TOWN OF WASHINGTON, MAINE

Land Use Ordinance (REVISED)

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Amended:

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29 DECEMBER 1989

28 DECEMBER 1990

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ATTEST: Mary Anderson

Mary Anderson, Town Clerk

Date: OCTOBER 8, 2025

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APPENDIX I - NAICS (Full)

ARTICLE I - TITLE

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

ARTICLE II - PURPOSE

This Ordinance, adopted in accordance with Maine Revised Statutes Annotated, Title 30-A, Sections 3301-3302, and Title 38, Sections 435-449, is designed

A. to encourage the most appropriate use of the land throughout the town;

B. to ensure consistency with the town's Comprehensive Plan;

C. to preserve the town's character and assure that it remains a thriving place which will attract compatible residential and commercial development;

D. to protect the town's rural character, maintain its visual quality, and to acknowledge the value of its watersheds, lakes, forest, and farmland;

E. to encourage commercial and industrial development that would provide employment opportunities and strengthen the tax base of the town; and

F. to provide for adequate public services and safety.

G. to ensure continuity with the Land Use Ordinance originally adopted in 1988 and still in force as amended subsequently and as amended herein. Permits issued previous to the adoption of the amendments herein are still valid and in force.

ARTICLE III - ESTABLISHMENT OF DISTRICTS

Section 1. Applicability

This Ordinance applies to all land within the boundaries of the Town of Washington.

Section 2. Districting Map

A map entitled "Town of Washington Land Use Map" and the "Town of Washington Tax Map" overprinted with the district boundaries are hereby adopted as part of this Ordinance and shall be referred to as the Official Land Use Map. The Official Land Use Map shall be identified by the signatures and date signed by the Select Board and attested to by the signature and date signed by the Town Clerk. The Official Land Use Map shall be located in the Town Office, and it shall be utilized in the application of this Ordinance. The map shall be prepared and signed by the Select Board within 90 days of the adoption of this Ordinance.

Section 3. Land Use Districts

The town is divided into the following nine districts, as shown by the district boundary lines on the Official Land Use Map:

Resource Protection (RP) District

Farm and Forest (FF) District

Rural (RU) District

Rural/Commercial (RC) District

Village (VI) District

Planned Development (PD) District

Shoreland Limited Residential (LR) District

Watershed (WS) District

Historic Preservation (HP) District

Section 4. District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Land Use Map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of state- or town-maintained roads, highways, or rights-of-way shall be construed to follow such centerlines;

B. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;

D. Boundaries indicated as following shorelines shall be construed to follow the normal high-water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline;

E. Boundaries indicated as approximately following the centerline of streams or other water bodies shall be construed to follow such centerlines;

F. Boundaries indicated as following contour lines and ridge lines shall be construed to follow such lines as indicated by U.S.G.S. topographic maps, which may, however, be superseded by field surveys sealed by registered land surveyors.

G. Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (f) above shall be so construed. Distances not specifically indicated on the Official Land Use Map shall be determined by the scale of the map. Any conflict between the Official Land Use Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Map, or in circumstances where the items covered by paragraphs A through G above are not clear, the Board of Appeals shall interpret the district boundaries. See Article XII, Section 3.

Section 5. Establishment of Districts

A. The **Resource Protection District** is established to protect all fragile environmental systems, including steep slopes, freshwater wetlands, floodplains, and shoreland areas on which development would degrade water quality or disrupt productive habitat and biotic systems.

1. It shall include all state-numbered wetlands as identified on the "Town of Washington Tax Map" as defined by Section 2 of this article as shaded areas, as well as any additional wetlands which the town accepts as such in the future.

2. It may include all slopes in excess of 25% grade within the Shoreland area which the town specifically chooses to designate for protection.

3. Any additional areas to be designated as a part of the Resource Protection District per subsections (1) or (2) above shall be made by amendment of this article.

4. It shall include wildlife habitats and deer wintering yards specifically designated for protection by the Maine Department of Inland Fisheries and Wildlife.

5. All areas depicted on the overprinted tax map as swamps, marshes, wetlands, etc., (shaded areas) shall be construed to be located in the Resource Protection District.

B. The **Farm and Forest District** is established to protect the open space and forestland which have historically provided the residents of the town with income.

1. Any area not included in the Resource Protection, Rural, Rural/Commercial, Planned Development, Village, or Shoreland Limited Residential Districts shall be determined to be in the Farm and Forest District.

C. The **Rural District** is established to provide for flexibility and innovation in the use of the rural lands according to sound standards of development, while at the same time protecting this natural, rural quality from developmental sprawl.

1. Where established, as determined by the "Town of Washington Land Use Map" as defined by Section 2 of this article, the Rural District shall extend 500 feet from either side of the centerline of roads or as otherwise determined by the "Town of Washington Land Use Map."

D. The **Rural/Commercial District** is established to provide for continued business and residential growth while maintaining an aesthetic balance between the two.

1. Where established, as determined by the "Town of Washington Land Use Map" as defined by Section 2 of this article, the Rural/Commercial District shall extend 500 feet from either side of the centerline of the road.

E. The **Village District** is established to preserve the physical, historic, aesthetic and social quality of Washington Village.

1. The Village District boundaries shall be determined by the "Town of Washington Land Use Map" as defined by Section 2 of this article.

F. The **Planned Development District** is established for industrial activity that provides needed jobs and a stable tax base that conforms with the overall rural character of the town.

1. The Planned Development District boundaries shall be determined by the "Town of Washington Land Use Map" as defined by Section 2 of this article.

G. The **Shoreland Limited Residential District** is established to protect the water quality of Washington Pond, Crystal Pond, Iron Pond, Spring Pond, Muddy Pond, Lily Pond, Medomak River, Little Medomak River, Davis Stream, Jackson Stream, the stream between Crystal and Washington ponds, Burns Brook, Calderwood Brook, Jones Brook, Washington Brook, Hope Brook, Vanner Brook, and Pitcher Brook.

1. The Shoreland Limited Residential District applies to all land areas within 250 feet, horizontal distance, of the normal high-water mark of all water bodies listed in this subsection.

H. The **Watershed District** is established to protect the unique Washington Pond/Crystal Pond watershed into which only water from this town flows.

1. The Watershed District shall be considered an "overlay district" in that it shall place restrictions on otherwise allowable activities in any district.

I. The **Historic Preservation District** is established to preserve unique historic areas and locations in Washington.

1. The Historic Preservation District shall be considered an "overlay district" in that it shall place restrictions on otherwise allowable activities in any district.

J. This Ordinance recognizes that new development or change of use proposals may not necessarily extend over the full area of any lot.

1. The Planning Board shall determine the extent of the portion of the lot to be used in the development or change of use proposal and shall document that portion at the applicant's expense.

2. In all cases where any lot or portion of a lot to be used in a development or change of use proposal is in two or more districts, provisions of the more restrictive of the districts shall apply; however, if the development or change of use is to be confined to an area of the lot that is entirely within one district, then the provisions of that district shall apply. The applicant may apply to the Board of Appeals for a Practical Difficulty Variance from dimensional standards per Article XII, Section 5(B).

3. Lots to be subdivided will be divided in accordance with the standards of the district in which each new lot is located; any lot or lots that remain in two or more districts shall each conform with the minimum requirements of the more restrictive of the districts.

4. The districts defined herein shall be considered to be from more restrictive to less restrictive in this order: Resource Protection, Shoreland Limited Residential, Watershed, Historic Preservation, Farm & Forest, Rural, Village, Rural-Commercial and Planned Development.

ARTICLE IV - ADMINISTRATION AND ENFORCEMENTT

Section 1. Administrative Officials

Unless otherwise specifically stated, the Town Planning Board shall administer and the Code Enforcement Officer shall enforce this Ordinance.

Section 2. Permits Required

A. After adoption of this Ordinance, a permit issued by the Code Enforcement Officer shall be required for all buildings or other structures to be erected, moved, altered, retrofitted, or added to except as stated in Section 3, Work For Which a Permit is Not Required, below.

B. A change of use may not occur without the appropriate permit.

C. Other activity which may be referenced elsewhere in this Ordinance as requiring a permit shall not commence without a permit issued by the Code Enforcement Officer.

D. Permits shall be issued in conformity with the provisions of this Ordinance and the provisions of other applicable state statutes, codes, rules, and regulations and local ordinances or codes, and after the necessary approvals have been secured from local officials.

E. Any conforming residential or commercial building/structure which is hereafter damaged or destroyed by fire, or any cause, may be restored or reconstructed and used as before within 24 months of the date of said damage or destruction, with permit approved by the Code Enforcement Officer. Expansion of the prior structure during reconstruction shall be governed by Article IV, Section 6, subsection A. *(added 11/2/2021)*

Section 3. Work For Which a Permit is Not Required.

[NOTE: There may be State or ADA Standards that apply.]

Provided all required performance standards and state standards for the applicable district are met, a building permit shall not be required for:

A. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.

B. Fences or stone walls that are out of the public right of way.

C. The construction of a single-story free-standing accessory structure or an attached deck or open porch of 240 square feet or less, subject to the Shoreland standards, Article VIII, Section 1, if applicable.

D. Re-siding, re-roofing, changing windows or changing doors.

E. Alterations or repairs of structures which do not change the building footprint or volume.

F. Babysitting services.

Section 4. Permit Applications

Applications for permits shall be made on forms available at the Town Office. Each application for a building permit shall be accompanied by the following:

A. A subsurface wastewater disposal permit is required, if the proposed structure will have pressurized water, in compliance with the Maine State Plumbing Code.

B. A site plan drawn to approximate scale, showing the measurements of the lot and of all buildings, setbacks, disposal fields, the location of abutting streets or ways, existing and proposed parking spaces.

C. A clear statement as to the intended use of the property.

D. An assigned 911 Address.

E. An MDOT or town access, driveway or entrance permit, if required.

F. Any state or federal permits that may be required.

Section 5. Permit Fees and Administrative Costs

A. Permit applications shall be accompanied by a fee or fees in accordance with a fee schedule determined by the Select Board.

B. The completed application, all other required permits, and required fee(s) shall be filed at the Town Office. The fee(s) shall be given to the town treasurer for use in administering and enforcing this ordinance.

C. In addition to the fee(s), the Planning Board shall require the applicant to pay all administrative, legal, and consulting costs in connection with the application process. All costs shall be paid within 30 days of billing notice from the Planning Board.

D. No permit shall be issued until all costs are paid.

Section 6. Action on Permit Applications

A. For applications for CEO-permitted uses as defined in Article VII, District Regulations, the Code Enforcement Officer shall review the application for completeness and, when the activity is found to be in conformance with this Ordinance and other applicable codes and regulations, the Code Enforcement Officer shall issue a written permit within 15 days. The Code Enforcement Officer may refer any application to the Planning Board for approval as per Section 6 B, below. The Code Enforcement Officer shall notify the applicant in writing if the application is approved, approved with conditions, referred to the Planning Board, or denied.

B. For all other applications, the Code Enforcement Officer shall review the application for completeness and advise the Planning Board as to the effect of this Ordinance on the application. The Planning Board may request further explanation of the application; after it is determined by the Planning Board that the application is complete, the Planning Board shall schedule the applicable public hearing within 45 days. When the activity is found to be in conformance with this Ordinance and other applicable codes and regulations, the Planning Board shall issue a written decision within 45 days, notifying the applicant in writing if the application is approved, approved with conditions, or denied. The Code Enforcement Officer shall issue applicable permits based on the Planning Board approval or approval with conditions.

Section 7. Time Limit

The work authorized by a building permit and/or the uses authorized under a use permit must be started within 24 months. Permits may be renewed without cost for additional 24-month periods by the permit-approving authority if reasonable cause can be shown as to why the activity permitted was not completed within the timeframe allowed in the previously approved permit.

Section 8. Violations

If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify by certified mail, return receipt requested, the property owner and such other persons as may be responsible for the violations, indicating the nature of the violations, ordering the action necessary to correct it, including, but not limited to, the issuance of a

Stop Work Order, and the date by which it must be corrected. The Select Board shall institute, in the name of the town, any and all actions, legal and equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. Any person, firm or corporation owning or having control of any building or premises or part thereof violating any provision of this Ordinance, or failing to take the required corrective measures, after receiving written notice of violation, shall be guilty of a civil violation and, upon conviction thereof, shall be subject to a fine in accordance with 30-A M.R.S.A. §4452. Each day such violation exists shall constitute a separate offense.

ARTICLE V - NONCONFORMANCE

Section 1. Purpose

The purpose of this article is to regulate nonconforming lots, structures, and uses, as defined in this Ordinance, such that they can be reasonably developed, maintained, or repaired, or changed to other less nonconforming or to conforming uses.

Section 2. Continued Nonconformance

A. Any nonconforming lot which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located is allowed to continue if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

B. Any nonconforming structure that does not meet the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located is allowed to continue if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

C. Any nonconforming use that is not permitted in the district in which it is located is allowed to remain if it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Section 3. Nonconforming Lots

A. Vacant Lots

A nonconforming lot may be built upon provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and road or shore frontage can be met. If two or more vacant, contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the minimum lot size, minimum lot area per dwelling unit, or minimum road frontage standards, the lots shall be combined to the extent necessary to meet these standards, except:

1. where the contiguous lots front onto different roads; or

2. where the lots each have at least 20,000 square feet of lot area, and have soils suitable for on-site sewage disposal. Waterfront lots shall have at least 100 feet of shoreline frontage.

B. Lots with Structures

1. A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size, lot area per dwelling unit, or frontage requirements, may be repaired, maintained, or improved, and may be enlarged in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage. Structures shall not be enlarged in a manner that violates or worsens the standard relative to minimum lot area per dwelling unit.

2. If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the minimum lot or minimum frontage requirements, and if a principal use exists on each lot, or if the lots were legally created as part of a recorded subdivision after the effective date of the Maine Subdivision Act (September 22, 1971), the nonconforming lots may be conveyed separately or together, providing all other state law and local ordinance requirements are met.

3. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including 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.

Section 4. Nonconforming Uses

A. Continuance

Except as provided in paragraph D(3) "Expansion of Use" below, the use of land, building, or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue, although such use does not conform to the provisions of this Ordinance.

B. Resumption

Whenever a nonconforming use of land and/or a structure is superseded by a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance and the nonconforming use may not be resumed.

C. Discontinuance

A nonconforming use which is discontinued for a period of two years or that has been discontinued for two years prior to the enactment of this Ordinance may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

D. Expansion of Use

A nonconforming use in lawful existence as of the effective date of this Ordinance, including a nonconforming outdoor use of land, may not be expanded except upon the following conditions:

1. the expansion shall occur only on the lot of record on which the nonconforming use existed as of the effective date of this Ordinance.

2. the person proposing such expansion shall document his/her right, title, or interest in the land.

3. the expansion shall meet all space and bulk requirements set forth in this Ordinance, or if the use includes a nonconforming lot or structure, the nonconforming aspect may not be worsened.

4. expansion of a nonconforming use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that all applicable standards required by this Ordinance have been met.

Section 5. Nonconforming Structure

A. Maintenance and Enlargement

A structure in existence as of the effective date of this Ordinance that does not meet the minimum setback, maximum lot coverage, or maximum height requirements of the district in which it is located, including shoreland area standards, may be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that:

1. the enlargement or accessory structure does not itself exceed the prescribed height standard; and

2. the enlargement in combination with the existing structure does not exceed, or worsen the existing violation, of the prescribed maximum lot coverage; and

3. if any portion of a structure is less than the prescribed minimum setback requirements from lot lines or the normal high-water line, the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

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

5. the enlargement or accessory structure itself meets the prescribed setback requirements; or, if the enlargement of an existing structure is no closer to the front, side, or rear lot line than the nonconforming structure, except that unenclosed stairs or wheelchair ramp that serves specifically as an entrance to the structure may be placed closer to the lot lines than the prescribed setback.

B. Reconstruction

Any nonconforming building or structure which is hereafter damaged or destroyed by fire or any cause may be restored or reconstructed and used as before within 24 months of the date of said damage or destruction; provided, however, that such reconstruction and use shall not be more nonconforming than the prior nonconforming building, structure, or use.

Expansion of prior structure during reconstruction shall be governed by Sections 5A and 7.

Section 6. Transfer of Ownership

Ownership of nonconforming lots, structures, or uses as defined in this Ordinance may be transferred without loss of their lawful use but will still retain their nonconforming status.

Section 7. Changes in Nonconforming Lots, Structures, and Uses

Upon approval of the Planning Board, a nonconforming aspect of a lot, structure, or use may be changed upon a finding by the Planning Board that such a change will bring the lot, structure, or use into closer conformance with the provisions of this Ordinance, or will make the nonconforming aspect no worse. A lot or structure will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or to have been made no worse, if its dimensions are unchanged or more nearly meet the prescribed standards. A use will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or to have been made no worse, if it is less or no more intense than the previous nonconforming use, as measured by volume and type of traffic expected to be generated, size of building or structure housing the use, number of potential customers, number of bedrooms, or similar measures of intensity of the use. The Planning Board may approve, approve with condition, or disapprove requests under this section.

Section 8. Creating a Nonconforming House Lot for Family Members

A. Notwithstanding other provisions of this Ordinance and pursuant to the Certificate of Exemption to the minimum lot size requirement policy adopted by the Planning Board on May 5, 2003, the Planning Board may allow an exemption to the minimum lot size, minimum lot area per dwelling unit, and minimum frontage, provided that the following conditions and standards are met.

    1. Property owners (grantor) may give land only to their immediate family members (grantee), specifically, spouses or domestic partners, parents, grandparents, children, stepchildren (including children of a domestic partner), siblings, or grandchildren under provisions of this section with reductions in minimum lot size, minimum lot area per dwelling unit, and minimum frontage.

2. The grantee does not already own a buildable lot in the Town of Washington.

3. This exemption cannot be used to add property to a grantee who is an abutting property owner whose lot already meets the appropriate conforming requirements for that district. In other words, a grantor cannot create a nonconforming lot from a parcel and give the remainder of the parcel to an otherwise qualifying abutting property owner whose lot already conforms to the requirements for that district.

4. The land shall be conveyed as a gift.

5. The property owner shall have owned the primary parcel for at least the immediate previous five years.

6. No previous transfer of property under this provision shall have been approved for the grantee in the town of Washington.

7. Grantees described above shall not transfer the land to any non-family member for at least 5 years. This restriction shall be noted in the deed.

8. The grantee is at least 18 years of age and able to hold real estate under the laws of the State of Maine.

9. The transfer is not for the purpose of circumvention of the town Subdivision Ordinance or other applicable town Ordinances.

10. The land, or any part of it, is not in the Resource Protection or Shoreland Limited Residential Districts.

11. The lot created meets the minimum lot size, minimum lot area per dwelling unit, and minimum frontage in a district as closely as possible, but in any case the newly created lot shall not be less than 50% of the minimum lot size, minimum lot area per dwelling unit, or minimum frontage, for a particular district.

12. The lot(s) created may not be less than one-half (1/2) acre in size.

13. If lot(s) can be created that meet minimum lot size, minimum lot area per dwelling unit, and minimum frontage, no exemption shall be granted.

