TOWN OF BELGRADE

SHORELAND ZONING ORDINANCE

As Revised 2025

ENACTED BY REFERENDUM NOVEMBER 5, 1991
INCORPORTATES CHANGES ENACTED BY REFERENDUM ON THE FOLLOWING DATES:
6/9/92, 11/6/92, 3/5/93,, 11/5/93, 6/5/95, 3/1/96,2/28/97, 3/6/99, 6/7/11,11/6/18 and 03/14/2025

CERTIFIED BY: *Mary J. Vogel*
Signature

CERTIFIED BY: Mary J. Vogel
Printed Name

TITLE: Town Clerk

Shoreland Zoning Ordinance

for the Municipality of Belgrade, Maine

Approved by Referendum Nov. 5, 1991, Effective Nov. 22, 1991

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Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; 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.
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Section 2. Authority

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

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high- water line of a stream.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

A. This Ordinance, which was adopted by the municipal legislative body on November 5, 1991, shall not be effective unless approved by the Commissioner of the Maine Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded within 14 days of adoption to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance within forty-five (45) days of receipt of the Ordinance, it shall be deemed approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on November 5, 1991, and last amended on June 7, 2011, is hereby repealed. Any application for a permit submitted to the municipality on or after the date of adoption or amendment of this Ordinance shall be governed by the terms of this Ordinance if the Ordinance or amendment is approved by the Commissioner of the Department of Environmental Protection.

Section 5. Availability

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

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body of the Town of Belgrade. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection within 14 days following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environ- mental Protection. If the Commissioner of the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality on or after the date of adoption of an amendment to this Ordinance shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection

B. Scale of Map

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

C. Certification of Official Shoreland Zoning Map

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

D. Changes to the Official Shoreland Zoning Map

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

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the center lines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used, changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, relocated, replaced, reconstructed, or altered, and no new lot shall be created, except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance shall have been granted.

Section 12. Non-conformance

A. Purpose

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

B. General

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

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

C. Non-conforming Structures

1. Expansions: A legally existing non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as is authorized to issue a permit if the structure were a new structure, if such addition or expansion conforms with the following criteria, does not increase the non-conformity of the structure, meets the standards of land use specified in this Ordinance, and is not otherwise prohibited by this Ordinance, and is in accordance with subparagraphs (a) and (b) below.

a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
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t increase nonconformity with the water body, tributary stream, or wetland setback requirement.

b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater. Any increase in footprint or maximum height shall occur on the side of the structure furthest from

the water body, tributary stream, or wetland such that no portion of the expansion is closer to the water body, tributary stream, or wetland than any other side of the structure.

c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

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

ined total footprint for all structures may not be expanded to a size greater than 1,000 square feet. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

f a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above. If the structure is located in a Resource Protection Slope District, expansion shall be permitted only in floor area or height; expansion in footprint area shall be prohibited.

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

2. Prohibited Expansions:

a. Expansion of any non-conforming structure toward a water body, tributary stream, or upland edge of a wetland is prohibited.

b. Expansion of any non-conforming structures or portions thereof that legally exist and exceed the maximum allowable total (combined) floor area specifications set forth in Section 12(C)(1)(a), Section 12(C)(1)(b), or Section 12(C)(1)(c) above is prohibited.

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

4. Stairs and ramps: Attached stairs or ramp, not to exceed six (6) feet in width, shall be permitted to be added to a non-conforming structure closer to the body of water than the existing structure provided that:

a. No reasonable alternative location exists.

b. The number of stair treads or ramp length is the minimum needed to span the distance from entrance floor-level to ground level; and,

c. Where stair design requires treads to change direction of orientation, the dimension of landings shall not exceed six (6) feet by six (6) feet. Stairs constructed in conformance with this section shall not be considered to increase the floor area of the principal structure of which they are a part.

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

In determining whether the building relocation meets the set- back to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require planting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(R). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five (5) trees are planted, no one species of tree shall make up more than fifty percent (50%) of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

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

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

6. Reconstruction or Replacement : Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(5) above.

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

   In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 12(C)(5) above, the physical condition and type of foundation present, if any.

7. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses, including initiation of any new non-conforming use, are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1) above.

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

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

impact shall be made according to criteria listed in Section 12 (C) (5) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of May 4, 1976, may be built on without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, that the State Minimum Lot Size Law and Subsurface Waste Disposal Rules are complied with, and that all provisions of this Ordinance except lot area, shore frontage, and minimum lot width can be met. Variances relating to setback or other requirements not involving lot size, lot width, or shore frontage shall be obtained by action of the Board of Appeals.

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

3. Single Lot - Two or More Existing Structures or Uses: If two or more principal uses or structures existed on a single lot of record at the time of or since adoption or amendment of this Ordinance, each may be sold on a separate lot provided that each lot complies with the State Minimum Lot Size Law and the Subsurface Wastewater Disposal Rules. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

4. Contiguous Lots - Vacant or Partially Built:

a. One or more lots partially built and one or more lots vacant:

(1) Improved lot(s) non-conforming - If at any time after the effective date of this amendment two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if any of these parcels is an improved parcel; and if at least one of these parcels is vacant; and if the improved parcel(s) do not individually meet the dimensional requirements for the prevailing use(s), the vacant parcel(s) and the improved parcel(s) shall be merged to the extent possible and necessary to minimize nonconformity with or to meet the dimensional requirements of this Ordinance applicable to the intended use(s) of the merged parcel(s).

