjacent to the subdivision.

12.6.2.1.6.9 The location of all slopes in excess of 25% slope.

12.6.2.1.6.10 The number of acres within the subdivision, location of property lines, existing buildings, impervious areas, and vegetative cover types.

12.6.2.1.6.11 The location of any significant sand and gravel aquifer.

12.6.2.1.6.12 The location of any Prime Agricultural Soils.

12.6.2.1.6.13 The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town's most recent FIRM Map.

12.6.2.1.6.14 The boundaries of all shoreland zoning districts.

12.6.2.1.6.15 The location and boundaries of any significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife.

12.6.2.1.6.16 The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.

12.6.2.1.6.17 The location of all scenic areas and Unique Natural Areas.

12.6.2.1.6.18 The location of all subsurface wastewater disposal system test pits/test boring and test data and appropriate documentation.

12.6.2.1.6.19 The location of existing and proposed wells and appropriate documentation.

12.6.2.1.6.20 All temporary and permanent erosion control features proposed for the site.

12.6.2.1.6.21 All stormwater control hydrology and mitigation design features proposed for the site.

12.6.2.1.6.22 All parcels of land proposed to be owned or held in common or joint ownership by the subdivision or individual lot owners. All land proposed to be offered for public acceptance to the Town.

12.6.2.1.6.23 Phosphorus control measures, if the subdivision is located within the direct watershed of a Great Pond.

12.6.2.1.6.24 Road plans and specifications and appropriate documentation including if any road is to be considered for public acceptance.

12.6.2.1.6.25 Traffic access data for the site including an estimate of the amount of vehicular traffic to be generated daily.

12.6.2.1.6.26 The type and location of any proposed fire control features and appropriate documentation.

12.6.2.1.6.27 A list of all proposed deed covenants and restrictions on the plan.

12.6.2.1.6.28 The location of all existing trails such as snowmobile trails and hiking trails.

12.6.2.1.6.29 The location and size of any existing culverts and drains that will serve the development.

12.6.2.1.6.30 A detailed list of all proposed public improvements including the cost of each item.

12.6.2.1.7 A statement indicating how the solid waste from the subdivision will be handled .

12.6.2.1.8 Documentation indicating that the applicant has the financial and technical capacity to meet the

requirements of this Ordinance.

12.6.2.1.9 Any other data necessary in order to meet the requirements of this Ordinance.

12.7 Final Plan Review

12.7.1 Procedure

12.7.1.1 The applicant shall submit a complete final plan application to the Code Enforcement Officer. The applicant shall be issued a dated receipt.

12.7.1.2 The application shall consist of all final plan submission requirements and include a PDF copy, 3- full size paper maps and plans, and 9- applications with maps and plans reduced to 11x17.

12.7.1.3 Within 30 days of the receipt of the final plan application, the Code Enforcement Officer shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Code Enforcement Officer shall notify the applicant of the specific material needed to complete the application in writing.

12.7.1.4 The Code Enforcement Officer shall schedule a meeting or public hearing for the Planning Board within 30 days of determining that it has received a complete application. Within 30 days of the public hearing or meeting, or within another time period as may be mutually agreed to by the Board and the applicant, the Planning Board shall make a decision on the application.

12.7.1.5 Final plan review shall be conducted following Section 12.5.1.

12.7.1.6 Upon voting to approve the final plan, the Planning Board shall sign the 3 paper copies of the final plan. The Planning Board shall retain one copy and the other 2 copies shall be provided to the applicant. The applicant shall file the approved final subdivision plan with the Register of Deeds, within 90 days of the date upon which the plan is approved. Failure to file the plan with the Register of Deeds, within 90 days, shall make the plan null and void. Final Plans not filed in the appropriate time period shall be re-submitted to the Board.

12.7.2 Final Plan Submissions

12.7.2.1 The applicant is responsible for supplying all the necessary information to show that the proposed subdivision is in compliance with the review criteria requirements and performance standards contained in this Ordinance. The final plan submissions shall consist of the following:

12.7.2.1.1A receipt from the Town indicating that the application fee has been paid.

12.7.2.1.2 A final plan application form and all required attachments and maps.

12.7.2.1.3 All the submission materials required for a preliminary plan.

12.7.2.1.4 All conditions and modifications approved by the Planning Board for the preliminary plan shall be contained on the final plan.

12.7.2.1.5 All waivers approved by the Planning Board shall be shown on the final plan.

12.7.2.1.6 All additional studies and/or materials required by the Planning Board, as applicable.

12.7.2.1.7 A signature block shall be provided on all pages of the final plan.

12.7.2.1.8 A performance guarantee, if applicable.

12.7.2.1.9 The location and type of all permanent markers set at all lot corners and verifying documentation including a signed letter from the licensed surveyor who set the monuments stating that the monuments meet requirements of this Ordinance.

12.7.2.1.10 If the subdivision contains any private roads, the plan shall contain a statement as follows: The subdivision roads are designed as private roads and are not eligible for acceptance by the Town of Waldoboro.

12.7.2.1.11 Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents accomplishing such land dedication.

12.7.2.1.12 Any conditions placed on the final plan by the Planning Board shall be clearly listed on the plan. Planning Board imposed conditions shall be listed separately from any covenants or restrictions placed on the subdivision by the applicant.

12.7.2.1.13 Appropriate documentation from the Department of Environmental Protection or other applicable State or Federal Agencies shall be provided with the Final Plan Application for any proposed disturbance to any waterbodies indicated on the subdivision plan. Any applicable required setbacks associated with these waterbodies must be delineated on the subdivision plan.

12.8 Performance Standards

12.8.1 All subdivisions shall meet all the applicable performance standards and requirements in the Land Use Ordinance in addition to the following performance standards:

12.8.2 General Lot Requirements

12.8.2.1 All subdivision lots shall conform to the dimensional requirements of the Land Use Ordinance.

12.8.2.2 The minimum lot area for each proposed subdivision lot shall include a contiguous parcel of land as determined by the Planning Board that is suitable for development. The following areas shall be deemed unsuitable for development: wetlands; rivers; streams; brooks; ponds; vernal pools; stormwater drainage features; public and private rights-of-way; land zoned as resource protection; slopes in excess of 25%; significant wildlife habitat as identified by the Department of Inland Fisheries and Wildlife; and identified archeological and historic resources as identified by the Maine Historic Preservation Commission.

12.8.3 Monuments

12.8.3.1 Monumentation as required by the Maine Board of Registration of Land Surveyors shall be installed at the following:

12.8.3.1.1 At all road intersections and points of curvature, but no farther than 750 feet apart along road lines without intersections or curves.

12.8.3.1.2 At all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135 degrees or less.

12.8.3.1.3 At all other subdivision boundary corners and angle points as well as lot boundary corners and

angle points.

12.8.4 Water Supply

12.8.4.1 Individual wells shall be sited and constructed to prevent infiltration by surface water and contamination from subsurface wastewater disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface wastewater disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

12.8.4.2 The water supply for the subdivision and each lot shall be adequate to supply all the potable, and other water requirements of the development.

12.8.4.3 Furnish documentation from Well Driller or Hydrologist familiar with the area, stating that adequate water is available to supply the sub-division.

12.8.5 Fire Protection

12.8.5.1 The subdivision shall be designed so that the Town of Waldoboro Fire Department shall have unrestricted access to all developed areas within the subdivision and adequate provisions are made for a supply of water for fire suppression. The applicant shall obtain a signed form (provided by the town) from the Fire Chief indicating that the fire protection measures proposed for the subdivision have been reviewed. This statement shall be submitted with the preliminary plan application.

12.8.5.2 The Fire Chief in making his/her review of the proposed fire protection measures shall consider the following:

12.8.5.2.1 The road is adequate for the passage of fire equipment.

12.8.5.2.2 An adequate water supply is available near or within the subdivision to serve the density of the development.

12.8.5.2.3 The Fire Chief shall review the fire protection measures proposed for the subdivision and may make suggestions for water holding features, such as but not limited to a fire pond(s), and for roads over 1000 feet in length a water holding tank or tanks installed per Fire Department specs using NFPA standards.

12.8.5.4 Any provisions under this section shall be maintained by the Homeowners Association. A condition shall be placed on the plan requiring an annual report to be sent to the Fire Chief of all maintenance and inspections.

12.8.6 Subsurface Wastewater Disposal Systems

12.8.6.1 The applicant shall submit evidence of site suitability for subsurface wastewater disposal systems prepared by a Licensed Site Evaluator in compliance with the Subsurface Wastewater Disposal Rules of the State of Maine, or the latest revision to date. The Site Evaluator shall certify in writing that all test pits meet the requirements for a new system and represent an area large enough to support a disposal area on soils which meet Maine's Disposal Rules. All test pit/test boring locations and when applicable subsurface disposal footprints shall be shown on the subdivision plan and be accompanied by an HHE-200 Form or other format which shows the appropriate soils data. Test pit/test boring and when applicable

subsurface disposal footprint locations shall also be marked on the site.

12.8.6.2 The applicant shall submit the test pit/test boring data to the Town of Waldoboro LPI for review. The LPI shall review the data for conformance with State Law and this Ordinance and issue the applicant a written statement. The LPI shall state whether the data submitted is sufficient to make a reasonable determination that the soils will accommodate a subsurface system or indicate if additional data or site analysis is needed. The applicant shall submit the LPI's statement with the preliminary plan application.

12.8.6.3 In no instance shall a disposal area for a lot or structure require a New System Variance from the Subsurface Wastewater Disposal Rules. The subdivision shall provide for adequate sewage disposal.

12.8.8 Waterbody Protection The locations of all rivers, streams, brooks, vernal pools and wetlands shall be identified on the subdivision plan. This shall include all perennial and intermittent streams and forested and non-forested wetlands.

12.8.9 Ground Water Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan, shall be designed and constructed according to a plan which takes into account the impact of the development upon the aquifer. The plan developed by a professional engineer or qualified groundwater consultant will show that the proposed development will not have an adverse impact upon the aquifer.

12.8.10 Historic, Archeological, Wildlife Habitat, Scenic Areas, and Unique Natural Areas

12.8.10.1 The subdivision plan shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and unique natural areas. If any of these areas are located on the site, a protection plan shall be developed in accordance with the following:

12.8.10.1.1 If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Preservation Commission, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

12.8.10.1.2 If any portion of the site is located within an area designated by the Town of Waldoboro as a scenic area or a unique natural area by the Maine Natural Areas Program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

12.8.10.1.3 If any portion of the site is within a wildlife habitat area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife and develop measures to protect these areas from environmental damage and habitat loss.

12.8.10.1.3.1 Wildlife habitat areas shall include the following:

12.8.10.1.3.1.1 Habitat or endangered species appearing on the official state or federal list of endangered or threatened species.

12.8.10.1.3.1.2 High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

12.8.10.1.3.1.3 Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

12.8.11 Financial and Technical Capacity

12.8.11.1 The applicant shall submit evidence that he/she has adequate financial and technical capacity to design and construct the development in accordance with all applicable local, state and federal laws and regulations. Evidence of adequate financial and technical capacity shall consist of the following:

12.8.11.1.1 A list of all technical and professional staff involved with the proposal and preparation of the application including their qualifications and past experience with projects of similar size and scale.

