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560 Togus Road
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TOWN OF CHELSEA

Office of Selectmen, Assessors, Town Manager, Town Clerk, Tax Collector, and Treasurer

Certification of Ordinance by Municipal Officers

This certifies to the municipal clerk of Chelsea, Maine, that the within proposed amendment is a true copy of an amended ordinance entitled "Chelsea Land Use Ordinance" to be acted upon by the voters at a town meeting to be held on June 12, 2025.

Dated May 28, 2025

Municipal Officers of Chelsea, Maine.

Michael Pushard, Chair

Jacob Soucy, Vice-Chair

Sheri Truman, Selectboard Member

Town of Chelsea

Land Use Ordinance

Adopted: March 31, 2024

Amended: June 12, 2025

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Article 1: Establishment

Section 1.1. Authority

The regulations contained in this Land Use Ordinance are enacted under the Home Rule Authority granted by the State of Maine under Title 30-A of the Maine Revised Statutes, §3001 and other specific authority.

Section 1.2. Purpose

The purpose of this Ordinance is to promote the general welfare and safety of the citizens of the Town of Chelsea.

Section 1.3. Applicability

The provisions of this ordinance shall apply to all lots sold, created, or subdivided; to all permanent and temporary structures erected, altered, relocated, or placed; and all permitting, building, and occupancy of all land and structures within the Town of Chelsea.

Section 1.4. Conflicts with Other Laws

Should any provision of this Ordinance conflict with or be inconsistent with another provision of this Ordinance, or of any ordinance, regulation, or statute, the more restrictive provision shall control. This Ordinance does not modify or supersede or exempt an applicant from any requirements imposed by the Town's Shoreland Zoning Ordinance or applicable state law.

Section 1.5. Severability

Should any provision of this Ordinance be declared by a court of jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the affected part.

Section 1.6. Repeal of Prior Ordinances

The following ordinances of the Town of Chelsea are hereby repealed:

1) Building Permit and Occupancy Ordinance;
2) Certificate of Occupancy Ordinance;
3) Minimum Lot Size Ordinance;
4) Mobile Home Installation Ordinance;
5) Setbacks Ordinance; and
6) Subdivision Ordinance.

Section 1.7. Effective Date

This ordinance shall take effect and be in force from the date of its adoption by the voters of the Town of Chelsea.

Article 2: Definitions

Accessory Dwelling Unit (ADU). A self-contained dwelling unit at least 190 square feet and no more than 800 square feet in size that is within, attached to or detached from a single-family dwelling unit on the same lot.

Accessory Structure. A structure which is incidental and subordinate to the principal structure. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered part of or an expansion of the principal structure.

Applicant. An individual or entity applying for a permit or approval required under this Ordinance.

Attached. Connected by a shared wall to the principal structure or having physically connected finished spaces.

Back Lot. A parcel of land that does not have any frontage on a private or public road.

Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

Certificate of Occupancy. A certificate issued by the Code Enforcement Officer certifying that a dwelling unit is suitable to be occupied in accordance with the provisions of this Ordinance as well as applicable State and Federal laws, rules, codes and regulations.

Commercial Use. The use of land or structures 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 dwelling units. Commercial use does not include home occupations.

Comparable Sewer System. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

Density Requirements. The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area. An area that is designated in a comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. In the absence of a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Dimensional Requirements. Requirements which govern the size and placement of structures including, but limited not to, the following requirements: lot area, minimum frontage, and setbacks.

Duplex. A single residential structure containing two dwelling units.

Dwelling Unit. A room or group of rooms designed and equipped exclusively as permanent living quarters for only one family at a time which shall contain cooking, and may contain sleeping, and toilet facilities. The term shall include manufactured homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Any dwelling unit must be a minimum of 190 square feet.

Existing Dwelling Unit. A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

Farmland. A parcel consisting of five (5) or more acres of land that is classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture or that is used for the production of plants and animals and their products that are useful to humans, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products, manure and compost and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur, excluding trees grown and harvested for forest products.

Freshwater wetland. Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and are not considered part of a great pond, coastal wetland, river, stream or brook.

Home Occupation. An occupation or profession customarily conducted in or on a residential structure or property and (i) is conducted by a resident of the property, (ii) is clearly incidental to and compatible with residential use of the property and surrounding area, (iii) does not change the external appearance of the residential structure, (iv) is conducted entirely within the residential structure or an accessory structure, and (v) employs no more than one person not residing within the residential structure.

Living Space. Actual enclosed space suitable for year-round occupancy, excluding porches, patios, and the like, whether or not enclosed.

Lot. A single parcel of developed or undeveloped land.

Lot of Record. A parcel of land of which a legal description of which or dimensions are recorded on a document or map on file with the Kennebec County Registry of Deeds.

Manufactured Home or Manufactured Housing. A structure that is transportable in one or more sections and is built on a permanent chassis and designed to be used as a residential dwelling unit with or without a permanent foundation when connected to meet the requirements of the State Plumbing Code and Subsurface Wastewater Rules. A recreational vehicle is not a manufactured home.

Mobile Home: A mobile home is a manufactured home which is transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling, with or without a

permanent foundation when connected to the required utilities, including the plumbing heating, air conditioning or electrical systems contained therein.

Mobile Home Park: means a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes.

Mobile Home Park Lot" means an area of land on which an individual home is situated within a Mobile Home Park and which is reserved for use by the occupants of that home. The Town of Chelsea requires the lots to be designated on the Mobile Home Park Plan.

Multi-Family Dwelling. A single residential structure containing three or more dwelling units.

Non-conforming Lot of Record. A lot shown on a plan or deed recorded prior to the effective date of this Ordinance that does not meet dimensional requirements of this Ordinance.

Non-conforming Structure. A legally existing structure in existence prior to the effective date of this Ordinance that does not meet the minimum dimensional requirements of this Ordinance.

Non-conforming Use. A legal use of property in existence prior to the effective date of this Ordinance that is conducted on a property that does not meet the minimum dimensional requirements of this Ordinance applicable to that use.

Non-residential Structure. A structure not containing a residential dwelling unit, and not to be used for residential purposes.

Outstanding river segments. Has the same meaning as provided in 30-A M.R.S.A. §4401, as amended.

Recreational Vehicle. A vehicle or an attachment to a vehicle designed to be towed or self-propelled and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. A tiny home on wheels shall be considered a recreational vehicle. A recreational vehicle that is not registered with the State Division of Motor Vehicles, has had its tires or axles removed or has been placed on a permanent foundation constitutes a structure.

Permanent Heat Source. A heating source that is affixed to or permanently installed within a structure.

Principal Structure. A structure on a lot within which the main or primary use of the lot is located or conducted.

Quadplex. A single structure containing four dwelling units.

Remodeling. Reshaping and restructuring of an entire room or building.

Residential Use. The use of land or a structure for human habitation. Residential structures may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments.