If merger results in two or more non-conforming improved parcels, the parcels resulting from merger shall be transferrable in accordance with Section 12(E)(2).

In any event, an owner of two or more contiguous parcels may not combine them under this Section so as to leave a substandard lot and assert a right to an exception of the latter.

(2) Vacant lot(s) non-conforming - If at any time after the effective date of this amendment two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if any of these parcels is an improved parcel; and if at least one of these parcels is vacant; and if the vacant parcel(s) does not meet the dimensional requirements for the proposed use(s), no right to exception shall exist and no variance to the dimensional requirements of this Ordinance shall be grantable for the use or improvement of the vacant parcel(s).

b. All parcels vacant - If at any time after the effective date of this ordinance two (2) or more contiguous parcels are at any time held in single or joint ownership of record; and if all of these parcels are vacant; and if one or more of these parcels does not meet the dimensional requirements for a proposed land use, the parcels shall be merged to the extent possible and necessary to minimize nonconformity with or to meet the dimensional requirements of this Ordinance applicable to the intended use(s) of the merged parcel(s).

If the merged parcel does not meet the dimensional requirements for the proposed use, the merged parcel shall be entitled only to the provisions of this Ordinance to which a lot of record of the date of application for permit is entitled.

In any event, an owner of two or more contiguous parcels may not combine them under this Section so as to leave a sub- standard lot, and assert a right to an exception of the latter.

5. The requirements of Sections 12(E)(2), 12(E)(3), and 12(E)(4) are intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation for the purposes of this Ordinance.

F. Relocation and Reconstruction or Replacement of Conforming Structures on Non-conforming Lots.

1. Relocation: A conforming structure may be relocated within the boundaries of the non-conforming lot on which the structure is located provided that the site of relocation shall not cause the structure to become non-conforming and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and that the State of Maine Sub- surface Wastewater Disposal Rules (Rules) or that a new system can be installed in compliance with the law and Rules.

2. Reconstruction or Replacement: A conforming structure which is located on a non-conforming lot may be reconstructed or replaced according to the following criteria:

a. In all cases in which reconstruction or replacement is permitted, the reconstructed or replacement structure shall be a conforming structure as determined by the criteria set forth in this Ordinance, as amended, effective on the date application to reconstruct or replace is determined to be complete. In no case shall a conforming structure be reconstructed or replaced so as to become a non-conforming structure.

b. A reconstructed or replacement structure may be expanded to the extent permitted by Ordinance. Application to expand may be combined with application to reconstruct or replace and shall be submitted to the permitting authority of Table 1 of this Ordinance having authority to grant permits for a new structure of the same type on a non-conforming lot.

c. Nothing in this section shall prevent the timely demolition of any portion or all of the remains of any destroyed or damaged structure by an authorized agent of the Town of Belgrade or other authorized person acting in a governmental administration capacity in order to provide for the public health, safety, or welfare.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of _____, 2018.

2. Flood plains along rivers, defined by the 100-year flood plain 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 flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater. Areas meeting these criteria shall be in a subdistrict designated Resource Protection-Slope District.

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

5. Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement

6. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development.

B. Limited Residential District

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

C. Limited Commercial District

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

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities.
b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

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

2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses:

a. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

b. In areas adjacent to great ponds and adjacent to rivers flowing to great ponds, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds, and adjacent to rivers which flow to great ponds

E. Stream Protection District

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

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB - Requires permit issued by the Planning Board
CEO - Requires permit issued by the Code Enforcement Officer
LPI - Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection
LR - Limited Residential
LC - Limited Commercial
GD - General Development
SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USE	DISTRICT				
	SP	RP	LR	LC	GD
1. Non-intensive recreational use, no structures (e.g. hunting, fishing, hiking)	YES	YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES	YES
3. Forest management, except timber harvesting and land management roads	YES	YES	YES	YES	YES
4. Timber Harvesting and Land Management Roads	No permit required from the Town of Belgrade under this Ordinance. Regulated by the Bureau of Forestry, Maine Dept. of Agriculture, Conservation & Forestry in all Districts under Chapter 21 of that department's regulations.				
5. Clearing or removal of vegetation for activities other than timber harvesting.	CEO	CEO[1]	YES	YES	YES
6. Fire prevention activities	YES	YES	YES	YES	YES
7. Wildlife management practices	YES	YES	YES	YES	YES
8. Soil and water conservation practices	YES	YES	YES	YES	YES
9. Mineral exploration	NO	YES[2]	YES[2]	YES[2]	YES[2]
10. Mineral extraction (incl. sand and gravel extraction)	NO	NO	NO	NO	NO
11. Surveying and resource analysis	YES	YES	YES	YES	YES
12. Emergency operations	YES	YES	YES	YES	YES
13. Agriculture	YES	PB	YES	YES	YES
14. Aquaculture	PB	PB	PB	YES	YES
15. Principal structures or uses					
A. One/two family residential					
(1) Non-conforming lot	PB[4]	NO	PB	PB	CEO
(2) Conforming lot	PB[4]	NO	CEO	CEO	CEO

TABLE 1. LAND USES IN THE SHORELAND ZONE (continued)