12.8.11.1.2 A list of all persons with inspection and oversight responsibilities for the development and if available, the persons selected to construct the project, including their qualifications and past experience with projects of similar size and scale.

12.8.11.1.3 A letter from a financial institution such as a bank or other lending institution that states that the applicant has the necessary funds available or a loan commitment from this institution to complete the proposed development within the time period specified by the applicant.

12.8.12 Homeowner Association A homeowner association shall be required for a proposed subdivision containing private roads, and other infrastructure to be owned privately including but not limited to the following items: sewer, subsurface waster systems, wells, stormwater control, and land. The homeowners' association shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association's documents shall specify that:

12.8.12.1 All facilities dedicated to the common use and/or ownership by the development's residents shall be the responsibility of association.

12.8.12.2 The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.

12.8.12.3 The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

12.8.12.4 The developer shall maintain control of designated open space and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales submitted to and approved by the Planning Board.

12.8.13 Open Space Ownership Owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

12.8.13.1 Dedication of open space to the Town or a suitable land trust, if either is willing to accept the dedication.

12.8.13.2 Dedication of development rights of open space to a suitable land trust with ownership by a private individual or homeowners' association. (In the form of a conservation easement)

12.8.13.3 Ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the municipality

12.8.13.4 Ownership by a private individual with open space protection deed restrictions enforceable by any landowner within the subdivision, any owner of separate land parcels abutting the open space, or the municipality. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the open space.

12.9 Enforcement

12.9.1 It shall be the responsibility of the Code Enforcement Officer to enforce the provisions of this Ordinance.

12.9.2 No plan of a division of land within the Town which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.

12.9.3 A person shall not convey, offer to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

12.9.4 A person shall not sell, lease, offer or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.

12.9.5 No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.

12.9.6 Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land, or lots, or construction of buildings, which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.

12.9.7 No lot in a subdivision may be sold, leased or otherwise conveyed before the road upon which the lot fronts are completed in accordance with this Ordinance up to and including the entire frontage of the lot.

12.9.8 No lot in a subdivision may be sold, leased, or otherwise conveyed before completion per this Ordinance of required or proposed improvements including but not limited to common utilities, recreation area, trails, and water tank for the Fire Department.

12.9.9 Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A MRS § 4452.

Article 13 Hazardous Materials and Waste

13.1 Purpose The regulations set forth in this Ordinance are adopted to:

13.1.1 Water Protection Provide for the protection of the groundwater and surface water quality through the control of hazardous materials and waste handling, storage or disposal;

13.1.2 Air Quality Provide for the air quality through proper control of air emissions;

13.1.3 Health and Safety Protect the health and safety and welfare of the citizens of the Town of Waldoboro.

13.2 Administration The Planning Board of the Town of Waldoboro shall administer this Ordinance in accordance with the requirement of 13.6 of this Article (Hazardous Materials Administration).

13.3 Applicability

13.3.1 New Construction This ordinance shall apply to all non-residential development proposals for new construction of hazardous waste and material storage, handling, processing and/or disposal facilities and shall apply to any expansion of existing facilities. Industrial users and producers of hazardous materials or waste must at all times adhere to all federal and State storage and reporting requirements.

13.3.2 Existing Facilities Existing facilities, including commercial or industrial operations which store, handle, process or dispose of hazardous materials and/or waste shall comply with renewal permit criteria in 13.6.

13.4 Exemptions

13.4.1 Agriculture The storage and handling of products used for agricultural purposes on working farms shall be exempt when the amount does not exceed 200 kg. in any one (1) calendar year. Those agricultural operations which may have in excess of this amount (200 kg) will file a Management Plan stating the amount, location and what provisions have been made in the event of a spill.

13.4.2 Household Materials and Waste Products which are used for normal, domestic housekeeping.

13.4.3 Propane gas tanks under 2500 pounds.

13.5 Requirements and Performance Standards

13.5.1 Requirements

13.5.1.1 Monitoring Wells Monitoring wells may be required to adequately sample ground water for contamination. The location, construction standards and monitoring program will be determined by a registered geologist. Quarterly reports shall be sent to the Town.

13.5.1.2 Insurance Applicant must have acquired insurance of two million dollars ($2,000,000.00) per occurrence and an annual aggregate of four million dollars ($4,000,000.00) exclusive of legal defense costs, for claims arising out of injury to persons or property from the operations of the hazardous waste facility. The deductible written into the insurance policy must not exceed five (5) percent of the incident limit of liability of the policy. Such insurance shall be in effect for a period of forty (40) years after the site is no longer in operation.

13.5.1.3 Construction Surety Bond Applicant must provide a surety bond to the Town of Waldoboro in an amount sufficient to cover the construction or expansion costs of the hazardous waste facility as

proposed to the Planning Board. This surety bond shall be released contingent upon approval of final construction by the Planning Board.

13.5.1.4 Operation Surety Bond Applicant must have obtained a surety bond in the amount of $100,000.00, guaranteeing the operation of the site in accordance with these rules and regulations, or the applicant must post a sum equal to or greater than $100,000.00 with the Town of Waldoboro, any or all of which may be used by the Town of Waldoboro to correct failures to comply with this Ordinance.

13.5.1.5 Emergency Training The applicant shall provide such special equipment (on site) and training to reasonably prepare the Town's fire department to respond to emergencies at the site.

13.5.2 Performance Standards The following standards are to be used by the Planning Board in judging applications and shall serve as minimum requirements for approval of the plan. The plan shall be approved, unless in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

13.5.2.1 Buffering of Development Site The lot shall be set back and landscaped in order to screen the appearance of outstanding features of the development, i.e. - exposed storage areas, truck loading and unloading areas, to provide an audio/visual buffer to minimize their adverse impact on surrounding properties.

13.5.3 External Lighting All external lighting shall be designed to minimize adverse impact on neighboring properties.

13.5.4 Vehicular Access The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points including sight distances, turning lanes and traffic signalization when required by existing and projected traffic flow on the municipal road systems.

13.5.5 Parking and Circulation The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangements and use of parking areas.

13.5.6 Emergency Vehicle Access Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to the site and all facilities at all times.

13.5.7 Surface Water Drainage and Soil Erosion Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or public storm drainage systems. On-site absorption of runoff waters shall be utilized to minimize discharges from the site. Also, unreasonable soil erosion or reduction in capacity of the land to hold water so that a dangerous or unhealthy condition may result, shall be prevented.

In making this determination, the Board shall at least consider:

13.5.7.1 Land Elevation The elevation of land and its relation to flood plains, the nature of soils and subsoils and their ability to adequately support the development;

13.5.7.2 License Applicability The applicability of any Department of Environmental Protection (D.E.P.) approved licenses;

13.5.7.3 Slope The slope of the land;

13.5.7.4 Ground Water The ground water resources including aquifer recharge areas; and

13.5.7.5 Regulations The applicable federal, state and local laws, ordinance codes and regulations.

13.5.7.6 Air Pollution In making this determination, the Board shall consult federal and state authorities to determine that applicable air quality laws and regulations can be met.

13.5.7.7 Safety/Fire Hazards Have sufficient facilities and equipment available for the needs of the development, including firefighting and spill prevention and control.

13.5.7.8 Sewage Disposal Will provide for adequate sewage waste disposal.

13.5.7.9 Municipal Services The development will not have an unreasonable adverse impact on the municipal services including municipal road system~~s~~, fire department, police department, solid waste program, sewage treatment plant, open spaces, recreational programs and facilities and other municipal services and facilities.

13.6 Hazardous Materials Administration

13.6.1 General

13.6.1.1 Planning Board The Planning Board of the Town of Waldoboro shall administer this Ordinance.

13.6.1.2 Permit No person shall construct, develop, establish, operate, own or maintain an industrial or commercial site which will handle, store or dispose of hazardous materials and/or waste without having first obtained a permit approved by the Planning Board issued in accordance with the requirements of this Article. Each permit shall be issued only for the site designated in the plans accompanying the application and shall not be transferable or assignable except with the written approval of the Planning Board.

13.6.2 Application Procedure

13.6.2.1 Procedure Application procedure for storage of hazardous materials and waste on the premises shall contain the following information:

13.6.2.1.1 List of Materials List of hazardous materials stored on the premises.

13.6.2.1.2 Management Plan Management plan which will include action to be taken in case of spill and/or fire.

13.6.2.1.3 Application The hazardous materials application shall include as a minimum the requirements of Articles 7 (General Performance Standards), 8 (Environmental Standards), and 9 (Roads, Parking, Driveways, and Traffic Access).

13.6.2.1.4 Application Procedures Applications shall be subject to the provisions of Article 3 (Application Review)

13.6.3 General Provisions

13.6.3.1 Waiver The Planning Board may modify or waive any of the above application requirements as provided in Article 3, Section 3.3.1 (Application Review, Waivers).

13.6.3.2 Permit Expiration A permit granted under this Ordinance shall expire unless a substantial start is commenced within 180 days from the date the permit is granted and completed within two (2) years. Renewal of a permit shall be treated as a new application and shall be subject to all provisions of this Ordinance.

Article 14 Wellhead Overlay Protection

14.1 Purpose

14.1.1 The purpose of this Ordinance is to protect the public water supply in Waldoboro from land uses that pose a threat to the quality and/or quantity of ground water being extracted from the wells that serve the public water system.

14.1.2 This ordinance applies to all land uses located or proposed within the area delineated as Wellhead Overlay Protection Districts on the Land Use Map of the Town of Waldoboro.

14.2 Permits Required

14.2.1 No person shall engage in any land use activity or build or expand any structure which requires a permit without first obtaining a permit for such structure or activity, or expansion thereof.

14.2.2 Land use activities and structures existing within a Wellhead Overlay Protection District as of the date of adoption of this ordinance shall be allowed to continue, without a permit, provided that such land use or structure does not cause or contribute to pollution or contamination of a groundwater source or aquifer in that Wellhead Overlay Protection District.

14.3 Administration

14.3.1 The Code Enforcement Officer (CEO) shall administer and enforce this ordinance. The CEO shall refer all permit applications requiring Planning Board review to the Planning Board.

14.3.2 The Planning Board shall hear and act on applications in accordance with 14.6

14.3.3 The Waldoboro Water Department (Water Department) shall assist the town with administration and enforcement of this Ordinance. The CEO shall notify the Water Department of all pending applications, and the time, date, and place of any official local consideration of the application and provide the Water Department an opportunity to review and comment on the proposal. The Water Department or its designee may present evidence and comment before or during public hearings or meetings concerning developments or activities in the Wellhead Overlay Protection Districts. A copy of correspondence, such as a complete application, approvals and plans, shall be sent to the Water Department.

14.4 Non-conformance

14.4.1 It is the intent of this Ordinance that land use activities conform to the standards of this Ordinance. However, allowed land use activities or uses that existed before the effective date of this Ordinance shall be allowed to continue.

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

14.4.3 Non-conforming Structures

14.4.3.1 Expansion A non-conforming structure may not be expanded unless the expansion conforms to all the regulations of the Wellhead Overlay Protection District in which it is located.