14. The use of the lot(s) is for a residential dwelling.

B. New lot(s) created shall be considered nonconforming lot(s) of record, which are buildable lot(s), provided the setback requirements of the district and sewage disposal regulations can be met.

C. Persons wishing to take this exemption shall make application to the Planning Board on forms prepared by the board. After notice and hearing as stated in Article IV Administration & Enforcement, Section 6B, the Planning Board shall issue written Findings of Fact and decision that the above conditions and standards above have been met. The exception shall become valid upon return to the town, by the applicant, within 90 days of the approval, of a certified copy of the deed(s) registered in the Knox County Registry of Deeds. The CEO may issue applicable building permits after receipt of the copy of the registered deed.

D. The information required by the Planning Board in making its decision shall include the following:

1. The grantor and grantee's names, mailing addresses and phone numbers.

2. The parcel tax map and lot number, and district.

3. The size of the parcel and lot(s) to be created.

4. The length of time the property has been held.

5. The relationship of all parties involved.

6. A site plan showing the proposed lot(s), with any existing or proposed structures, roads or other improvements.

7. Evidence that a dwelling can be constructed meeting the setbacks and sewage disposal requirements.

8. A copy of the proposed deed.

9. Other information the Planning Board deems necessary to make its decision.

ARTICLE VI - DISTRICT REGULATIONS

Section 1. Resource Protection District (RP)

A. Purpose

The purpose of the Resource Protection District is to protect fragile ecological systems, which if intensively developed or substantially altered, would damage water quality, wildlife and aquatic habitat and biotic systems, and ecological relationships; 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 historic resources; and to protect freshwater wetlands. To accomplish this purpose, uses are allowed which avoid disruption of the natural environment while allowing productive use to be made of the land.

B. Uses by right

The following uses in the Resource Protection District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
8. Fences or stone walls that are out of the public right of way.
9. Re-siding, re-roofing, changing windows or changing doors.

10. Alterations or repairs of structures which do not change the building footprint or volume.

11. Soil and water conservation practices.

12. Satellite dishes.

C. Uses requiring a CEO permit

The following uses in the Resource Protection District require a permit issued by the Code Enforcement officer:

1. Timber harvesting up to 40% of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any 10-year period, except that all cutting is prohibited within 75 feet of the high-water line in any Resource Protection District adjacent to any Great Pond except as provided for in Article XIII "Amendment & Other Legal Provisions" Section 5C.

2. Farm ponds and fire protection ponds less than 5,000 square feet in size.

3. Residential utility poles and services.

D. Uses requiring Planning Board review

The following uses in the Resource Protection District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Timber harvesting in excess of 40% of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any 10-year period except as provided for in Article XIII "Amendment & Other Legal Provisions" Section 5C.

2. Rice and cranberry culture.

3. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

4. Structures accessory to, or essential for permitted uses.

5. Utility structures and services and essential services.

6. Seasonal to year-round residential conversions where occupants will reside more than 180 days per year.

7. Laundromats connected to a sanitary sewer.

E. Prohibited uses

The following uses in the Resource Protection District are specifically prohibited:

1. Uses not otherwise permitted

2. Mobile home parks.

3. Aquaculture.

4. Agriculture except for cranberries and rice.

5. Storage of more than 12 used tires.

6. Shooting ranges.

7. Automobile washing facilities.

8. Automobile or other vehicle service and/or repair operations, including body shops.

9. Chemical and bacteriological laboratories.

10. Commercial painting, wood preserving, and furniture stripping.

11. Dry cleaning establishments.

12. Electronic circuit assembly.

13. Laundromats, unless connected to a sanitary sewer.

14. Metal plating, finishing, or polishing.

15. Commercial photographic processing.

16. ATV Trails.

17. Junkyards or storage of junk.

18. Application of fertilizers in commercial operations.

19. Agribusiness.

20. Commercial agriculture including piggeries.

21. Automobile graveyards and automobile recycling operations.

22. Adult business establishments or entertainment.

23. Commercial printing.

24. Storage, treatment, or disposal facilities for hazardous wastes.

25. All industrial and light industrial uses.

26. Mineral extraction and processing.

27. Above-ground or in-basement storage of petroleum or liquid fuel products in quantities greater than 350 gallons.

28. Storage of more than one liquid gallon or more than five pounds of dry pesticide or herbicide; or of building debris; or of lead-acid batteries.

29. Single-, double-, or triple-wide mobile homes.

30. Communications towers except as required for municipal emergency services.

31. Waste oil burners.

32. Septage waste, sewerage, or sludge disposal.

33. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement."

3. Structures in this district shall be set back:

    a. 75 feet from the upland edge of wetlands.

    b. 100′ from the normal high-water mark.

    c. 75′ from tributary streams.

    d. 25′ from the lot line(s) opposite the shore.

    e. 25′ from private road centerlines.

f. 50′ from public road rights-of-way.

g. 10′ from all other lot lines.

4. The maximum footprint of structures and non-vegetated surfaces shall be 20% of lot area.

Section 2. Farm and Forest District (FF)

A. Purpose

With the waning of agriculture and forestry as predominant means of livelihood in the community, the preservation of undeveloped land, so important to the rural character of the community, is a concern to all. The purpose of the Farm and Forest District is to maintain the fields and forest lands which traditionally have been accepted as part of the landscape. This district also serves to protect those areas of town characterized by steep slopes and soils not suitable for intensive development.

B. Uses by right

The following uses in the Forest and Farm District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming
9. Commercial or non-commercial agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.

13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.

16. Alterations or repairs of structures which do not change the building footprint or volume.

17. Municipal structures and uses.

18. Aquaculture.

19. Soil and water conservation practices.

20. Individual private campsites.

21. Satellite dishes.

22. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Farm and Forest District require a permit issued by the Code Enforcement Officer:

1. Nonresidential structures up to 2,000 square feet in size. *(increased size 9/9/2025)*

2. Commercial storage or warehousing in existing buildings.

3. Single- or small family dwellings.

4. Mobile or modular homes.

5. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.

6. Structures accessory to or essential for permitted uses.

7. Uses accessory to CEO reviewed permits.

8. Commercial wood processing and sales.

9. Tradesman shops.

10. Licensed babysitting services.

11. Residential utility poles and services.

12. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

13. Public or private recreation facilities involving minimal structural development.

14. Business, financial, or personal services.

15. Signs.

D. Uses requiring Planning Board review

The following uses in the Farm and Forest District may be undertaken only upon approval of Washington Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Mineral extraction.

2. Commercial outdoor recreation.

3. Campgrounds.

4. Utility structures and services.

5. Essential Services.

6. Bed and breakfast establishments.

7. Licensed daycare centers and nursery schools.

8. Cluster development as defined in this Ordinance.

9. Mobile home parks.

10. Farm ponds and fire protection ponds 5,000 square feet or greater in size.

11. Piggeries

12. Uses accessory to projects requiring Planning Board review.

13. Agribusiness.

14. Structures greater than 2,000 square feet in size and their uses, except single-family or two-family dwellings. *(9/9/2025)*

15. Fraternal, religious, philanthropic, social, or educational institutions.

16. Multi-family dwellings.

17. Wineries, breweries, and distilleries.

18. Commercial water extraction, bottling, and distribution facilities.

19. Automobile or other vehicle service and/or repair operations, including body shops and automobile washing facilities.

20. Dry cleaning establishments.

21. Laundromats.

22. Neighborhood stores.

23. Medical or professional offices.

24. Septage waste, sewerage, or sludge disposal.

25. Solid waste facilities.

26. Stump dumps.

27. Nursing homes, assisted living, congregate care, elderly housing facilities.

28. Light industrial uses employing three or fewer people.

29. Shooting ranges.

30. Exterior storage of salt or similar products greater than 100 pounds.

31. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.

32. Underground storage of petroleum or liquid fuel products.

33. Communications towers except as required for municipal emergency services.

34. Road and/or parking facilities construction.

35. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) category 11 (see appendix) as determined by the Planning Board.

36. Event centers. *6-14-2022*

E. Prohibited uses

The following uses are specifically prohibited in the Farm and Forest District:

1. Uses not otherwise permitted.

2. Outside storage of more than 50 used tires.

3. Adult business establishments or entertainment.

4. Storage, treatment, or disposal facilities for hazardous waste.

5. Junkyards or storage of junk.

6. Mineral processing except that the CEO may grant a temporary permit for crushing operations for up to 15 working days per year per site not including setup and dismantle time.

7. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers greater than 350 gallons.

8. Exterior storage of building debris or lead-acid batteries.

9. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".

3. The following space and bulk standards shall apply:

a. Minimum lot area within 500' measured from the property line nearest a public road..... 3 acres

b. Minimum lot area outside 500′ measured from the property line nearest a public road..... 5 acres

c. Minimum lot area per dwelling structure within 500′ measured from the property line nearest a public road..... 3 acres

d. Minimum lot area per dwelling structure outside 500′ measured from the property line nearest a public road..... 5 acres

e. Minimum road frontage..... 300 feet

f. Minimum setbacks from:
Public or private road right-of-way..... 50 feet
All other lot lines..... 25 feet

g. Minimum setback from normal high-water mark as defined in the Shoreland Zoning provisions of this Ordinance.

Section 3. Rural District (RU)

A. Purpose

This district is generally composed of those areas of the town which are settled, but sparsely, are open or wooded and rural in nature and generally beyond areas that will likely be served by public water and sewer. Thus it is intended that open space, agricultural and low-density residential uses be encouraged, since such uses tend to enhance, reinforce and protect the rural, open space atmosphere now characterizing much of the town. At the same time, it is intended to discourage the higher density development in those sections of the town that are not best suited for such development, and to which it would be more difficult and expensive to provide essential services and utilities.

B. Uses by right

The following uses in the Rural District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or noncommercial agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides or manure.
10. Timber harvesting and approved construction clearing in compliance with this Ordinance.
11. Home occupations.

12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.

13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.

16. Alterations or repairs of structures which do not change the building footprint or volume.

17. Municipal structures and uses.

18. Aquaculture.

19. Soil and water conservation practices.

20. Individual private campsites.

21. Satellite dishes.

22. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Rural District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.

2. Single- or small-family dwellings of any size.

3. Structures accessory to, or essential for, permitted uses.

4. Mobile or modular homes.

5. Uses accessory to CEO reviewed permits.

6. Commercial wood processing and/or sales.

7. Tradesman shops.

8. Structures up to 2,000 square feet in size for non-Residential uses. *6/14/2022*

9. Licensed babysitting services.

10. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.

11. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

12. Public or private recreation facilities involving minimal structural development.

13. Business, financial, or personal services.

14. Residential utility poles and services.

15. Signs.

D. Uses requiring Planning Board review

The following uses in the Rural District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Mineral extraction.

2. Commercial outdoor recreation.

3. Fraternal, religious, philanthropic, social, or educational institutions.

4. Licensed day care facilities and nursery schools.

5. Campgrounds.

6. Neighborhood stores.

7. Veterinary clinics and kennels.

8. Cluster development as defined in this Ordinance.

9. Utility structures and services.

10. Bed and breakfast establishments.

11. Restaurants.

12. Automobile or other vehicle service and/or repair operations, including body shops, and automobile washing facilities.

13. Multi-family dwellings.

14. Light industrial uses employing three or fewer people.

15. Mobile home parks (see Mobile Home Park Ordinance).

16. Farm ponds and fire protection ponds 5,000 square feet or greater in size.

17. Uses accessory to projects requiring Planning Board review.

18. Structures greater than 2,000 square feet in size and their uses, except single-family or two-family dwellings. *(9/9/2025)*

18. Piggeries.

19. Wineries, breweries, and distilleries.

20. Commercial water extraction, bottling, and distribution facilities.

21. Agribusiness.

22. Dry cleaning establishments or laundromats.

23. Medical or professional offices.

24. Septage waste, sewerage, or sludge disposal.

25. Solid waste facilities.

26. Stump dumps.

27. Nursing homes, assisted living, congregate care, or elderly housing facilities.

28. Shooting ranges.

29. Essential services.

31. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.

32. Exterior storage of salt or similar products greater than 100 pounds.

33. Underground storage of petroleum or liquid fuel products.

34. Communications towers except as required for municipal emergency services.

35. Road and/or parking facilities construction.

36. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 51 through 92 inclusive (see appendix) as determined by the Planning Board.

37. Event centers *6-14-2022*

E. Prohibited uses

The following uses are specifically prohibited in the Rural District:

1. Uses not otherwise permitted.

2. Outside storage of more than 50 used tires.

3. Adult business establishments or entertainment.

4. Storage, treatment, or disposal facilities for hazardous wastes.

5. Junkyards or storage of junk.

6. Mineral processing except that the CEO may grant a temporary permit for crushing operations for up to 15 working days per year per site not including setup and dismantle time.

7. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers greater than 350 gallons.

8. Exterior storage of building debris or lead-acid batteries.

9. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".

3. The following space and bulk standards shall apply:
   a. Minimum lot area ..... 2 acres
   b. Minimum lot area per dwelling structure ..... 2 acres
   c. Minimum road frontage ..... 200 feet
   d. Minimum setbacks from:
      Public or private road right-of-way ..... 50 feet
      All other lot lines ..... 10 feet
   e. Minimum setback from normal high-water mark as defined in the Shoreland Zoning provisions of this Ordinance.

Section 4. Rural/Commercial District (RC)

A. Purpose

The purpose of the Rural/Commercial District is to allow continued growth and development along the major highway.

B. Uses by right

The following uses in the Rural/Commercial District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or noncommercial agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.
14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.

16. Alterations or repairs of structures which do not change the building footprint or volume.

17. Municipal structures and uses.

18. Soil and water conservation practices.

19. Aquaculture.

20. Individual private campsites.

21. Structures accessory to, or essential for permitted uses.

22. Satellite dishes.

23. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Rural-Commercial District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.

2. Structures up to 2,000 square feet in size for non-Residential uses. *6/14/2022*

3. Retail businesses.

4. Tradesman shops.

5. Personal services.

6. Business services.

7. Financial services.

8. Medical or professional offices.

9. Neighborhood stores.

10. Commercial wood processing and/or sales. See definition.

11. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.

12. Uses accessory to CEO reviewed projects.

13. Single- or small-family dwellings of any size.

14. Mobile or modular homes.

15. Licensed daycare centers and nursery schools.

16. Utility structures and services.

17. Licensed babysitting services.

18. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

19. Public or private recreation facilities involving minimal structural development.

20. Residential utility poles and services.

D. Uses requiring Planning Board review

The following uses in the Rural-Commercial District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other vehicle service and/or repair operations, including body shops, or automobile washing facilities.

2. Retail vehicle and farm machinery sales.

3. Warehousing or storage.

4. Commercial enterprises and sales.

5. Light industrial uses.

6. Nursing homes, assisted living, congregate care, or elderly housing facilities.

7. Multi-family dwellings.

8. Structures greater than 2,000 square feet in size and their uses, except single-family or two-family dwellings. *(9/9/2025)*

9. Bed and Breakfasts, motels and inns.

10. Automobile graveyards and automobile recycling operations.

11. Junkyards or storage of junk.
12. Mineral extraction or processing.
13. Commercial outdoor recreation.
14. Campgrounds.
15. Veterinary clinics and kennels.
16. Cluster development as defined in this Ordinance.
17. Mobile home parks (see Mobile Home Park Ordinance).
18. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
19. Agribusiness.
20. Uses accessory to projects requiring Planning Board review.
21. Fraternal, religious, philanthropic, social, or educational institutions.
22. Wineries, breweries, and distilleries.
23. Commercial water extraction, bottling, and distribution facilities.
24. Restaurants.
25. Dry cleaning establishments or laundromats.
26. Fuel distribution operations.
27. Commercial photographic processing.
28. Commercial printing.
29. Septage waste, sewerage, or sludge disposal.
30. Solid waste facilities.
31. Stump dumps.
32. Commercial electronic circuit assembly.
33. Commercial metal plating, finishing, or polishing.

34. Commercial painting, wood preserving, or furniture stripping.

35. Shooting ranges.

36. Essential services.

37. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.

38. Exterior storage of salt or similar products greater than 100 pounds.

39. Exterior storage of building debris or lead acid batteries.

40. Underground storage of petroleum or liquid fuel products.

41. Communications towers except as required for municipal emergency services.

42. Road and/or parking facilities construction.

43. Signs.

44. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 42 through 92 inclusive (see appendix) as determined by the Planning Board.

45. Event centers. *6-14-2022*

E. Prohibited uses

The following uses are specifically prohibited in the Rural-Commercial District:

1. Uses not otherwise permitted.

2. Outside storage of more than 50 used tires.

3. Piggeries.

4. Adult business establishments or entertainment.

5. Storage, treatment, or disposal facilities for hazardous wastes.

6. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers greater than 350 gallons.

7. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".

3. The following space and bulk standards shall apply:

   a. Minimum lot area ..... 1 acre

   b. Minimum lot per dwelling structure .. 1 acre

   c. Minimum Road Frontage ..... 100 feet

   d. Minimum setbacks from:
      Public or private road right-of-way 50 feet
      All other lot lines ..... 10 feet

   e. Minimum setback from normal high-water mark as defined in the Shoreland Zoning provisions of this Ordinance.

Section 5. Planned Development District (PD)

A. Purpose

The purpose of the Planned Development District is to allow for regulated industrial activity that provides needed jobs and a stable tax base that conforms with the overall rural character of the town.

B. Uses by right

The following uses in the Planned Development District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds and fire protection ponds less than 5,000 square feet in size.
8. Home farming.
9. Commercial or noncommercial agriculture (except piggeries), including the storage and application of fertilizers, pesticides, herbicides, or manure.
10. Timber harvesting and approved construction clearing in compliance with this Ordinance.
11. Home occupations.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.

16. Alterations or repairs of structures which do not change the building footprint or volume.

17. Municipal structures and uses.

18. Aquaculture.

19. Soil and water conservation practices.

20. Structures accessory to, or essential for permitted uses.

21. Satellite dishes.

22. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Planned Development District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.

2. Structures up to 2,000 square feet in size for non-residential uses. *6/14/2022*

3. Retail businesses.

4. Personal services.

5. Business services.

6. Financial services.

7. Medical or professional offices.

8. Neighborhood stores.

9. Commercial wood processing and/or sales.

10. Uses accessory to CEO reviewed projects.

11. Licensed daycare centers and nursery schools as part of a commercial development.

12. Utility structures and services.

13. Tradesman shops.

14. Seasonal to year-round residential conversions where the occupants will reside more than 180 days per year.

15. Automobile washing facilities.

16. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

17. Fraternal, religious, philanthropic, social, or educational institutions.

18. Public or private recreation facilities involving minimal structural development.

19. Residential utility poles or services.

D. Uses requiring Planning Board review

The following uses in the Planned Development District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other vehicle service and/or repair operations, including body shops.