Restrictive Covenant. A provision in a deed, or other covenant conveying real property, restricting the use of the land.

Road. A public or private road or right of way.

Road Frontage. The linear distance of the boundary line of a lot that is adjacent to a public or private road or right-of-way. For purposes of a corner lot, road frontage shall be measured along a single lot boundary and may not be the cumulative frontage onto separate roads or rights-of-way. Driveways may not be used to establish road frontage.

Setbacks. The minimum horizontal distance from a lot line, shoreline, or edge of public or private right-of-way to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-family Dwelling Unit. A single structure containing one dwelling unit.

Structure. Anything temporarily or permanently located, built, constructed, or erected in or on the ground for the support, shelter, or enclosure of persons or animals.

Subdivision. A "subdivision" consists of:

(i) The division of a tract or parcel of land into 3 or more lots within any 5-year period, whether the division is accomplished by sale, lease, development, buildings or otherwise;
(ii) The division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, including single-family and multi-family housing, condominiums, apartments or time-share units; and
(iii) The construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

The definition of "subdivision" shall be subject to the exceptions and exclusions provided within 30-A M.R.S.A. §§4401 and 4402.

Swimming Pool. An outdoor artificial receptacle or other container, whether in or above the ground, used or intended to be used to contain water for swimming or bathing and designed for a water depth of 48 inches or more.

Tract or parcel of land. All contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Triplex. A single structure containing three dwelling units.

Tiny Home Dwelling Unit. A residential dwelling unit that includes The existence of separate cooking facilities within a unit shall subject it to classification as an Additional Dwelling Unit (ADU) pursuant to this Ordinance. A tiny home must be more than 190 square feet and must be less than 400 square feet.

Article 3. Administration

Section 3.1. Permitting

A. A building permit must be obtained from the Code Enforcement Officer (CEO) prior to the construction, relocation, placement, expansion, remodeling, or demolition of any dwelling unit, structure or a combination of structures that exceeds 100 square feet. Remodeling that does not create additional living space within a dwelling unit shall not require a permit, unless the remodeling creates an additional bedroom or sleeping area. Permits shall be displayed on site for the duration of work being performed.

[NOTE: Applicants may be required to obtain additional Town and state permits and approvals prior to commencing the proposed activity, including but not limited to Planning Board review pursuant to Article 5-A for the creation of three or more dwelling units and Shoreland Zoning Ordinance for activity within the Shoreland Zone.]

B. Permit applications shall be submitted on the form provided by the Town and made available at the Town Office or website and shall be accompanied by the required fee. Building permit applications that do not contain the information required by this Section or that are not accompanied by payment of the required fee shall be considered incomplete and will not be reviewed by the Code Enforcement Officer.
C. A Building Permit application shall include the following information:
    1) Property Address;
    2) Map and Lot number of properties;
    3) Owner's name, address, phone, and email;
    4) Applicant information if different from owner;
    5) Estimated Cost of Improvement;
    6) Location of dwelling unit or structure within 250 feet of a wetland or waterbody or within the 100-year floodplain;
    7) Dimensions of new or expanded structures or dwelling and a description of work to be done; and
    8) A sketch plan, if applicable for a new structure, showing property lines, street names, locations of existing and proposed buildings or structures, location of septic and setback measurements from lot lines.
D. The Code Enforcement Officer shall approve or deny building permit applications within 14 days of receipt of a complete application. All building permit denials shall be issued in writing and include an explanation citing the decision for denial.
E. No building permit may be issued until the applicant has obtained all required plumbing permit or septic permits.
F. All permit applications shall be submitted prior to commencement of the proposed activity. Permit applications submitted after the commencement of any work requiring a building permit shall be subject to double fees.
G. Except for permits necessary for compliance with the NFPA 101 Life Safety Code or wastewater system repair or replacement, no building permit may be issued to any applicant for a property or structure unless all real property and personal property taxes and sewer fees are paid up to date.

Section 3.2. Permit Expiration; Modification.

A. Building Permits shall expire one year after the date of issuance if work has not commenced and shall expire two years after the date of issuance if a substantial start has occurred within one year. For purposes of this Section, a substantial start shall mean the construction of forty percent or more of the permitted activity or the expenditure of fifty percent or more of the estimated cost of construction provided in the permit application.
B. No changes or revisions to the original application shall be made in the process of constructing, placing, relocating, replacing, or reconstructing of a dwelling unit or structure unless first approved in writing by the Code Enforcement Officer.

Section 3.3. Certificate of Occupancy Required

A. It shall be a violation of this Ordinance to use, occupy, or permit the use or occupancy of any new, remodeled or relocated structure, unless the Code Enforcement Officer has issued a certificate of occupancy for the structure.
B. The Code Enforcement Officer shall inspect all structures being constructed, remodeled, replaced, or relocated in the town of Chelsea before any occupancy can occur.
C. It shall be the responsibility of the property owner to notify the Code Enforcement Officer at least two business days in advance of the desired date of inspection.
D. A certificate of occupancy for a dwelling unit may not be issued unless the Code Enforcement Officer determines that the following standards have been met:
    1) The dwelling unit is served by a method of on-site wastewater disposal in accordance with the State of Maine Sub-Surface Wastewater Rules;
    2) The dwelling unit has a permanent heat source;
    3) The dwelling unit complies with the requirements of the National Electric Code, all applicable plumbing codes, and NFPA 101 Life Safety Code, including requirements for smoke and carbon monoxide detectors and adequate means of egress; and
    4) Plumbing and subsurface wastewater systems have been inspected by the Local Plumbing Inspector.

Article 4. Dimensional Requirements

Section 4.1. Residential Use Lot Size and Setbacks

A. The following minimum dimensional requirements shall be considered minimum requirements for residential use of any new or existing lots of record :
    1) Minimum Lot Size: 60,000 square feet
        i. Additional dwelling units: 20,000 square feet per additional dwelling unit
    2) Road Frontage: 100 feet
    3) Side and Rear Setbacks: 10 feet from any side or rear property line
    4) Road Setbacks: 20 feet from the edge of the right-of-way.
    5) Driveways shall also meet all applicable setback requirements from neighboring property lines.
B. These requirements shall apply to single lots of record and to lots within subdivisions. No structure shall be built or placed upon a lot that does not meet these minimum standards, unless the lot qualifies as a Non-conforming Lot of Record.

Section 4.2. Commercial Use Lot Size and Setbacks

A. The following dimensional requirements shall be considered minimum requirements for commercial uses, other than home occupations, on any new or existing lots of record:
    1) Minimum Lot Size: 60,000 square feet
    2) Road Frontage: 100 feet
    3) Side and Rear Setbacks: 25 feet from any side or rear property line
    4) Road Setback: 50 feet from the edge of the right-of-way
    5) Driveways shall also meet all applicable setback requirements from neighboring property lines.
B. No commercial use or structure may be conducted or constructed on a lot that does not meet these minimum standards, unless the lot qualifies as a Non-conforming Lot of Record.