14.4.3.2 Relocation A non-conforming structure may be relocated within the boundaries of the parcel on

which it is located provided that the site of relocation conforms to all setback requirement to the greatest practicable extent as determined by the Planning Board, and provided that 1) the applicant demonstrates that the present subsurface wastewater disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system will be installed in compliance with the law and said Rules. In no case may a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the relocation meets the setback to the greatest practicable extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.

14.4.3.3 Reconstruction and Replacement Any non-conforming structure that is removed, damaged or destroyed may be reconstructed or replaced provided that a permit is obtained within one year of the date of damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the standards established in Article 4 of this Ordinance (Non-Conforming Uses).

14.4.4 Non-conforming Use

14.4.4.1 Expansions Expansion of any non-conforming use is prohibited.

14.4.4.2 Discontinuance A non-conforming use that is discontinued for a period exceeding one (1) year, or that is changed to a conforming use, shall not be allowed to recur.

14.5 Permit Application An applicant for a permit that requires Planning Board approval shall submit an application in writing to the Planning Board in conformance with the submission requirements of Article 14 Section 14.13 (Wellhead Overlay Protection, Application Requirements). All applications shall be dated and signed by the owner(s) or lessee(s) of the property or another person with a letter of authorization from the owner(s) or lessee(s). Such signature(s) shall certify that the information in the application is complete and correct.

14.6 Planning Board Review

14.6.1 The Planning Board review procedures shall conform to the requirements of Article 6.

14.6.2 The Planning Board may, as a condition of its approval, require the applicant to (1) grant the municipality or the Water Department permission to install and maintain groundwater monitoring wells on the applicant's property; or (2) install monitoring wells and implement a groundwater testing and monitoring program approved by the Planning Board, at the applicant's expense.

14.6.3 The application shall be accompanied by an application fee as specified by the Select Board after public hearing and notice.

14.6.4 The Planning Board may require an attorney or consultant to review one or more aspects of an application for compliance or noncompliance with this Ordinance and to advise the Planning Board. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.

14.6.5 The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to determine whether a proposed activity meets the requirements of this Ordinance. The costs of such studies shall be borne by the applicant.

14.7 Performance Guarantees The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees may be made by certified check, payable to the Town, or a savings account naming the Town as owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issued by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board.

14.8 Expiration of Permit Following the issuance of a permit, if construction or use does not commence within one (1) year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six (6) months of the date of expiration, upon application to the CEO and the applicant demonstrates that there are no substantial changes in the proposed structure or use and there are no applicable amendments to the Ordinance.

14.9 Enforcement and Appeals

14.9.1 This Ordinance shall be enforced pursuant to the provisions of Article 2.

14.9.2 Any party aggrieved by a decision or order of the CEO or Planning Board under this Ordinance may appeal pursuant to the provisions of Article 5 (Appeals). For the purposes of this Article, the term "party" shall be limited to:

14.9.2.1 A permit applicant whose application is denied or granted with conditions.

14.9.2.2 A permit holder whose permit is suspended or revoked by the CEO or Planning Board.

14.9.2.3 A person owning property within a Wellhead Overlay Protection District who is adversely affected by a decision or order of the Code Enforcement Officer or Planning Board with respect to any property located in the same Wellhead Overlay Protection District.

14.9.2.4 A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the Code Enforcement Officer or Planning Board under this Ordinance.

14.9.2.5 The Town of Waldoboro, through its municipal officers.

14.9.2.6 The Water Department.

14.10 Establishment of Districts The Wellhead Overlay Protection District consists of two zones as shown on the Waldoboro Land Use Map. They are defined as follows:

14.10.1 Zone 1 Immediate Recharge Area – A 1,000-foot wide zone along the major fracture zone providing water to the Water Department's bedrock production well.

14.10.2 Zone 2 Primary Recharge Area – A 2,500-foot radius circle centered on the Water Department's bedrock production well.

14.11 Land Use Table All land uses in the underlying districts which involve or include any of the below listed use activities are subject to the provisions of this Article.

USE	ZONE 1	ZONE 2
A. Non-agricultural use, storage and handling of bulk chemicals such as, but not limited to, the following uses and activities: dry cleaner, automobile repair/body shop, storage of petroleum products >500 gallons, fertilizer dealer, boatyard / boat builder, developing of photographic film	PB	PB
B. Agricultural use, storage and handling of bulk materials including, but not limited to, pesticides, herbicides, petroleum-based fertilizer, manure, and sewage sludge	PB	PB
C. Storage, handling and processing of solid waste		
1. Transfer station/landfill	N	N
2. Wood waste/agricultural cull piles	PB	PB
D. Vehicular storage, use		
1. Commercial overnight storage or parking; maintenance and refueling of vehicles and equipment[1]	PB	PB
2. Retail or wholesale vehicle sales	PB	PB
3. Storage of fuels in gravel pits or mining area	PB	PB
4. Washing of commercial vehicles	PB	PB
E. Outside storage of bulk leachable material including, but not limited to, concrete, asphalt, coal and salt	PB	PB
F. Mining		
1. Sand and Gravel Mining	N	PB
2. Rock	N	PB
3. Metallic ore	N	N
G. Subsurface waste disposal		
1. New subsurface wastewater disposal systems > 1,000 gallons per day	N	PB
2. Replacement or expansion of subsurface wastewater disposal systems	PB	PB
3. Discharge of commercial or industrial wastewater or wash water to a septic system (including car wash, Laundromat, etc.)[2]	PB	PB

USE		ZONE 1	ZONE 2
H.	Storm water management		
1.	New impervious area	PB	PB
2.	Detention	PB	PB
3.	Retention	PB	PB
4.	Infiltration	PB	PB
I.	Commercial water production wells (except Waldoboro Water Co.)	N	PB
J.	Utility corridors	PB	PB
K.	Essential operations of the Water Department or other official safety or utility entity	PB	PB

Y= permitted

N= not permitted

PB= permitted subject to Planning Board review and use of Best Management Practices

[1]Short-term overnight parking may be allowed in connection with other activities receiving a CEO permit, e.g., short-term overnight parking of construction vehicles on new permitted construction projects.

[2]Includes any discharge which could enter the ground.

NOTE: All land uses and activities may be subject to requirements of other Town ordinances and State rules and regulations.

14.12 Lot Dimensional Requirements

14.12.1 Minimum Lot Size per Dwelling Unit

14.12.1.1 The minimum lot size shall be that required in the underlying land use district as indicated in Article 6, Section 6.8 (Land Use Districts, Schedule of Dimensional Requirements).

14.12.2 Maximum Percent Impervious Surface

14.12.2.1 For portions of lots within the Wellhead Overlay Protection District, the maximum percentage of the lot that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

	Zone 1	Zone 2
Maximum impervious area	30%	50%

14.12.2.2 Notwithstanding other provisions of the Ordinance, lot coverage that exists as of the date of adoption of this Ordinance that equals or exceeds the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Overlay Protection District.

However, the Planning Board shall not authorize expansion of impermeable surfaces for existing uses if the total coverage of all lot areas located in the Wellhead Overlay Protection District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

14.13 Application Requirements The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this Ordinance.

14.13.1 All applications shall contain the following information.

14.13.1.1 Written Information

14.13.1.1.1 Name of development; municipality; tax map and lot numbers.

14.13.1.1.2 Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan.

14.13.1.1.3 Name and address to which correspondence should be sent.

14.13.1.1.4 If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of Secretary of State's Registration.

14.13.1.1.5 Copy of recorded deed for property; verification of ownership or legal interest.

14.13.1.1.6 Interest the applicant has in any property abutting the parcel to be developed.

14.13.1.1.7 State whether the development covers the entire or contiguous holdings of applicant.

14.13.1.1.8 On-site sewage disposal report from licensed site evaluator or information from Waldoboro Utility District indicating capacity.

14.13.1.1.9 Special Reports

14.13.1.1.9.1 Necessary State and/or federal permits and date of application and approval (please list).

14.13.1.1.9.2 List of construction items, cost estimates.

14.13.1.1.9.3 Construction schedules.

14.13.1.1.9.4 Proposed method of performance guarantee.

14.13.1.1.9.5 Restrictions, conditions, covenants and easements.

14.13.1.2 Plan Information

14.13.1.2.1 Existing and proposed streets.

14.13.1.2.2 Outline of development and remaining portion of property; written and graphic scale; date; north point.

14.13.1.2.3 Perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; names of abutters).

14.13.1.2.4 Lot lines, numbers and sizes; building setback lines.

14.13.1.2.5 Existing water bodies, watercourses, wetlands, and other significant natural features.

14.13.1.2.6 Public and private rights-of-way and easements.

14.13.1.2.7 Land use district boundaries.

14.13.1.2.8 Location of test pits keyed to site evaluator's or soil scientist's report.

14.13.1.2.9 Base flood elevation, if applicable.

14.13.1.2.10 Written request for waivers or variances.

14.13.1.2.11 Contours of 5 feet or other interval; refer to USGS benchmark elevation if within 500 feet.

14.13.1.2.12 Location and design of culverts, drains and other storm water control structures, existing and proposed.

14.13.1.2.13 Location and design of proposed sewers and water lines.

14.13.1.2.14 Typical engineering plan, profiles, and cross-sections.

14.13.1.2.15 Medium intensity or high intensity soils maps.

14.13.1.2.16 Location of parking, open space, conservation and/or recreation areas.

14.13.1.2.17 Landscaping plan and details.

14.13.1.2.18 Surface drainage plan.

14.13.1.2.19 Soil erosion and sedimentation control features.

14.13.1.2.20 Locations, dimensions and profiles of underground utilities.

14.13.1.2.21 Profile and typical cross-sections of streets and other public works.

14.13.1.2.22 Location/identification of buffers, lots or areas to be restricted or dedicated for common or public use.

14.13.2 Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Overlay Protection District More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Planning Board should there be questions as to which categories apply.