2. Retail vehicle and farm machinery sales.

3. Storage or warehousing.

4. Commercial enterprises and sales.

5. Light industrial uses.

6. Structures greater than 2,000 square feet in size and their uses, except single-family or two-family dwellings. *(9/9/2025)*

7. Automobile graveyard and automobile recycling operations.

8. Junkyards or the storage of junk.

9. Mineral extraction or processing.

10. Commercial outdoor recreation.

11. Stump dumps.
12. Transfer stations.
13. Farm ponds and fire protection ponds 5,000 square feet or greater in size.
14. Uses accessory to projects requiring Planning Board review.
15. Wineries, breweries, and distilleries.
16. Commercial water extraction, bottling, and distribution facilities.
17. Biodiesel processing facilities.
18. Restaurants.
19. Adult business establishments or entertainment.
20. Agribusiness.
21. Dry cleaning establishments or laundromats.
22. Fuel distribution operations.
23. Commercial photographic processing.
24. Commercial printing.
25. Veterinary clinics and kennels.
26. Septage waste, sewerage, or sludge disposal.
27. Chemical or biological laboratories.
28. Solid waste facilities.
29. Nursing homes, assisted living, congregate care, or elderly housing facilities.
30. Electronic circuit assembly.
31. Metal plating, finishing, or polishing.
32. Commercial painting, wood preserving, or furniture stripping.
33. Motels and inns.

34. Shooting ranges.

35. Essential services.

36. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.

37. Exterior storage of salt or similar products greater than 100 pounds.

38. Storage of building debris or lead-acid batteries.

39. Underground storage of petroleum or liquid fuel products.

40. Communication towers except as required for municipal emergency services.

41. Road and/or parking facilities construction.

42. Signs.

43. Single- or small-family dwellings of any size.

44. Mobile or modular homes.

45. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 11 through 92 inclusive, except 21 (2123 and 213 are included), 324, 325 (32519, 3254, and 3256 are included), and 331 (see appendix) as determined by the Planning Board.

44. Event Centers *6-14-2022*

45. Formula businesses (See definition.) *(9/9/2025)*

E. Prohibited Uses

The following uses are specifically prohibited in the Planned Development District:

1. Uses not otherwise permitted.

2. Outside storage of more than 50 used tires.

3. Piggeries.

4. Storage, treatment, or disposal facilities for hazardous wastes.

5. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers greater than 350 gallons.

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".

3. The following space and bulk standards shall apply:

   a. Minimum lot area ..... 2 acres

   b. Maximum impervious area of lot 40%

   c. Maximum building height ..... 65 feet

   d. Minimum Road Frontage ..... 100 feet

   e. Minimum setbacks from:
      Public or private road right-of-way 60 feet
      All other lot lines ..... 20 feet

   f. Minimum setback from normal high-water mark as defined in the Shoreland Zoning provisions of this Ordinance.

Section 6. Village District (VI)

A. Purpose

The purpose of the Village District is to preserve and promote the historic concept of the village as the center of the town's commercial and residential activity.

B. Uses by right

The following uses in the Village District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Farm ponds or fire protection ponds less than 5,000 square feet in size.
8. Municipal structures and uses.
9. Timber harvesting and approved construction clearing in compliance with this ordinance.
10. Home farming or commercial agriculture except for piggeries, limited to the keeping of fewer than 50 fowl or 5 large animals.
11. Alterations or repairs of structures which do not change the building footprint or volume.
12. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
13. Fences or stone walls that are out of the public right of way.

14. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less.

15. Re-siding, re-roofing, changing windows or changing doors.

16. Soil and water conservation practices.

17. Individual private campsites.

18. Satellite dishes.

19. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Village District require a permit issued by the Code Enforcement Officer:

1. Commercial storage or warehousing in existing buildings.

2. Structures up to 2,000 square feet in size for non-residential uses. *6/14/2022*

3. Commercial outdoor recreation excluding all-terrain vehicles (ATVs) and motorcycles.

4. Home occupations.

5. Uses accessory to CEO reviewed projects.

6. Single- or small-family dwellings of any size except mobile homes.

7. Modular homes.

8. Utility structures and services.

9. Tradesman shops.

10. Seasonal to year-round residential conversions where the occupants will reside for more than 180 days per year.

11. Licensed babysitting services.

12. Public or private recreation facilities involving minimal structural development.

13. Storage of more than one liquid gallon or five pounds dry pesticides or herbicides.

14. Residential utility poles and services.

15. Structures accessory to, or essential for permitted uses.

D. Uses Requiring Planning Board Review

The following uses in the Village District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Automobile or other vehicle service and/or repair operations, including body shops.

2. Retail vehicle and farm machinery sales.

3. Storage or warehousing.

4. Commercial enterprises and sales.

5. Nursing homes, assisted living, congregate care, or elderly housing facilities.

6. Multi-family dwellings.

7. Structures greater than 2,000 square feet in size and their uses, except single-family or two-family dwellings.(9/9/2025)

8. Bed and breakfasts, motels and inns.

9. Cluster development as defined in this Ordinance.

10. Farm ponds and fire protection ponds 5,000 square feet or greater in size.

11. Uses accessory to projects requiring Planning Board review.

12. Fraternal, religious, philanthropic, social, or educational institutions.

13. Wineries, breweries, and distilleries.

14. Retail businesses.

15. Restaurants.

16. Personal services.

17. Business services.

18. Financial services.

19. Medical or professional offices.

20. Neighborhood stores.

21. Commercial wood processing and/or sales.

22. Licensed daycare centers and nursery schools.

23. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers exceeding 350 gallons with approved containment area for the total volume being stored.

24. Underground storage of petroleum or liquid fuel products.

25. Road and/or parking facilities construction.

26. Signs.

27. Home farming of 51 or more fowl or 6 or more large animals.

28. Laundromats.

29. Light industrial uses employing three or fewer people.

30. Essential services.

31. Similar uses included in North American Industry Classification System-United States (NAICS, 2002 or subsequent) categories 42 through 92 inclusive (see appendix) as determined by the Planning Board.

32. Event centers. *6/14/2022*

E. Prohibited Uses

The following uses are specifically prohibited in the Village District:

1. Uses not otherwise permitted.

2. Mobile home parks.

3. Outside storage of more than 50 used tires.

4. Automobile graveyards and automobile recycling operations.

5. Veterinary clinics and kennels.

6. Shooting ranges.

7. Single-, double- or triple-wide mobile homes.

8. Communications towers except as required for municipal emergency services.

9. Commercial agriculture and agribusinesses including the commercial application of fertilizers and the storage of more than 10 cubic yards of manure.

10. Piggeries.

11. Exterior storage of salt or similar products greater than 100 pounds.

12. Exterior storage of building debris or lead-acid batteries.

13. Storage, treatment, or disposal facilities for hazardous wastes.

14. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers greater than 350 gallons.

15. Aquaculture.

16. Adult business establishment or entertainment.

17. Junkyards or the storage of junk.

18. Mineral extraction or processing.

19. Septage waste, sewerage, or sludge disposal.

20. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All uses shall meet the appropriate requirements of Article IV "Administration and Enforcement".

3. The following space and bulk standards shall apply:

   a. Minimum lot area..... 30,000 s.f.

   b. Minimum lot area
      per dwelling structure..... 30,000 s.f.

   c. Minimum road frontage..... 100 feet

   d. Minimum setbacks
      Public or private road right-of-way..... 25 feet
   * Rear lot line..... 25 feet
      All other lot lines..... 10 feet

   * The Rear Lot Line is defined as the most parallel side to, or opposite side from, the road that defines the street address of the building(s) or proposed building(s) as determined by the Planning Board.

   e. Minimum setback from normal high-water mark as defined in the Shoreland Zoning provisions of this Ordinance.

Section 7. Shoreland Limited Residential District (LR)

A. Purpose

The purpose of the Shoreland Limited Residential District is to protect and maintain the high water quality of the town's surface waters; to protect the scenic qualities of the shorelands which are important to the character of the town; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. This district shall pertain to all shoreland areas listed in Article III, Section 5(G) of this Ordinance.

B. Uses by right

The following uses in the Shoreland Limited Residential District do not need a permit:

1. Primitive recreation.
2. Forest management.
3. Wildlife management.
4. Emergency and fire protection activities as determined by Washington Fire Department.
5. Harvesting of wild crops.
6. Traditional hunting, fishing, and trapping.
7. Replacement of exterior steps and walkways which do not increase the existing footprint by more than 240 square feet, or as required by ADA or NFPA standards.
8. Fences or stone walls that are out of the public right of way.
9. The construction of a free-standing single story accessory structure or an attached open porch or deck of 240 square feet or less in compliance with Article VIII, Section 1 of this ordinance.
10. Re-siding, re-roofing, changing windows or changing doors.

11. Alterations or repairs of structures which do not change the building footprint or volume.

12. Satellite dishes.

13. Soil and water conservation practices.

14. Timber harvesting, and approved construction clearing in compliance with this ordinance.

15. Home farming and noncommercial agriculture except piggeries.

16. Filling or earth moving of 10 cubic yards or less.

17. Municipal structures and uses.

18. Babysitting services.

C. Uses requiring a CEO permit

The following uses in the Shoreland Limited Residential District require a permit issued by the Code Enforcement Officer:

1. Individual private campsites.

2. Single-family dwellings and single-family seasonal cottages and conversions.

3. Structures accessory to, or essential for, permitted uses.

4. Home occupations and tradesman shops.

5. Modular homes.

6. Small nonresidential facilities for educational, scientific, or nature interpretation purposes.

7. Filling and earth moving of more than 10 cubic yards.

8. Signs.

9. ATV trails for public use.

10. Farm ponds and fire protection ponds less than 5,000 square feet in size.

11. Residential utility poles and services.

D. Uses requiring Planning Board review

The following uses in the Shoreland Limited Residential District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer.

1. Commercial outdoor recreation.
2. Utility structures and services.
3. Campgrounds.
4. Uses accessory to projects requiring Planning Board review.
5. Fraternal, religious, philanthropic, social, or educational institutions.
6. Licensed daycare centers and nursery schools.
7. Licensed babysitting services.
8. Neighborhood stores.
9. Bed and breakfast establishments.
10. Seasonal to year-round residential conversions where the occupants will reside more than 180 days per year.
11. Essential services.
12. Business, financial, or personal services.
13. Public or private recreational areas involving minimal structural development.
14. Road and/or parking facilities construction.
15. Aquaculture.
16. Laundromats connected to a sanitary sewer.

E. Prohibited Uses

The following uses are specifically prohibited in the Shoreland Limited Residential District:

1. Uses not otherwise permitted.

2. Mobile home parks.
3. Outside storage of more than 12 used tires.
4. Automobile graveyards and automobile recycling operations.
5. Veterinary clinics and kennels.
6. Shooting ranges.
7. Automobile washing facilities.
8. Automobile or other vehicle service and/or repair operations, including body shops.
9. Chemical or bacteriological laboratories.
10. Commercial painting, wood preserving, and furniture stripping.
11. Dry cleaning establishments.
12. Electronic circuit assembly.
13. Laundromats not connected to a sanitary sewer.
14. Metal plating, finishing, or polishing.
15. Commercial photographic processing.
16. Commercial printing.
17. Single-, double- or triple-wide mobile homes.
18. Commercial agriculture and agribusiness.
19. Piggeries
20. Commercial water extraction, bottling, and distribution facilities.
21. Storage of more than one liquid gallon or five pounds dry pesticide or herbicide.
22. Junkyards or storage of junk.
23. Application of fertilizer in commercial operations.
24. Adult business establishments or entertainment.

25. Storage, treatment, or disposal facilities for hazardous waste.

26. All industrial and light industrial uses.

27. Above ground or in-basement storage of petroleum or liquid fuel products greater than 350 gallons.

28. Storage of building debris or lead-acid batteries.

29. Communications towers except as required for municipal emergency services.

30. Waste oil burners.

31. Septage waste, sewerage, or sludge disposal.

32. Mineral extraction and processing.

33. Formula businesses. *(9/9/2025)*

F. Performance, Review, Space and Bulk Standards

1. The general standards of performance of Article VII shall be observed.

2. All standards in the Shoreland Limited Residential District set forth in Article VIII "Shoreland Zoning" of this Ordinance shall be met.

3. The following space and bulk standards shall apply:

	Lakes & Ponds	Rivers & Streams
a. Minimum lot area	1 acre	3 acres
b. Minimum lot per dwelling structure	1 acre	3 acres
c. Minimum shore frontage	200 feet	300 feet
d. Minimum setback from		
High-water mark	100 feet	100 feet
Tributary streams	75 feet	75 feet
Upland Edge of Wetlands	75 feet	75 feet
e. Minimum setbacks from:		
side(s) opposite shore frontage	25 feet	25 feet
private road centerline	25 feet	25 feet

All other lot lines..... 10 feet ... 25 feet
Public road right-of-way..... 50 feet ... 50 feet

4. 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.

5. The maximum footprint of structures and non-vegetated surfaces shall be 20% of lot area.

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

7. Any repair, replacement, or reconstruction of 50% or more of a nonconforming structure within one year shall require the approval of the Planning Board, notwithstanding repair or reconstruction described in Article V "Nonconformance." When 50% or more of a structure is repaired or replaced within one year, alternatives for eliminating or reducing the nonconforming features shall be considered, as set forth in Article V "Nonconformance."

Explanation Note: In the Shoreland Limited Residential District, if a person is doing major reconstruction of a nonconforming structure, it may be an opportunity to bring the structure into conformance. For example, an old camp falling down may be rebuilt; but instead of being rebuilt on the current site which is 25 or 30 feet from the water, it could be rebuilt further back. This will eliminate a loophole that allows essentially new construction to occur without following current building standards in the Shoreland Limited Residential District.

Section 8. Watershed District (WS)

A. Purpose

The purpose of the Watershed District is to maintain the current highwater quality in the Crystal Pond/Washington Pond watershed. Washington is unique and fortunate in that the two major bodies of water are not influenced by surface waters originating from outside the town. Every effort must be made to keep and protect this valuable resource.

B. Permitted Uses

The Watershed District shall be considered an "overlay district" in that all permitted uses in the underlying district shall be allowed in the Watershed District except as listed below.

C. Uses requiring Planning Board review

The following uses in the Watershed District may be undertaken only upon approval of the Planning Board in accordance with the appropriate provisions of this Ordinance and a permit issued by the Code Enforcement Officer:

1. Above ground or in-basement storage of petroleum or liquid fuel products in approved containers in excess of 350 gallons provided the installation includes an approved containment area for the total volume being stored.

2. Manure storage in excess of 10 cubic yards.

3. Application of fertilizers in commercial agriculture operations.

D. Prohibited Uses

The following uses are prohibited in the Watershed District:

1. Underground storage of petroleum or liquid fuel products.

2. Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers in excess of 350 gallons.

3. Junkyards, the storage of junk, automobile graveyards, and automobile recycling operations.

4. Mineral extraction and processing.

5. Automobile or other vehicle service and/or repair operations, including body shops.

6. Septage waste disposal.

7. Sewerage and sludge disposal.

8. Solid waste facilities.

9. Storage, treatment, or disposal facilities for hazardous wastes.

10. Storage of more than one liquid gallon or five pounds dry pesticide or herbicide material.

11. Mobile home parks.

12. Commercial fuel distribution operations.

13. Storage of lead-acid batteries.

14. Storage of building debris.

15. Stump dumps.

16. Exterior storage of more than 100 pounds of salt or other similar products.

17. Waste oil burners.

18. Outside storage of more than 12 used tires.

19. All industrial or light industrial uses.

20. Communications towers except as required for municipal emergency services.

21. Formula businesses. *(9/9/2025)*

Section 9. Historic Preservation District (HP)

A. Purpose

The purpose of the Historic Preservation District is:

1. To preserve the town character and assure that it remains a thriving place which will attract compatible residential and commercial development.

2. To protect the town's rural character, and to maintain its visual quality.

3. To protect historic sites and buildings.

B. Permitted and prohibited uses

The Historic Preservation District shall be considered an "overlay district" in that all permitted uses in the underlying district shall be allowed in the Historic Preservation District except as detailed in this section.

1. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof.

2. The construction of legally required ramps for access by the handicapped, shall be specifically excluded from the scope of this section.

3. Nothing in the section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

4. Nothing in this section shall regulate the construction, reconstruction, restoration, elimination or demolition of any interior feature, or of any exterior feature that cannot be seen from a public way or space.

5. The following uses are prohibited:

   a. All industrial uses.

   b. Light industrial uses.

   c. Communication towers except as required for municipal

emergency services.

d. Mobile homes.

e. Formula businesses. *(9/9/2025)*

C. Standards

1. The standards and requirements in the U.S. Secretary of the Interior's "Standards for Rehabilitation", as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of this section, shall be used in review of construction and demolition projects in this district.

2. Design consideration and structural factors related to maintaining historic structures in good condition shall be the primary area of focus.

3. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

4. The following standards apply:

   a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   c. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

   d. The façade of the building as seen from any public way or space shall match neighboring structures in design, color, texture, and other visual qualities to the greatest extent possible.

   e. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

f. New additions, exterior alterations, or related new construction shall not destroy any existing historic features that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the neighborhood and its environment.

g. The following shall be compatible with those buildings to which the building is visually related, particularly to adjacent historic buildings of the same period, when viewed from a public way or space.

i. The height and width of a proposed building or addition.

ii. The relationship of windows and doors in a building.

iii. The relationship of the building to the open space between it and adjoining buildings.

iv. The relationship of entrance and porch projections to sidewalks.

v. The relationship of materials and texture.

vi. The roof shape of a building.

vii. The size of a building and its mass.

viii. The windows, door openings, porches and balconies.

D. Construction of new buildings and structures

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

E. Demolition or removal

1. When the demolition or removal of an existing structure or structures in the Historic Preservation District is proposed, before permitting the project to advance the

Planning Board shall find that no prudent and feasible alternative to demolition or removal exists and that the structure or structures or predominant portions thereof proposed for demolition or removal:

a. Are not a contributing structure in the historic district nor an historic landmark or site; or

b. Are not of historical significance; or

c. Have been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard cannot be abated by reasonable measures; or

d. Are deteriorated beyond repair.

2. No provision in this section shall be construed to prevent the alteration, demolition, or relocation of a building, when the Code Enforcement Officer certifies that such action is required for the public safety.

F. Signs

1. Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. Materials and workmanship shall convey a sense of permanence and durability.

2. The design shall take into account:

a. The scale, character and design of the building,

b. The traditional location of signage on area buildings,

c. The location of existing sign boards, lower cornices, lintels, and other architectural elements, and

d. The opportunity to use signage as an element to enhance the appearance of building entrances.