Section 4.3. Nonconformity

A. Non-Conforming Lots of Record. Notwithstanding the minimum lot size and frontage requirements provided by this Ordinance, a non-conforming lot of record may continue and be maintained and improved, provided that any structures placed or expanded shall conform to all other applicable provisions of this Ordinance, including side and rear setbacks and road setbacks.
    1) If a non-conforming lot of record and one or more contiguous lots are owned by the same person(s) and one or more of said lots is vacant or contains only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional requirements of this Ordinance except where the lots were legally created as part of a recorded subdivision.
    2) A non-conforming lot of record will not lose its nonconforming status by the addition of lot area that does not bring it into compliance with the minimum lot size and frontage requirements of this Ordinance.
    3) A non-conforming lot of record may not be subdivided or made more non-conforming except for the purpose of bringing an adjacent lot into compliance with the dimensional requirements of this Ordinance.
    4) If a lot is made noncompliant with the dimensional requirements of this Ordinance by the exercise of eminent domain or other governmental action, such lot will be considered a non-conforming lot of record for purposes of this Ordinance.
B. Non-Conforming Structures. A non-conforming structure which existed on the effective date of this Ordinance may be reconstructed in its previous location only by obtaining a building permit within one year of its destruction or removal. If a building permit is not obtained within one year of the destruction or removal of the non-conforming structure, any replacement structure must be located and constructed in accordance with this Ordinance. A non-conforming structure may not be expanded or relocated except in compliance with minimum setbacks provided by this Ordinance.
C. Non-Conforming Uses. Notwithstanding the minimum lot size and frontage requirements provided by this Ordinance, a non-conforming use of property may be continued and maintained until the non-conforming use ceases or is changed to a conforming use. For purposes of this subsection, a non-conforming use shall be considered to have ceased if such use is discontinued for a period of two years or more.

D. Change of Use. The use of a nonconforming structure or structure located on a non-conforming lot of record 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 community and its surroundings, or on the subject or adjacent properties and resources than the existing use. If a change of use is granted, the structure must meet all other applicable standards of this Ordinance, as well as all applicable building codes and regulations for the approved use. If the change of use application is denied the prior use shall be able to continue.

Section 4.4. Backlots

Notwithstanding the provisions of Section 4.3, no building permit may issue for the development of a back lot unless the back lot satisfies the required minimum lot size and has a right of access that is at least 20 feet in width over an adjacent property to a public or private road or right-of-way. Any access way serving a back lot must be constructed and maintained to permit the safe passage of emergency vehicles.

Article 5. Specific Activity Performance Standards

Section 5.1. Accessory Dwelling Units

A. The construction of an ADU shall require a building permit from the Code Enforcement Officer. Additional Planning Board approval may be required pursuant to the Article 5-A of this Ordinance governing subdivisions.
B. One ADU is allowed on any lot with an existing single family dwelling if the lot is located in an area in which housing is allowed and the ADU is:
    1) Within the existing single family dwelling unit on the lot; or
    2) Attached to the existing single-family dwelling unit; or
    3) A new structure on the lot constructed for the primary purpose of creating an accessory dwelling unit in addition to the single family dwelling.
C. An ADU may not be constructed or located in a manner that increases the nonconformity of a structure, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.
D. ADUs are exempt from the lot area requirements of this Ordinance applicable to the lot in which the ADU is constructed.
E. An ADU located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit shall be subject to the same dimensional requirements, excluding lot area requirements, as the single-family dwelling unit.
F. An ADU located within an existing accessory structure, including a garage, existing as of July 1, 2024 shall be subject to the same dimensional requirements as the existing accessory structure.
G. No additional parking may be required for the construction of an ADU.
H. Prior to issuing a permit for the construction of an ADU, the applicant must provide the Code Enforcement Officer with written verification that the ADU will be connected to adequate water and wastewater services in accordance with the requirements of 30-A M.R.S.A. §4364-B and 19-100 C.M.R. c. 5, §4(B)(5).
I. Except as provided in this Section, ADUs must be constructed in compliance with all applicable Town ordinances, laws, rules and regulations, including relevant electrical, plumbing, building, fire and safety codes.
J. The maximum square footage for an ADU is 800sf.
K. ADUs may not be rented for less than 30 consecutive calendar days at a time.

Section 5.2. Additional Dwelling Units Allowed

A. Additional dwelling units shall be permitted on any lot on which housing is allowed and which satisfies the Minimum Lot Size requirements of 12 M.R.S.A. c. 423-A, subject to the following standards and conditions:
   1) Up to four dwelling units are permitted on a lot that does not contain an existing dwelling unit, provided the lot is:
      i. located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or
      ii. served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.
   2) Up to two dwelling units, within a single structure or separate structures, are permitted on a lot that does not contain an existing dwelling unit and that does not satisfy the criteria of subsection A(1), above.
   3) Up to two additional dwelling units are permitted on a lot that contains one existing dwelling unit, provided:
      i. One dwelling unit is located within or attached to the existing structure;
      ii. One dwelling unit is detached from the existing structure; or
      iii. One of each.
   4) No additional dwelling units may be permitted on a lot containing two or more existing dwelling units, except in accordance with this Ordinance and any applicable Town ordinances.

B. Prior to issuing a permit for the construction of an additional dwelling unit pursuant to this Section, the applicant must provide the Code Enforcement Officer with written verification that the additional dwelling unit will be connected to adequate water and wastewater services in accordance with the requirements of 30-A M.R.S.A. §4364-A and 19-100 C.M.R. c. 5, §3(B)(5).

Article 5-A. Subdivisions

Section 5-A.1. Authority, Purpose and Intent

A. Authority. This Article 5-A is adopted pursuant to the authority granted by 30-A M.R.S.A. §3001 and 30-A M.R.S.A. §4403 and shall be known and may be cited as the "Town of Chelsea Subdivision Ordinance."

B. Purpose and Intent. The purpose and intent of this Article are:
   1) To provide for an expeditious and efficient process for the review of proposed subdivisions;
   2) To ensure that new development in the Town of Chelsea meets and conforms to the policies of the Comprehensive Plan;
   3) To ensure the safety, health and welfare of the residents of the Town of Chelsea;
   4) To protect the natural environment and conserve the natural and cultural resources identified in the Comprehensive Plan;
   5) To ensure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
   6) To minimize the potential impacts from new subdivisions on neighboring properties and on the Town of Chelsea;
   7) To promote the development of an economically sound and stable community.

Section 5-A.2. Applicability

This Article applies to all subdivisions and modifications to approved subdivisions proposed within the Town of Chelsea.