14.13.2.1 Non-agricultural chemical use, storage and handling, (including petroleum products). The application shall include all of the following information that is applicable:

14.13.2.1.1 Type and volume of chemical compounds handled and/or stored.

14.13.2.1.2 Site plan showing all storage, handling and use areas for raw materials and wastes.

14.13.2.1.3 For outside areas, details to contain spills including:

14.13.2.1.3.1 Drainage and contour information to prevent the flow of runoff from entering the storage area and keep leaks or spills from flowing off site;

14.13.2.1.3.2 Provisions to collect chemicals should they enter the drainage system;

14.13.2.1.3.3 Provisions to segregate underground systems to ensure that there are no cross connections;

14.13.2.1.3.4 Provisions to prevent accidental containment breach by collisions;

14.13.2.1.3.5 Statement of emergency measures that can be implemented for surface drainage systems.

14.13.2.1.4 For inside areas, details to contain spill including the:

14.13.2.1.4.1 Design of dikes around rooms;

14.13.2.1.4.2 The location of floor drains and floor drains outlets;

14.13.2.1.4.3 The location of separators, holding tanks and/or drain outlets;

14.13.2.1.4.4 The specific location and design of underground storage structures;

14.13.2.1.4.5 The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

14.13.2.1.5 A spill prevention and control and countermeasure (SPCC) plan detailing:

14.13.2.1.5.1 Materials and equipment to be available;

14.13.2.1.5.2 A training plan and schedule;

14.13.2.1.5.3 A list of contacts (Environmental Protection Agency (EPA)/Department of Environmental Protection (DEP) / local fire officials) with phone numbers;

14.13.2.1.5.4 An inspection schedule.

14.13.2.1.6 A report by an industrial engineer or other competent professional detailing:

14.13.2.1.6.1 Steps that have been taken to reduce the use of hazardous material;

14.13.2.1.6.2 Actions that have been taken to control the amount of wastes generated;

14.13.2.1.6.3 Any reports to provide information on the design theory or methodology for the above features.

14.13.2.2 Agricultural Chemical Use, Storage and Handling

14.13.2.2.1 Type and volume of chemical compounds handled and/or stored.

14.13.2.2.2 Intended use.

14.13.2.2.3 An Integrated Pest Management Plan.

14.13.2.2.4 An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.

14.13.2.2.5 Plans for control of surface water run-off and erosion in areas where chemicals will be applied.

14.13.2.2.6 Detailed report on type of chemical applied and rate of application.

14.13.2.2.7 Site plan showing all storage, handling and use areas for raw materials and wastes.

14.13.2.2.8 For outside storage, details to contain spills including:

14.13.2.2.8.1 Drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;

14.13.2.2.8.2 Provisions to collect chemicals should they enter the drainage system;

14.13.2.2.8.3 Provisions to segregate underground systems to ensure that there are no cross connections;

14.13.2.2.8.4 Provisions to prevent accidental containment breach by collisions;

14.13.2.2.8.5 Statement of emergency measures that can be implemented for surface drainage systems.

14.13.2.2.9 For inside storage, details to contain spill including the:

14.13.2.2.9.1 Design of dikes around rooms;

14.13.2.2.9.2 The location of floor drains and floor drains outlets;

14.13.2.2.9.3 The location of separators, holding tanks and/or drain outlets;

14.13.2.2.9.4 The specific location and design of underground storage structures;

14.13.2.2.9.5 The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

14.13.2.2.10 A spill prevention and control and countermeasure (SPCC) plan detailing:

14.13.2.2.10.1 Materials and equipment to be available;

14.13.2.2.10.2 A training plan and schedule;

14.13.2.2.10.3 A list of contacts (EPA/DEP/local fire officials) with phone numbers;

14.13.2.2.10.4 An inspection schedule.

14.13.2.2.11 A report by an industrial engineer or other competent professional detailing:

14.13.2.2.11.1 Steps which have been taken to reduce the use of hazardous material;

14.13.2.2.11.2 Actions which have been taken to control the amount of wastes generated;

14.13.2.2.11.3 Any reports to provide information on the design theory or methodology for the above features.

14.13.2.3 Vehicular Use and Storage A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

14.13.2.4 Sand and Gravel Mining (Borrow Pits)

14.13.2.4.1 A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control, all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.

14.13.2.4.2 A detailed report by a licensed hydrogeologist attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

14.13.2.5 Subsurface Waste Disposal

14.13.2.5.1 Subsurface Wastewater Disposal

14.13.2.5.1.1 Soil evaluator's report and septic system design.

14.13.2.5.1.2 For sites/uses producing > 1,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line.

14.13.2.5.2 Sewage Disposal Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.

14.13.2.5.3 Subsurface Waste Disposal Provisions and designs for all floor drains, grease traps, and holding tanks.

14.13.2.6 Stormwater Management

14.13.2.6.1 Engineering calculations and plans which provide:

14.13.2.6.2 Design of dry wells, storage, retention or detention facilities and other surface water impoundments;

14.13.2.6.3 Stormwater system outlets;

14.13.2.6.4 Delineation of post development drainage areas;

14.13.2.6.5 Plans for ice control, use of road salt, and snow removal.

14.13.2.7 Commercial Water Production Wells

14.13.2.7.1 Location and construction specifications.

14.13.2.7.2 A report from a licensed hydrogeologist on the safe yield and impact upon adjacent public water supply wells.

14.13.2.8 Utility Corridors

14.13.2.8.1 Type and volume of chemical compounds handled and/or stored.

14.13.2.8.2 Site plan showing all storage, handling and use areas for raw materials and wastes.

14.13.2.8.3 For outside areas, details to contain spills including:

14.13.2.8.3.1 Drainage and contour information to prevent the flow of runoff from entering the storage area and keep leaks or spills from flowing off site;

14.13.2.8.3.2 Provisions to collect chemicals should they enter the drainage system;

14.13.2.8.3.3 Provisions to segregate underground systems to ensure that there are no cross connections;

14.13.2.8.3.4 Provisions to prevent accidental containment breach by collisions;

14.13.2.8.3.5 Statement of emergency measures that can be implemented for surface drainage systems.

14.13.2.8.4 For inside areas, details to contain spill including the:

14.13.2.8.4.1 Design of dikes around rooms;

14.13.2.8.4.2 The location of floor drains and floor drain~~s~~ outlets;

14.13.2.8.4.3 The location of separators, holding tanks and/or drain outlets;

14.13.2.8.4.4 The specific location and design of underground storage structures;

14.13.2.8.4.5 The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

14.13.2.8.5 A spill prevention and control and countermeasure (SPCC) plan detailing:

14.13.2.8.5.1 Materials and equipment to be available;

14.13.2.8.5.2 A training plan and schedule;

14.13.2.8.5.3 A list of contacts (EPA/DEP/local fire officials) with phone numbers;

14.13.2.8.5.4 An inspection schedule.

14.13.2.8.6 A report by an industrial engineer or other competent professional detailing:

14.13.2.8.6.1 Steps that have been taken to reduce the use of hazardous material;

14.13.2.8.6.2 Actions that have been taken to control the amount of wastes generated;

14.13.2.8.6.3 Any reports to provide information on the design theory or methodology for the above features.

14.14 Reserved

14.15 Performance Standards

14.15.1 General Provisions All development located within the Wellhead Overlay Protection District shall comply with the Performance Standards established in this Section to protect the quality and quantity of the public water supply.

14.15.2 Performance Standards for Non-Agricultural Chemical Use, Storage and Handling (Including Petroleum Products)

14.15.2.1 New installation of underground storage tanks is prohibited within the Wellhead Overlay Protection District.

14.15.2.2 All chemicals must be stored under cover and on an impervious surface, without floor drains.

14.15.2.3 Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.

14.15.2.4 Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high-level alarms.

14.15.2.5 Any above-ground piping must be designed to prevent line breakage due to collision.

14.15.2.6 All containers and piping must be constructed of corrosion resistant materials.

14.15.2.7 All containers must be clearly labeled with the chemical name and date of purchase.

14.15.2.8 A Spill Prevention, Containment and Countermeasures Plan (SPCC) must be submitted to the Code Enforcement Officer, Fire Department and the Water Department.

14.15.3 Performance Standards for Agricultural Chemical Use, Storage and Handling

14.15.3.1 The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water Department's property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water Act, as amended.

14.15.3.2 Only fertilizers containing predominantly slow release nitrogen and manure may be land-applied. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.

14.15.3.2 Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application, in addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance used as well as date and specific location of application shall be submitted to the Code Enforcement Officer annually.

14.15.4 Performance Standards for Vehicular Use and Storage

14.15.4.1 When draining oils or fluids from vehicles, precautionary measures, such as portable drip pans, must be taken to contain any spills.

14.15.4.2 All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have secondary containment equal to 110% of the liquid volume stored.

14.15.4.3 All commercial vehicle washing shall conform with Best Management Practices.

14.15.4.4 Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight-fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.

14.15.4.5 Refueling must occur on a concrete pad or other impermeable surface.

14.15.5 Performance Standards for Small Borrow Pits (Sand and Gravel Mining)

14.15.5.1 No part of any extraction operation may be permitted within 150 feet of any property line or street line, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to 100 feet from such line. No part of the extraction operation, including drainage and runoff control features, may be permitted within 100 feet of the normal high-water line of a water body or upland edge of a wetland. Natural vegetation must be left and maintained on the undisturbed land. Excavation may not occur below the level of the traveled surface of any street, road, or right-or-way within 150 feet of that street, road, or right-or-way, except that excavation below the traveled surface level may occur within 150 feet of a private road or right-of-way with the written permission of the owner of that road or right-of-way. A natural buffer strip at least 150 feet wide must be maintained between any excavation and a property boundary, including a street right-of-way. This distance may be reduced to not less than 10 feet with the written permission of the affected abutting property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The distance between excavations owned by abutting owners may be reduced to not less than 75 feet with the abutter's written permission.

14.15.5.2 Separation must be maintained between any excavation and any public drinking water source as

follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet.

14.15.5.3 If any standing water accumulates, the site must be fenced in a manner adequate to keep out children. Measures must be taken to prevent or stop the breeding of insects.

14.15.5.4 No slopes steeper than three (3) feet horizontal to one (1) foot vertical are permitted at any extraction site unless a fence at least six (6) feet high is erected to limit access to such locations.

14.15.5.5 Before commencing removal of any earth materials, the owner or operator of the extraction site must present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance must be maintained throughout the period of operation.

14.15.5.6 Any topsoil and subsoil suitable for purposes of revegetation must, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles must be protected from erosion, according to the erosion prevention performance standards of this Section.

14.15.5.7 Sediment must be trapped by diversions, silting basins, terraces or other measures designed by a professional engineer.

14.15.5.8 The sides and bottom of cuts, fills, channels, and artificial watercourses must be constructed and stabilized to prevent erosion or failure.

14.15.5.9 The hours of operation at any extraction site must be limited as the Planning Board deems advisable to operational compatibility with nearby residences.

14.15.5.10 Excavation may not extend below five (5) feet above the seasonal high water table without the submission of detailed findings of the depth of the water table. The Board may, upon verified determination of the depth of the seasonal high water table, permit excavation within two (2) feet above the water table.

14.15.5.11 Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods are subject to approval by the Road Commissioner and the Planning Board. No mud, soil, sand, or other materials may be allowed to accumulate on a public road from loading or hauling vehicles.

14.15.5.12 All access and/or egress roads leading to or from the extraction site to public roads must be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public roads.

14.15.5.13 No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within thirty (30) days following completion of active extraction operations.

14.15.5.14 Within six (6) months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans filed with the Planning Board. These plans must provide for the following:

14.15.5.14.1 All debris, stumps, boulders, and similar materials must be removed or disposed of in an

approved location or buried and covered with a minimum of two feet of soil.

14.15.5.14.2 The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.

14.15.5.14.3 Storm drainage and watercourses must leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

14.15.5.14.4 At least four (4) inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and properly restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.

14.15.5.14.5 No slope greater than three (3) feet horizontal to one (1) foot vertical is permitted.

14.15.5.15 Disused gravel pits within the Wellhead Overlay Protection District shall be reclaimed according to plans submitted to the Municipality.

14.15.5.16 Gravel mining activities in the Wellhead Overlay Protection District must have emergency spill response plans.

14.15.6 Performance Standards for Septic Systems All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 1,000 gallons per day of sewage, a hydrogeologic analysis or nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5 mg/L at the property line.

