Town of Roxbury
Land Use Ordinance
Amended June 23rd, 2022

Be it enacted by the Town of Roxbury as follows:

Section 1. Purpose

The purpose of this Ordinance is to promote the health, safety and general welfare of the people of the Town of Roxbury by the application of land use standards of land use. Specifically, this Ordinance is intended:

1. To preserve from development those wetlands that have significant value in the natural regulation of the drainage system of the region, in the recharging of aquifers, and in the protection of wildlife;

2. To prevent steep slopes from serious erosion that may be caused by heavy run-off after disturbance of the vegetative cover and topsoil;

3. To prevent unsanitary conditions that may be created by development on steep slopes.

Section 2. Applicability and Authority

This Ordinance applies to all land areas within the Town of Roxbury except for those areas regulated by the Town of Roxbury Shoreland Zoning Ordinance. The Mountain District shall include all areas of the mountain ridge comprised of the portions of Record Hill located within the Town of Roxbury, Flathead Mountain, Mine Notch, Partridge Peak, and North and South Twin Mountains that are located at or above an elevation of fifteen hundred feet (1500 feet) above sea level. The General District shall include all other land areas outside the Shoreland District and the Mountain District.

This Ordinance is adopted pursuant to the provisions of Article VIII Part Second of the Maine Constitution, and provisions of Title 30-A M.R.S.A. Section 3001.

Section 3. Effective Date

The effective date of this Ordinance is June 8, 1976, and subsequent amendments. A certified copy of this Ordinance shall be filed with the County Register of Deeds, according to the requirements of State law.

Section 4. Validity and 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 this Ordinance.

Section 5. Amendments

This Ordinance may be amended by a majority vote of the governing body.

Section 6. Non-Conforming Uses

A. Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this Ordinance or amendments there to and not in conformance with the provisions of the Ordinance shall be considered to be a non-conforming use.

B. Any non-conforming use may continue and may be maintained, repaired and improved. No such non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 12 calendar months or more without a permit from the Planning Board.

C. Any non-conforming lot of record existing before the effective date of this Ordinance and not adjoined by other land of the same ownership may be used in accordance with State law and section 7 of this Ordinance.

Section 7. Uses

Land Uses permitted in the General District and Mountain District in conformance with the land use standards of this Ordinance, are shown below;

Key: Yes – Allowed (no Town or Municipal permit required)
No – Prohibited
CEO- Requires permit issued by the Code Enforcement Officer
PB Permit – Requires permit issued by Planning Board
* - Subject to specific Land Use Standards

Land Use	General District	Mountain District
Non-intensive recreational uses not requiring structures, such as hunting, fishing, and hiking	Yes	Yes
Motorized vehicular traffic on roads and trails, and snowmobiling	Yes	Yes
Forest management activities except for timber harvesting	Yes	Yes
Timber harvesting*	Yes	Yes
Fire Prevention activities	Yes	Yes
Wildlife management practices	Yes	Yes
Soil and water conservation practices	Yes	Yes
Mineral exploration*	Yes	Yes
Surveying and Resource analysis	Yes	Yes
Emergency operation as defined	Yes	Yes
Harvesting of wild crops	Yes	Yes
Agriculture*	Yes	Yes
Principal Structures*		

Land Use	General District	Mountain District
Residential Dwellings Units	PB Permit	No
Temporary Structures*	PB Permit	PB Permit
Commercial Structures	PB Permit	No
Industrial Structures	No	No
Wind Energy Facilities	No	Yes/PB Permit 1
Structures accessory to permitted uses	Yes	Yes
Road Construction*	Yes	Yes
Small non-residential facilities for educational, scientific or nature interpretation purposes	Yes	Yes
Public and private parks and recreational areas involving minimal structural development.	Yes	Yes
Campgrounds	PB Permit	No
Clearing for Approved Construction	Yes	Yes
Essential services accessory to permitted uses	Yes	Yes
Private sewage disposal systems	LPI Permit	LPI Permit
Public Utilities, including sewage collection and treatment facilities	PB Permit	No
Signs	Yes	Yes
Filling or other earth-moving activity of less than 10 cubic yards	Yes	Yes
Mineral extraction	PB Permit	PB Permit
Filling or other earth-moving activity of more than 10 yards	Yes	Yes
Uses similar to permitted uses	Yes	Yes
Uses similar to uses requiring a CEO permit	CEO Permit	CEO Permit
Uses similar to uses requiring a PB permit	PB Permit	PB Permit