Section 5-A.3. Administration and Enforcement

A. Reviewing Authority. The Planning Board of the Town of Chelsea, hereinafter the "Board", shall be the reviewing authority for all subdivision applications and shall be responsible for the administration of this Article, except where explicitly indicated.
B. Enforcement. The Town's Code Enforcement Officer is charged with the enforcement of this Article in accordance with Article 10 of this Ordinance.
C. Appeals. Appeals of any decisions, orders or determinations made under this Article shall be governed by Article 10 of this Ordinance.

Section 5-A.4. General Requirements

A. Review Criteria. When reviewing any application for a subdivision under this Article, prior to issuing a final plan approval, the Board shall find that the following criteria, as provided by 30-A M.R.S.A. §4404, have been met:
    1) The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall consider at least:
        i. A. The elevation of the land above sea level and its relation to the flood plains;
        ii. B. The nature of soils and subsoils and their ability to adequately support waste disposal;
        iii. C. The slope of the land and its effect on effluents;
        iv. D. The availability of streams for disposal of effluents; and
        v. E. The applicable state and local health and water resource rules and regulations.
    2) The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
    3) The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
    4) The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
    5) The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by 23 M.R.S.A. §754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to 23 M.R.S.A. §704 and any rules adopted under that section;
    6) The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
    7) The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if Town services are to be utilized;
    8) The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9) The proposed subdivision conforms with this Article, the Comprehensive Plan, and applicable provisions of this Ordinance, including but not limited to the Dimensional Requirements within Article 4;
10) The applicant has adequate financial and technical capacity to meet the standards of this section;
11) Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B of the Maine Revised Statutes, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
    i. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
        1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
        2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B of the Maine Revised Statutes, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of 30-A M.R.S.A. §4401(1) on September 23, 1983;
12) The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
13) Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
14) All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
15) All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;
16) Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in 38 M.R.S.A. §480-B(9);
17) The proposed subdivision will provide for adequate storm water management;
18) If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

19) The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
20) For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
21) Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A. §8869(14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Board may request technical assistance from the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in 12 M.R.S.A. §8868(6) and "parcel" means a contiguous area within the Town.

B. Roads and Streets. All roads, ways or rights of way proposed within a subdivision application, whether or not to be dedicated to the Town for acceptance as a public road, shall be designed and constructed in accordance with and subject to approval under the Town of Chelsea Road Design Standards in addition to any requirements of this Article. Any subdivision application that proposes to create private road, way or right-of-way shall be subject to a condition of approval that requires the creation of a road association to maintain the proposed private road, way or right-of-way.
C. Permanent Markers Required. No person may sell or convey any land in an approved subdivision unless permanent markers are first set at all lot corners of the lot sold or conveyed. The term "permanent marker" includes but is not limited to a granite or concrete monument, an iron pin or a drill hole in ledge.
D. No Pending Violations. No subdivision application may be approved by the Board while the subdivider is in violation of any provisions of a previously approved subdivision plan.
E. Burden of Proof. In all instances, the burden of proof is upon the applicant to demonstrate compliance with all applicable provisions of this Article and applicable Town ordinances.
F. Joint Municipal Review. If any portion of a subdivision crosses municipal boundaries, the Board and the municipal reviewing authority of the affected municipality shall meet jointly to discuss the application.
G. Approval Required. Whenever any subdivision is proposed, and before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated, or before any permit for the erection of a structure may be granted or before any utility installation, ditching, grading, construction of roads, parking lots or other areas, grading of land or lots may be done on any part of the subdivision, the applicant or his authorized agent shall apply to the Board for approval of a final plan of such subdivision or portion thereof, which approval, if granted, is to be recorded as provided in this Article. No transfer of ownership shall be made of any land in a proposed subdivision until a final plan of the subdivision has been approved by the Board and a duly approved copy of the final plan has been filed with the Town Clerk and registry of deeds.

Section 5-A.5. Major and Minor Subdivisions

A. Minor Subdivision Review. Any subdivision application which proposes the creation of four (4) or fewer lots or four (4) or fewer dwelling units shall be subject to review as a minor subdivision.
   1) An application for minor subdivision approval shall be subject to the processes and requirements set forth in this Article for Final Plan Review and Final Plan Approval.
   2) The Board may require, when deemed necessary or appropriate for the protection of the public health, safety, or welfare, that a minor subdivision comply with all or any of the submission requirements for a major subdivision.

B. Major Subdivision Review. Any subdivision application which does not qualify as a minor subdivision shall be subject to review as a major subdivision.
   An application for major subdivision approval shall be subject to the processes and requirements set forth in this Article for Preliminary Plan Review, Final Plan Review, and Final Plan Approval.

Section 5-A.6. Submission Requirements

A. General Requirements. All applications for subdivision approval are subject to the following requirements:
   1) All documents, information and material submitted to the Board in relation to a subdivision application shall be submitted at least twenty-one (21) days prior to the date of the Board meeting at which they will be considered.
   2) All applications shall be signed by the applicant or their authorized agent and, if signed by an authorized agent, accompanied by proof of agent authorization.
   3) All applications shall be accompanied by payment of the applicable application fee, established by the Select Board and listed in the Town's schedule of fees, in a form acceptable to the Town Manager.
   4) All plans submitted with or in connection with an application for subdivision approval must include (in addition to the information required for Preliminary Plan and Final Plan submissions, as applicable) the following:
      i. The name of the proposed subdivision;
      ii. The owner(s) names and address(es);
      iii. The engineer(s) and/or surveyor(s), registered in the State of Maine, responsible for preparation of the plan and their address, signature and seal;
      iv. The date of the plan and a revision box;
      v. A North arrow (whether true, magnetic, dated or grid);
      vi. Two-foot contour intervals and the location of existing natural or man-made features affecting the layout of the proposed subdivision;
      vii. Be drawn at a scale of not more than 1 inch equals 50 feet horizontal for a major subdivision application, not more than 1 inch equals 30 feet for a minor subdivision application, and not more than one inch equal 4 feet vertical for any subdivision application, with the relevant scale denoted on the plan; and
      viii. Be drawn on a sheet 24 inches by 36 inches, with match lines on plans requiring multiple pages.

B. Waiver of Submission Requirements. Upon written request from the applicant, the Board may, in its sole discretion, waive, modify or defer any submission requirements under this Article when it determines that the required submission is not applicable to the application and is not necessary to establish compliance with the requirements of this Article or applicable provisions of this Ordinance.

C. Third-Party Review. The Board may, when it deems necessary, request the assistance of third-party experts or consultants to provide legal or technical assistance in its review of information and documentation contained in any subdivision application. The cost of review by such third-parties shall be paid by the applicant.