14.15.7 Performance Standards for Stormwater Management

14.15.7.1 If a project includes less than one acre of impervious area the stormwater management system must detain or retain stormwater from 24-hour storms of 2-, 10- and 25-year frequencies such that the peak flow of stormwater from the site does not exceed the peak flow of stormwater from the site prior to the undertaking of the project. The peak flow of the receiving waters may not be increased as the result of the stormwater runoff from the site for 24-hour storms of 2-, 10-, and 25-year frequencies. In municipalities with designated 100-year flood elevations, the site runoff may not adversely affect the designated 100-year flood elevations.

14.15.7.2 The Planning Board may waive this requirement if the system is designed to discharge stormwater flow into a stormwater system of a municipality or public utility, when the applicant has permission to discharge stormwater into that system, and demonstrates that the municipality or public utility has determined that it has adequate capacity to accommodate the change in flow.

14.15.7.3 Stormwater from impervious areas greater than 20,000 square feet shall not be infiltrated, and any detention or retention structures shall be designed and constructed in such a manner that excludes groundwater interaction.

14.15.8 Performance Standards for Utility Corridors Pesticide use shall conform to the Standards listed in 14.15.2 of this Ordinance, “Non-agricultural chemical use, storage and handling”.

14.16 Control of Existing Threats

14.16.1 Inspection The Code Enforcement Officer (CEO) shall have the right to inspect any property located in a Wellhead Protection Zone, except building interiors, at reasonable hours, without landowner

permission, as provided in 30-A M.R.S.A. § 4452, for the purpose of determining compliance with this Ordinance or any permit issued hereunder. The Code Enforcement Officer may be accompanied by a representative of the Water Department. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

14.16.2 Monitoring Whenever the CEO finds that a use existing as of the date of adoption of this Ordinance, including but not limited to uses of the types identified in Section 14.11 of this Ordinance (Wellhead Overlay Protection, Land Use Table), is located within the Wellhead Overlay Protection District designated by this Ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Planning Board may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing as provided in subsection (1) above. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water Department, provided that if such testing indicates that the use is found to cause or contribute to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water Standards at the Water Department property line, the property owner shall reimburse the municipality or Water Department for all expenses incurred for installation, testing and monitoring.

14.16.3 Enforcement If any use causes or contributes to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water Standards at the Water Department property line, the Code Enforcement Officer may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.

14.17 Definitions In addition to definitions presented in Article 15 (Definitions), the following additional definitions apply to the provisions of Article 14 (Wellhead Overlay Protection).

Best Management Practice: Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. § 410-J.

Chemical Bulk Storage: Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Construction and Commercial Equipment and Vehicle Storage: Storage of construction equipment or other commercial vehicles in excess of thirty (30) consecutive days in which the equipment is not used.

Construction/Demolition: Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

Drinking Water Standards: Primary and Secondary: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

Dump: (see Landfill)

Floor Drain: An opening in the floor that leads to the ground and/or is not permitted under other State, federal, or local regulations. Work sinks that lead to such drains are included.

Fuel Oil Distributor, Fuel Oil Storage: The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

Gas Station, Service Station: Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Horticulture: The cultivation of soil, producing or raising crops, including gardening, horticulture and silviculture as commercial operations. The term shall also include greenhouses, orchards, nurseries, and versions thereof, but shall not include home gardens.

Industrial Waste: Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

Inert Fill: Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

Integrated Pest Management (IPM) Plan: Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

Intensive Open Space Uses: Uses of open space that have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly groundwater quality and quantity. Examples of intensive open space uses include automobile or all-terrain vehicle racetracks or ranges, etc.

Landfill: An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

Nursery: (see Agriculture, in Article 15)

Open Space: Land that is free of buildings and other permanent structures.

Paving: (see Construction)

Pesticide/Herbicide Bulk Storage: Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

Salt or Sand/Salt Piles (uncovered): Storage of any amount of salt or sand/salt mix, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Silviculture: The care and cultivation of forest trees; forestry.

Sludge: Residual material produced by water treatment or sewage treatment processes, industrial processes, or domestic septic tanks.

Sludge Utilization: The spreading of sludge on the ground or other use of sludge that might expose surface water or groundwater to the sludge.

Snow Dump: A location to which snow is transported and dumped by commercial, municipal, or State snowplowing operations.

Solid Waste: Discarded solid material with insufficient liquid content to be free flowing. This includes

but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

SPCC Plan: Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

Stormwater Drainage: A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

Stormwater Impoundment: Any structure designed and constructed to contain stormwater runoff.

Subsurface Injection: (see Subsurface Sewage Disposal System in Article 15).

Transfer Station; Recycling Facility: Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

Utility Corridor: Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

Underground Storage Tank: As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

Waste Disposal, Industrial/Commercial: (See Industrial Waste)

Wastewater: Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

Wastewater Treatment Plant: Any arrangement of devices and structures used for treating wastewater.

Watershed: Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

Well, Abandoned: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater, that has not been used for a period of two consecutive years.

Well, Existing or New: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

Wellhead: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Wellhead Overlay Protection District: A district, consisting of two zones, delineated according to 14.10 of this Ordinance.

Zone of Contribution: The area from which groundwater flows to a pumping well.

ARTICLE 15 DEFINITIONS

15.1 Construction of Language

15.1.1

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in this Ordinance shall have the meaning implied by their context in this Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

15.1.2

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

15.1.3

The word "lot" includes the words "plot", "parcel", "apartment", or "condominium unit", "store", "leased or rented area", as well as land.

15.1.4

The words "Town" or "municipality" means the Town of Waldoboro, Maine.

15.1.5

The words "governing authority" mean the legislative body of the municipality.

15.1.6

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

15.1.7

The words "shall" and "will" are mandatory, the word "may" is permissive.

15.2 Definitions

The following terms shall have the following meanings:

100-year Flood: (see Base Flood)

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary, including the property across the street, road, public way, or private way.

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. Accessory structures, except those that require direct access to the water, must also meet all setback requirements. A guest house without kitchen facilities is an accessory structure.

Accessory Dwelling Unit: An independent dwelling unit, also known as an accessory apartment, that has been added onto, or created within, a lot with an existing single-family house. The accessory dwelling unit has a separate kitchen, bathing, and sleeping areas from the principal residential building. The unit must be a minimum of 190 square feet. Anything over 1000 square feet is not considered an Accessory Dwelling Unit.

Accessory (Small) Retail: business activity that is secondary to the principal use of the same lot and where the retail space is not larger than 1,000 sq ft.

Accessory Structure: Any structure greater than 100 sq ft that is not a dwelling unit, such as a garage, shed, or deck.

Active Recreation: Recreation activities which necessitate some degree of structural development. . Examples include, but not limited to, tennis courts, ballfields, and playgrounds.

Adjacent: Having a common border, more than a point.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Administrative Appeal: An appeal to the Board of Appeals from a determination made by the Code Enforcement Officer or Planning Board in enforcing this Ordinance. Such determinations may have involved an interpretation of the provisions of this Ordinance or a finding of fact.

Adult Business Establishment/Adult Entertainment: Any retail business whether conducted from a fixed or mobile location or vehicle, including, but not limited to, any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade or theater, which:

1. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or

2. Permits any person on the premises, including an employee, entertainer or patron, to expose that person's genitals, pubic hair, buttocks or perineum, or the areola of a female breast, to a patron or member of the general public; or

3. Exhibits or displays motion pictures or other visual representation described or advertised as being "X-rated" or "for adults only", or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; or

4. Offers as a substantial portion of its stock-in-trade books, magazines, or other periodicals, video recordings, or "marital aids" and devices characterized by emphasis on sexual activities.

Affordable Housing Development: A multi-family housing dwelling unit that provides a majority (more than half of proposed and existing units on the same) of units to match one of the income levels below:

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs. For the purposes of this definition, "housing costs" include, but are not limited to, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

2. For owned housing, ad development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs. For the purpose of this definition "housing costs" include, but are not limited to, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Aggrieved Party: An owner of land whose property is adversely 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 a permit or variance.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Agriculture-related business: Farms, ranches, and vineyards that, through promotion and advertising, facilities, and activities, seek to attract visitors, guests, and vacationers for uses relating to daily agricultural operations. The distinction between a small Agriculture-related business and a large Agriculture-related business is determined by vehicle traffic and frequency of events, as described in Article 10 (Specific Performance Standards).

Amusement Center: Any private commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or through remote control by the management.

Animal Husbandry: The keeping of any domesticated animals other than customary household pets.

Animal Recreation: A place designed and equipped for the conduct of leisure-time activities for animals.

Animal Services: An establishment providing non-medical assistance to animals.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna or tower. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquaculture, Land-based: The growing or propagation of harvestable freshwater, saltwater, estuarine, or marine plant, fish, or animal species outside of the Shoreland Zone.

Aquifer: A geologic deposit or structure from which useable quantities of ground water are available for households, municipalities, or industries.

Archaeological Site: A site of potential archaeological importance, including sites identified by the Maine Historic Preservation Commission.

Area Median Income: The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Area of Special Flood Hazard: The land in the floodplain having a one percent (1%) or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in the Flood Plain Ordinance.

Attached: Connected by a shared wall to the principal structure or having physically connected finished spaces.

Auction Barn: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

Authorized Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Automobile Body Shop: A business establishment engaged in rebuilding or reconditioning of motor vehicles, or body, frame or fender straightening and repair, or painting and undercoating, but not the sale of gasoline, other motor fuels, or motor oil.

Automobile Graveyard: A yard, field or other area used as a place of storage of three (3) or more unregistered or uninspected motor vehicles or parts thereof other than temporary storage by an establishment or place of business which is engaged primarily in doing auto repair work for the purpose of making repairs to render a motor vehicle serviceable.

Automobile Sales: Automobile sales consists of any of the following activities: purchasing of vehicles for the purpose of resale; selling more than five vehicles in any 12-month period; or

advertising in any form three or more vehicles for sale or displaying three or more vehicles for sale within a 30-day period.

Barber/Beauty Shop: A commercial establishment whose business is cutting and dressing hair, shaving, and performing related services.

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

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in the Waldoboro Land Use Ordinance. This does not include not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year; commonly called the 100-year flood.

Basement: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty percent (50%) of its volume below the existing ground level. For floodplain management purposes, basement means any area of the building having its floor sub grade (below ground level) on all sides.

Bed & Breakfast: A single-family, owner-occupied, dwelling in which lodging or lodging and meals are offered to guests for compensation, of no more than eight (8) bedrooms for lodging purposes.

Billboard: A sign, structure or surface larger than four (4) square feet which is available for advertising goods or services rendered off the premises.

Boardinghouse: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks, and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main kitchen.

Boat Building and Repair: A facility involved in construction of watercraft for commercial use, and/or for applying improvements to correct deficiencies.

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.

Boat Storage, Commercial: The keeping of watercraft vehicles in the same place for more than twenty-four (24) hours, for a fee. The storage of watercraft vehicles is allowed on-site for a fee paid bythe owner of the vehicle to the authorized agent of the site.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats and boating equipment for non-commercial purposes.

Body of Water: The term shall include the following:

1. Pond or Lake - any inland impoundment, natural or manmade, which collects and stores surface water.

2. Stream or River - a free-flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and with flowing water for more than three (3) months during the year.