Section 10. Table of Land Uses

SEE ARTICLE III, SEC. 3 FOR DISTRICT ABBREVIATIONS:	RP	LR	FF	RU	RC	PD	VI	WS	HP
AGRICULTURE									
Agribusiness	XX	XX	PB	PB	PB	PB	XX		
Agriculture except for cranberries and rice (see below for rice and cranberry culture)	XX	BR	BR	BR	BR	BR	BR		
Application of fertilizers in commercial operations	XX	XX	BR	BR	BR	BR	XX	PB	
Aquaculture	XX	PB	BR	BR	BR	BR	XX		
Commercial agriculture except piggeries (see Sec. VI: less than 50 fowl and/or 5 large animals)	XX	XX	BR	BR	BR	BR	BR		
Harvesting of wild crops	BR	BR	BR	BR	BR	BR	BR		
Home farming (see Sec. VI: more than 50 fowl and/or 5 large animals)			BR	BR	BR	BR	PB		
Home farming (see Sec. VI: fewer than 50 fowl and/or 5 large animals)		BR					BR		
Manure storage (more than 10 cubic yards)			BR	BR	BR	BR	XX	PB	
Piggeries	XX	XX	PB	PB	XX	XX	XX		
Rice and cranberry culture	PB	BR	BR	BR	BR	BR	BR		
Soil and water conservation practices	BR	BR	BR	BR	BR	BR	BR		
ALTERATIONS, CONVERSIONS, RENOVATIONS, REPAIRS, REPLACEMENTS									
Alterations or repairs of structures which do not change the building footprint or volume	BR	BR	BR	BR	BR	BR	BR		
Conversions: Seasonal to year-round residential where occupants will reside more than 180 days/year	PB	PB	CO	CO	CO	CO	CO		
Replacement of exterior steps and walkways for structures that do not increase the footprint by more than 240 square feet, or as required by ADA or NFPA standards	BR	BR	BR	BR	BR	BR	BR		
Re-siding, re-roofing, changing windows or changing doors	BR	BR	BR	BR	BR	BR	BR		
AUTOMOBILES									
Automobile graveyards and automobile recycling operations	XX	XX			PB	PB	XX	XX	
Automobile or other vehicle service and/or repair operations, including body shops	XX	XX	PB	PB	PB	PB	PB	XX	
Automobile washing facilities	XX	XX	PB	PB	PB	CO			
CHILD CARE									
Babysitting services		BR	BR	BR	BR	BR	BR		
Licensed babysitting services		PB	CO	CO	CO		CO		
Licensed daycare centers and nursery schools		PB	PB	PB	CO		PB		

Licensed daycare centers and nursery schools in a commercial development							CO			
CLUSTER DEVELOPMENT										
As defined in this ordinance			PB	PB	PB		PB			
COMMERCIAL AND RETAIL BUSINESSES										
Adult business establishments or entertainment	XX	XX	XX	XX	XX	PB	XX			
Commercial enterprises and sales					PB	PB	PB			
Dry cleaning establishments	XX	XX	PB	PB	PB	PB				
Formula businesses	XX	XX	XX	XX	XX	PB	XX	XX	XX	
Fuel distribution operations					PB	PB		XX		
Home occupations		CO	BR	BR	BR	BR	CO			
Laundromats	PB	PB	PB	PB	PB	PB	PB			
Laundromats, not connected to a sanitary sewer	XX	XX								
Neighborhood stores		PB	PB	PB	CO	CO	PB			
Photographic processing	XX	XX			PB	PB				
Printing	XX	XX			PB	PB				
Restaurants				PB	PB	PB	PB			
Retail businesses					CO	CO	PB			
Storage and warehousing					PB	PB	PB			
Retail vehicle and farm machinery sales					PB	PB	PB			
Storage or warehousing in existing buildings			CO	CO	CO	CO	CO			
Tradesman shops		CO	CO	CO	CO	CO	CO			
Water extraction, bottling and distribution facilities		XX	PB	PB	PB	PB				
Wineries, breweries and distilleries			PB	PB	PB	PB	PB			
DISPOSAL										
Septic waste, sewerage or sludge disposal	XX	XX	PB	PB	PB	PB	XX	XX		
EMERGENCY SERVICES										
Emergency and fire protection activities as determined by Washington Fire Dept.	BR	BR	BR	BR	BR	BR	BR			
FACILITIES AND INSTITUTIONS										
Biodiesel processing facilities						PB				
Chemical or bacteriological laboratories	XX	XX				PB				
Fraternal, religious, philanthropic, social or educational institutions		PB	PB	PB	PB	CO	PB			
Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	CO	CO	CO	CO	CO				

Solid waste facilities			PB	PB	PB	PB		XX	
Storage, treatment or disposal facilities for hazardous waste	XX	XX	XX	XX	XX	XX	XX	XX	
Stump dumps			PB	PB	PB	PB			
Transfer stations						PB			
HEALTH CARE									
Nursing homes, assisted living, congregate care, elderly housing facilities			PB	PB	PB	PB	PB		
Medical or professional offices			PB	PB	CO	CO	PB		
Veterinary clinics and kennels		XX		PB	PB	PB	XX		
INDUSTRIAL									
All industrial uses	XX	XX						XX	XX
Commercial painting, wood preserving and furniture stripping	XX	XX			PB	PB		XX	XX
Electronic circuit assembly	XX	XX			PB	PB		XX	XX
Light industrial uses	XX	XX			PB	PB		XX	XX
Light industrial uses employing fewer than 3 people	XX	XX	PB	PB			PB	XX	XX
Metal plating, finishing or polishing	XX	XX			PB	PB		XX	XX
JUNK									
Junkyards or storage of junk	XX	XX	XX	XX	PB	PB	XX	XX	
LODGING									
Bed and Breakfasts		PB	PB	PB	PB		PB		
Motels and inns					PB	PB	PB		
Mobile home parks (see Mobile Home Park Ordinance)	XX	XX	PB	PB	PB		XX	XX	
MINING AND EXCAVATING									
Filling and earth moving (less than 10 cubic yards)		BR							
Filling and earth moving (more than 10 cubic yards)		CO							
Mineral extraction	XX	XX	PB	PB	PB	PB	XX	XX	
Mineral processing as defined in each district	XX	XX	XX	XX	PB	PB	XX	XX	
PONDS									
Farm and fire protection ponds less than 5,000 square feet	CO	CO	BR	BR	BR	BR	BR		
Farm and fire protection pond more than 5,000 square feet			PB	PB	PB	PB	PB		
RECREATION									
ATV trails for public use	XX	CO							
Campgrounds		PB	PB	PB	PB				

Campsites, individual private			CO	BR	BR	BR		BR	
Commercial outdoor recreation			PB	PB	PB	PB	PB		
Commercial outdoor recreation excluding ATVs and motorcycles								CO	
Primitive recreation	BR	BR	BR	BR	BR	BR	BR	BR	
Public or private recreation areas involving minimal structural development			PB	CO	CO	CO	CO	CO	
Shooting ranges	XX	XX	PB	PB	PB	PB	PB	XX	
Traditional hunting, fishing and trapping	BR	BR	BR	BR	BR	BR	BR	BR	
SERVICES									
Business services			PB	CO	CO	CO	CO	PB	
Essential services	PB	PB	PB	PB	PB	PB	PB	PB	
Financial services			PB	CO	CO	CO	CO	PB	
Personal services			PB	CO	CO	CO	CO	PB	
STORAGE OF ITEMS									
Above ground or in-basement storage of petroleum or liquid fuel products in approved containers (more than 350 gallons) with approved containment area for the total volume being stored	XX	XX	PB	PB	PB	PB	PB	PB	
Above ground or in-basement storage of petroleum or liquid fuel products in non-approved containers (more than 350 gallons)	XX	XX	XX	XX	XX	XX	XX	XX	
Exterior storage of salt or similar products (more than 100 pounds)				PB	PB	PB	PB	XX	XX
Storage of more than 1 liquid gallon or 5 pounds dry pesticide or herbicide	XX	XX	BR	BR	BR	BR	CO	XX	
Storage of building debris or lead-acid batteries	XX	XX	XX	XX	PB	PB	XX	XX	
Outside storage of more than 12 used tires	XX	XX						XX	
Outside storage of more than 50 used tires			XX	XX	XX	XX	XX		
Underground storage of petroleum or liquid fuel products				PB	PB	PB	PB	PB	XX
STRUCTURES									
Free-standing, single-story accessory structures, or open porches or decks (less than 240 sq. ft.)			BR	BR	BR	BR	BR	BR	
Modular homes			CO	CO	CO	CO	PB	CO	
Multi-family dwellings				PB	PB	PB		PB	
Municipal structures and uses			BR	BR	BR	BR	BR	BR	
Small family dwellings of any size				CO	CO	CO	PB		
Small family dwellings of any size except mobile homes								CO	
Small family dwellings and small family seasonal cottages and conversions			CO						
Mobile homes, single-, double- or triple-wide	XX	XX	CO		CO	CO	PB	XX	XX

Structures less than 2,000 sq. ft. in size for non-residential uses			CO	CO	CO	CO	CO		
Structures more than 2,000 sq. ft. and their uses						PB			
Structures more than 2,000 sq. ft. and their uses, except 1- or 2-family dwellings			PB	PB	PB		PB		
Structures accessory to, or essential for permitted uses	PB	CO	CO	CO	BR	BR	CO		
TIMBER, FORESTRY & WILDLIFE									
Commercial wood processing and/or sales			CO	CO	CO	CO	PB		
Forest management	BR	BR	BR	BR	BR	BR	BR		
Timber harvesting (less than 40 percent)	CO								
Timber harvesting (more than 40 percent)	PB								
Timber harvesting and approved construction clearing in compliance with ordinance		BR	BR	BR	BR	BR	BR		
Wildlife management	BR	BR	BR	BR	BR	BR	BR		
USES									
NAICS or similar per Planning Board (see Appendix for categories)			CAT. 11	51-92	42-92	0-92	42-92		
Uses accessory to CEO-reviewed permits			CO	CO	CO	CO	CO		
Uses accessory to projects requiring Planning Board review		PB	PB	PB	PB	PB	PB		
Uses not otherwise permitted	XX	XX	XX	XX	XX	XX	XX		
UTILITIES, INFRASTRUCTURE									
Communications towers except as required for municipal emergency services	XX	XX	PB	PB	PB	PB	XX	XX	XX
Fences or stone walls out of the public right-of-way	BR	BR	BR	BR	BR	BR	BR		
Residential utility poles and services	CO	CO	CO	CO	CO	CO	CO		
Road and/or parking facilities construction		PB	PB	PB	PB	PB	PB		
Satellite dishes	BR	BR	BR	BR	BR	BR	BR		
Signs		CO	CO	CO	PB	PB	PB		
Utility structures and services	PB	PB	PB	PB	CO	CO	CO		
Waste oil burners	XX	XX						XX	

Use Codes: BR=By Right CO=CEO Permit PB=PB Approval XX=Specifically Prohibited Blank spaces indicate if a use is not specifically prohibited (XX) and NAICS uses are specified for the district, then the Planning Board may make findings to allow a similar use. < means less than; > greater than; = equal to.

Section 11. Table of Dimensional Standards

DIMENSIONAL STANDARDS See Article II, Sec. 3 for District abbreviations	RP	Shoreland LR Lakes & ponds/ Rivers & streams	FF <500ft from CL/ >500 ft from CL	RU	RC	PD	VI
Minimum setback of structures from:							
Upland edge of wetlands	75 feet	75 feet					
Normal high-water mark	100 feet	100 feet	SZ Regs	SZ Regs	SZ Regs	SZ Regs	SZ Regs
Tributary streams	75 feet	75 feet	SZ Regs	SZ Regs	SZ Regs	SZ Regs	SZ Regs
Side opposite shore frontage	25 feet	25 feet					
Rear lot line							25 feet
Private road centerline	25 feet	25 feet					
Public road right-of-way	50 feet	50 feet					
Public or private road right-of-way			50 feet	50 feet	50 feet	60 feet	25 feet
All other lot lines	10 feet	10 feet/25 feet	25 feet	10 feet	10 feet	20 feet	10 feet
Minimum dimensions							
Lot area		1 acre/3 acres	3 acres/5 acres	2 acres	1 acre	2 acres	30,000 sq. ft
Lot area per dwelling structure		1 acre/3 acres	3 acres/5 acres	2 acres	1 acre		30,000 sq. ft
Road frontage			300 feet	200 feet	100 feet	100 feet	100 feet
Shore frontage		200 feet/300 feet					
Maximum dimensions							
Footprint of structures and non-vegetated surface	20 percent	20 percent					
Impervious lot area						40 percent	
Building height						65 feet	

ARTICLE VII - GENERAL STANDARDS

Section 1. Environmental

A. General Requirements

1. In all districts, if the building will have a septic tank and disposal field, the applicant shall provide evidence of adequate soil conditions for subsurface wastewater disposal by presentation of a completed Maine Department of Human Services Bureau of Health Engineering Site Evaluation Form, commonly referred to as a "plumbing permit."

2. The Maine State Plumbing Code requirements shall be met.

3. The applicable requirements and standards of the Maine Department of Environmental Protection (MDEP) shall be met and required permits acquired prior to construction.

B. 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 such as neighboring wells or the water classification of a water body in accordance with state and federal regulations or violates state drinking water standards.

C. Aquifer Protection

1. To provide an adequate buffer for groundwater and allow for filtration of impurities from surface water, except for temporary digging for foundation work, development excavation shall not be any closer than five (5) feet above the maximum seasonal high-water level. The applicant shall provide documentation of the groundwater table. Monitoring of groundwater levels and quality to ensure there are no adverse impacts to any water supplies or wells within 500 feet of the site may be required.

2. Any new or expansion of nonresidential land use activity situated over any part of any sand and gravel aquifer identified in the most recent Town of Washington

Comprehensive Plan or by MDEP or Maine Geologic Survey (MGS), hereinafter referred to as "the aquifer", shall develop and follow a written management plan for any contaminants that might pollute the groundwater.

3. No potential pollutant shall be stored above the aquifer unless placed in an approved retention system.

D. Stormwater Control

1. All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. All stormwater control (SWC) systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or public drainage systems. Where possible, existing natural features such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of stormwater.

2. The following stormwater standards shall apply to development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area. Agricultural activities and single-family dwellings are exempt from these standards.

    a. Stormwater drainage systems shall be designed to limit peak discharge from the site to predevelopment levels. The stormwater system shall be designed to accommodate peak discharge of the 2-, 10-, and 25-year frequency, 24-hour-duration storms

    b. Stormwater measures shall be selected from best practices as described in the "Stormwater Management for Maine, Best Management Practices, MDEP, 1995" or latest revised version thereof.

    c. A stormwater control plan prepared by a professional engineer registered in the State of Maine, or a certified erosion and sedimentation control professional, according to the requirements of DEP Regulations Chapter 500, "Stormwater Management" and Chapter 502 "Direct Watersheds of Water bodies most at risk from new development" shall be deemed suitable to meet these standards.

d. Stormwater control systems shall be maintained by the property owner in accordance with this Ordinance.

E. Phosphorus Control

The following standard shall apply to all development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area and is within the Watershed Overlay District.

A phosphorus control plan shall be developed in accordance with the design criteria contained in the current edition of "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" published by the Maine Department of Environmental Protection, revised September 1992, or latest revision thereof.

F. Floodplain

All development shall comply with the Town of Washington Floodplain Ordinance.

G. Natural Resource Protection

Any proposed development shall identify areas as referenced below which shall be examined and the results certified in writing as a part of the application.

1. If any portion of the parcel to be developed has been identified as a critical natural area by the Maine Natural Areas Program or as containing threatened or endangered species of plants or animals by the Maine Department of Inland Fisheries and Wildlife, these areas should not be developed. If development of these areas is proposed because no other reasonable alternative exists, the applicant shall develop a mitigation plan in cooperation with the Maine Department of Agriculture, Conservation and Forestry (MDACF) and/or the Maine Department of Inland Fisheries and Wildlife (MDIFW) and/or the Maine Department of Environmental Protection (MDEP) and/or the Army Corps of Engineers (ACOE) as appropriate. The Code Enforcement Officer or the Planning Board shall incorporate the provisions of the mitigation plan as conditions of the permit.

2. If any portion of the parcel to be developed includes areas mapped or identified by the MDIFW as deer wintering areas, the applicant shall consult with the

department or a qualified wildlife biologist on means to limit the impact of the development on the habitat and incorporate those recommendations into the plan.

3. If any portion of the development contains a wetland as identified by the town of Washington, the MDEP or listed on the most recent map edition of the National Wetland Inventory Maps, the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all applicable state and federal regulations per the Natural Resources Protection Act (NRPA).

No person shall perform any act or use of the land in a manner which would cause erosion that results in soil or other material reaching a water body or which would have a significant adverse effect on the property of another landowner.

H. Erosion Control

1. All soil disturbance must be conducted in a manner which avoids sediment leaving the property. Development must employ erosion control best management practices. Temporary and permanent erosion control measures shall be selected for the development according to "Maine Erosion and Sediment Control BMPs" (Bureau of Land and Water Quality, MDEP, March 2003, DEPLW0588) or latest revised version thereof, and the provisions of this section.

2. All proposals for development shall submit and follow a written erosion control plan unless the Code Enforcement Officer certifies in writing that the nature of the site and the proposed development poses minimal risk of erosion.

3. The Code Enforcement Officer may establish additional erosion control requirements based upon site conditions and the nature and extent of the construction. These requirements shall be listed on the permit.

4. All temporary erosion control measures shall be installed prior to any digging, soil removal, stripping of vegetation, or soil disturbance. The measures may be installed in phases to match the construction schedule.

5. Additional measures must be installed by the owner in order to address the failure or limited effectiveness of any measure previously installed. These additional measures shall be made a part of the permit.

I. Sanitary and Liquid Waste

1. All land use activities shall provide for the disposal of all solid waste on a timely basis so as not to create a health hazard and in an environmentally safe manner.

2. All necessary subsurface wastewater disposal permits required by state law and regulation shall be obtained by the applicant and filed with the application.

3. Internal plumbing permits must be obtained prior to installation of any internal plumbing fixture as required by state law and regulations.

4. The specific amount and nature of all industrial or chemical waste to be generated by the proposed operation or development shall be listed in the permit application. Industrial or commercial waste may be discharged only in such quantities and/or quality as to be able to be accepted into the applicable disposal system. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter shall be treated by an acceptable system. The handling, use and disposal of all industrial and chemical waste shall conform to all applicable state and federal regulations.

J. Material Storage

1. All outdoor storage areas including areas used for the storage or collection of solid waste, junk automobiles, auto parts, tires, building materials, machinery, sand and gravel, or other such items, shall have screening sufficient so that it cannot be seen from a public way, any residence except the owner's, or any regulated body of water. Walls, fencing, dense plant material, or a combination of materials can be used to achieve this intent.

2. Areas designed for the outdoor display of items sold on the premises including, but not limited to, vehicle sale lots, greenhouse items, and similar activities shall provide for a buffer from the public road right-of-way.

The buffer width in the Village District shall be five (5) feet; the buffer width elsewhere shall be a minimum of ten (10) feet.

3. No material, merchandise, or vehicles may be stored or displayed in the buffer area.

K. Air Pollution

1. All air pollution controls shall comply with minimum federal, state and local requirements.

2. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

3. No land use or development shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation. Agricultural uses are exempt from this provision.

L. Timber Harvesting

1. There shall be no clearcutting of trees within 50 feet of any public right-of-way, except that it may be cleared;

    a. For an approved development; or

    b. For development of agricultural land or

    c. For approved timber management purposes as indicated by a licensed forester.