Section 5-A.7. Preliminary Plan Review (Major Subdivisions)

A. Submission Requirements. Prior to submitting a final plan application to the Board, all applicants for a major subdivision must submit a preliminary plan application containing the following:
   1) A written statement describing the proposed subdivision and addressing compliance with the general requirements and review criteria of this Article, as applicable.
   2) At least three (3) blue line copies of each plan sheet for the proposed subdivision containing the following information:
      i. The ownership, location and present or proposed use of abutting properties, with as tax map and lot numbers;
      ii. The lot lines, approximate dimensions and area of existing and proposed lots within the proposed subdivision;
      iii. The total area of the proposed subdivision;
      iv. The proposed use(s) of property, including any public, common, conservation or recreation area(s);
      v. The name, location, and width of all existing and proposed streets, roads and rights of way within the proposed subdivision and adjacent to the proposed subdivision;
      vi. The location and number of any proposed on-street and off-street parking spaces or parking lots;
      vii. Building setbacks or envelopes, if applicable;
      viii. Limits of existing vegetation and type;
      ix. An aerial photograph or satellite mage of the site;
      x. Existing water bodies, watercourses and wetlands or significant sand and gravel aquifers within or adjacent to the proposed subdivision;
      xi. Location of soil types within the proposed subdivision from available county soils maps;
      xii. Boundaries and designations of all shoreland zoning and other land use districts impacting the proposed subdivision;
      xiii. Boundaries and designations of any flood hazard areas, including the 100-year flood elevation, as depicted on the Town's most recent Flood Insurance Rate Map panel prepared by the Federal Emergency management Agency;
      xiv. Boundaries and designations of any physical natural resources, essential, significant wildlife or aquatic species habitats, or rare, threatened or endangered species habitats mapped by the Maine Department of Inland Fisheries and Wildlife;
      xv. The type, location and profile of all existing surface water drainage and subsurface drainage elements, including permanent and temporary erosion and sedimentation controls;
      xvi. Any existing or proposed sewer lines or septic system test pits for septic system suitability;

xvii. The current and proposed location, profile, contours and typical cross sections of all utilities, drainage and streets, including water, gas, electricity, telephone, hydrants, lighting or other utilities; and

xviii. Any proposed landscaping or buffers to be installed or maintained as part of the proposed subdivision.

3) A boundary survey and description, prepared within five years of the date of the application by a registered land surveyor, of the entire contiguous holdings of the applicant or property to be subdivided, showing bearings, distances, monumentation and elevation.

4) A written fire-protection plan, describing the fire-protection needs and fire-protection plans for the proposed subdivision.

5) A landscaping plan for the proposed subdivision, identifying the type, location and maintenance plan for any proposed plantings or vegetated buffer.

6) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

B. Planning Board Review. The Board's review of a preliminary plan application shall be conducted in accordance with this subsection.

1) Upon submission of a preliminary plan application, the Board shall:

i. Give a dated receipt to the applicant;

ii. Notify the following parties by mail:

1. All owners of property abutting the proposed subdivision;
2. Town clerk and municipal reviewing authority of any municipality that abuts or includes any portion of the proposed subdivision, specifying the location of the proposed subdivision and including a general description of the application; and
3. Any public drinking water supplier if the proposed subdivision is located within its source water protection area.

2) Within thirty (30) days of the submission of a preliminary plan application, it shall be placed on the Board's agenda for a review of its completeness.

3) If the Board determines that the preliminary plan application includes all of the information and documentation and the application fee required by this section, it shall determine the application complete and shall accept the application for preliminary plan review.

i. If the Board accepts a complete preliminary plan application, the Board shall notify the applicant in writing.

ii. If the Board determines that a preliminary plan application is incomplete, the Board shall provide written notice to the applicant of the specific additional material or information necessary to complete the application.

4) After accepting a complete preliminary plan application, the Board shall schedule a public hearing on the preliminary plan application to be held within thirty (30) days and shall cause written notice of the date, time and place of the hearing to be:

i. Given to the applicant;

ii. Sent by first class mail to the owners of property within five hundred (500) feet of the proposed subdivision, with all costs paid by the applicant; and

iii. Published in a newspaper having general circulation in the Town on at least two occasions with the date of the first publication occurring at least seven (7) days prior to the date of the hearing, with all costs paid by the applicant.

5) Unless otherwise agreed to by the applicant and the Board, within thirty (30) days of the public hearing the Board shall approve, approve with conditions, or deny the preliminary plan application. The Board may request or condition its approval upon the applicant's

provision of additional information or documentation with the submission of a final plan application

6) The Board may request that an applicant provide additional information, documentation, or certifications or schedule a site visit relating to the preliminary plan application as it deems necessary to enable its review of the application.
7) The Board's approval or approval with conditions of a preliminary plan application does not constitute approval of a final plan but shall permit the applicant to submit a final plan application to the Board.

Section 5-A.8. Final Plan Review (All Subdivisions)

A. Submission Requirements. All applicants for a major or minor subdivision shall submit a final plan application to the Board containing the following documents and information:
   1) All information required as part of a preliminary plan application under this section in final form, including any additional information requested by the Board as a condition of approval of a preliminary plan application. The Board may not accept or approve final plans or final documents that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed.
   2) A final plan for the proposed subdivision, which includes:
      i. Existing and final proposed lines of streets, ways, lots, easements, drainage elements and common, public, conservation or recreation areas within the proposed subdivision. All easements shall be conveyed prior to filing the final plan at the registry of deeds;
      ii. Sufficient data to determine the exact location, direction and length of every street, lot line and boundary line such that they may be reproduced on the ground, including all curve data;
      iii. Profiles and cross sections every fifty feet or break in grade, slopes and grades from proposed streets to side lots;
      iv. Center-line stationing at intersecting streets;
      v. The location of all permanent monuments existing and proposed within the proposed subdivision;
      vi. Lot numbers and/or letters in accordance with the prevailing policy in the area. Town tax map and lot numbers may be added in consultation with the Town's Assessor;
      vii. The signed seal of a State of Maine registered professional engineer and signed seal of a Maine registered land surveyor attesting that such final plan is correct. Water, sewerage and drainage plans must be designed, signed and sealed by a licensed engineer.
   3) For subdivisions which propose the creation of twenty (20) or more parking spaces or are projected to generate more than 250 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with demonstrated experience in traffic engineering that describes the existing and expected average daily vehicular trips, peak-hour volumes, access conditions at the location of the proposed subdivision, distribution of traffic, types of vehicles, and expected effect upon the level of service of the road or roads providing access to the proposed subdivision, as well as recommended improvements to maintain desired levels of service on affected roads. Trip generation shall be calculated using the most recent data available from the Institute of Transportation Engineers' Trip Generation Guide or actual field data from a comparable trip generator.

4) A statement as to whether the proposed subdivision is subject to federal or state approvals, including site location of development approval by the Maine Department of Environmental Protection, and, if so, evidence of receipt of such approval or submission of an application to the relevant federal or state agency.
5) The Board may request that an applicant provide additional information, documentation, or certifications relating to the final plan application that it deems necessary to enable its review of the application.