LAND USE	DISTRICT				
	SP	RP	LR	LC	GD
B. Multi-residential	NO	NO	PB	PB	PB
C. Commercial	NO	NO	NO	PB	PB
D. Industrial	NO	NO	NO	NO	PB
E. Government, institutional	NO	NO	PB	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB[4]	PB[10]	CEO	CEO	CEO
16. Structures accessory to allowed uses					
A. Non-conforming lot	PB[4]	PB[9]	PB	PB	CEO
B. Conforming lot	PB[4]	PB[9]	#CEO	CEO	CEO
17. Conversion of seasonal residence to year-round residence	LPI	NO	LPI	LPI	LPI
18. Home occupations	PB	PB	PB	CEO	YES
19. Private sewage disposal systems for allowed uses	LPI	NO[9]	LPI	LPI	LPI
20. Essential services	PB[5]	PB[5]	PB	PB	PB
21. Service drops to allowed uses	YES	YES	YES	YES	YES
22. Public & private recreational facilities involving minimal structural development	PB	PB[10]	PB	CEO	CEO
23. Individual, private campsites	PB	PB[10]	PB	CEO	CEO
24. Campgrounds	NO	NO[6],[10]	PB	PB	PB
25. Road & Driveway construction	NO	NO7	PB	PB	PB
26. Parking facilities	NO	NO[6],[10]	PB	PB	PB
27. Marinas	PB	NO	PB	PB	PB
28. Filling and earthmoving of <10 cubic yards	CEO	CEO	YES	YES	YES
29. Filling and earthmoving of <10 cubic yards	PB	PB[9]	CEO	CEO	CEO
30. Signs	YES	YES	YES	YES	YES

TABLE 1. LAND USES IN THE SHORELAND ZONE (continued)

LAND USE	DISTRICT				
	SP	RP	LR	LC	GD
31. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring CEO permit	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

A. **Notification of Permits Issued Pursuant to the State's Natural Resources Protection Act (NRPA), (Title 38 M.R.S.A., Section 480-C).**

Landowners receiving a Maine Department of Environmental Protection Act Permit-by-rule, or full permit, pursuant to the Natural Resources Protection Act for activity in the shoreland zone shall provide a copy of that state-issued permit to the code enforcement officer before work begins on the project.

NOTES TO TABLE 1:

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

[2] Requires permit from CEO if more than 100 sq. ft. of surface area, in total, is disturbed or permit from PB if in a RP-Slope district.

[4] Provided that a variance from the setback requirement has been obtained from the Board of Appeals.

[5] See further restrictions in Section 15(K)(2).

[6] Except when area is zoned RP due to floodplain criteria, in which case a permit is required from the PB

[7] Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit from the PB is required.

[8] Reserved

[9] In RP-Slope district, requires PB approval in accordance with Section 15(X)

[10] Not permitted in a RP-Slope district.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them: dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; draining or otherwise dewatering; filling; or any

Section 15. Land Use Standards

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

A. Minimum Lot Standards

1.

Minimum Lot Area Within Shoreland Zone (sq.ft.)	Minimum Shore Frontage (ft.)
a. Residential, per dwelling unit or principal structure	
40,000	200
*b. Governmental, Institutional, Commercial or Industrial per principal structure or use	
60,000	300
c. Public and Private Recreational Facilities	
40,000	200
d. Individual, Private Campsite	
30,000	See Section 15(D)(1)

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

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

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high- water line of a great pond, river, or upland edge of a wetland or of any lot within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, more than one principal residential structure, or more than one principal governmental, institutional, commercial or industrial structure, or use or combination thereof, is constructed or established within the shoreland zone on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure or use. In determining whether minimum lot area requirements are met, only land area within the Shoreland Zone shall be considered.

Not more than two (2) residential dwelling units in any one (1) structure shall be permitted within the Shoreland Zone.

B. Principal and Accessory Structures

1. Unless otherwise provided in this Ordinance, all new principal and accessory structures or expansion of existing principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds and rivers that flow into great ponds, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet.

In the Resource Protection district the setback requirement shall be 250 feet, except for structures, roads, parking spaces other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. In addition:

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

b. The Planning Board shall increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. On a non-conforming lot of record on which 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 or 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.

2. Principal or accessory structures and expansions of existing structures shall not exceed twenty-five (25) feet in height. However, antenna structures which require height in excess of twenty-five (25) feet in order to achieve effective communication within the terms of a license issued by the Federal Communications Commission to a person having standing with respect to use of the land subject to application for permit shall be exempt from the height limitation specified herein. Antenna structures which are determined to be exempt from the height limitation of this Ordinance shall also be exempt from side and rear lot boundary and road setback requirements of this Ordinance except that the antenna structure shall not be located closer than forty (40) percent of the antenna structure height to any lot boundary line or the near limit of any public road or privately-owned road, unless a variance shall have been obtained from the Board of Appeals based on presentation of engineering data by a Registered Professional Engineer attesting to the public safety of the proposed antenna structure placed at a lesser setback dimension.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated in accordance with the requirements of the Town of Belgrade Floodplain Management Ordinance.

4. The lot coverage (footprint of all un-vegetated surfaces) of the portion of any lot within the shoreland zone shall not exceed twenty (20) percent of the lot area located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located. For calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990, and in continuous existence since that date.

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

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

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

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

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

(d) The total height of the wall(s), in the aggregate, are no more than twenty-four (24) inches;

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

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

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

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

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

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

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

(v) A footpath not to exceed the standards in Section 15 (0)(2)(a), may traverse the buffer;

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

7. New principal or accessory structures and expansions of existing principal or accessory structures shall be located within the non-shorefront boundaries of the lot such that no portion of any structure is closer than ten (10) feet to any non-shorefront boundary of the lot. In addition, no structure shall be constructed or expanded closer than thirty-five (35) feet to the near edge of any public road, and no closer than twenty-five(25) feet to the near edge of any private road.