3. Tidal - any area upon which tidal action occurs.

Borrow Pit: An area which is excavated for earthen materials that are used off the premises.

Bottle Club: An establishment where no alcoholic beverages are sold, but where members, guests or customers provide their own alcoholic beverages, paying a fee or other consideration for admission or membership to the bottle club and/or for set-ups.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Brewery: A facility that brews lagers and ales.

Brook: A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically designed to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Height: (See Height of a Structure). The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building Supply Outlet: A place where lumber and other building construction materials are sold.

Business Incubator: A building that is planned, developed, and operated as a coordinated and integrated facility for several separate commercial uses, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility.

Business Sign: An attached or freestanding structure which directs attention to a business or profession conducted on the premises.

Café/ Deli/ Bar: A small restaurant in which ready-to-eat food products are sold. This type of restaurant can also be considered a minor addition to a building that serves a different principal use.

Campground: Any area or tract of land intended to accommodate two (2) or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

Campground, Large: Any area or tract of land intended to accommodate more than ten (10) parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

Campground, Small: Any area or tract of land intended to accommodate a maximum of ten (10) parties in temporary living quarters, including, but not limited to, tents, recreational vehicles, or other shelters.

Campsite, Individual Private: An area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking areas, fireplaces, or tent platforms.

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

Catering: A business involving the preparation of food for consumption off the premises.

Cemetery: A property used for the long-term burial of the deceased.

Centrally Managed water system: A public or private water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water.

Certificate of Compliance: For floodplain management purposes, a document signed by the Code Enforcement Officer stating that a structure follows all of the provisions of this Ordinance for floodplain management purposes.

Certificate of Occupancy: Document certifying that premises comply with provisions of the local land use and/or building ordinances.

Change of Use: Any use that substantially differs from the previous use of a building or land.

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

Child Care Facility: A building or buildings in which a person or persons maintains or otherwise carries out a program, for any part of the day, providing care and protection of children. Child care

facilities, with or without consideration for the services rendered, may be operated as a service business or within a church or community building.

Child Care, Minor: A home or establishment providing day care for up to 12 children under the age of 16 years.

Church: A building or structure, or group of buildings and structures, designed and used for the conduct of religious services, excluding schools.

Clubs and Civic Service: Any non-profit association of persons organized for sport, recreation, social, religious, benevolent, political, or academic purposes, whose facilities are open to members and guests.

Club: Any association of persons organized for sport, recreation, social, religious, benevolent, or academic purposes, whose facilities are open to members and guests, including fraternities, sororities, and social organizations.

Cluster Development: A development designed to promote the creation of open space by a reduction of dimensional and area requirements.

Cluster Housing: A housing development designed to create open space by a reduction of dimensional and area requirements.

Coastal Wetland: (See Wetland, Coastal).

Code Enforcement Officer (CEO): A person whose duty it is to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Collocation: The use of a wireless telecommunications facility by more than one (1) wireless telecommunications provider.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: racquet clubs, health facilities, and amusement parks, but not including amusement centers.

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.

Common Open Space: Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Communication Tower: (See Wireless Telecommunications Facility).

Community Living Facility: A housing facility for eight (8) or fewer persons with disabilities that is approved, authorized, certified, or licensed by the State. A community living facility may include a group home, foster home, or intermediate care facility.

Community Service Organization: A non-profit charitable institution, not to include private clubs, the primary function of which is serving the public health or social welfare of the community.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, Subsurface Wastewater Disposal Rules.

Complete Application: An application form, including the required fee, and all information required by this Ordinance, or the submission of an application form which has been approved by a vote of the Planning Board.

Comprehensive Plan: A document or interrelated documents adopted by the Town of Waldoboro containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and strategies for implementation of the policies.

Condition of Approval: A set of standards set by the ruling Planning Board and/or Code Enforcement Officer that is placed on the site plan to allow approval. If the applicant fails to comply with these items, the approval is considered void until it is corrected.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly occupants.

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

Construction Services: Commercial activities involved in the building or construction trades, including but not limited to earth moving, road construction, and building construction.

Convenience Store: A store of less than 2,000 square feet of floor space intended to serve the convenience of a residential neighborhood with items such as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items. A convenience store may include the sale of motor fuels.

Cottage Industry: A small-scale light industrial operation consisting of less than 2,000 square feet of floor area.

Crematorium: A facility involved in the process of using direct flame and heat to reduce human remains to bone fragments.

Cross-Sectional Area: The cross-sectional area of a stream or a tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average depth of the stream or tributary stream channel . The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH (Diameter at Breast Height): The diameter of a standing tree measured 4.5 feet from ground level.

Decorative Changes: Repainting, removing or replacing trim, railings, or other non-structural architectural details, or the addition, removal or change of location of windows and doors.

Density: The number of dwelling units allowed on a lot, subject to minimum lot size

Designated Growth Area: An area that is designated in Waldoboro as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. In Waldoboro, these areas include the following Districts: Industrial, Route 1 Commercial A and Route 1 Commercial B, Village, Downtown Village, Historic Village, and Rural Village Business.

DEP: The Maine Department of Environmental Protection.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. 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, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; also, the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician, or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of Shoreline Integrity: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where

shoreline integrity has been disrupted is recognized by compacted, scarified and/ or rutted soil, an abnormal channel or shoreline cross-section, and, in the case of flowing waters, a profile and character altered from natural conditions.

Distillery: A facility that produces alcohol.

Distribution/ Fulfillment Center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District: A specified portion of the Town, delineated on the Land Use Map, upon which are imposed certain regulations in accordance with the requirements of this Ordinance.

Driveway: A vehicular access way serving two single-family dwellings or one two-family dwelling or a commercial use, which may serve up to two (2) lots plus the lot over which the access way is provided.

Dwelling: Any building, manufactured home or structure or portion thereof, designed or used for residential purposes.

1. Single-Family Dwelling: Any building containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two-Family Dwelling (Duplex): A building containing two (2) dwelling units which share a structural common wall. Occupancy is limited to not more than two (2) families.

3. Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one (1) family as a habitation and which contains independent living, cooking, sleeping, bathing, and sanitary facilities. The term includes manufactured homes and modular homes, but not recreational vehicles or motel units.

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.

Engine: A motor in which a fuel such as gasoline or diesel is burned by internal combustion.

EPA: The United States Environmental Protection Agency, a federal agency.

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.

Event Center: A building or parcel designed to host mass gatherings.

Excavation: Removal or recovery by any means of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

Existing Dwelling Unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

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

Expansion of a Use: The addition of weeks or months to the operating season of a business; the addition of hours to a business day, the use of more footprint of a structure or ground area devoted to a particular use, or the provision of additional seats or seating capacity or the addition of antennas, towers, or other devices to an existing structure.

FAA: The Federal Aviation Administration, or its lawful successor.

Factory Farms: An establishment engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog farms, poultry / egg farms, and cattle feed lots.

Family: One (1) or more persons occupying a premise and living as a single housekeeping unit.

Farm, Commercial: Land qualified to be accepted in the State of Maine's Farmland current-use property taxation program. The minimum size is five acres, and the land must yield a minimum of $2,000 in gross farm income per year, which can include the value of farm products consumed by the farm family.

Farmers Market: A public or private structure or area in which stalls or sales areas are set aside or rented and which are intended for use by its members to sell produce and farm products.

Farm Operation, Small Scale: The keeping of animals such as poultry, fowl, goats, sheep, pigs, cows, or horses and similar animals for immediate household use and not for commercial purposes. It also includes the growing of crops primarily for household use but may include the incidental sale of produce or food products.

Farm Stand: A permanent, temporary, or mobile structure smaller than 100 sq ft at which locally sourced farm products are offered for direct sale to the public and that is operated by a farmer or by a person who purchases the majority of the products sold at the farm stand from farmers .

FCC: The Federal Communications Commission, or its lawful successor.

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

Financial Institution: A bank, savings and loan institution, or credit union.

Firewood Processing Facility: A place where firewood is delivered, cut and split, and from which it is sold for commercial purposes.

Flag Lot: Any lot with a narrow strip of land that has less than the required road frontage for the zoning district where the narrow strip connects the road to a parcel of land behind other lots and where the narrow strip of land is not a deeded right of way but a part of the parcel.

Flea Market: The sale of used merchandise, customarily involving tables or space leased or rented to vendors.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

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

Food Truck: A licensed vehicle from which food is sold at temporary sites with the permission of the owner of the lot.

Food Truck Center: An area in which a variety of mobile vendors may prepare meals, beverages, and desserts for purchase and for consumption within a common seating area on the premises.

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.

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer applications, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forestry: the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services.

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.

Frontage, Road: The length of a lot bordering on a road measured in a straight line between the intersections of the lot lines and a road right-of-way to which the lot has legal access.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost-line to protect structures from frost heaves.

Fuel Storage/ Distribution: A facility for the bulk storage and distribution of petroleum products or other liquid fuels.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland 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 coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Golf Course: A tract of land laid out for at least nine (9) holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

Grade Beam: That part of a foundation system (usually in a building without a basement) which supports the exterior wall of the superstructure, commonly designed as a beam which bears directly on the column footings or may be self-supporting. The grade beam is located at the ground surface and is well-drained below.

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.

Great Pond Classified GPA: GPA is the highest category with respect to water quality. All Great Ponds in Waldoboro are classified GPA as of 2007.

Greenhouse: A building or structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Green Cemetery: A property used for the burial of a deceased individual. This use allows natural decomposition of the remains in a pre-determined area.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Ground Water: The water present in the saturated zone of the ground.

Group Home Facility: A non-profit or for-profit residence for the sheltered care of persons with non-medical special needs. In addition to providing shelter, the organization operating the use may also provide some combination of personal care, social or counseling services, and transportation.

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.

Hazardous Material: A substance regulated by the U.S. Environmental Protection Agency or the Maine Department of Environmental Protection which is ignitable, corrosive, reactive and/or toxic. It includes "radioactive material" which is defined as any solid, liquid, or gas containing nuclides that spontaneously disintegrate or exhibit ionizing radiation.

Hazardous Materials Use, Storage or Disposal Permit: A certificate issued by the Waldoboro Planning Board authorizing the use, storage or disposal of hazardous materials for a specific use site by a specific person or firm and specifying such other requirements which the Planning Board finds to be necessary for the protection of the health, safety and welfare of the citizens of Waldoboro.

Hazardous Waste: A waste substance that is ignitable, corrosive, reactive and/or toxic. It includes 1) all wastes determined to be hazardous by the Resource and Recovery Act, Section 3001 and regulations promulgated pursuant to said section, including 40 CFR 261; 2) wastes determined to be hazardous by the State Board of Environmental Protection, pursuant to 38 M.R.S.A. § 1303 and 1303-A; 3) "Radioactive Waste" which is defined as any solid, liquid or gas residue, including spent fuel assemblies prior to reprocessing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiation.

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, antennae, and similar appurtenances which have no floor area.

Historic or Archaeological Resources/ Structures: Resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of the Interior through the Maine Historic Preservation Commission; or

5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Historic District: A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically but linked by association or history.