B. Planning Board Review. The Board's review of a final plan application shall be conducted in accordance with this subsection.
1) An applicant for a major subdivision who has received a preliminary plan approval from the Board must submit a final plan application to the Board within six (6) months of the Board's approval or approval with conditions.
    i. If a final plan application for a major subdivision is not submitted within the prescribed time period, the Board may refuse to act upon it and may require the applicant to resubmit a preliminary plan application.
2) Upon submission of a final plan application, the Board shall:
    i. Give a dated receipt to the applicant;
    ii. Notify the following parties by mail:
        1. All owners of property abutting the proposed subdivision;
        2. Town clerk and municipal reviewing authority of any municipality that abuts or includes any portion of the proposed subdivision, specifying the location of the proposed subdivision and including a general description of the application; and
        3. Any public drinking water supplier if the proposed subdivision is located within its source water protection area.
3) Within thirty (30) days of the submission of a final plan application, the application shall be placed on the Board's agenda for a review of its completeness. If the Board finds that the final plan application includes all of the information and documentation and the application fee required by this section, it shall determine the application complete and accept the application for final plan review.
    i. If the Board accepts a complete final plan application, the Board shall notify the applicant in writing.
    ii. If the Board determines a final plan application is incomplete, it shall provide written notice to the applicant of the specific material or information required to complete the application.
4) After determining that a final plan application is complete, the Board shall schedule a public hearing on the final plan application to be held within thirty (30) days and shall cause written notice of the date, time and place of the hearing to be:
    i. Given to the applicant;
    ii. Sent by first class mail to the owners of property within five hundred (500) feet of the proposed subdivision, with all costs to be paid by the applicant; and
    iii. Published in a newspaper having general circulation in the Town on at least two occasions with the date of the first publication occurring at least seven (7) days prior to the date of the hearing, with all costs to be paid by the applicant.
5) The Board may request that an applicant provide additional information, documentation, or certifications or schedule a site visit relating to the final plan application as it deems necessary to enable its review of the application.

6) Unless otherwise agreed to by the applicant and the Board, within thirty (30) days of the public hearing the Board shall consider the final plan application. The Board's consideration shall be based upon all submissions, evidence and testimony provided and the Board shall make findings of fact as to whether or not the final plan application satisfies each applicable standard or requirement of this Article and applicable Town ordinances and, based upon those findings of fact, shall approve, approve with conditions, or deny the final plan application. Within thirty (30) days of the approval or denial of a final plan application, the Board shall issue a written decision reflecting its findings of fact to the applicant.

C. Performance Guarantee Required. All final plan approvals shall be conditioned upon the applicant's provision and maintenance of a performance guarantee in a form and amount acceptable to the Town Manager running to the Town of Chelsea and issued by a surety company acceptable to the Town's Treasurer that is at least equal to the total of all cost of construction of all improvements proposed within the final plan. Such performance guarantee shall be effective for a term not less than three years from the date of the final plan approval. No approved subdivision plan may be released for recording at the registry of deeds until the required performance guarantee has been provided to the Town.

Section 5-A.9. Post-Approval

A. Final Plan Attestation. The approval of a final subdivision plan shall be attested on the original drafting film by the signatures of at least a majority of the Board. A reproducible copy of the signed final plan shall be filed with the Town.

B. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and attested by the Board unless the revised final plan is submitted to and approved by the Board in accordance with Section 5-A.10.

C. Final Plan Recording. An approved final subdivision plan, signed by at least a majority of the Board, shall be recorded by the applicant no later than ninety (90) days after the Board's approval thereof. If an applicant fails to record an approved final subdivision plan within this time period, the Board's approval is void.

D. Final Approval Not Acceptance. The Board's approval of a final plan application or execution of a final subdivision plan shall not be deemed an acceptance by the Town of the dedication of any road, street, public way, grounds or other property or legal interest depicted on the final plan.

Expiration of Approval. All final plan approvals shall expire if the applicant has not commenced work on the approved subdivision within one (1) year from the date of the Board's final approval. If the applicant has commenced work within one year of such final approval, the approval will expire unless work is complete within three (3) years of the date of the Board's final approval. Amendments or revisions to an approved subdivision plan shall not toll the application of these deadlines. The Board may, at its sole discretion, grant one or more extensions of the above deadlines for a time not to exceed two (2) years in the aggregate for any approved subdivision. Any extension granted shall require an equivalent extension of the term of the performance guarantee required under this Article.

Section 5-A.10. Revisions to Approved Plans

A. Applicability. Any subdivision application constituting a revision or amendment to a subdivision plan that has been previously approved by the Board shall indicate that fact on the application and shall identify the original subdivision plan being revised or amended.

B. Review Process. Applications to revise or amend an approved subdivision plan that do not propose to create additional lots or dwelling units shall be subject to the process provided by this Article for Final Plan Review. Applications to revise or amend an approved subdivision plan that propose to create additional lots or dwelling units shall be subject to the process provided for this Article for Preliminary Plan Review and Final Plan Review.

C. Decision. The Board shall review an application to revise or amend an approved subdivision plan for compliance with all applicable standards and requirements of this Article and applicable Town ordinances and shall issue a written decision on any such application in accordance with this Article.

D. Recording. If the Board approves or approves with conditions an application to revise or amend an approved subdivision plan, the approved revision or amendment shall be recorded as provided by this Article.

Section 5-A.11. Variances

A. Variance Available. Where the strict application of any standard provided by this Article would result in undue hardship, the applicant may apply to the Board of Appeals for a variance in accordance with Section 9.7 of this Ordinance. The Planning Board may approve a subdivision application or amendment subject to the granting of a variance provided that condition is expressly noted on the face of the subdivision plan. No approved plan or amended plan conditioned upon the granting of a variance may be recorded unless and until the Board of Appeals has granted the necessary variance and a certificate of variance has been recorded at the registry of deeds, as required by Section 9.7(E) of this Ordinance.

B. Notation of Variance. Whenever any approval of a subdivision application or revision to an approved subdivision plan is based upon the granting of a variance from the standards or requirements of this Article, that fact must be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds or, in the case of an amendment for which no amended plan is to be recorded, evidenced by a certificate prepared in accordance with 30-A M.R.S.A. §4406, as amended.

Article 6. Campgrounds and Recreational Vehicle Occupancy

Section 6.1. Campgrounds

A. Applicability. The following standards shall apply to campgrounds in all districts except the Shoreland and Resource Protection Districts, where they shall conform to the applicable standards contained in the Shoreland Zoning Ordinance.

B. Campground Standards:

1) Campgrounds shall conform to the state regulations imposed under state licensing requirements.

2) Recreational vehicle and tenting sites containing approved, water-carried sewage facilities shall contain a minimum of 5,000 square feet per site, not including roads and driveway.

3) Recreational vehicle and tenting sites without water-carried sewage facilities shall contain a minimum of 10,000 square feet per site, not including roads and driveways. A minimum of two privies, one for each sex, shall be provided for every four campsites and be within 75 feet of each site.
4) Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in land area per site.
5) A minimum of 200 square feet of off-street parking shall be provided for each site.
6) Each site shall be provided with a stationary trash receptacle and stationary fireplace or fire pit.
7) The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of 100 feet from the perimeter of the lot lines of the campground and the normal high-water line of a water body or upland edge of a wetland.