B. Campgrounds

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 from the normal high-water line of a great pond or a river flowing to a great pond, and seventy-five (75) feet from the normal high- water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, the Planning Board shall increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

D. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted, except in the Resource Protection-Slope District, 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, providing that, if the lot abuts a lake, pond, river, or stream, a minimum frontage of one hundred fifty (150) feet on such body of water exists.

2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/use, and the individual private campsite separately.

3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or river flowing to a great pond, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, the Planning Board shall may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

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

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

6. If wastewater is to be disposed of on-site, a sub- surface wastewater disposal system plan shall be provided on Department of Human Services form HHE 200 and a permit issued by the Local Plumbing Inspector before the site is occupied.

If wastewater disposal is to be accomplished by transferring wastewater from an on-site holding facility to a receiving facility off-site, written authorization from the receiving facility or landowner is required and to be on file at the Town of Belgrade Municipal Office before the site is occupied.

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

E. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, and rivers and streams which flow to great ponds:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops.
3. Chemical and bacteriological laboratories.
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
5. Commercial painting, wood preserving, and furniture stripping.
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing.
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.
11. Photographic processing
12. Printing
13. Any other activity which requires special storage or disposal methods or facilities for chemicals or compounds, other than common household items in typical household quantities, which are potential pollutants or contaminants of bodies of water or the aquifer.

F. Parking Areas

1. Parking areas shall meet the shoreline or tributary stream, setback requirements for structures for the district in which such areas are located.

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

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

a. Typical parking space: Approximately 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.

b. Internal travel aisles: Approximately twenty (20) feet wide.

G. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. Public or privately-owned roads within the Shoreland Zone shall be constructed in accordance with the requirements of the Town of Belgrade Subdivision Ordinance, if the subdivision is located within the Shoreland Zone, Town of Belgrade Road Ordinance and the requirements which follow. In the event of conflict between the Town of Belgrade Subdivision Ordinance, if applicable, the Town of Belgrade Road Ordinance, and this Ordinance, the more restrictive requirement shall apply. Maintenance of required control installations shall continue until the road is discontinued or put to bed.

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond or a river that flows to a great pond, and seventy -five (75) feet from the normal high-water line of other water bodies, tributary steams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or

driveway setback requirement shall be no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (G)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline, or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15 (G)(1) except for that portion of the road or driveway necessary for direct access to the structure.

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

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

4. Road bank and driveway shoulder slopes shall be no steeper than a slope of three (3) horizontal to one (1) vertical and road bank slopes shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection S.

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

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

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

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

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

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

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

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

H. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

1. Signs relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. 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 permitted 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. Only goods, services and commercial signs may be illuminated. Signs may be illuminated only if located along a public road, and illuminated by shielded, non-flashing external lights, constant in color, location and brightness. Internally illuminated signs are prohibited, including digital variable message signs. Signs shall not give off or reflect at an intensity greater than 50 foot candles as measured 100 feet from the sign. Illuminated signs shall be turned off between the hours of 10PM and 6AM except when an establishment is open to the public during those hours.

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. Any project including an increase in impervious surface area or disturbed area must implement Maine Department of Environmental Protection best management practices for storm water consistent with the *Maine Stormwater Management Design Manual (MDEP, March 2016).*

a. If a proposed new development exceeds 30,000 square feet of disturbed area or more than 350 linear feet of new road or driveway, a storm water management plan, developed by a Maine registered professional engineer, is required as part of the permit application. The storm

water management plan shall be consistent with the standards and recommendations of the Maine Department of Environmental Protection publication Maine Stormwater Management Design Manual (MDEP, March 2016).

NOTE: The *Maine Stormwater Management Manual Design* is available on the Maine Department of Environmental Protection's website:

http://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html

For smaller residential projects with 30,000 square feet or less disturbed area and 350 feet or less of new road, best management practices for stormwater may also be found in the Department of Environmental Protection's publication *Conservation Practices for Home Owners* and is also available upon request from the Town office:

http://www.maine.gov/dep/land/watershed/materials.html

These are consistent with the Planning Board's past practices.

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

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

J. Septic Waste Disposal Systems

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

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

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

NOTE: The Maine Subsurface Wastewater Disposal Rules require first-time 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.

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2. Inspection requirements for subsurface wastewater disposal systems within the shoreland zone at the time of property sale.

a. A person purchasing property utilizing a subsurface wastewater disposal system shall, prior to purchase, have the system inspected by a person certified by the Maine Department of Health and Human Services (DHHS) Wastewater Program, except that if weather conditions prohibit the performance of an inspection of the system prior to the purchase, the inspection must be performed within 9 months after the transfer of the property. A copy of the inspection report shall be provided to the system owner.

b. If the inspection finds that the system is malfunctioning, the Town of Belgrade Local Plumbing Inspector shall be notified within 30 days of the inspection date by the system owner.

NOTE: A list of subsurface waste disposal system inspectors certified by the Maine Dept. of Health and Human Services may be found on their website (http://www.maine.gov/dhhs/mecdc/environmental-health/plumb/lists.htm) or by calling (207) 287-5697.

K. Essential Services

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

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

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

L. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety. Mineral extraction is not permitted within the Shoreland Zone.

M. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201-4209).

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

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

4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five 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.

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

N. Timber Harvesting and Land Management Roads

Proposed timber harvesting or land management roads in the Shoreland Zone are regulated by the Maine Bureau of Forestry in the Maine Department of Agriculture, Conservation and Forestry pursuant to Title 12, Section 8837-B, and are required to meet the requirements of Chapter 21 of that State agency's regulations.