2. Any trees so marked as to determine a property boundary between two abutting landowners shall not be cut, unless mutually agreed to by the abutting landowners.

3. Timber harvesting within shoreland areas shall be governed by Article VIII "Shoreland Zoning Standards", Section 10.

Section 2. Abutter Protection

The disposal of industrial waste waters shall comply with laws of the state of Maine and the town of Washington concerning water pollution.

1. All air pollution control shall comply with minimum federal, state and local requirements.

2. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

3. No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

A. Glare

1. All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties.

2. No land use or development shall be permitted to produce a strong dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of the driver of any vehicle upon that public way or create a nuisance disturbance for neighboring property owners.

3. All such arrangements shall also comply with applicable federal and state regulations.

B. Outdoor Lighting

These outdoor lighting standards shall apply to all land use activities except for residential dwellings and agricultural activities.

1. Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorists, pedestrians, structures located on adjacent properties. Light shall be directed downward so it does not light up the night sky.

2. No lighting fixture, except for streetlights, shall extend beyond a height of 25 feet, as measured from ground level.

3. All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties.

C. Buffers

1. Any nonresidential, nonagricultural space abutting a residential area shall maintain a buffer strip to prevent adverse effects on environmental or aesthetic qualities of abutting properties. Natural features such as topography, stands of trees, shrubbery, and rock outcroppings shall be maintained to provide a break between the proposed development and abutting properties. When natural features do not exist or are insufficient buffers, the yard shall be landscaped with vegetation, fenced, or screened so the space cannot be seen from the abutting properties.

2. All buffers shall be properly maintained to meet the preceding standard and the conditions of the permit.

D. Noise

The following standards shall apply to all commercial uses over 3,000 square feet, industrial uses, mineral extraction operations, junkyards, and commercial outdoor recreation facilities.

1. Noise shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume outside of the boundaries of the project.

2. The maximum permissible sound pressure level of any continuous regular, or frequent source of sound produced by any activities shall be limited by the time period and receiving district listed below:

	6 am to 8 pm	
	dB(A)	dB(C)
Rural-Commercial or Planned Development Districts	60	72
All Other Districts	55	67
	8 pm to 6 am	
All Districts	50	62

3. Sound pressures shall be measured per Subsection 4, below, at any lot line of the project site, at a height of at least four (4) feet above the ground surface. Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed to constitute a violation of this Ordinance.

4. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound."

5. The following activities shall be exempt from these standards:

   a. Agricultural, home occupations, and cottage industry uses.

   b. Noises emanating from site construction and occasional site maintenance activities between 6:00 a.m. and 8:00 p.m. This shall be waived in emergency situations by a special permit from the Code Enforcement Officer.

   c. The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activity.

   d. Traffic noise on public ways.

E. Signs

The following standards shall regulate sign display:

1. All signs shall comply with state law and regulations.

2. No sign shall be located in or extend over, the road right-of-way, nor shall any sign reduce or obstruct traffic visibility or present a safety hazard.

3. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed thirty-two (32) square feet in size in the Rural, Rural/Commercial or Planned

Development Districts and shall not exceed six (6) square feet in size in all other districts, except as provided below, and shall not exceed two (2) double-sided signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

4. All exterior signs attached to a building or a structure shall not exceed ten percent (10%) of the total building face area they are attached to.

5. Residential name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

6. 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.

7. Nonresidential uses in the Rural/Commercial or Planned Development Districts may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four square feet of sign area for every foot of street frontage to a maximum of two hundred square feet for each premises. Projecting signs shall be set back at least 15 feet from the front yard line. No attached sign or supporting structure shall extend above the highest point of a roof.

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

9. Signs relating to public safety or MDOT signs shall be permitted without restriction.

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

11. Signs may be illuminated only by shielded, non-flashing lights. All illumination shall be designed so as to prevent direct or obtrusive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding directional lights or by colored and/or interior illumination techniques.

12. The use of any sign lawfully in existence at the time of the adoption of this Ordinance may continue although the

sign does not conform to the provisions of this Ordinance. Normal maintenance and repairs are permitted. The sign shall not be enlarged or expanded in size except in conformance with this Ordinance.

13. Only two freestanding signs shall be allowed per development. Locations which have multiple occupancies shall be limited to share the freestanding signs.

14. Flags and flagpoles are exempt from these regulations.

15. No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving or glaring illumination. This regulation does not prohibit a wall name sign consisting solely of a rectangular banner made of a flexible cloth-type material, attached at all corners either perpendicular or flat, and conforming to all provisions of this section. This provision does not prohibit a sign which is in the form of a flag or banner, provided said banner or flag is attached to a flagpole.

Section 3. Lot Access

A. Access to Lots

All new developed lots shall be provided with an access to the development by means of a driveway, common driveway, lane or road. The specific requirements for each of these access ways are contained in the Town of Washington Driveway Entrance Ordinance.

B. Rear Lot Access and Frontage

New lots proposed to be created behind a legal lot that has existing town road frontage shall be deemed to comply with the minimum road frontage requirements if they meet the following:

1. The lot conforms to all of the bulk and space requirements of this Ordinance except for road frontage.

2. The lot has access that complies with the requirements for a driveway or common driveway as appropriate.

Section 4. Historic and Archeological Sites

A. If any portion of a development has been identified as a site of historic, prehistoric or archeological importance by the Town of Washington Comprehensive Plan, this Ordinance, Maine Historic Preservation Commission or the National Register of Historic Places, appropriate measures for the protection of those resources shall be included in any development design.

B. Any proposed development of sites listed by one of the above listed sources shall require review and comment by the Maine Historic Preservation Commission prior to the issuance of a permit. The Code Enforcement Officer or the Planning Board shall consider any comments and recommendations received from the commission prior to rendering a decision on the permit application.

ARTICLE VIII - SHORELAND ZONING STANDARDS

Section 1. Structures

A. The lowest floor elevation or openings of all buildings and structures, including basements, shall be placed in accordance with the standards of the Washington Flood Plain Ordinance.

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

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

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

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

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;

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

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

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

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

   a. 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;

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

   c. Only native species may be used to establish the buffer area;

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

   e. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

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

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

Section 2. Campgrounds and Campsites

A. Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

1. 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.

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

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

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

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

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

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

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local

Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

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

Section 3. Parking Areas

A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

B. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

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.

2. Internal travel aisles: Approximately twenty-five (25) feet wide.

Section 4. Roads and Driveways

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

B. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to

a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board.

1. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

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

C. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

D. New permanent roads are not allowed within the shoreland zone along significant river segments except:

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

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 existing vegetation.

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

F. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation Control contained in Section 15(Q).

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

H. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

2. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

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

4. 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.

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

Section 5. Signs

A. The following provisions shall govern the use of signs in the Resource Protection and Shoreland Limited Residential districts:

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

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

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.

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.

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

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

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

8. Existing signs as of the adoption of this Ordinance may be retained and maintained and replaced but not altered, except in accordance with the provisions of this section.

Section 6. Stormwater Runoff

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

B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

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

Section 7. Septic Waste Disposal

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

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

2. A holding tank is not allowed for a first-time residential use in the shoreland zone.

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

Section 8. Essential Services

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

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

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

Section 9. Agriculture

A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine

Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

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

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

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

D. 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 classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

E. 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 classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

Section 10. Timber Harvesting

NOTE: This section is subject to the repeal provisions of Article XIII "Amendment and Other Legal Provisions", Section 5C.

A. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

1. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

a. The ground is frozen;

b. There is no resultant soil disturbance;

c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

d. There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4-1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

2. Beyond the 75-foot strip referred to in this section above, timber harvesting is permitted in accordance with the following paragraph, except that in no case shall the average residual basal area of trees over 4-1/2 inches in diameter at 4-1/2 feet above ground level be reduced to less than 30 square feet per acre.

B. Except in areas as described in the section above, timber harvesting shall conform with the following provisions:

1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4-1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

a. Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland

edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

b. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet, they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

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

3. Timber harvesting equipment shall not use stream channels as travel routes except when:

   a. Surface waters are frozen; and

   b. The activity will not result in any ground disturbance.

4. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

5. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

6. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

Section 11. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

A. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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.

B. Except in areas as described above in this subsection, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 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:

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

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

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

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

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

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

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

The following shall govern in applying this point system:

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

b. Each successive plot must be adjacent to, but not overlap a previous plot;

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

d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this subsection "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 (4-1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

3. 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 above.

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

5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless sufficient existing new tree growth is present.

   a. In determining the number of trees to be replanted, the point system described in this Section 11, subsection B2, above, shall be used to first

determine the points of the tree or trees to be removed and replacement trees shall meet or exceed those same points to the greatest extent possible as determined by the Code Enforcement Officer.

b. Subsection 2, above, does not apply to those portions of public recreational facilities adjacent to public swimming areas, as long as cleared areas are limited to the minimum area necessary.

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

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

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

E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Section 12. Erosion and Sedimentation Control

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

1. Mulching and revegetation of disturbed soil.

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

3. Permanent stabilization structures such as retaining walls or rip-rap.

B. 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.

C. 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.

D. 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 riprap, 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:

1. 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.

2. Anchoring the mulch with netting, pegs and twine or other suitable method may be required to maintain the mulch cover.

3. 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.

E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

Section 13. 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 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.

Section 14. 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.

Section 15. Archaeological Sites

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

ARTICLE IX - MANUFACTURED HOUSING

Section 1. Purpose

Manufactured housing provides an alternative to more expensive traditional residential housing. This article allows for the use of manufactured housing within the town while ensuring the safety of occupants and the environmental and aesthetic values of a given district.

Section 2. Definition of Manufactured Housing

Mobile Homes: Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body-feet or more in width and are 750 or more square feet, 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 and electrical systems contained in the unit;

This term also includes any structure which 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, US Code, Title 42, Section 5401, et seq.

Modular Homes: Units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957, section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Section 3. Performance Standards

All manufactured housing moved into or relocated within the town after adoption of this Ordinance shall meet industry standards and the following standards shall be met:

1. Manufactured housing units shall conform to the residential space and bulk standards of the district in which they are located.

2. Mobile homes shall be prohibited in the Resource Protection, Shoreland Limited Residential, Historic and Village Districts.

3. The minimum width of the structure when installed on site shall be 12 feet.

4. The roof shall have a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run.

5. The exterior wall surfaces shall be covered with materials similar to conventional construction, such as cedar shakes; wood, vinyl, or metal clapboards; board and batten, etc. The exterior walls shall not be covered with flat, rigid, or corrugated metal or plastic panels.

6. The unit shall be properly grounded and placed on a permanent foundation, which is a concrete pad over a gravel base with skirting around the bottom of the structure, or a concrete frost wall, or a full basement or a gravel or other material pad installed according to Maine State Manufactured Housing Board Standards.

7. Each manufactured dwelling unit shall be connected to its own approved septic system.

8. Relocation of mobile homes constructed prior to June 15, 1976, is prohibited everywhere in town.

Section 4. Temporary Housing Units.

In any district where mobile homes are allowed, the Code Enforcement Officer may approve mobile homes as temporary residential units, to be used until a permanent structure is built or located on a lot. Temporary housing units shall conform to the performance standards in Section 3 above. Permits for temporary housing shall not be issued for longer

than 2 years, with a one-time renewal for an additional 2 years. Temporary housing units shall be removed from the lot (see Section 5 below) when the permanent unit is ready for occupancy, or the temporary unit shall be upgraded to meet all the Performance Standards of Section 3 above, without exceptions, when the permit expires.

Section 5. Removal of Manufactured Housing Units (New or Existing)

When a manufactured housing unit is removed from a lot or replaced, the Code Enforcement Officer may approve the temporary storage of the unit on the lot, unoccupied, for not more than 6 months. Temporary storage permits may be renewed or extended up to three times for good cause, but may not be extended for more than 18 months. The Code Enforcement Officer may require a bond or refundable fee to be charged to ensure compliance.

ARTICLE X - MISCELLANEOUS STANDARDS

Section 1. Purpose

The purpose of this article is to ensure certain activities are conducted in a safe manner, do not cause undue harm to the environment, do not cause a nuisance, and ensure surrounding property values are protected.

Section 2. Abandoned Vehicles

No person shall allow more than two unregistered vehicles, except for tractors and farm implements, to remain on any property more than ninety (90) days, where such vehicle may be seen from a residence, public way, or body of water, unless the owner of the vehicle is licensed to sell new or used automobiles on the premises. Trailers, truck bodies, railroad cars, school buses, or other items originally constructed for the transportation of goods may only be used as storage buildings if they may not be seen from any residence (except the owner's), public way, or body of water.

Section 3. Automobile Graveyard, Automobile Recycling, and Junkyard Operations

No person shall operate any junkyard or automobile salvage operation unless such operation meets state guidelines and is licensed by the town. All junkyards and automobile salvage operations shall be buffered from abutting properties and public ways by natural vegetation or a fence that hides the operation from outside view. No vehicles or junk shall be stored within 300 feet of any water body or wetland or within 500 feet of any residence (other than the owner's), private well, or school. All vehicles and junk shall be located no closer than 100 feet from all lot lines. All federal and state solid, special, and hazardous waste laws shall be complied with.

Section 4. Accumulation of Debris and Junk

No person shall allow the exterior accumulation of debris, including but not limited to trash, garbage, demolition material, appliances, automobile parts, barrels, drums, tires, or other items, to be stored on any property where

such items would cause a fire danger, health risk, impact on surrounding scenic views, or environmental damage.

Section 5. Uninhabitable Structures

Any structure or manufactured housing unit deemed uninhabitable by the Code Enforcement Officer by reason of fire, wind, abandonment, or other cause, or any structure in such a state of disrepair as to cause a safety, health, or fire danger shall be repaired or removed within sixty (60) days of notification by the Code Enforcement Officer.

Section 6. Yard Sales, Garage Sales, and Flea Markets

A. Yard (or garage) sale is a sale, conducted indoors or outdoors, of used household goods, curios, and the like. Yard (or garage) sales shall be considered an accessory use under this Ordinance and shall not be conducted more frequently than four days in any six-month period.

B. A flea market is an outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four times in any six-month period. Flea markets, as distinguished from yard (or garage) sales, shall be permitted as an accessory use under this ordinance, provided a permit is obtained from the Code Enforcement Officer. Flea markets shall not become a nuisance. Applications for permits will be reviewed under the provisions of Article IV "Administration and Enforcement."

C. Violation of a permit or standards, or any complaint, nuisance, or health and safety hazard created by a flea market or yard (or garage) sale shall be cause for immediate suspension of the flea market or yard (or garage) sale by the Code Enforcement Officer or the Select Board. Upon suspension, a flea market or yard (or garage) sale shall be immediately closed and removed within 24 hours. Suspension of flea markets or yard (or garage) sales may be appealed to the Board of Appeals. Flea markets operating without a permit or under suspension shall be prohibited.

Section 7. Adult Business Establishments/Adult Entertainment

A. Findings and Purpose.

The Town of Washington 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 establishments as defined.

B. Requirements.

1. Location. Adult business establishments must be at least 500 feet from any other business establishment and at least 500 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 Planned Development District.

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

3. Compliance. Adult business establishments shall comply with all other codes of the town of Washington.

ARTICLE XI - SITE PLAN REVIEW

Section 1. Purpose

A. The purpose of this section is to accomplish the following objectives with the least possible regulation:

1. To establish a site review procedure whereby town officials may review new proposals to use land and buildings for commercial, industrial, office, multiple dwelling residential developments, community or service organizations, municipal, institutional, utility, or recreational purposes, or commercial activities occurring at residential sites involving greater impact than home occupations, as defined;

2. To establish a fair and reasonable set of standards for evaluating each development proposal impartially on its own merits;

3. To provide local protection from those particular nuisances which may not be governed by state law or regulations;

4. To suggest ways in which development proposals may be modified so that potential problems and nuisances may be minimized or eliminated.

5. To balance the right of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, stormwater runoff, or the pollution of groundwater and surface water resources.

6. To provide a public hearing process through which town residents may raise questions and receive answers about how new development proposals would affect them;

7. To provide for a system whereby aggrieved parties may appeal decisions of the Planning Board under this section to the Board of Appeals;

8. To protect property values;

9. To reduce the off-site problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities;

10. To prevent impacts caused by development that would negatively affect the town's natural resources, aesthetic and visual characteristics, and/or groundwater and surface water quality;

11. To protect the water quality of lakes and ponds in or adjacent to Washington from degradation caused by increased levels of phosphorus entering lake water systems from such sources as disturbed soils, large and/or unbuffered impervious surfaces, uncontrolled stormwater runoff, inadequate drainage facilities, etc.; and

12. To establish a minimally restrictive regulatory and review procedure in conformance with the town's Comprehensive Plan.

Section 2. Applicability of Site Plan Review

A. Site Plan Review not required

The following activities shall not require site plan approval. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

1. The construction, alteration, or enlargement of a small family dwelling, including accessory buildings and structures.

2. The placement, alteration, or enlargement of a single manufactured housing or mobile home dwelling, including accessory buildings and structures on individually owned lots.

3. Agricultural activities, except for agri-business, including agricultural buildings and structures.

4. Timber harvesting and forest management activities.

5. The establishment and modification of home occupations that do not result in changes to the site or exterior of the building.

6. Activities involving nonresidential buildings or activities that are specifically excluded from review by the provisions of this section.

7. Expansion of less than 240 square feet.

8. Any activity that can be approved by the Code Enforcement Officer.

B. Site Plan Permit Required

A person who has right, title, or interest in a parcel of land must obtain site plan approval from the Code Enforcement Officer or Planning Board, as applicable, prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading:

1. The construction or placement of any new building or structure for a nonresidential use, including accessory buildings and structures, greater than two thousand (2,000) base square feet within any five (5) year period. *(9/9/2025)*

2. The expansion of an existing nonresidential building or structure, including accessory buildings, that increases the total floor area by more than 240 square feet.

3. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use.

4. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as agri-business, mineral extraction, mineral processing, cemeteries, golf courses, and other nonstructural nonresidential uses.

5. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the standards and criteria of site plan review described in Section 9 of this article.

6. The construction of a residential building containing three (3) or more dwelling units.

7. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

8. The conversion of an existing nonresidential building or structure, in whole or in part, into three (3) or more dwelling units within a five (5) year period.

9. The nonresidential construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.

Section 3. Review and Approval Authority

The Planning Board is authorized to review and act on all site plans for development requiring site plan review as defined above.

In considering site plans under this provision, the Planning Board shall act to approve, approve with conditions or disapprove the project as authorized by these provisions.

Section 4. Review Procedures

The Planning Board shall use the following procedures in reviewing applications for site plan review.

A. Preapplication

Prior to submitting a formal application, the applicant or his/her representative shall request a preapplication conference with the Planning Board. The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decision on the substance of the plan shall be made at the preapplication conference.

1. Purpose

The purposes of the preapplication conference are to:

a. Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,

b. Allow the applicant to understand the development

review process and required submissions,

c. Identify issues that need to be addressed in future submissions, and

d. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.