Historic Landmark: Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than four (4) persons other than family members residing in the home.

Horse Operation Commercial: Buildings, structures, and grounds used for the care, feeding, breeding, boarding, training, and raising of horses, including riding areas and the associated services related to these activities.

Hospital: A building or structure which is used for the housing and care of sick, hurt, or incapacitated human beings. It may also include accessory uses which are directly associated with the housing and care of sick, hurt, or incapacitated human beings such as kitchen facilities, solariums, dormitories, physicians' offices, etc.

Hotel: A building, with at least 10 adequate sleeping rooms, in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

Household Waste: Any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels).

Housing: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses, or other similar types of housing units. This also does not include transient housing or short-term rentals.

Hybrid Growing: A building or structure that incorporates multiple food production methods, techniques, or mediums such as, but not limited to, agriculture, aquaculture, animal production, hydroponics, or other sustainable strategies.

Illuminated, Interior: Lighting provided by means other than a light shining on the object.

Impervious Area: The total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common areas include, but are not limited to: rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surface that similarly impede the natural infiltration of stormwater.

Increase in Non-conformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in setback distance from a property line, roadway, water body, tributary stream or wetland, increase in lot coverage, 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, fireplace, or tent platform.

Industrial: The use of real estate, buildings or structures, or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials, or the large scale storage of flammable or explosive materials. The following uses are not permitted: commercial tannery, explosive manufacturing, rendering, petroleum refinery, storage of hazardous, biomedical, or radioactive waste, except as permitted in Article 13 (Hazardous Material and Waste), and nuclear power.

Industrial, Light: For definition, see specific performance standards for light industry in Article 10 section 10.15 (Specific Performance Standards, Light Industry)

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house, but not bed and breakfast, hotel, or motel.

Institutional: Devoted to some public, governmental, educational, charitable, religious, medical or similar purpose.

Junkyard: A yard, field or other area used as a place of storage, for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture:

2. Discarded, scrap and junked lumber.

3. Old or scrap copper, brass, ropes, rags, batteries, motor vehicle parts, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material;

4. Garbage dumps, waste dumps, and private sanitary landfills; and

5. Automobile graveyards.

Kennel, Commercial: Any place, building, tract of land, abode, enclosure, or vehicle where dogs or other pets are kept, bred or trained for their owners in return for a fee.

Kiosk: A small detached building not more than 144 square feet in area used to sell goods or services including food.

Land Use Ordinance: An ordinance or regulation of general application adopted by the Town of Waldoboro which controls, directs, or delineates allowable uses of land and the standards for those uses.

Large Retail: A retail business with a space that is greater than 1000 sq ft.

Laundromat: An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Level of Service: A description of operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flows and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Light Manufacturing: A use engaged in the manufacture of finished products or parts, predominately from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Line of Sight: The direct view of the object from the designated scenic resource.

Livestock Operations: Agriculture operations where the principal activity is the boarding or raising or keeping of animals or fowl for commercial purposes.

Lodging House: (See Inn).

Lot: A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances, and having the required frontage upon a public street, right-of-way or private way. A substandard lot cannot be made conforming by adding a parcel of land across a public road.

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 road rights-of-way serving more than two (2) additional lots.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right-of-way.

Lot Coverage: The percentage of the lot covered by all buildings, structures, parking areas, and outside storage and processing.

Lot, Interior: Any lot other than a corner lot or back lot.

Lot Lines: The lines bounding a lot as defined below:

1. Front Lot Line: On an interior lot, the line separating the lot from the street right-of-way. On a corner or through lot, the line separating the lot from either the street or right-of-way, which provides legal access to the lot.

2. Rear Lot Line: The lot line opposite the front lot 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 (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Home: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, using its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, three types of manufactured housing are included. These three types are:

1. Those units constructed after June 15, 1976, commonly called “newer manufactured home,” that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the

plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.,

2. Those units commonly called "modular homes," that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one (1) or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical system contained in the unit (not included as manufactured homes are those units commonly called park trailers, travel trailers, and other similar vehicles placed on a site more than 180 consecutive days), and

3. Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body feet in length, and which are built on a permanent chassis and designed to be used as dwellings , with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained therein.

Manufactured Home Park Lot: The area of land on which an individual home is situated within a manufactured home park and which is reserved for use by the occupants of that home.

Manufactured Home Park or Subdivision: A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

Manufacturing: (See Industrial).

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, boat and tackle shops and marine fuel service facilities.

Marine Recreation: A place designed and equipped for the conduct of sports and leisure activities that are water-dependent.

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.

Masonry-Type Skirting: Concrete, concrete blocks, brick, stone or similar materials which are arranged to resemble a foundation.

Mass Gathering: The gathering of more than 100 people for an event other than a birthday party, wedding, or similar family gathering at a location not already approved for such a gathering.

Massage Therapist Office: A location used by a licensed individual to provide massage therapy for a fee, monetary, or otherwise, as defined under Title 32, Chapter 127 subsection 14301 of the Maine State Statute.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Mechanized Recreation: Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

Medical Office: An establishment where patients are admitted for examination and treatment by one (1) or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Methadone: A potent synthetic drug that is less addictive than morphine or heroin and is used as a substitute for those drugs in addiction treatment programs.

Methadone Clinic: A licensed facility for the counseling and treatment with methadone of persons with opiate addictions on an outpatient basis.

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 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed, away from the extraction site.

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

Minor Commercial Additions: Additions to commercial structures which do not exceed 10% of the existing structures' gross square footage.

Mixed Use: A combination of residential and nonresidential use as indicated as a permitted use on the Schedule of Uses Matrix contained in this Ordinance, exclusive of home occupations, on a single lot, but not necessarily in the same structure.

Mobile Home: (See Manufactured Home).

Motel: A building, with at least 10 adequate sleeping rooms, in which lodging is offered to the public for compensation, and where entrance to rooms is made directly from the outside of the building.

Multi-Family Dwelling: (see Dwelling: Multi-Family Dwelling)

Municipal Building, Use: A facility/ structure owned by the Town of Waldoboro intended for public use.

Municipal Solid Waste Facility: A town-owned place where discarded materials are taken from a vehicle, temporarily stored or stockpiled, and ultimately moved to another facility.

Museum: A structure or complex of structures used to display items including, but not limited to: visual arts, historical resources, and collections.

Neighborhood Convenience Store: A store of less than 600 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items and having no fuel pumps. (See also Convenience Store).

Net Developable Acreage: The acreage available for development, excluding the area for streets or access except a driveway right-of-way for one (1) or two (2) additional lots and the areas which are unsuitable for development as provided for in Article 4, Section H.

Net Residential Density: The number of dwelling units per net residential acre.

Non-Conforming 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.

Non-Conforming Condition: Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-Conforming Structure: A structure which does not meet any one (1) or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted 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: The line that 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 than the water level of the river or Great Pond during the period of normal high water are considered part of the river or Great Pond.

Normal High-Water Line (adjacent to tidal waters): Setbacks are measured from the upland edge of the “coastal wetland.”

Nursery, Retail: The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, fertilizers, and related garden supplies.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

Official Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. § 1901, et seq., which points the way to public accommodations and facilities or other commercial facilities.

Opioid Treatment Facility: Any treatment facility certified by federal Substance Abuse and Mental Health Services Administration (SAMHSA) in conformance with 42 Code of Federal Regulations (C.F.R), Part 8, to provide supervised assessment and MAT (Medication Assisted Treatment) for clients who are opioid addicted.

Outdoor Conservation and Recreation: A property, or contiguous number of adjacent properties, maintained by an individual or organization that allows public access and use without a required fee.

Outdoor Performance: An area designed for performances, theater, film, and other related artistic events that may include tents and other similar structures that provide roof protection from the weather.

Parabolic Antenna (also known as a satellite dish antenna): An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

Parking Lot: A premises used primarily for the parking or storage of vehicles.

Parking Space: An area for the parking of a vehicle, exclusive of drives or aisles.

Parks and Recreation Facilities: Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation, and amusement centers as defined elsewhere in this Ordinance.

Passive Recreation: Parkland or open space devoted or intended exclusively for undeveloped and noncompetitive leisure activities. Examples of such activities are hiking, jogging, hunting, fishing, wilderness camping, birdwatching, and nature study. Passive recreation may be either commercial or noncommercial and may be open to the public or restricted.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Property: Property which is owned, utilized and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a residence and is not attached to or affixed to the ground or a structure. It does not include merchandise which was purchased for resale or obtained on consignment.

Personal Services: A business which provides services but not goods, such as hairdressers, shoe repair, etc.

Piers, docks, wharfs, bridges, and other structures and uses, extending over or beyond the normal high-water line or within a wetland:

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

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

Places of Worship: A building or structure where persons regularly assemble for worship, prayer, ceremonies, rituals, and education relating to a particular religious belief.

Planning Board: The Planning Board of the Town of Waldoboro.

Plat: A map of a town, section or subdivision showing the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

Pond: (See Body of Water).

Porch Sale: (See Yard Sale).

Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six (6) different perfluoralkyl and polyfluoroalkyl substances (PFAS).

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 premises.

Principal Use: A use other than one which is wholly incidental or accessory to another use on the same lot.

Private Road: Same as Private Street. (See also Street Classification).

Professional Offices: The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

Public Building/Use: Any building or land held, used or controlled exclusively for public purposes by any department or branch of government(federal, State, county or municipal) without reference to ownership of the building or the real estate upon which it is situated.

Public Facility: For shoreland zoning purposes, any facility, including, but not limited to, buildings, property, recreation areas, and roads, which is owned, leased or otherwise operated, or funded by a governmental body or public entity.

Rear Lot: Lots placed behind legally conforming lots and comply with all dimensional requirements for the district except for road frontage.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

Map Symbol	Soil Map Unit Name
Be	Beaches
Ch	Charles silt loam
Le	Lovewell; very fine sandy loan
My	Medomak silt loam
Su	Sulfihemists and sulfaquents, frequently flooded

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual low-impact recreational activities.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed or self-propelled, 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, or motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles and meet the following:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection, not including slide outs;

3. Designed to be self-propelled or permanently towable by a motor vehicle; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Center: A facility which handles recyclable solid materials that have been separated from the municipal waste prior to their receipt at the recycling facility, and are free from and will not produce putrescible or other solid wastes, liquid wastes, or any special or hazardous wastes. A recycling facility shall not include any facility which requires a permit for the operation of an automobile graveyard/junkyard. A recycling center may include a redemption center as an ancillary and subsidiary use.

Redemption Center: A stand-alone facility licensed by the Maine Department of Agriculture which collects beverage containers and refunds the statutory deposit pursuant to 32 M.R.S.A. § 1861. The facility shall also store the beverage containers on-site for a period of time not to exceed thirty (30) days for ultimate collection by the beverage distributor.

Renewable Energy Structure: The use of carbon-reducing technology that includes, but is not limited to, solar, wind, hydro, and geothermal, to provide power for residential or commercial purposes.

Renewable Energy Structure, Commercial: The use of carbon-reducing technology that will provide energy benefits to more than one parcel or to individuals other than the owner of the renewable structure(s). This use does not include Wind Energy Systems that produce over 100 KW of energy.