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

1. Within a shoreland area zoned for Resource Protection 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 hazard trees as described in Section P. Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

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

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

b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 -< 4 in.	1
4 -<8 in.	2
8 in.< 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. The following shall govern in applying this point system:

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

(ii) Each successive plot must be adjacent to but not overlap a previous plot.

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

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

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

For the purposes of Section 15 (O)(2)(b) "other natural vegetation: is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

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

d. Pruning tree branches on the bottom 1/3 of the tree is permitted.

e. In order to maintain a buffer strip of vegetation, when the removal of storm damaged, dead, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with section P below, unless existing new tree growth is present.

f. In order to maintain the vegetation in the shoreline buffer, clearing and removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(O)(2).

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, , there shall be permitted 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.
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asal 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. This provision applies to the portion of the lot within the shoreland zone, including the buffer area, but shall not apply to the General Development District.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but

shall not be enlarged, except as allowed by this Ordinance.

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

P. Hazard Trees, Storm Damaged Trees and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

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

   b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

   c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

   d. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

   e. The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

   a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

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

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

e replanted on a one-for-one basis.

replanted on a one-for-one basis.

Q. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(O), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(O) apply.

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable.

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility.

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(M) are complied with.

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is

part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

d that is located along:

(a) A coastal wetland; or

(b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

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

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

(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

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

R. Re-vegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(O), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

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

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

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

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

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

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

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

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

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

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year's period.

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

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

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

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

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

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

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

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

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

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

S. Erosion and Sedimentation Control

1. All activities within the Shoreland Zone which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions, and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include a drawing or drawings clearly showing:

a. slopes, direction, and percent scale and final grades;
b. location and extent of all soils to be disturbed;
c. location of water bodies and drainage swales;
d. location and identification of all temporary and permanent erosion control measures (e.g. silt fence locations, diversions, riprap, etc.); and,
e. timetables or milestones for key project activities and for implementation of each erosion control measure.

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

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

4. The owner or his agent shall inspect erosion control measures at least once each week and any maintenance or corrective action required shall be taken immediately.

5. Erosion control measures should be maintained until the site is fully stabilized, including attainment of at least ninety (90) percent vegetation cover and until channels/ditches are stabilized. (Note: Stabilization may be achieved within as little as 2 months or may require as long as a year, depending on conditions local to the site.)

6. Bare soil shall be adequately protected according to the following standards:

a. All areas where ground cover is removed due to excavation, grading, or filling shall be temporarily stabilized by mulching with hay at a rate of not less than two (2) bales per one thousand (1,000) square feet. Such mulch shall be placed within seven (7) days of the removal of ground cover. On areas where slopes average greater than eight (8) percent or where the Board otherwise indicates based upon site review by the Code Enforcement Officer, and on any and all waterways and ditches, mulch shall be secured, when placed, with anchored erosion control netting.

b. Ground cover shall not be removed between September 15th and May 1st from areas with an average slope in excess of eight (8) percent without Board approval. Ground cover may be removed during this period from areas with lesser average slopes if the area is mulched within two (2) days of the removal of ground cover.

c. In areas where ground cover is removed, the area shall be permanently stabilized as soon as is practical, either by structural method meeting the standards and specifications of the "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991, and subsequent amendments or by permanent vegetative cover. In no case shall permanent seeding of grassed areas be placed later than September 15th. Sod shall be placed in accordance with State of Maine Department of Transportation "Standards and Specifications - Highways and Bridges", Section 616, revised January 1984, and shall not be placed later than October 30th unless authorized by the Code Enforcement Officer. The Code Enforcement Officer may allow placement of the sod after October 30th provided that the sod is not frozen, and it is not placed on frozen soil.

d. For areas in which permanent stabilization is not feasible within ninety (90) days from the start of

construct- ion, or when construction will be interrupted for longer than two (2) months, the disturbed areas shall be stabilized with a temporary vegetative cover, or with mulch secured with erosion control netting. Such temporary measures shall be applied according to the specifications contained in "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991, and subsequent amendments.

7. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets, shall be stabilized by seeding, sodding, paving, or stone lining within fourteen (14) days of the start of construction. Where a vegetative cover is to be established, mulch and seed applications shall be anchored with erosion control netting.

8. Cut and fill slopes shall not exceed a three to one (3:1) slope and shall be stabilized with vegetation, rock or other suitable measures as specified in "Maine Erosion and Sediment Control Handbook for Construction", Cumberland County Soil and Water Conservation District, March 1991 and subsequent amendments.

9. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams, or other suitable measures. Once the site is stabilized, temporary erosion and sedimentation control measures shall be removed and accumulated sediment placed at the site designated in the approved erosion and sedimentation control plan.

10. If streams will be worked or crossed, special measures shall be specified to protect the stream, which may include constructed stream crossings or bridges, stream diversion or detention measures, or measures approved by the Maine Department of Environmental Protection pursuant to permitting procedures under the Natural Resources Protection Act.

11. Existing catch basins and culverts on or adjacent to the site shall be protected from sedimentation by the use of hay bale check dams, silt fences or other suitable measures.

12. Natural and man-made drainage ways and drainage out- lets 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 rip-rap.