C. Individual Private Campsites. Individual private campsites not associated with a campground shall meet the following standards.
1) The individual private campsite must be located on a parcel of land with at least 20,000 square feet of land area.
2) Recreational vehicles, tents or other temporary structures may not be located on any type of permanent foundation except for a gravel pad and no structures except canopies shall be attached to the recreational vehicle.
3) A sewage disposal plan shall be submitted to the Code Enforcement Officer for review and approval.

D. Recreational Vehicle Occupancy. A temporary occupancy certificate must be obtained from the Code Enforcement Officer for any recreational vehicle or camper that is occupied for more than 30 consecutive calendar days on any property. Temporary occupancy certificates are subject to the following restrictions:
a. Temporary occupancy certificates shall only permit the occupancy of a recreational vehicle or camper at a single address and for not more than 180 days.
b. No temporary occupancy certificate may issue for a property without a private septic system unless the Code Enforcement Officer receives a pumping agreement with a septic pumping company. All pumping records shall be kept on site and be made available to the Code Enforcement Officer upon request. This provision shall not apply to recreational vehicles or campers located in a licensed campground or RV park.
c. Temporary occupancy certificates may only permit occupancy of a recreational vehicle or camper between April 30 and October 31.
d. No temporary occupancy certificate may be issued unless the recreational vehicle or camper complies with the National Electrical Code and NFPA 1192 Standard for Recreational Vehicles, which is hereby incorporated by reference.

Article 7. Mobile Homes and Mobile Home Parks

Section 7.1. Mobile Home Inspections

All manufactured homes manufactured prior to June 15, 1976 or not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 that are either relocated into the Town of Chelsea or located in the Town of Chelsea and sold shall be required to be inspected by a Master Electrician, Master Plumber and licensed oil burner technician to insure that the basic life

safety components of the mobile home are sale. Any person seeking to locate, relocate or sell such a manufactured home shall provide the Code Enforcement Officer with a completed manufactured home installation application form and proof of all inspections and certifications from each of the above-listed technicians that the manufactured home complies with the relevant standards prior to locating, relocating or selling such a manufactured home in the Town of Chelsea. The applicant shall bear the burden of proof for determination of the date of manufacture of a manufactured home. Manufactured homes manufactured on or after June 15, 1976, are exempt from the requirements of this Section.

Section 7.2. Mobile Home Parks

This section applies to the permitting, construction and operation of mobile home parks within the Town of Chelsea. This section shall not apply to travel trailers or to recreational parks or recreational areas designed to provide facilities and/or parking spaces for travel trailers.

A. Applicable Standards. Mobile home parks within the Town of Chelsea shall comply with the following standards and conditions:

1. Mobile home parks must have at least three (3) individual manufactured home park lots.

2. Except as provided herein, mobile home park lots must be no less than 20,000 square feet in size. Mobile home park lots served by public sewer must be no less than 5,000 square feet in size. Mobile home park lots served by an on-site subsurface wastewater disposal system must be no less than 5,000 square feet in size. Mobile home park lots served by a central on-site subsurface wastewater disposal system approved by the Department of Health and Human Services may not have an overall density greater than one mobile home per 20,000 square feet.

3. Mobile home park lots may not contain more than one mobile home.

4. Mobile homes within a mobile home park must be set back at least two hundred (200) feet from existing dwellings on adjacent properties outside of the mobile home park, other than dwellings owned or occupied by the owner or operator of the mobile home park; at least thirty (30) feet from all other mobile homes within the mobile home park; at least thirty (30) feet from all mobile home park property lines; and at least twelve (12) feet from any public or private road or right-of-way.

5. Any mobile home park that contains ten (10 or more mobile home park lots shall also contain at least one tenth (1/10) of an acre per mobile home park lot that is set aside and designated as an area for open space, storage or recreation.

6. All roads within the mobile home park shall be constructed and maintained so as to afford adequate access by emergency vehicles and essential services. All roads shall consist of at least a twenty-three (23) foot wide right-of-way, with at least a twenty (20) foot wide paved surface and shall be constructed so as to comply with or exceed the standards established by the Maine Manufactured Housing Board. No road within a

mobile home park may be accepted by the Town as a public way unless they meet all applicable Town standards and ordinances.

B. Permit Required for Mobile Home Parks. No mobile home park may be established or operated in the Town of Chelsea without first obtaining a permit from the Planning Board. Applications for a mobile home park permit shall be submitted to the Planning Board and shall contain the following documents and information:

1. The name and contact information for the applicant;

2. The proposed location and record owner of the land upon which the mobile home park is to be located;

3. A set of plans drawn to scale and showing:
   i. The boundary of the property on which the mobile home park is proposed to be located;
   ii. The area and dimensions of the proposed mobile home park;
   iii. The location of all existing structures on the property and adjacent properties and measurements of all setbacks required by this section; and
   iv. The location of any existing or proposed sewer, water or electrical utility lines, and subsurface wastewater disposal systems.

4. The proposed method of garbage and waste disposal, including a contract from licensed solid waste hauler, or completed HHE 200 (Plumbing Application) for on-site disposal or central engineered on-site disposal system, as well as a performance bond for 110% of completed central system cost.

5. Payment of the mobile home park application fee, as set by the Select Board and included on the Town's fee schedule.

6. Such other and further information as the Planning Board or Code Enforcement Officer may request.

C. Planning Board Review. Upon receipt of a complete application for a mobile home park, the Planning Board shall hold a public hearing on the application. If the Planning Board finds that the application complies with all applicable requirements of this section, the Planning Board shall approve, or approve with conditions, the application and issue a permit for the proposed mobile home park. If the Planning Board finds that an application is incomplete or fails to satisfy any of the requirements of this section, it shall deny the application. Proposed alterations or modifications to a permitted mobile home park, including but not limited to, expansion or reduction of the mobile home park boundaries, increase or decrease of the number of mobile home park lots, or other changes to subsurface wastewater disposal, roads or utilities, shall require Planning Board approval in accordance with this Section.

D. Other Permits and Approvals Required. This section shall not be interpreted to modify or remove the need for any mobile home park to obtain any other permits or approvals required pursuant to the Town's ordinances or state law, including Article 5-A of this Ordinance and Shoreland Zoning Ordinance. It shall be the owner's and/or operator's responsibility to see that all appropriate permits, including building and plumbing permits, are obtained prior to the placement of any mobile home within the mobile home park. Park owners and/or operators shall allow the Town and its officials rights of entrance and exits in their parks.

E. Right to Inspect. The owner or operator of a permitted mobile home park shall permit the Town's Code Enforcement Officer and other officials and employees to enter and inspect the mobile home park for compliance with applicable Town ordinances, codes, rules and regulations, upon reasonable notice and during normal business hours.