Wind Energy

1. This use allowed upon submission to the Planning Board of a Site Location of Development Permit from the Maine Department of Environmental Protection. A Wind Energy Facility that has made such a submission must abide by the terms and conditions of the submitted Site Location of Development Permit, or such Wind Energy Facility will be considered to be in violation of this ordinance, enforced pursuant to Section 9. A Planning Board Permit is required for Wind Energy Facilities that do not hold a Site Location of Development permit from the Maine Department of Environmental Protection

Section 8. Lane Use Standards

All land use activities shall conform to the following applicable land use standards:

A. General Regulations

1. Wetlands: No wetland of more than five acres shall be filled, nor shall it be used

for the disposal of agricultural and nonagricultural wastes. The Town shall have authority to regulate in the same manner the use of any smaller wetland which is, or may become, of significant value to the community as an aquifer recharge area or as public open space. Wetland filling may require State and Federal permits.

For the purpose of this Ordinance, a wetland is defined as marshland or other low-lying, level area, characterized by frequent or seasonal flooding, and a high water table, and by soils consisting of partly decomposed organic matter intermixed with silt, clay and sand. The extent of a wetland shall be determined by on-site investigation.

2. Steep Slopes: No residential, commercial or industrial structure, and no road to such a structure, shall be built on a slope of 15% or more, unless it shall be done in accordance with plans prepared for the site by a licensed professional engineer. Plans shall be prepared for the disposal of storm water without serious erosion of the topsoil and roadbed and without sedimentation of any stream or other body of water. Where applicable, detailed plans shall be prepared for the disposal of sanitary wastes without nuisance or danger to health.

   The degree of slope shall be determined by measurements at 50 foot intervals at the location of the proposed structure or road. The Town shall designate a surveyor to measure the slope, and may assess the owner of the land for the cost of the survey.

3. Residential Lot Standards: Lots shall meet or exceed the following minimum requirements:

   With or without Sanitary Sewers
   87,120 square feet (2 Acres)

   A. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be met for each additional dwelling unit.

   B. Structures shall not cover more than 20% of any lot.

4. Manufactured Housing Safety Standards

   The purpose of these standards is to establish a condition of safety that will allow the mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park.

   A. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.

      1. All homes with roofs added after construction will require a professional engineer to review the roof design to determine that the

roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.

2. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards here-after revised or enacted.

3. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

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

A. Camping areas shall contain a minimum of 5,000 square feet of suitable land, not including roads and driveways, for each site.

6. Erosion and Sedimentation Control: Filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such manner to prevent to the minimum extent possible, erosion and sedimentation of surface waters.

7. Mineral Exploration: 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 disturbances. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

8. Road Construction

A. Roads shall be located, constructed, and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

B. Additionally, all roads constructed shall conform with the following standards:

1. Road crossings of watercourses shall be kept to the minimum number necessary;

2. Bottoms of culverts shall be installed to allow for fish and wildlife passage;

3. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and

4. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen.

9. Sanitary Standards: All subsurface sewage disposal systems shall be installed in accordance with the Maine Subsurface Disposal Rules #144 CMR 241.

10. 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, 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, prepared by a State-certified soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

11. *Temporary Structures:

The Planning Board is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time and service, but shall not be permitted for more than 180 days. The Planning Board is authorized to grant extensions for demonstrated cause. Temporary structures and uses shall meet the requirements of:

Shall apply to structures erected for a period of less than 180 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the International fire code. Those erected for a longer period of time shall comply with applicable sections of this ordinance.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

A. Temporary structures in conjunction with construction work.

   Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six (6) month period and may be renewed by the Planning Board.