In addition, the Board may schedule a site inspection in accordance with subsection B(5) if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

2. Information Required

There are no formal submission requirements for a preapplication conference. However, the applicant should be prepared to discuss the following with the Board:

a. The proposed site, including its location, size, and general characteristics,

b. The nature of the proposed use and potential development,

c. Any issues or questions about existing municipal regulations and their applicability to the project, and

d. Any requests for waivers from the submission requirements.

B. Application Submission and Review Procedures

The applicant must prepare and submit a site plan review application, including the development plan and supporting documentation, that meets the submission requirements set forth below. This material must be submitted to the Code Enforcement Officer for initial review.

1. At the first meeting at which the application is considered, the Planning Board shall give a dated receipt to the applicant. The Planning Board shall then notify by first-class mail at the applicant's expense all property owners within five hundred (500) feet of the parcel on which the proposed development is located of any subsequent meetings. Written notice of the pending application shall be given or mailed to the Select Board, Fire Chief, Road Foreman, and other parties as designated by the Planning Board.

2. Within forty-five (45) days of the receipt of a formal site plan review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.

3. As soon as the Board determines that the application is complete, the Board shall: notify the applicant in writing of this finding, meet the notification requirements of subsection (4) below, and place the item on the agenda for substantive review within forty-five (45) days of this finding.

4. The Planning Board shall give written notice of the date, time, and place of the meeting at which the application will be considered to the applicant and all persons who received the notice in (1) at least ten (10) days before the meeting.

5. The Planning Board may hold an on-site inspection of the site to review existing conditions, field verify the information submitted and investigate the development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. The Planning Board may decide not to hold an on-site inspection when the site is snow-covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in (6) may be extended, which extension shall not exceed forty-five (45) days after the Planning Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties entitled to notice under subsection (4).

6. The Planning Board shall take action on said application within forty-five (45) days of determining that the application is complete. The Planning Board shall act to deny, to approve, or to approve the application with conditions. The Planning Board may impose such

conditions as are deemed advisable to assure compliance with the standards of approval.

In issuing its decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the town. The Planning Board shall notify the applicant, all officials who received notice under (4), and all parties who requested to be notified of the action of the Planning Board.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

C. Final Approval and Filing

1. Upon completion of the requirements of this article and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Planning Board and must be filed with the Code Enforcement Officer. Any plan not so filed within forty-five (45) days of the date upon which such plan is approved and signed by the Planning Board shall become null and void.

2. In addition, the Planning Board may require a signed plan to be recorded in the Knox County Registry of Deeds within ninety (90) days of the vote to approve the plan. The Planning Board, by vote, may extend the filing period for good cause.

3. When all applicable conditions and requirements of this article have been met, the Code Enforcement Officer shall issue the appropriate permit or permits.

D. Independent Review and Advice

1. Professional Services. The Planning Board may require that an attorney and/or consultant review one or more aspects of an application for compliance or noncompliance with this Ordinance and to advise the Planning Board. The costs of such reviews shall be borne by the applicant.

2. Additional Studies. The Planning Board may require the applicant to undertake any study which it deems

reasonable and necessary to demonstrate and ensure that the requirements of the Ordinance are met. The costs of such studies shall be borne by the applicant.

3. Payment.

   a. The attorney and/or consultant shall first estimate the cost of such review and/or study and the applicant shall deposit with the town the full estimated cost, which the town shall place in an escrow account.

   b. The town shall pay the attorney and/or consultant from the escrow account and reimburse the applicant if funds remain after final payment.

   c. If said funds are not paid to the town the permit process will be suspended until such time as they are paid.

   d. Should the escrow account be drawn down to 20% of its original amount the applicant shall be required to deposit additional funds.

E. Establishment of Fees

The municipal officers may, from time to time and after consultation with the Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

Section 5. Submission Requirements

A. Applications for site plan review must be submitted on application forms provided by the municipality. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the Code Enforcement Officer. The submission must contain at least the following exhibits and information unless specifically waived in writing. The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the preapplication conference or at the initial review of the application if no preapplication conference is held. A waiver of any submission requirement may be granted only if the Planning Board makes a written finding that the information is not required to determine compliance with the standards.

B. All applications for site plan review must contain the following information:

1. A fully executed and signed copy of the application for site plan review.

2. Evidence of payment of the application fee and technical review fee, if required.

3. Digital materials accepted up to 10 days prior to the scheduled Planning Board meeting on a USB flash drive or via email. *(9/9/2025)* If materials are submitted fewer than 10 days before the scheduled meeting, applicant must provide ten (10) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below. The written materials must be bound or contained in a binder with an index of materials. The maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

C. General Information

1. Record owner's name, address, and phone number and applicant's name, address and phone number, if different.

2. The location of all required building setbacks, yards, and buffers.

3. Sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.

4. Boundaries of all contiguous property under the total or partial control of the owner or applicant, regardless of whether all or part is being developed at this time.

5. The tax map and lot number of the parcel or parcels on which the project is located.

6. A copy of the current registered deed to the property, or an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

7. The name, registration number, and seal of the person who prepared the plan, if applicable.

8. Evidence of the applicant's technical and financial capability to carry out the project as proposed.

D. Existing Conditions

1. Land Use District classification(s), including overlay district, if any, of the property and the location of district boundaries if the property is located in two (2) or more districts or abuts a different district.

2. The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

3. Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

4. Location, names, and present widths of existing public and/or private roads and rights-of-way within or adjacent to the proposed development.

5. The location, dimensions and ground floor elevation of all existing buildings on the site.

6. The location and dimensions of existing driveways, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.

7. Location of intersecting roads or driveways within two hundred (200) feet of the site.

8. The location of open drainage courses, wetlands, stone walls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including, but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic

areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

9. The direction of existing surface water drainage across the site.

10. The location, front view, dimensions, and lighting of existing signs.

11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

12. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

13. The E-911 Addressing Permit.

14. The driveway entrance permit, if applicable.

E. Proposed Development Activity

1. Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

2. The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.

3. Provisions for handling storage or disposal of all solid wastes, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.

4. The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, walkways, and any changes in traffic flow onto or off-site.

5. Proposed landscaping and buffering.

6. The location, dimensions, and ground floor elevation of all proposed buildings or building expansion proposed on the site.

7. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.

8. Location and type of exterior lighting.

9. The location of all utilities, including fire protection systems.

10. A general description of the proposed use or activity.

11. An estimate of the peak hour and daily traffic to be generated by the project.

12. If the project requires a stormwater permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project, stormwater calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions.

F. Approval Block

Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Washington Planning Board".

Section 6. Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant, who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including, but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas,

habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

B. Adequacy of Road System

1. Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development.

    a. For developments that generate one hundred (100) or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of D or better prior to the development must function at a minimum at Level of Service D after development.

    b. If any such intersection is functioning at a Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

    c. A development not meeting this requirement may be approved if the applicant demonstrates that:

        i. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

        ii. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guarantee acceptable to the municipality.

C. Access to the Site

Vehicular access to and from the development must be safe and convenient.

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

2. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

3. The grade of any proposed drive or street must be not more than ±3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

4. The intersection of any access/egress drive or proposed street must function:

    a. At a Level of Service of D following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or

    b. At a level that will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

5. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed if it is safe and does not promote shortcutting through the site.

6. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

7. Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

8. The following criteria must be used to limit the number of driveways serving a proposed project:

a. No use that generates fewer than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use that generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

D. Accessway Location and Spacing

Accessways must meet the standards of the Washington Driveway Entrance Ordinance.

E. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

1. Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for at least one tractor with a forty-foot (40') trailer.

2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

4. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all-season emergency access, snow storage, and delivery and collection services.

F. Parking Layout and Design

Off-street parking must conform to the following standards:

1. Parking areas must be arranged so that it is not necessary for vehicles to back into the street.

2. All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance or where multiple lots share a common driveway. No parking spaces or asphalt type surface shall be located within five (5) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

3. All parking areas shall meet requirements for handicap parking spaces, one (1) space per twenty-five (25) spaces or fraction thereof.

4. All parking lots with more than fifty (50) spaces shall be properly delineated.

5. Parking stalls and aisle layout must conform to the following standards.

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width	
90°	9'-0"	18'-0"	24'-0"		Two-way
60°	8'-6"	10'-6"	18'-0"	16'-0"	One-way only
45°	8'-6"	12'-9"	17'-6"	12'-0"	One-way only
30°	8'-6"	17'-0"	17'-0"	12'-0"	One-way only

6. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

7. Parking areas for nonresidential uses must 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. Double-stack parking may be permitted for resident parking in conjunction

with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.

8. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

G. Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

H. Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

1. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

2. Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

3. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to flooding and erosion of shoreland areas, or that he/she will be responsible for whatever

improvements are needed to provide the required increase in capacity and/or mitigation.

4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

5. Culverts in the town's right-of-way must be placed in accordance with the standards of the Washington Driveway Entrance Ordinance.

6. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

7. The design of the storm drainage systems must be fully cognizant of upstream runoff, which must pass over or through the site to be developed and provide for this movement.

8. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

I. Erosion Control

1. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

2. Soil erosion and sedimentation of watercourses and water bodies will be minimized by an active program meeting the requirements of the *Maine Erosion and Sediment*

Control Handbook for Construction: Best Management Practices, dated March 1991 or subsequent revision.

J. Water Supply

1. The development must be provided with a system of water supply that provides each use with an adequate supply of water.

2. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

K. Sewage Disposal

The development must be provided with a method of disposing of sewage which is in compliance with the Maine Subsurface Wastewater Disposal Rules.

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

2. Industrial or commercial wastewater may require pretreatment at the industrial or commercial site in order to render it amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution.

L. Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

M. Natural Features

The landscape must be preserved in its natural state by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction. Extensive grading and filling must be avoided as far as possible.

N. Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the state of Maine.

O. Water Quality Protection

All aspects of the project must be designed so that:

1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may 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, or unsightliness or be harmful to human, animal, plant, or aquatic life.

2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's Office.

3. If the project is located within the watershed of a 'body of water most at-risk from development' as identified by the Maine Department of Environmental Protection, the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous.

P. Hazardous, Special and Radioactive Materials

1. The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

2. All materials must be stored in a manner and location that is in compliance with appropriate rules, regulations, and codes of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

Q. Shoreland Relationship

The development must not adversely affect the water quality or shoreline of any adjacent water body. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

R. Technical and Financial Capacity

The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this Ordinance and the approved plan.

S. Solid Waste Disposal

The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

T. Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

U. Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site

must be consistent with the Town of Washington Floodplain Ordinance.

Section 7. Post-approval Activities

A. Limitation of Approval

1. Substantial construction of the improvements covered by any site plan approval must be commenced within twenty-four (24) months of the date upon which the approval was granted. If construction has not been substantially commenced within the specified period, the approval shall be null and void.

2. The applicant may request an extension of the approval deadline prior to the expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), twelve (12) month extensions to the period if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

3. The Planning Board may establish a phased completion schedule.

B. Incorporation of Approved Plan

One copy of the approved site plan must be included with the application for the building permit for the project and all construction activities must conform to the approved plan, including any conditions of approval and minor changes approved by the Code Enforcement Officer to address field conditions.

C. Recording of the Approved Plan

1. One copy of the approved site plan may be recorded in the Knox County Registry of Deeds within ninety (90) days of final approval per Section 7.C.

2. If recorded, the book and page number shall be provided to the Code Enforcement Officer.

3. Failure to record the plan, if required by the Planning Board, within ninety (90) days shall void the approval. The Planning Board may extend this period for cause.

D. Improvement Guarantees

1. Application

a. Improvement Guarantee - The Planning Board may require the posting of an improvement guarantee in such amount and form as specified in subsection 10.D.2. below as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

b. Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and must file a report indicating either approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

c. The Planning Board shall either approve, partially approve, or reject the improvements on the basis of the report of the municipal officials.

d. If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee

Performance guarantees may be provided by a variety of means, including, but not limited to, any of the following, which must be approved as to form and enforceability by the Select Board.

a. Security Bond - The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

b. Letter of Credit - The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

c. Escrow Account - The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require town approval for withdrawal and must stipulate that the town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

E. Submission of As-Built Plans

Any project involving construction must provide the Code Enforcement Officer with a set of construction plans showing the building(s) and site improvements as actually constructed on the site within thirty (30) days of completion.

F. Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such change must be endorsed in writing on the approved plan by the Code Enforcement Officer.

G. Amendments to Approved Plans

1. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant.

2. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Planning Board.

3. Planning Board approval of amendments to approved plans shall follow the same procedures of the original approval.

ARTICLE XII - LAND USE BOARD OF APPEALS

Section 1. Appointment and Composition

A. There shall be a Board of Appeals in accordance with the provisions of 30A M.R.S.A., Section 4353, as the same may be amended from time to time.

B. The Board of Appeals shall consist of five members serving staggered terms of five years, appointed by the Select Board. The Select Board may appoint two associate members to serve in the absence of regular members. The Chair of the Board of Appeals shall designate which associate member shall serve in the stead of the absent member.

C. The Board of Appeals shall elect annually a chair and secretary from its membership.

Section 2. Procedure

A. The Board of Appeals shall conduct its meetings in accordance with the provisions of 30A M.R.S.A., Section 2691, as the same may be amended from time to time.

B. The presence of three members of the Board of Appeals shall constitute a quorum. An appeal may be granted or a decision of the Code Enforcement Officer, Planning Board, or variance, may be overruled only upon an affirmative vote of at least three members of the Board of Appeals.

C. No member of the Board of Appeals shall vote on a matter in which he or she has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority vote of the members present, excluding the member about whom the possibility of a conflict of interest is being decided.

D. Before rendering a decision on any appeal, the Board of Appeals shall conduct a public hearing, which shall be advertised at least 10 days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the appeal to be addressed. The appellant, the Select Board, and the Planning Board shall be notified in writing at least 10 days prior to the scheduled hearing. At least 10 days before the hearing, the

Board of Appeals, or the Town Clerk on behalf of the Board of Appeals, shall notify by mail the owners of properties lying within 500 feet of the property for which the appeal or application is being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.

E. The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings of the Board of Appeals.

F. The Board of Appeals shall reach a decision within 10 working days and shall not continue hearings to a future date except for good cause.

G. Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Code Enforcement Officer, the Select Board, and the Planning Board within seven days of its decision.

H. An appeal may be taken from any decision of the Board of Appeals to the Superior Court within 30 days after the decision, as provided by 30A M.R.S.A., Section 2691(G)(3), as the same may be amended from time to time.

I. The Board of Appeals shall keep records of its proceedings, and such records shall be available to the public.

Section 3. Powers and Duties

The Board of Appeals shall have the following powers and duties:

A. Administrative Appeals

1. To affirm, modify, remand with instructions, or vacate the action of the Town Planning Board or Code Enforcement Officer in issuing or denying building or other permits, or failure of the Planning Board to render a decision, when it is alleged that there is an error in any order, requirement, decision, or determination in the enforcement of this Ordinance. In modifying or vacating the previous decision, the Board of Appeals must decide that the previous decision was contrary to the Ordinance or was not substantiated by evidence in the record.

2. The Board of Appeals may also hear appeals or consider applications under this Ordinance, whenever there is uncertainty as to the meaning and/or intent of any part

of this Ordinance. The Board of Appeals shall have the power to interpret such part.

B. Variances

To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations and the performance standards of this Ordinance, according to the terms of Section 5 of this Article. A variance shall not be granted to allow a use or an expansion of a use in a district in which the use is prohibited.

Section 4. Administrative Appeals

A. Any person aggrieved by an action of the Planning Board or Code Enforcement Officer pursuant to this Ordinance may file a request for appeal in writing within 30 days of the granting or denial of approval from the Planning Board or Code Enforcement Officer, or within 60 days of the date of application, if no action has been taken by the Town Planning Board or Code Enforcement Officer.

1. The request for appeal shall state the exact portions of the decision that are being appealed, and the legal grounds for appeal.

2. The appellant shall file this request for appeal with the Town Clerk, who shall issue a dated receipt and within five business days forward the appeal to the Chair of the Board of Appeals. After receiving the appeal from the clerk, the Chair of the Board of Appeals shall schedule a pre-hearing conference within 14 days and shall timely notify the applicant in writing of the pre-conference, and shall provide the applicant with a copy of the Board of Appeals bylaws.

3. If such appeal is not made within the stated time, the decision of the Planning Board or Code Enforcement Officer shall be final.

4. The fee to accompany a completed request for administrative appeals shall be determined according to the fee schedule set by the Select Board. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing.

5. No activity may be started under a permit granted herein that is the subject of an appeal before the Washington Board of Appeals.

B. The Board of Appeals at the pre-hearing conference shall:

1. Set a hearing date within 35 days or other date certain as mutually agreed by all parties; and

2. Determine the standing, grounds, and process of the hearing per the Board of Appeals bylaws.

C. The Board of Appeals shall schedule the hearing, give notice, and set the agenda.

1. The Board of Appeals shall cause notice of the date, time and place of said hearing, the location of the proposed activity and the issues raised in the appeal, to be given in writing to the appellant, permit holder and/or applicant and published in a newspaper of general circulation in the town at least two times. The date of the first such publication shall be at least 10 days prior to the hearing.

2. The Board of Appeals shall also cause written notice by mail or hand delivery of the hearing be given to the appellant, permit holder and/or applicant, the Select Board, the Planning Board, the Code Enforcement Officer, and all property owners within 1,000 feet of the boundaries of the proposed activity at least 14 days prior to the date of the hearing at the cost of the appellant.

3. Notice shall be posted in such public places as a notice of a Town Meeting.

4. Upon request, the applicant, at the applicant's expense, must supply a copy of the request for appeal to any of the owners of properties so mentioned.

5. The applicant shall be required to cover the costs of advertising, postal notification and dissemination of information for the appeals hearing. Payment of these costs (payable to the Town of Washington) shall be made prior to the start of the hearing.

D. Following such hearing, the Board of Appeals shall have the power to interpret this Ordinance and may affirm, modify,

remand with instructions, or vacate the decision of the Planning Board or of the Code Enforcement Officer.

1. The appeal shall not be a de novo hearing, except in the case of an appeal from a *Stop Work Order* or other action by the Code Enforcement Officer.

2. The Board of Appeals shall render a finding of facts and conclusions in writing to the appellant and/or applicant, Planning Board Chair, Code Enforcement Officer, and the Select Board within 30 days of the decision.

Section 5. Variances

A. Application for Variance

1. Application for a variance shall be made to the Town Clerk on forms provided for that purpose, accompanied by a fee determined according to the fee schedule set by the Select Board. In addition, the applicant shall be responsible for costs of advertising and mailing associated with the application.

2. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.

3. The application shall include a drawing to approximate scale showing the proposed location of the building or structure and its relationship to the lot's property lines and any adjacent road or right-of-way, including all setbacks and other pertinent dimensions.