F. License Required for Mobile Home Parks. No mobile home park may be established or operated in the Town of Chelsea without first obtaining a license from the Select Board. An applicant for a mobile home park license shall submit an application to the Select Board in the form required by the Select Board. Upon receipt of a mobile home license application, the Select Board shall hold a public hearing on the application and approve or deny the license application. The Select Board may not issue a mobile home park license unless it finds that the mobile home park has received a permit from the Planning Board and the permittee has provided any required performance bond to the Town.

    1. Mobile home park licenses shall expire on January 1 of each year and must be renewed annually. Applicants seeking renewal must pay a fee, as determined by the Select Board and listed on the Town's fee schedule, and provide the Select Board with an updated performance bond, if applicable, as well as the name and mailing address of the owner or operator of the mobile home park and any other information required for tax assessment purposes.

G. Mobile Home Park Transfers. Any person or persons who purchases an existing mobile home park that does not meet applicable requirements of the Town's ordinances, state laws or other applicable codes, rules or regulations, shall have the right to continue to operate the mobile housing park for a period not to exceed one (1) year. On or before the expiration of the one-year period, such person or persons must demonstrate that the mobile home park has been brought into compliance with all applicable Town ordinances, state laws and applicable codes, rules or regulations and, if they are unable to do so, shall cease to operate the mobile home park.

H. Violations. It shall be a violation of this Article to construct or operate a mobile home park without first obtaining a permit from the Planning Board, to construct a mobile housing park not in accordance with the application approved by the Planning Board, or to sell or convey a mobile home park lot within a mobile home park that has not been issued a permit by the Planning Board. Violations of this Article shall be punishable in accordance with Article 10 of this

Ordinance. Each day that a violation continues shall constitute a separate violation of this Ordinance.

Article 8. Transfer Stations Located in Chelsea Town Limits

In accordance with the provisions of Title 38, M.R.S.A. Section 1305, Subsection 1, the Town has a statutory obligation to provide a solid waste facility for domestic and commercial waste generated within the municipality. Municipal solid waste contains recoverable resources, including energy, which, if recovered, may reduce the municipal cost of solid waste disposal as well as being environmentally sound. The Town shall have a controlling interest in any transfer station developed within its borders or any transfer station established by interlocal or other agreement with surrounding municipalities, to ensure the transfer station is used to serve the residents of the Town. Any transfer station so established shall comply with all applicable State rules and regulations.

The purpose of this Article is to protect the health, safety and general well-being of the residents of the Town; enhance and maintain the quality of the environment; conserve natural resources and prevent water and air pollution. The ordinance is designed to provide for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Chelsea.

Article 9. Administration and Enforcement

Section 9.1. Administration

This Ordinance shall be administered by the Code Enforcement Officer appointed by the Town of Chelsea and the Planning Board of the Town of Chelsea.

Section 9.2. Enforcement

The Ordinance shall be enforced by the Code Enforcement Officer appointed by the Town of Chelsea.

Section 9.3. Penalties

Any person or entity found to be in violation of this Ordinance shall be notified by the Code Enforcement Officer, in writing, of such violation and provided sufficient time to correct said violation as determined by the Code Enforcement Officer.

Any person or entity who is found to have violated this ordinance, after being properly notified, shall be subject to fines and penalties of at least $100 per day per violation, including reasonable attorney's fees, in accordance with Title 30-A M.R.S.A. §4452. Each day a violation continues shall constitute a separate violation.

Section 9.4. Fees

All building permit, application and other fees shall be set by the Chelsea Select Board and included on a fee schedule.

The fee for any permit sought after construction or the permitted activity has begun shall be subject to a fee that is two times the amount set by the Select Board.

Section 9.5. Amendments

This ordinance may only be amended by vote of the Chelsea Town Meeting. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the town meeting and a notice of such hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

Section 9.6. Administrative Appeals

Any person aggrieved by a permitting decision issued by the Code Enforcement Officer or Planning Board under this Ordinance may appeal the decision to the Board of Appeals within 30 days the date of the decision. Orders, decisions or determinations made by the Code Enforcement Officer or Planning Board in the enforcement of this Ordinance may not be appealed to the Board of Appeals.

Section 9.7. Variance Appeals

A. Variances. Applications for a variance from any provision of this Ordinance, the strict application of which the applicant believes would cause him or her undue hardship, may be submitted to the Board of Appeals. The Board of Appeals may not grant a variance from the provisions of this Ordinance unless:
    a. A written application is filed with the Board of Appeals demonstrating that the strict application of the Ordinance to the applicant's property would cause undue hardship. For the purposes of a variance appeal "undue hardship" means:
        i. The land in question cannot yield a reasonable return unless a variance is granted;
        ii. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
        iii. The granting of a variance will not alter the essential character of the locality; and
        iv. The hardship is not the result of action taken by the applicant or a prior owner.
    b. The Board of Appeals may not grant a variance to permit a use or activity that is not otherwise permitted on the property in question.

B. Dimensional Requirements Variances. Applications for a variance from the dimensional requirements of this Ordinance, including lot area, frontage and setback requirements, may be submitted to the Board of Appeals. The Board of Appeals may not grant a variance from the dimensional requirements of this Ordinance unless:
    a. A written application is filed with the Board of Appeals demonstrating that the strict application of the Ordinance to the applicant's property would cause practical difficulty, and the following conditions exist:
        i. The proposed use or activity is otherwise permitted on the property;
        ii. Prohibiting the proposed use or activity would result in significant economic injury to the petitioner;

iii. The need for the variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
iv. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not detrimentally affect the use or value of abutting properties;
v. The practical difficulty is not the result of action taken by the applicant or prior owner;
vi. No other feasible alternative to a variance is available to the applicant;
vii. The granting of the variance will not unreasonably adversely affect the natural environment; and
viii. The property is not located in whole or in part within the Shoreland Zone.

C. Notice. Prior to taking action upon any variance application under this section, the Board of Appeals shall conduct a public hearing on the application. At least 7 days prior to the public hearing, the Board of Appeals shall cause a notice of the public hearing to be posted at the Town Office and sent to the applicant, Planning Board, Select Board and the owners of property abutting the applicant's property. Failure by any person to receive such notice, once mailed, shall not affect the validity of the Board of Appeals' decision on a variance application or necessitate rehearing or reconsideration of the application.

D. Decision. The Board of Appeals shall issue a written decision on all variance applications, which shall be delivered to the applicant. Any person aggrieved by a decision of the Board of Appeals on a variance application may appeal the decision to the Superior Court pursuant to Maine Rule of Civil Procedure 80B.

E. Certificate of Variance. If the Board of Appeals grants a variance, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted, and the date of granting shall be prepared in recordable form and recorded in the Kennebec County Registry of Deeds within 90 days of the date of the final written approval of the variance. A variance is not valid until recorded and, if not recorded within 90 days, is void.