B. Temporary Structures in conjunction with Disasters:
   1. Temporary structures including temporary living quarters used in conjunction with disasters such as fire, flood, lightening, hurricanes, and ice or snowstorms and other forces of nature shall be permitted only during the period of restoration work is in progress.

   2. Restoration work includes the repairing, rebuilding, and altering of a premise, land or structure to a former, normal or unimpaired state or condition including but not limited to the cleaning and removal of debris, trash, and waste.

   3. Temporary structures shall not encroach any further upon the setback

requirements of the structure destroyed. Any deviation from those setbacks must be approved by the Code Enforcement Officer.

4. Temporary living quarters shall be connected to the existing septic system or to an alternate system which, in either case, must comply with the Plumbing Code and approved by the Local Plumbing Inspector.

5. Permits for temporary structures shall be issued for a six (6) month period and may be renewed by the Planning Board for a maximum on one extension provided a duly authorized building and plumbing permit has been issued for a permanent structure.

C. Exceptions: Temporary storage structures that consist of a metal frame covered by a tarp like shell.

Section 9. Administration

A. Enforcement

After the effective date of this Ordinance, no person, firm or corporation shall erect, alter or change the use of a building, or change the use of land, in any area subject to the regulations set forth in this Ordinance until a permit for such action has been issued by the Town in accordance with the requirements of Section 7 of this Ordinance. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance. The Code Enforcement Officer shall be given free access at reasonable hours to structures or land regulated by this Ordinance. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60 days of receipt of a completed application, including all information requested. Upon complaint by Code Enforcement Officer, a person, firm or corporation may be enjoined from the erection, alteration, or occupation of any structure, or the use of any land, that violates these regulations. A person, firm, or corporation which violates these regulations shall be penalized in accordance with 30-A, M.R.S.A. section 4452. Each day during which the violation exists shall be considered a separate offense.

B. Board of Appeals

1. There is hereby created the Board of Appeals of the Town of Roxbury pursuant to the provisions of State Law.

2. Variances

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Ordinance under the following conditions;

A. The strict application of the terms of this Ordinance would result in undue hardship to the applicant;

B. The hardship is not the result of action taken by the applicant or a prior owner; and

C. The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of this Ordinance.

A variance is authorized only for lot area, lot coverage by structures, and setbacks. A Variance shall not be granted to permit a use or structure otherwise prohibited.

3. Appeals to Board of Appeals

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer, in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer, only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

Conflict with other Ordinances

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

Section 10. Definitions

Terms not defined herein shall have the customary dictionary meaning; as used in this Ordinance, the following definitions shall apply:

Accessory Structure: A structure of the nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant 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 a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

Emergency Operations: Emergency operations shall include 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 and livestock from the threat of destruction or injury.

Essential Services: Gas, electrical, communication facilities, steam fuel or water supply, transmission, or distribution systems.

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.

Manufactured Housing/Mobile Home Unit: Means structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. section 4358(l).

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Principal Structure: The structure in which the primary use of the lot is conducted.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for the use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

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.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

Temporary Structure: A structure which is permitted within a land use district without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres not be considered timber harvesting.

Wetland: Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes or bogs.

Wind Energy Facility: An electricity-generating facility consisting of more than one wind turbine under common ownership or operating control that includes substations, MET towers, cables/wires and other structures accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). Wind Energy Facilities are not considered to be "Industrial Structures," as that term is used in this Ordinance.

Given under our hands this 28th day of June.

TIMOTHY DEROUCHE

MATTHEW PATNEAUDE

RAY HODSDON

BOARD OF SELECTMEN
TOWN OF ROXBURY

A TRUE COPY

Attest: _____
BRITTANY GORDON, Town Clerk

Ordinance Adopted: March 2nd, 1976
Ordinance Amended: January 15th, 2009
Ordinance Amended: June 23rd, 2022 [Article 3]

Town of Roxbury, Maine 04275