Renewable Energy Structure, Self: The use of carbon-reducing technology to self-power the same building/ parcel that is owned by the identical individual.

Replacement System: A system intended to replace: 1) an existing sanitary wastewater disposal system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Research Lab / Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but are not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential Appearance: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board-and-batten.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family and containing cooking, sleeping, bathing and toilet facilities. The term shall include guest houses with kitchen facilities for preparing, cooking and storing food, manufactured homes, but not recreational vehicles.

Residual Basal Area: The sum of the basal area of trees remaining on a harvested site.

Resource Extraction: Any operation within a 12-month period which removes more than 100-cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and which transports the removed product away from the extraction site.

Restaurant: An establishment where the preparation and serving of meals for compensated consumption is held on the premises, requiring moderate amounts of time between the period of ordering and serving the meal.

Restaurant, Fast Food: An establishment that by design, physical facilities, service, or packing procedures encourages or permits customers to receive food while remaining in their motor vehicles so it may be consumed either on or off the premises. These establishments normally require short amounts of time between the period of ordering and serving of the meal, which is served in disposable containers.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

Re-Subdivision: The further division of an existing subdivision or any changes of the lot size therein, or the relocation of any street or lot line in a subdivision.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Reviewing Authority: A term to refer to the Planning Board and/or Code Enforcement Officer, whichever is applicable to the required site plan review.

Right-of-Way: The area or strip of land over which the public has a right of passage in the case of a public way or street, or over which a private individual has the right of passage in the case of a private way, or over which the Town of Waldoboro or a utility has the right of passage for the installation, maintenance and repair of utility infrastructure.

Rip-Rap: 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.

Salt Marsh: An area along coastal waters (most often along coastal bays) which supports salt-tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cord grass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: An area which supports salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cord grass (Spartina patens) and black rush; common three-square occurs in fresher areas.

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

Satellite Receiving Dish: An exterior dish antenna designed to receive signals from satellites.

Sawmill: A mill or machine for sawing logs for commercial purposes.

School:

1. Public and Private – including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted, and which satisfies either of the following requirements:

a. The school is not operated for a profit or a gainful business; or

b. The school teaches courses of study which are sufficient to qualify attendance thereby in compliance with State compulsory education requirements.

2. Commercial School: An institution which is commercial or profit oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seedling: A young tree specimen that is less than four and one half (4.5) feet in height above ground level.

Self-storage Units, Commercial: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

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 normal high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shipping Container: A roofed or unroofed container placed outdoors and used for the storage of goods, materials, or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term “shipping container” includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and “piggyback” containers.

Shooting Range: An area designed and used for archery, skeet and trap shooting, or other similar shooting sports and the shooting of rifles, shotguns, and pistols.

Shopping Center: A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to one trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the side 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, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

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

Short-Term Rental: A portion, or the entirety of, a parcel of land or structure that is intended to commercially be rented out to a non-family member for less than twenty-eight (28) consecutive days.

Sight Distance: The length of an unobstructed view from an access point to the farthest visible point of reference on a roadway.

Sign: A display surface, fabric or device containing organized and related elements (letters, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

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

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

Social, Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals, and formal membership requirements.

Solar Energy System: An assembly consisting of a solar energy collector, and components for the distribution of transformed energy that may include an energy storage facility.

Special Flood Hazard Area: (see Area of Special Flood Hazard)

Storage of Fishing, Clamming, and Similar Gear: The enclosure of non-motorized materials associated with harvesting of marine resources.

Stream: A free-flowing body of water from the outlet of a Great Pond or the confluence of two (2) perennial free-flowing bodies of water as depicted on the most recent highest resolution version of the national hydrology dataset available from the United States Geological Survey on the website of the United States Geological Survey on the national map, to the point where the stream becomes a river, 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.

Stream Outlet: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrology dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map that flows from the freshwater wetland.

Stream Protection District: All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, excluding those areas within 250 feet, horizontal distance, of the normal high-water line of a Great Pond, river, or saltwater body, or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. When a stream and its associated shoreland area is located within 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.

Street: An existing State, County, or Town way or a road available for public or private use and shown upon a plan duly approved.

Street Classification:

1. Arterial: A major continuous route serving substantial statewide and interstate travel, linking cities, larger towns, and other major traffic generators, as classified by the Maine Department of Transportation (MDOT) under the provisions of 23 M.R.S.A. § 53 as amended. MDOT has classified U.S. Route 1 as a major arterial and Winslows Mills Road (Route 32) as a minor arterial.

2. Collector: A road that carries traffic between residential areas and arterials, and roads between smaller communities, as classified by the Maine Department of Transportation, as cited above. Major collectors in Waldoboro are Route 220 and Bremen Rd. (Route 32). Minor collectors in Waldoboro are State Route 235 between U.S. Route 1 and the Warren town line, and Old Route 1 between the village center north to where it intersects with Route 1 in East Waldoboro.

3. Industrial or Commercial: A street servicing industrial or commercial uses.

4. Minor: A street providing access to adjacent land and primarily serving local traffic.

5. Private: A vehicular access way serving more than two (2) dwelling units, which is not proposed to be dedicated to the Town.

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected or in the ground. The term includes structures temporarily or permanently located, such as decks and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; 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; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Studio:

1. The workshop of an artist, sculptor, photographer, or craftsperson.

2. A place for radio, television, or audio-visual production.

Subdivider: An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that proposes to build a subdivision. The term "subdivider" may include "developer" and "builder".

Subdivision: The division of a contiguous tract or parcel of land in the same ownership into three (3) or more lots within any five-year (5) period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption (unless the intent of such gift is to avoid the objectives of this section) or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of this section.

In determining whether a tract, parcel of land or structure is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single-family residence or dwelling unit for a period of at least five (5) years prior to such second dividing.

A lot of 40 acres or more shall be exempt from the determination of a subdivision lot if the entirety of the parcel contains no areas that are considered part of the Shoreland Zone, as defined in Title 38, section 435 or in this Ordinance.

The applicable examples and exemptions for subdivisions can be found under Title 30-A MRS § 4401 and §4402.

Subdivision, Cluster/ Open Space: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

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 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. §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.

Targeted Market Coverage Area: The area which is targeted to be served by a proposed telecommunications facility.

Temporary Building/Structure: (See Structure)

Tent: A portable shelter of canvas or other fabric, flexible plastic, etc., supported by poles or a metal frame, used for the purpose of temporary living quarters.

Tenting and Camper Trailer Park: (See Campground).

Theater: A facility devoted to showing motion pictures, or for dramatic, musical, or other live performances.

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

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Article 11 section 11.6.17 (Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting).

Tiny Home: A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that: 1. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety, and construction or the National Fire Protection Association standard 1192 on plumbing, propane, and fire and life safety for recreational vehicles; 2. Does not exceed four (400) square feet in size; 3. Does not exceed any dimension allowed for operation on a public way; 4. Is a vehicle without motive power; and 5. Is not a trailer, semitrailer, camp trailer, recreational vehicle, nor a manufactured house.

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands on the 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.

Traveled Way: That portion of the roadway for the movement of vehicles, exclusive of shoulders.

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

Tributary Stream: 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 water-borne 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 stream located within the shoreland zone of the receiving water body or wetland.

Trucking Terminals: Structures and parking areas for truck cabs and trailers used as a place to load and unload products, temporary storage of materials, and to dispatch vehicles for delivery. May also include vehicle repair and service, truck cleaning / washing, and related services.

Undue Hardship: The criteria for a finding of undue hardship are that the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; and that the hardship is not the result of action taken by the applicant or a prior owner.

Unreasonable Adverse Impact: The criteria for a finding of unreasonable adverse impact are that the proposed project would produce a result which is:

1. Excessively out-of-character with the designated scenic or other resources affected, including existing buildings, structures, and features within a designated resource; and

2. Would significantly diminish the value of the designated resource.

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

Used Merchandise Sales: The outdoor sale of used articles, conducted for more than five (5) calendar days or for more than two (2) weekends per year. Used merchandise sales include flea markets.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. Variances are granted by the Board of Appeals.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and a half (4.5) feet above ground level.

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, boats, automobile sales, ATV's, snowmobiles, land and garden tractors, or similar products.

Vehicle Service: A place where, with or without the sale of engine fuels, the following services may be carried out, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body frame or fender straightening and repair, automobile body shop, overall painting and undercoating of automobiles, storage, and vehicle washing, cleaning, and reconditioning.

Velocity Zone: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Vernal Pool / Spring Pool: A shallow depression that usually contains water for only part of the year.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals, as well as routine care for animals, which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Viewpoint: That location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a designated scenic resource.

Vineyard/ Winery: A facility that ferments, ages, and bottles wine or hard cider using produce that may be cultivated on site.

Violation: The failure of a structure or other development to fully comply with a community's regulations or ordinance.

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.

Waiver: A Planning Board decision not to require a normally-required element of an application, for cause.

Warehousing: The storage, deposit or stocking of merchandise or commodities in a structure or room.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

Water-Oriented Business: A commercial or industrial facility which by its nature of operation requires a shorefront location, such as, but not limited to, boatyards, marinas, boathouses, and commercial fisheries facilities.

Wetlands Associated with Great Ponds and Rivers: Wetlands associated with Great Ponds or rivers are considered to be part of that Great Pond or river when they are contiguous with or adjacent to the Great Pond or river and during normal high water are connected by surface water to the Great Pond or river or are separated from the Great Pond or river by a berm, causeway, or

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

Wetland, Forested: Freshwater wetland dominated by woody vegetation that is approximately 20 feet tall, or taller.

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

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

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; and

3. Not considered part of a Great Pond, coastal wetland, river, stream, or brook.

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

Wetland, Inland: Land, including submerged land, which consists of any of the soil types designated as poorly drained, or very poorly drained, and alluvial soils by the National Cooperative Soil Survey.

Wholesale: Selling to retailers or jobbers rather than to consumers.

Wireless Telecommunications Facility: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or pager services.

Wood Working: A commercial activity involved in constructing, processing, cutting, and assembling wood products, furniture, and similar wood products.

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

Yard: The cleared developed area around a structure.

Yard Sale: All general sales open to the public, conducted from or on residential premises for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. Unless they occur on more than five (5) calendar days or for more than three (3) weekends a year, they shall not be considered to be "used merchandise sales" as defined in this Ordinance and shall not require a permit from the Code Enforcement Officer.

Zoning Ordinance: A type of Ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Wood Working: A commercial activity involved in constructing, processing, cutting, and assembling wood products, furniture, and similar wood products.

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

Yard: The cleared developed area around a structure.

Yard Sale: All general sales open to the public, conducted from or on residential premises for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. Unless they occur on more than five (5) calendar days or for more than three (3) weekends a year, they shall not be considered to be "used merchandise sales" as defined in this Ordinance and shall not require a permit from the Code Enforcement Officer.

Approved June 9, 2026, at Annual Town Meeting

John Blodgett, Chair

Abden Simmons

Rebecca Stephens

Reuben Mahar

William Bragg

Attest: A true copy as certified to my by the Municipal Officer of Waldoboro, Maine on June 23, 2026

Pamela Jameson, Town Clerk