13. When one (1) or more cubic yards of soil disturbance by an excavation contractor is part of a proposed activity, the person responsible for proper soil erosion and sedimentation control at the site must have a current soil erosion control certification from the Maine Department of Environmental Protection and be present at the site each day earthmoving occurs until such time all temporary and permanent soil erosion control measures are installed, vegetation has been established adequate to prevent soil erosion and so any soil erosion that does occur is corrected before sediment reaches a lake, pond, stream or wetland. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting, or to municipal, state and federal employees engaged in projects associated with that employment if best management practices for erosion and sedimentation control are properly implemented.

T. Shoreline Stabilization.

Vegetation may be removed in excess of the standards in Section 15(O) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

1. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

2. Revegetation must occur in accordance with Section 15(R).

NOTE: A permit pursuant to the *Natural Resource Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

U. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V. 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.

W. Historical and 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.

X. Resource Protection-Slope District

The following land use activities within the Resource Protection-Slope District shall require the submission of a Soils and Erosion and Sedimentation Control Plan prepared by a Maine Registered Professional Engineer and shall be conducted, if a permit is issued by the Planning Board, under the supervision of a Maine Registered Professional Engineer:

1. Expansion of existing structures
2. Construction or expansion of foundations, frost walls, etc.
3. Maintenance and construction of privately owned roads and driveways
4. Construction or expansion of subsurface wastewater disposal systems
5. Construction or expansion of storm water runoff control systems
6. Mineral exploration

7. Clearing of vegetation for development

8. Construction of newly permitted structures

9. Construction of steps, walkways, etc.

10. Excavation or filling in excess of ten (10) yards of material

11. Demolition of existing structures

The above-listed activities shall be permitted by the Planning Board only upon clear showing by the applicant that erosion and sedimentation levels during and subsequent to completion of the land use activity can be reliably maintained under all conditions so as not to exceed the extent of erosion and sedimentation which was observed under comparable conditions prior to undertaking of the proposed land use activity.

Upon completion of each land use activity permitted under this Section, a Maine Registered Professional Engineer shall certify to the Planning Board in writing that the activity permitted has been completed in compliance with the Soil and Erosion and Sedimentation Control Plan approved by the Planning Board.

Section 16. Administration

A. Administering Bodies and Agents

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

2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

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

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

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

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

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

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

permanent stabilization measures.

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

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a to-scale site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. The site plan shall include at a minimum the location of the existing and proposed structures, roads and driveways, walkways, wastewater disposal systems, drinking water well and lines, power lines, rights-of-way, stormwater runoff control measures, property lines, drainage ways and intermittent streams, vegetated areas, and the normal high water mark of the lake, pond, stream or wetland. Applications for additions or alternations of existing structures shall include to-scale detailed drawings showing side views of the existing and proposed structure. The application shall also include the lot area in the Shoreland Zone.

2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall demonstrate standing to apply for the requested permit.

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

4. If the property is not served by a public sewer and if the proposed land use or construction requires construction, expansion, or modification of subsurface wastewater disposal facilities, the applicant shall submit with application for permit under this Ordinance a plumbing permit issued by the Local Plumbing Inspector; the plumbing permit submitted shall not have expired on or before the date of final application consideration.

If no plumbing permit is submitted with application, the applicant shall submit a statement from the Local Plumbing Inspector that existing subsurface wastewater disposal facilities are approved for the proposed land use or construction and that the application is, therefore, exempt from the requirement that a plumbing permit be filed with the application, except that when proposed land use or construction requires no disposal of wastewater or creates no increase in load on an existing subsurface wastewater disposal facility, the Code Enforcement Officer or Planning Board may waive requirement for submission of a plumbing permit with the application upon clear showing that exemption is permissible by the facts of the application.

No permit shall be issued for construction or expansion of any structure or for any land use requiring subsurface wastewater disposal subject to the provisions of this Ordinance absent either a plumbing permit valid on the date of issuance of the permit or a statement of record of exemption by the Local Plumbing Inspector. A permit may not be issued for a new or expanded structure when the subsurface waste disposal system is malfunctioning, unless the application includes provisions for a replacement waste disposal system to be completed prior to occupation of the new or expanded structure. If an inspection of the subsurface waste disposal system was required by this ordinance anytime during the three (3) years prior to the permit application date, a copy of the written inspection report from a Maine Department of Health and Human Services certified inspector or other written documentation of the inspection findings must be provided as part of a permit application for a new or expanded structure.

5. The name and Maine Department of Environmental Protection certification number of the person who will oversee the activity or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture, timber harvesting or land management roads if best management practices for erosion and sedimentation control are used, or municipal, state and federal employees engaged in projects associated with that employment.

6. Applications for the expansion or alteration of an existing structure shall include as part of the application photographs of the exterior of the existing structure's front, back and sides.

7. When a proposed development exceeds 30,000 square feet of disturbed area, or more than 350 linear feet of new road or driveway, the applicant shall submit as part of the permit application a storm water management control plan designed and stamped by a Maine registered professional engineer.

8. All applications shall be accompanied by any and all application fees established by the municipality which are applicable to the land use or classification of the structure(s) for which application for permit is being made. Application fee shall be based on description of proposed land use or development at the time of application submittal; changes requested by applicant to initially proposed land use or development or changes required to render permitted land use or development to be in compliance with applicable laws, ordinances, and regulations may require applicant to make payment of additional fees, as determined by fee schedule, but will in no case be a basis for refund of any fees paid.

Application fees paid on applications which are withdrawn or denied are not refundable. Applications received and for which schedule application fee(s) have not been received by the Town of Belgrade shall be considered incomplete and shall not be acted upon until such time as fees due are paid.