B. Variance From Dimensional Standards

The Washington Board of Appeals may grant a variance from dimensional standards of lot area, lot coverage, frontage and setback requirements, when strict application of the dimensional standards would cause a practical difficulty and when all of the following conditions exist:

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

2. The granting of the 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; and

3. The practical difficulty is not the result of action taken by the petitioner or a prior owner; and

4. No other feasible alternative is available to the petitioner; and

5. The granting of the variance will not unreasonably adversely affect the natural environment; and

6. The property is not located in whole or in part within the Washington Shoreland Limited Residential District.

"Practical Difficulty" means that the strict application of the Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the land use district in which the property is located and results in significant economic injury to the petitioner.

C. Standards in Shoreland Areas

Prior to voting to grant a variance, the Board of Appeals shall review the application and find that the following standards have been met:

1. That a literal interpretation of the requirements of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:

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

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

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

2. That the granting of the variance will not alter the essential character of the locality.

3. Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance that will relieve the hardship pleaded.

D. Additional Criteria in Shoreland Areas

Prior to voting to grant a variance within the mandated shoreland area, the Board of Appeals shall find that the proposed variance meets the following criteria:

1. Will not result in unsafe or unhealthful conditions;
2. Will not result in unreasonable erosion or sedimentation;
3. Will not result in water pollution;
4. Will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
5. Will reasonably conserve shoreland vegetation;
6. Will reasonably conserve visual points of access to waters as viewed from public facilities;
7. Will conserve actual points of public access to waters;
8. Will reasonably conserve natural beauty; and
9. Will reasonably avoid problems associated with flood plain development and use.

A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

E. Reapplication

If the Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the board within two years from the date of the first request, unless in the opinion of the majority of the board, substantial new evidence can be brought forward, or unless the board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter that was appealed.

F. Duration of Variances

Provided all conditions and standards of approval are met, and provided the applicant records the variance at the Knox County Registry of Deeds within 90 days of written approval, as specified in Title 30-A MRSA §4353 (5), a variance shall be a permanent grant of permission and shall "run with the land."

G. Disability Variance

The Board of Appeals may grant a 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 that dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including, but not limited to, limiting the variance to the duration of the disability or to the time the person with the disability lives in the building. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5 MRSA §4553, and the term "structures necessary for access to or egress from the dwelling" is defined to include the railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

Section 6. Appeal of Board of Appeals Action

Any appeal from an action of the Planning Board in administering the provisions of this Ordinance shall be made to the Board of Appeals in accordance with the provisions of this Ordinance; and any subsequent appeal of its decision shall be made to Superior Court in accordance with the procedures of Rule 80B.

ARTICLE XIII - AMENDMENT AND OTHER LEGAL PROVISIONS

Section 1. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

Section 2. Conflict with Other Ordinances

Whenever the regulations of this Ordinance conflict with those of another Ordinance, the stricter shall apply, except that notwithstanding any provision of any other ordinance (by way of example, the Town of Washington Mining Ordinance), review and approval of a conditional use permit and approvals may be processed concurrently with other permits and approvals.

Section 3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

Section 4. Amendment

A. No land use regulation or amendment thereof or change in the official Land Use Map shall be adopted until after the Select Board of the town has held a public hearing thereon at least 10 days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least 10 days prior to the hearing. Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board, or motion of the Select Board. For petitions, signatures numbering not less than 10% of the number of votes cast in the town in the last election for governor shall be required before the proposed amendment will be brought for a vote. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.

B. Copies of amendments, attested and signed by the municipal clerk, shall be retained by the municipal

officers and submitted to the Maine Board of Environmental Protection (BEP) following adoption by the municipal legislative body and shall not be effective unless approved by the BEP. If the BEP fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.

Section 5. Effective Date and Repeal

A. The Land Use Ordinance was originally in full force as of 22 December 1988 and was amended on 1 April 1989, 29 December 1989, 28 December 1990, 23 March 1991, 27 March 1993, 26 March 1994, 27 March 1999, 24 March 2000, 23 March 2002, 27 March 2004, 25 March 2005, 24 March 2006, 27 March 2009, 26 March 2010, 14 April 2016, 2 November 2021, 14 June 2022, 30 March 2024 and 9 September 2025. The Ordinance amendments herein shall be enacted and be in full force and effect on the day of approval of this Ordinance by the voters of the Town of Washington, at a Town Meeting, and

B. Any land use ordinance of the Town of Washington in effect prior to 22 December 1988 was repealed as of that date.

C. **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. section 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. On the date established under 38 M.R.S.A section 438-A(5), the following provisions of this Ordinance are repealed:

a. Article VI "District Regulations", Section 1 "Resource Protection District", Subsections C(1) and D(1); and

b. Article VIII "Shoreland Zoning Standards", Section 10.

ARTICLE XIV - ARRAYS

Section 1. Purpose

The purpose of this section is to accomplish the following objectives with the least possible regulation:

1. To encourage the development of on-site energy production and consumption;
2. To protect the public health and safety;
3. To promote the general welfare of the community;
4. To meet the goals of the Comprehensive Plan;
5. To conserve the environment, wildlife habitat, fisheries and unique natural areas; and
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

Section 2. Authority

The Washington Planning Board is vested with the authority to review and approve, approve with conditions or reject any application for arrays as defined in this Ordinance.

1. The Washington Planning Board reserves the right to hire independent third-party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or nonprofit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.

4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.

5. The applicant shall have the right to request a public hearing before the Board of Appeals to determine if the expert, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.

6. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant.

7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

Section 3. Exempt Arrays

The following arrays are exempt from this article, provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally-permitted residential or residential accessory structure.

2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.

3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).

4. Repair or replacement of array components that do not enlarge the area of the existing array.

5. Arrays regulated by the Washington Wireless Telecommunication Facility (WTF) Ordinance.

6. Single wind energy conversion units for private use no more than 80 feet high.

Section 4. Location and Size

Arrays may be permitted in all districts subject to all requirements of securing site plan approval and a building permit and the following size restrictions:

1. Resource Protection (RP) District: less than or equal to one-half (1/2) acre.
2. Farm and Forest (FF) District: less than or equal to ten (10) acres.
3. Rural (RU) District: less than or equal to five (5) acres.
4. Rural/Commercial (RC) District: any size.
5. Village (VI) District: less than or equal to one-half (1/2) acre.
6. Planned Development (PD) District: any size.
7. Shoreland Limited Residential (LR) District: less than or equal to one-half (1/2) acre.
8. Watershed (WS) District: less than or equal to the underlying district limit.
9. Historic Preservation (HP) District: less than or equal to one-half (1/2) acre.

Section 5. Site Plan Review

All non-exempt arrays must be approved by the Washington Planning Board through the Town of Washington Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the site plan.

1. A site plan stamped and certified by a Maine-registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.
3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different)

whose minimum requirements meet the standards in Section 6, below. Such plan must be filed in the Knox County Registry of Deeds prior to the first operation of the array.

4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said array, including, but not limited to, cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material to be recycled shall be included in the WSMP.

Section 6. Guarantee For Removal

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Washington, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.

2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.

3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments to the guarantee.

4. **Types and Contents of Guarantee**

   One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.

   a. **Interest-Bearing Escrow Account**

      A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the

town, direct deposit into a savings account, or purchase of a certificate of deposit.

i. For any account opened by the applicant, the town shall be named as owner or co-owner, and consent of the town shall be required for a withdrawal.

ii. Any interest earned on the escrow account shall be returned to the applicant unless the town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

b. **Performance Bond**

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the town, and the procedures for collection by the municipality. The bond documents shall specifically reference the array facility for which approval is sought.

c. **Irrevocable Letter of Credit**

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Select Board, and/or town attorney, expenses paid by the applicant.

Section 7. Decommissioning and Abandonment

1. The lessee of the facility, or the owner of the parcel if there is no lessee, will do the following at a minimum to decommission the project.

   a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.

   b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.

c. Restore the land to a condition reasonably similar to its condition before development, including replacement of topsoil removed or eroded.

d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.

2. All said removal and decommissioning shall occur within 12 months of the facility's ceasing to operate.

3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:

   a. The land lease ends; or

   b. The system does not function for 12 months; or

   c. The system is damaged and will not be repaired or replaced.

   A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made toward that goal.

   If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility, the Code Enforcement Officer shall find that the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of

notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Select Board.

a. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days of notice by the Code Enforcement Officer.

b. In the event the landowner fails to remove the facility as stated above, the town of Washington shall have the facility removed at the expense of the landowner.

c. Any unpaid costs associated with the removal one year after removal shall be enforced as a tax lien placed on the real estate of the array site.

Section 8. General Standards for All Arrays

1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.

2. Unless otherwise specified through a written contract or agreement, a copy of which is on file with the Washington Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.

3. Approval under this Article is conditioned upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act, Site Law, Stormwater Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.

4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a building permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired, during which no appeal has been filed.

5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing

disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

6. All on-site electrical wires or piping associated with the system shall be installed underground, except for "tie-ins" from above-ground mounted installations and to public-utility company transmission poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.

7. The array site shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind, except appropriate manufacturer's or installer's identification and warning signs.

8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports or roadways.

9. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcels or the night sky. Motion sensor control is preferred.

10. Any point of potential contact of people or animals with generated electric current must be secured.

11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border in addition to any fence that may be erected, and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection.

    Berms with vegetation are encouraged as a component of any buffer, and the Planning Board may allow up to 25% reduction in the required buffer width with a berm.

12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of

the overall project at the discretion of the Planning Board.

13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Washington and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.

14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.

15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

Section 9. Solar Energy Conversion Arrays (SECA)

1. **Setbacks:**

   All parts of the SECA shall be set back from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collector surface area.

2. **Height:**

   A ground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts, as measured from the ground level to the system's highest point at full tilt, except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the maximum height shall be 40 feet, as measured from the ground level to the system's highest point at full tilt.

3. **Roof Load:**

   The weight of any SECA proposed to be roof-mounted on any non-exempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.

4. **Lot Coverage:**

   The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

5. **Design Standards:**

   a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors, provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.

   b. SECA installations shall not obstruct solar access to neighboring properties.

   d. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

Section 10. Wind Energy Conversion Arrays (WECA)

1. **Setbacks:**

   All parts of the WECA shall be set back from all property lines a distance equal to the height of the wind-system structure measured from the ground to the system's highest point plus the required minimum setback of the district in which it is located.

2. **Height:**

   Each WECA unit shall have a maximum height of 80 feet in all districts, as measured from the ground level to the system's highest point, except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the maximum height shall be 140 feet, as measured from the ground level to the system's highest point.

3. **Noise:**

   The WECA shall not exceed 45 dBA, as measured at the property line in all districts, except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the WECS shall not exceed 55 dBA, as measured at the property line.

A WECA may exceed 65 dBA in the Rural/Commercial, Farm and Forest, and Planned Development districts and 55 dBA in all other districts during short-term events such as severe windstorms.

4. **Shadow Flicker and Blade Reflection**

The WECA shall be designed and sited so that alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object (shadow flicker), and/or blade reflection will not fall on any occupied building on a non-participating landowner's property plus an additional 100-foot boundary surrounding the exterior of the occupied building, the entire outdoor public area surrounding schools, churches and public buildings, and public roads with a posted speed limit greater than 25 mph (shadow flicker receptor).

The shadow flicker or reflection shall not exceed 10 hours per year for any given shadow flicker receptor.

5. **Avian and Bat Protection**

All WECA site plan applications shall include an Avian and Bat Protection Plan to be approved by the Planning Board.

6. **Design Standards:**

a. The minimum distance between the ground and any wind-turbine blades of a WECA unit shall be 25 feet, as measured at the lowest arc of the blades.

b. All units in a WECA shall be equipped with both manual and automatic over-speed controls.

c. The WECA shall be designed and installed such that public access via step bolts or a ladder is prevented on each unit for a minimum of 12 feet above the ground.

d. The WECA units shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

e. No WECA unit shall be lighted unless required by the FAA.

f. No WECA unit shall be roof-mounted.

Section 11. Antenna Arrays (AA)

1. **Setbacks:**

   All parts of the AA shall be set back from all property lines a distance equal to the required minimum setback of the district in which it is located plus 10 feet for each 100,000 square feet or fraction thereof of array surface area.

2. **Height:**

   A ground- or pole-mounted AA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt, except for the Rural/Commercial, Farm and Forest, and Planned Development districts, where the maximum height shall be 40 feet, as measured from the ground level to the system's highest point at full tilt.

3. **Roof Load:**

   The weight of any AA proposed to be roof-mounted on any structure must be calculated and a determination must be made by a registered engineer that the load rating of the underlying structure can accommodate the additional weight.

4. **Lot Coverage:**

   The surface area of a ground- or pole-mounted system, regardless of the mounted angle or the parabolic antenna shape, shall be calculated as part of the overall lot coverage.

5. **Design Standards:**

   a. AA installations shall not obstruct solar access to neighboring properties.

   b. Placement of AAs on roofs shall not extend horizontally past the roofline.

c. The AA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

ARTICLE XV - DEFINITIONS

Section 1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Section 2. Definitions

ABUTTING PROPERTY: any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public or private road or way from the lot in question.

ACCESSORY USES: uses clearly incidental and subordinate to a principal building or use allowed in the district in which it is located, and located on the same lot with such principal building or use.

ACCESSORY DWELLING UNIT: a self-contained dwelling unit located within, attached to or detached from a single-family detached dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and not more than 800 square feet.

ACCESSORY STRUCTURE: a building or structure detached from the principal building and having a use incidental and subordinate to the principal use. Accessory buildings include but are not limited to woodsheds, toolsheds, garages, dog houses, etc. Accessory buildings less than 240 square feet in area shall not require a permit, providing all performance standards are met.

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:

A. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or

B. 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

C. 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

D. 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.

ADULT FOSTER HOME: A licensed boarding care facility having fewer than five residents.

AGRIBUSINESS: Farming engaged in as a large-scale business operation embracing horizontally and vertically integrated production, processing, and distribution of agricultural products and the manufacture of farm machinery, equipment, and supplies, and as a system where the farm owner, the farm manager and the farm worker are different people.

AGRICULTURAL BUILDINGS: A nonresidential building used for an agricultural use or in conjunction with an agricultural activity, including but not limited to, barns, sheds, farm animal shelters, coops for domestic birds, silos, and equipment storage buildings.

AGRICULTURE: the cultivation of the soil, production of crops, or the raising of livestock, including animal husbandry, in number exceeding five of any one species or 15 in the aggregate.

ALL TERRAIN VEHICLE (ATV): A motor-driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multi-track, multi-wheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind.

ANTENNA ARRAY (AA): A set of two or more antennas whose signals are combined or processed in order to achieve improved performance over that of a single antenna. An antenna array is often called a 'phased array.' This definition does not include arrays regulated by the Washington Wireless Telecommunication Facility Ordinance.

ARRAY: An installation of more than one component installed, linked or wired together for a single purpose. The area of the system includes all the land of the parcel or parcels it is placed on or inside the perimeter of the system, which extends to any exterior fencing.

For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area or any single wind energy conversion unit greater than 80 feet high is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, antenna arrays and wind farms.

ATV TRAILS: An improved or rustic public trail which has been cleared for use by ATVs.

AUTOMOBILE GRAVEYARD: A yard, field or other area used to store three or more unregistered or uninspected motor vehicles as defined in 29-A MRSA §101(42), or parts of such vehicles.

A. Does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

B. Includes an area used for automobile dismantling, salvage and recycling operations.

AUTOMOBILE RECYCLING OPERATION: Except as this term may otherwise be defined by state law, an automobile recycling business shall mean the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the application for an automobile recycling business permit is used for automobile recycling operations.

AUTOMOBILE REPAIR GARAGE: A place where, with or without the attendant 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; overall painting and undercoating of automobiles.

AUTOMOBILE SALVAGE OPERATION: the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

AUTOMOBILE SERVICE STATION BUILDING: A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

BABYSITTING SERVICE: persons providing in-home daycare for less than three children under the age of 13 unrelated to the provider on a regular basis.

BED AND BREAKFAST: Any establishment where the general public can stay overnight and are provided with a breakfast meal, full or continental, and providing no more than four rooms for overnight guests.

BERM: A barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

BOARDING HOME: A licensed boarding care facility having more than five residents.

BUFFER YARD: A unit of land, together with a specified type and amount of planting thereon, and any structures, such as, but not limited to, fences, retaining walls and/or berms, which may be required between land uses to eliminate or minimize conflicts.

BUILDING: Any structure with a floor area greater than 64 square feet, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered a separate building.

BUSINESS SERVICE: A service, other than home occupations, exemplified by the types of services listed under U.S. Standard Industrial Classification code 73, including, but not limited to: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data processing services, management and public relations, and the business offices of corporations or firms.

CAMPGROUND: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes, including erection of tents, trailers, lean-tos, overnight cabins, or similar structures and parking facilities.

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating that a structure or development is in compliance with the provisions of all applicable town ordinances.

CERTIFICATE OF OCCUPANCY: A document signed by the Code Enforcement Officer stating that a structure and/or development is in compliance with the provisions of all applicable town ordinances and permits issued for the structure and/or development.

CLEARCUTTING OF TREES: Any timber harvesting on a forested site greater than 5 acres in size that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Title 12 M.S.R.A. section 8869, subsection 1.

CLUSTER DEVELOPMENT: A form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems. Total land involved must be "good" land, not swamp or road, etc. and a percentage dedicated to common open space or other types of protected open space. In exchange for this dedication, density can be increased by up to 150%, but each dwelling lot must be no smaller than 20,000 square feet. All clustered residential

developments shall be subject to subdivision regulations and approvals.

CODE ENFORCEMENT OFFICER: The official responsible for enforcement of this Ordinance and for other duties set forth by state statute and other ordinances.

COMMERCIAL AGRICULTURE: The production, keeping, or maintenance for sale or lease to the public as a business enterprise, 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; also including composting, slaughtering and meat processing activities. Commercial agriculture does not include forest management and timber harvesting activities. *See the definition of Agriculture.*

COMMERCIAL ARRAYS: Arrays that provide power or signals for commercial applications, such as, but not limited to: fee-based public supply, factories, remote traffic controls, telecommunications, or oil and gas industry applications, except as specifically exempted by this Ordinance.

COMMERCIAL ENTERPRISES AND SALES: Activity involving the buying and selling of goods and finished products on a large scale, including, by way of example only, the following: auto repair facilities and shops; nonresidential research for profit; commercial outdoor recreational facilities and services; warehousing and storage facilities; wood processing & sales together with related timber harvesting; wholesale sales operations; and any retail establishment of 5,000 square feet or more. *See also the definition of CAMPGROUNDS and FORMULA BUSINESS.*

COMMERCIAL FUEL DISTRIBUTION OPERATIONS: A premises where oil and gas products used for domestic or commercial heating, cooking and similar purposes are stored and from which they are distributed to the ultimate consumers or to retail or wholesale businesses. It does not include oil and gas products used for manufacturing or industrial purposes.

COMMERCIAL OUTDOOR RECREATION: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including, but not limited to, standard golf courses, ice skating rinks, tennis courts and cross-country ski trails, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving

exclusively a residential use shall be considered accessory to the residential use.

COMMERCIAL STORAGE AND/OR WAREHOUSING: A structure with areas for rent for the storage of items by the public; or the storage, deposit, or stocking of merchandise or commodities in a structure or room, or on the premises, and includes temporary storage of materials normally associated with construction and landscaping.