When the determination is made during application consideration that additional fees are due and payable, consideration and action on the application may be continued. However, Code Enforcement Officer or Planning Board Approval of application shall not be deemed to have occurred, approval in all other respects notwithstanding, and issuance of permit shall be withheld until all fees due have been paid.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

1. Will maintain safe and healthful conditions;

2. Will not result in water pollution, erosion, or sedimentation to surface waters;

3. Will adequately provide for the disposal of all wastewater;

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

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

8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

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

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

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

   (b) Located outside the floodway of the 100-year flood-plain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

   If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

4. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

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

F. Expiration of Permit

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

expire.

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

I. Appeals

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

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

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

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

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

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

   (c) The Board shall not grant a variance unless it finds that:
      (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

      (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
         a. That the land in question cannot yield a reasonable return unless a variance is granted.

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

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

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

   (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of

structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)

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

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

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

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

(4) **Appeal Procedure**

(a) **Making an Appeal**

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

J. Enforcement

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

2. Code Enforcement Officer (CEO)

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

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also

investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

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

4. Fines: Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, section 4452.

Section 17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or Structure, and given its size, design and purposes, it complements but does not duplicate the functions of the principle use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. A bunk house or detached bedroom is an example of an accessory structure or use.

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

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

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

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level including the bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below ground level. For the purposes of this definition, a "basement" may have either a "dirt" or a "constructed" floor and wall structures may be of wood, concrete, or other structural material. A "basement" may be "unfinished", partially "finished", or "finished" and suitable for occupancy. The term "basement" excludes foundation (defined elsewhere), "frost wall", "crawl space", etc.

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

Bunk house - an accessory structure that has no plumbing or cooking facilities and is intended to function as sleeping facilities for family, friends and other non-paying personal guests of the property owner of a residential dwelling unit.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

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

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

Complete application - a complete application for permit consists of payment of the required application fee, if any; submission of an approved plumbing permit or a statement from the Local Plumbing Inspector that no plumbing permit is required, if the proposed expansion or change impacts the requirements for wastewater disposal; submission of a site plan drawn to approximate scale showing the location of all existing structures, the location of all proposed structures, the location of all sources of drinking water, and the location of all components of the existing or proposed subsurface wastewater disposal system(s) relative to the lot boundaries; the location and dimensions of all driveways, roads, or other non-vegetated surfaces within the lot boundaries; and the dimension, horizontal distance, from the

closest point of all structures to any stream, tributary stream, river, great pond, or freshwater wetland within two hundred fifty (250) feet of each structure; storm water management measures; and, submission of all other information required by this Ordinance as part of the application for permit. Applications for additions or alternations of existing structures shall include to-scale detailed drawings showing side views of the existing and proposed structure. The application shall also include the lot area in the Shoreland Zone.

Contiguous lots - lots in common single or joint ownership and which adjoin at any line or at any point or are separated at any point by a body of water less than fifteen (15) feet wide and lots on opposite sides of a public or a privately-owned road established by the owner of land on both sides thereof after September 22, 1971.

Cooking facilities – any kitchen appliances or fixtures generally found in a kitchen, including but not limited to a stove, microwave, hot plate, refrigerator, dish washer or sink.

Detached bedroom – any room in an accessory structure with sleeping and toilet facilities, but not cooking facilities, kitchen appliances or fixtures generally found in a kitchen, including but not limited to a stove, microwave, hot plate, refrigerator, dishwasher or sink.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by a bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical and mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special educational, vocational rehabilitation, or related services.

Disturbed area – Area on a site that is to be cleared of vegetation, covered with fill, stripped of soil, graded, excavated or covered with structures, including walkways, driveways, parking and outdoor storage areas.

Driveway - a road, excluding a road used in common with others, intersecting a public road or a privately-owned road and intended to provide for the passage of motorized vehicles to and from the public road or privately-owned road and a terminus located on a lot.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

Excavation contractor – a business that causes the disturbance of soil, including excavation, grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

Expansion of a structure - an increase in footprint or height of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses, etc.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floor area - the sum of the horizontal areas of a structure enclosed by exterior walls, i.e. floor(s), excepting basement floors, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

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

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation six (6) meters in height or higher.

Foundation - the supporting substructure of a building or other structure including but not limited to slabs, sills, posts or frost walls. Excludes supporting substructures that meet the definition of "basement."

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

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

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

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

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

Great pond - any inland body of water which in a natural state has a surface area in excess of ten 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.

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

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

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

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Impervious surface area – The area covered by structures and associated constructed facilities, areas which have been or will be covered by low permeability material, such as asphalt or concrete and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce the infiltration rate or permeability.

Increase in non-conformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating a legally- existing non-conformity such as, but not limited to, reduction in water body, tributary stream, or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of non-conformance of a legally existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the legally existing non-conforming structure. Hence, a structure may be expanded laterally from any portion of the existing structure to fill in the space left by an "L" or "U"-shaped structure. Similarly, there is no increase in non-conformity with the height requirement if the expansion increases the height of the expanded portion of the structure no further than the highest point of the legally existing non-conforming structure.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school,

hospital, or municipally owned or operated building, structure or land used for public purposes.

Land management road – a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or other instrument of record, or a segment of land ownership defined by boundary lines on a subdivision plan duly approved and recorded in the County Registry of Deeds.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lot coverage - That portion of a lot dedicated to the projected area (onto the lot surface) of structures and to non-vegetated usage including, but not limited to, paved areas, stairways, walkways, roads (including driveways), parking areas, etc. in relation to lot area. Lot coverage may be expressed in area measure (to be interpreted relative to lot area) or as a percentage of lot area.

Maintenance and Repair (of a structure) - perform tasks such as refinishing, cleaning, applying preventive or protective treatments, etc. on the exterior or interior of an existing structure or portion thereof (maintenance); without altering the defining characteristics and dimensions of the structure, to return an existing and deteriorated interior or exterior feature(s) of a structure to that feature's original functionality and condition by replacement of deteriorated material in kind or by use of a corrective materials and process (repair). The following undertakings are specifically included within the scope of "maintenance and repair": residing; replacement, deletion, or addition of doors and windows; replacement of sill, posts, frost walls, and foundations; screening of roofed decks/porches and breezeways. Note: See definitions of "Reconstruct" and "Replace".

Malfunctioning system – A subsurface wastewater disposal system that is not operating or is not functioning properly, based on the following indicators: ponding or outbreak of wastewater or septic tank effluent onto the surface of the ground; seepage of wastewater or septic tank effluent into parts of buildings below ground; back-up of wastewater into the building being served that is not caused by a physical blockage of the internal plumbing; and contamination of nearby water wells and waterbodies/courses.

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

Market value of a Structure - the estimated price a structure will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

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

Minimum lot width - the closest distance between the side lot lines of a lot. Within the statutory shorefront setback distance and within the statutory stream setback distance, minimum lot width land use dimensional standards specified in the Ordinance are applicable. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Native – Indigenous to the local forests

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

Non-conforming lot - a parcel of land in common individual or joint ownership which does not meet one or more dimensional requirements (land area, shore frontage, road frontage, or width) of the district in which the parcel is located for the land use existing or intended. As determined by the context of usage, a "lot" may refer to an individual lot of record or may refer to an aggregation of two or more contiguous lots of record which are required to be or may be considered a single lot or parcel for the purpose of administration of an this or other applicable ordinance or law.

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

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

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

Normal high-water line (NH-WL) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds, that support non-forested wetland vegetation and hydric soils and that are the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Parking area - any area designed or designated to accommodate transient stopping or short-term parking by vehicle owners or operators other than or in addition to areas solely incidental to residential use of land. Parking areas include but are not necessarily limited to vehicle stopping areas designated for parking, serving, or standing at commercial establishments, scenic areas or overlooks, beaches, boat launches, recreation areas, etc. Areas designed or designated for storage of vehicles for commerce are specifically excluded from this definition.

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.

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

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

Privately-owned road - a road which neither a municipality nor the general public has the right to pass over by

foot or vehicle; any and all roads, excepting public roads and driveways, within an approved subdivision; a road, excepting a driveway, which intersects at least one public road or a privately-owned road at one or more locations, which is constructed or created on land in private ownership and which is a right-of-way in common for two or more persons.

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

Public road - a Federal or a State highway or a road constructed by the Town or a road which has been constructed by others and has been accepted by the Town; a public easement (or private way, so-called) as defined by Title 23 M.R.S.A. Section 3021.

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

Reconstruct - raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by restoration of the razed structure or razed portion thereof at the same locus as the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Replace".

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

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State Division of Motor Vehicles.

Replace - raze a structure in its entirety or in any part such that the structure's dimensions or defining characteristics and functionality are altered for a period of time followed by construction of a structure of new dimensions, defining characteristics, or functionality at the same or a different locus than that of the predecessor structure. Note: See definitions of "Maintenance and Repair" and "Reconstruct".

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

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

Right-of-way - a grant without any benefit of ownership and established by deed, by easement, or by other legal agreement permitting a person or persons to pass over the land of another person or to use a privately-owned road. Also, that strip of land defined by boundaries onto which a public road has been mapped or upon which a public road has been constructed or which is defined by law relative to an

existing public road as defining the limits of the public's right-of-way, and, when so used, the term refers to the land itself, not the right of passage over it.

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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

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

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

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

1. in the case of electric service

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

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

2. in the case of telephone service

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

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

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

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

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

Shoreline – The normal high-water line, or upland edge of a freshwater wetland.

Soil disturbance – the disturbance of soil includes the excavation, grading, filling and removal of soil.

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

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

Structure - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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

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

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

Tent platform - a temporary or a permanent surface designed to serve only as a floor for a tent and associated canopy, if any, and which is typically elevated immediately above natural terrain. A railing not exceeding three (3) feet in height may be affixed to a portion or all of the perimeter of the tent platform for the safety of the occupants of the elevated platform.

Timber harvesting - the cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

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

Tributary stream - a channel between defined banks created by the action of surface water, 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 of a wetland - the boundary between upland and wetland. For purposes of a fresh water wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is

dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

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

Water body - any great pond, river, or stream.

Water Crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Well-distributed stand of trees -
(A) Adjacent to a great pond or a river flowing to a great pond, a well-distributed stand of trees shall exist if a rating score of 24 or greater is maintained in any 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating scale:

Diameter of tree at 4-1/2 feet above ground level	Points
2 to < 4 inches	1
4 to < 8 inches	2
8 in.<12 inches	4
12 in. or greater	8

(B) Adjacent to other water bodies, tributary streams, and wetlands, a well-distributed stand of trees shall exist if a rating score of 16 or greater is maintained in any 25-foot by 50-foot rectangular (1250 square feet) area as determined by the above rating scale.

Wetland - a freshwater wetland.

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 which 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.

Woody Vegetation – live trees or woody, non-herbaceous shrubs.