COMMERCIAL WOOD PROCESSING AND/OR SALES: The commercial storage, sawing, chipping, splitting, compacting and related activities associated with producing combustible wood products for sale to the public in excess of 50 cords per year. Firewood harvesting and processing for one's personal use is a "use by right" in all districts if all other requirements are met.

COMMUNITY BUILDING: A private building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

CORNER LOT: A lot that is located at the intersection of two streets. For purposes of determining setbacks from the road right-of-way, the setback requirement from the road right-of-way shall apply to the main street (911 address) and the side yard setback requirement shall apply to the side street.

CULTURAL FACILITIES: Not-for-profit facilities dedicated to recognized public or philanthropic purpose and intellectual endeavor, such as a library, museum, auditorium or performing or visual arts center.

DAYCARE FACILITY: A house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day providing care and protection for three or more children under the age of 13; or any location or locations operated as a single childcare program or by a single person or persons when there are more than twelve (12) children being cared for. Does not include a facility operated by a family childcare provider, a summer camp established solely for recreational and educational purposes, programs offering instruction to children for the purpose of teaching a skill such as karate, dance or basketball or a private school recognized by the Department of Education as a provider of equivalent instruction for the purpose of compulsory school attendance, or a formal public or private school in the nature of a kindergarten or elementary or secondary school

approved by the Commissioner of Education in accordance with Title 20-A.

DEBRIS: Any cast-off or used materials, including but not limited to, trash, garbage, demolition material, appliances, automobile parts, barrels, drums, or tires, that are accumulated but are not offered for sale.

DECK: See "open porch or deck".

DEVELOPMENT: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships, including but not limited to, setback, lot area, shore frontage and height.

DOMESTIC PARTNER: Two (2) unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare. Domestic partnership may be demonstrated by providing proof of (1) Registration as a domestic partner with the State Office of Health Data and Program Management; or (2) legal domicile for a period of at least 12 months: and (3) that neither partner is married nor in a registered domestic partnership with another person.

DRIVEWAY: A vehicular access-way less than five hundred (500) feet in length serving two lots or fewer.

DWELLING: Any building or structure or portion thereof designed or used for residential purposes.

SINGLE-FAMILY ATTACHED DWELLING: A building containing single-family dwelling units each with two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways. Single-family attached dwellings are permitted as part of clustered residential developments or in any district which allows multifamily dwellings.

SMALL FAMILY DWELLING: a structure or parcel containing one to three dwelling units for occupation by not more than three families. The term shall include multi-sectional modular homes, and shall be deemed to include manufactured housing units or older mobile homes.

TWO-FAMILY DWELLING: A building used for residential occupancy by two families living independently of each other.

MULTI-FAMILY DWELLING: A building containing four to six dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes commercial space as the principal use.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, and eating. The term shall include seasonal dwellings (designed for occupancy for fewer than three months), but shall not include motor homes or recreational vehicles, nor shall it include hotel or motel rooms or suites, rooming house rooms, or similar accommodations. 'Living area' shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas, whether or not enclosed.

EMERGENCY AND FIRE PROTECTION ACTIVITIES: Activities by first responders, emergency medical services, and fire departments to protect life, limb and property due to an accident and/or the suppression and extinguishment of fire.

ESSENTIAL SERVICES: The construction, alteration or maintenance of 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 that are necessary for the furnishing of such services.

EVENT CENTER: A multi-purpose venue facility hosting special events such as, but not limited to, graduations, weddings, anniversaries, holiday gatherings, trade shows, functions or 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. An event center may not offer overnight accommodations. *6-14-2022*

EXPANSION OF A STRUCTURE: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or other transient visitor quarters. Such unit shall not exceed five persons not related by blood or marriage.

FARM POND OR FIRE PROTECTION POND: A constructed pond used for agricultural, recreational, safety, or landscaping purposes and not for the purpose of mineral extraction. Farm ponds will be constructed in adherence with plans approved by the Knox and Lincoln County Soil and Conservation District or prepared by an engineer or other certification approved by the Planning Board.

FINANCIAL SERVICE: A service other than home occupations exemplified by the types of services listed under U.S. Standard Industrial Classification Codes 60 through 67, inclusive, and including banking, other credit agencies, security and commodity brokers and services, and insurance, real estate, and investment offices.

FLEA MARKET: An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four days in any six-month period.

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.

FOREST MANAGEMENT: Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, including removal of dead or diseased trees, but not timber harvesting

FORMULA BUISNESS: Formula businesses are a type of multi-location retail sales establishment, restaurant, tavern, bar or take-out food establishment that maintain certain

common characteristics. Formula businesses are often referred to as chains. A formula business stands alone as a principal use, but may include a single accessory use. A formula business use shall be one of twenty (20) or more distinct and separate locations on a national basis and maintain two (2) or more of the following features:

1) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor and represent a common brand, bearing uniform markings.

2) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination or words, phrases, symbols or designs that identifies and distinguishes the source of the goods offered by one party from those of others, on products or as part of store design.

3) Standardized interior décor, including but not limited to, style of furniture, wallcoverings or permanent fixtures.

4) Standardized exterior facade or color scheme used throughout the interior or exterior of the establishment.

5) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hats, and pins, other than name tags.

FORTY PERCENT (40%) NO-CUT BUFFER: In any area that requires a buffer, as in a 30-foot buffer between residential and nonresidential, or along property lines, the amount of thinning, clearing and cutting of brush shall be regulated by the same standards as shown in the Limited Residential District.

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas which are:

A. shown as shaded areas on the Town of Washington tax maps, or which are

B. land areas which are inundated or saturated by surface or groundwater at a frequency and for a duration

sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

FRONTAGE: (*see also shore frontage*) The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

A. a way accepted by or established as belonging to the Town of Washington, Knox County, or the State of Maine, provided access is not specifically prohibited;

B. a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;

C. a private or public way which has not been approved by a governmental subdivision, but which has been established in a deed or on a plan recorded in a registry of deeds.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property line along such way or ways.

GARBAGE: All waste from the preparation, cooking and consumption of food, market refuse, waste from handling, storage and sale of produce, whether in containers or not, excepting a properly constructed and functional compost pile, bin or receptacle.

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

HAZARDOUS WASTE: Substances identified under 38 MRSA §1319 that present a current or potential danger to the people of the state or to its natural environment when deposited on land

or discharged on or into the waters of the state or ambient air. {38 MRSA §1317(2)}

HEIGHT OF BUILDING: Vertical measurement from a point on the ground at the mean original grade adjoining the foundation, as calculated by averaging the highest and lowest original points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys and antennae.

HOME FARMING: The keeping of cattle, pigs, sheep, horses, and other similar farm animals; the keeping of chickens, ducks, geese or similar fowl; and/or the growing of fruits and vegetables in a garden area for family consumption and not for sale at either wholesale or retail.

HOME OCCUPATION: An occupation or profession for financial gain which is carried on in a dwelling unit or structure accessory to a dwelling unit and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. Sale of products shall be limited to those which are assembled or substantially altered on the premises. The term "home occupation," shall include both professional and personal services, within the limits of number of employees established below.

A. The home occupation shall be carried on wholly within the dwelling or accessory structure.

B. The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.

C. There shall be no exterior display, no exterior signs other than those permitted by the Land Use Ordinance.

D. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted. Any waste/hazardous waste shall be disposed of in accordance with D.E.P. regulations.

E. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.

F. If existing off-street parking is required to be expanded, it shall be adequately screened from the road and from adjacent lots.

G. Should all the above conditions not be maintained on a continual basis, the Planning Board shall determine whether the home occupation has become a commercial operation requiring site review.

INDUSTRIAL USES: Activity involving the extraction of or bringing in of raw materials or of components, manufacturing, packaging, assembly, or distribution of finished products, including the processing of raw materials; mining and mineral extraction; and junk and salvaging operations. *See also the definition of LIGHT INDUSTRIAL USES.*

INN OR MOTEL: A commercial building or group of buildings with four or more rooms built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms.

JUNK: Items described in "JUNKYARD" below.

JUNKYARD: Except as this term may otherwise be defined by state law, a junkyard shall mean a yard, field or other area used to store and/or sell junk, specifically any of, but not limited to, the following items:

A. Discarded, worn-out, old, junked or scrap plumbing, heating supplies, household appliances, automobile parts, barrels, drums, copper, brass, batteries, and all scrap iron, steel and other scrap ferrous or nonferrous material; or

B. Discarded, scrap and junked lumber or furniture; or

C. Old or scrap rope, rags, garbage, trash, rubber debris, tires or other solid waste.

Junkyard items not offered for sale shall be considered debris and are subject to the provisions of Section 4 of Article X of this Ordinance.

LICENSED BABYSITTING SERVICES: A service conducted or maintained in a house or other place by anyone who provides, on a regular basis and for consideration, care and protection which is required to be licensed by the State of Maine as a "Family Childcare Provider", for three to 12 unrelated persons under 13 years of age for any part of a day. In addition to any other review required under this ordinance,

a family childcare provider operating out of their own residence shall be considered a home occupation and shall be allowed under the conditions and regulations applicable to home occupations.

LIGHT INDUSTRIAL USES: Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by way of example only, the following; bakeries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

LOT: A contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document and having frontage, as defined in this Article.

MANUFACTURED HOUSING:

MOBILE HOMES: Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, 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 and electrical systems contained in the unit;

This term also includes any structure which 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, US Code, Title 42, Section 5401, et seq.

MODULAR HOMES: Units which the manufacturer certifies are constructed in compliance with Title 10, chapter 957,

section 9001 et seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

MINERAL EXTRACTION: Any extraction of mineral deposits, including gravel, other than mineral exploration to determine location, extent, and composition or deposits.

MINERAL EXTRACTION ACTIVITY: Any excavation or removal, handling or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal.

MINERAL EXTRACTION SITE OR AREA: All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area.

MINERAL PROCESSING: The processes and related mechanical equipment to wash, crush, or otherwise process rock or earth materials, including the mixing of concrete or asphalt or other aggregate processes. Does not include the loading of material into trucks for transport to off-site processing or the screening of material.

MUNICIPAL USE OR STRUCTURES: Any use or building maintained by the Town of Washington.

NEIGHBORHOOD STORE: A retail store that occupies less than 4,000 square feet of total floor space and within which no alcoholic beverages are consumed.

NET DEVELOPABLE ACRES: The gross acreage available for development, excluding the area for roads or access and the areas which are unsuitable for development.

NONCONFORMING LOT: A single lot or contiguous lots of record which, at the effective date of this Ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING STRUCTURE: A structure that does not meet the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING USE: A use of premises that is not permitted in the district in which it is located, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NORMAL HIGH-WATER LINE: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

NURSING FACILITY OR CONVALESCENT HOME: A facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

OPEN PORCH or DECK: A deck is a platform structure usually with railings but no walls or roof, while an open porch is the same with a roof. An open porch may have screens installed, but will have no permanent windows.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

PERSONAL SERVICE: A service exemplified by the types of services listed under U.S. Standard Industrial Classification code 72, including, but not limited to, laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

PLANNING BOARD: The municipal reviewing authority of the town of Washington, Maine, as defined by 30A M.R.S.A. Section 4301, Subsection 12.

PREMISES: One or more parcels of land which are in the same ownership and contiguous.

PIGGERIES: A type of factory farm specialized for the raising of domestic pigs up to slaughter weight. In this system of pig production, grower pigs are housed indoors in group-housing or straw-lined sheds, whilst pregnant sows are confined in sow stalls (gestation crates) and give birth in farrowing crates. Also known as hog lots.

PRIMITIVE RECREATION: Recreational uses that do not require buildings or structures, or significant alteration of the terrain, such as hunting, fishing, hiking, primitive camping, snowmobiling, cross-country ski trails, and parks of primarily undeveloped, natural character.

PRINCIPAL STRUCTURE: A building other than one that is used for purposes wholly incidental or accessory to the use of another building 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 premises.

PRIVATE CAMPSITES: An area of land that is not associated with a campground, but which is developed for repeated camping by one group only, not to exceed 10 individuals and which involves site improvements which may include, but is not limited to, a gravel pad, parking area, fireplace, or tent platform.

PRIVATE WAY: A road or driveway wholly owned and maintained by one or more abutting landowners.

PROFESSIONAL AND MEDICAL OFFICES: Places of business maintained by one or more individuals who have recognized professional accreditation in their field, which requires an appropriate academic degree, as determined by the permitting authority. Including, but not limited to, doctors, lawyers, engineers, health care professionals, accountants, insurance offices, but not including tradesmen or beauty salons.

PUBLIC FACILITY: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, that is owned, leased, or otherwise operated, or funded by a governmental body or public entity.

PUBLIC ROAD OR PUBLIC WAY: A road which has been accepted as a town road, for which the town owns a right-of-way, and is maintained by the town.

PROHIBITED USES: Any use, activity or development that is not allowed or permitted in a district or a portion thereof is, thereby, strictly prohibited.

REAR LOT LINE: The most parallel side to, or opposite side from, the road that defines the street address of the building(s) or proposed building(s), as determined by the Planning Board.

RECENT FLOOD PLAIN SOILS: The following soil series, as described and identified by the National Cooperative Soil Survey:

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

RECREATIONAL FACILITY: Structures or infrastructures designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

RECREATIONAL VEHICLE: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pickup camper, travel trailer, tent trailer, camper 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 Bureau of Motor Vehicles.

REPLACEMENT SYSTEM: A system intended to replace:

A. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

B. any existing overboard wastewater discharge.

RESIDENTIAL DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

RETAIL ENTERPRISES AND SALES: Activity involving the buying and selling of goods and finished products on a small scale, including, by way of example only, the following: auto service stations; motels, inns and bed and breakfast establishments; small-scale retail and grocery stores; restaurants; and retail vehicle/farm machinery sales. This definition includes activity whereby a client or customer

purchases goods, finished products or raw materials and transports it off-site in their own vehicles. *See also the definitions of BED AND BREAKFAST; MOTELS & INNS; NEIGHBORHOOD STORES; and TRADESMAN SHOPS.*

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

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 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.

SERVICES: Providing the use of something such as skills, knowledge, training, technical expertise; or of something for the public benefit; generally not involving goods or products, except as repairs or replacements for existing products; including, by way of example only, the following: licensed babysitting services and daycare facilities; business services; financial services; nursery schools; nursing homes; personal services; professional and medical offices; diagnostic and repair facilities for household appliances and personal computers; schools, colleges and universities; places of worship; utilities; and veterinary clinics and kennels. *See also the definitions of LICENSED BABYSITTING SERVICE; DAYCARE FACILITY; BUSINESS SERVICE; FINANCIAL SERVICE; NURSING FACILITIES OR CONVALESCENT HOME; and PERSONAL SERVICE.*

SETBACK, BACKYARD or REAR: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of principal or accessory structure. Back and rear yard are synonymous terms.

SETBACK, FRONT YARD: The distance between the road right-of-way or easement line extending the width of the frontage, and the nearest part of any principal or accessory structure; provided, however, that signs erected in accordance with the sign standards of this Ordinance may be placed in the front yard area. In the Shoreland Limited Residential District, the front yard faces the water.

SETBACK, NORMAL HIGH-WATER LINE: The distance from the normal high-water line of any perennial stream or pond or freshwater wetland to the nearest part of a structure.

SETBACK, SIDE YARD: The distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

SHOOTING RANGE: A business open to the public or a private gun club whereby the firing of firearms at fixed or movable targets is a prevalent activity to include skeet ranges, trap ranges, or firearm competition. It does not include gun shops or individual target practice.

SHORE FRONTAGE: The length of a lot's shoreline as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high-water elevation.

SHORELAND AREA: The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet of the normal high-water line of a stream.

SIGN: A structure, device, letter, banner, symbol, or other representation that is used as or is in the nature of an advertisement, announcement, or direction; which is erected, assembled, affixed, or painted out of doors; and which is visible from a public way.

SIGN AREA: The area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy insignia, background and borders, but not including structural supports of the sign. A double-sided sign counts as one sign. A wall sign's area includes such background as is not the same color as the building.

SNOWMOBILE: A vehicle propelled by mechanical power that is primarily designed to travel over ice or snow and is supported in part by skis, belts, or cleats.

SOLAR ENERGY CONVERSION ARRAY (SECA): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

SOLID WASTE: All non-liquid debris, garbage or trash.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute-series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

STRUCTURE: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

STUMP DUMP: An area where stumps, logs and brush are collected off-site and brought to a location for storage, disposal, or decomposing.

TIMBER HARVESTING: The cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products (12 M.R.S.A. § 8868(4)). Also, the cutting of trees on any parcel over 1/2-acre that requires an Intent to Harvest certificate from the State Forestry Bureau.

TRADESMAN SHOP: The shop of a self-employed craftsman or person in a skilled trade.

TRASH: All combustible materials such as, but not limited to, paper cartons, boxes, barrels, wood and excelsior, tree branches, yard trimmings, wood furniture and bedding and non-combustible materials such as, but not limited to, metals, tin cans, plastic containers, dirt, glass crockery, and other mineral refuse.

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND EDGE: The boundary between upland and wetland. The upland edge is formed where the soils are not saturated for the 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 20 feet tall or taller. {DEP § 17}

USES BY RIGHT: Any use, activity or development in a district, or a portion thereof, that is allowed subject to the specific restrictions applicable to that district and other applicable portions of this Ordinance, and which requires no permit.

USES REQUIRING A CEO PERMIT: Any use, activity or development permitted in a district, or a portion thereof, and subject to the restrictions applicable to that district, which after a complete application by the applicant may be permitted by the Code Enforcement Officer without Planning Board review.

USES REQUIRING PLANNING BOARD REVIEW: A use, activity, or development that, owing to some special characteristics attendant to its operation or installation, requires approval by the Planning Board subject to special requirements different from the usual requirements of this Ordinance.

UTILITY STRUCTURES AND 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 wastewater 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. Does not include cell towers.

Satellite dishes serving a residential use on a single lot shall be considered accessory to such use.

VARIANCE: A grant of permission by the Board of Appeals to relax the space and bulk standards or performance standards of this Ordinance. Any such grant shall strictly comply with the standards and procedures of Article VII of this Ordinance. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

VEGETATION: All live trees, shrubs, ground cover, and other plans, including without limitation, trees both over and

under 4 inches in diameter, measured at 4-1/2 feet above ground level.

VOLUME OF A STRUCTURE: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WATER BODY: Any great pond, river, or stream.

WETLAND: Areas delineated as numbered wetlands on the Maine DEP Wetlands Map that are characterized as being inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands that 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. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

WIND ENERGY CONVERSION ARRAY (WECA): A grouping of devices sometimes called "wind turbines," more correctly termed "aerofoil-powered generators," that converts kinetic energy from the wind, a solar-generated force, into electrical power. A WECA is sometimes called a "Wind Farm."

YARD (OR GARAGE) SALE: A sale of used household goods, curios, and the like. Yard (or garage) sales, distinguished from flea markets, shall be considered to be residential accessory uses under this Ordinance.

APPENDIX: NAICS