Town of Mariaville
Land Use Ordinance

Originally Enacted December 30. 1985
Amended March 30, 1991
Amended March 30, 1998
Amended March 29, 1999
Amended March 27, 2000
Amended June 9, 2001
Amended March 25, 2002
Amended March 31, 2003
Amended March 28, 2005
Amended March 27, 2006
Amended March 31, 2008
Amended March 30, 2009
Amended March 29, 2010

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Section 1. GENERAL PROVISIONS

A. Title

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

B. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), the State's Comprehensive Planning and Land Use Regulation Act, Title 30-A M.R.S.A., Sections 4312 et.seq, and the Mandatory Shoreland Zoning Act, Title 38 M.R.S.A. Sections 435 et. seq.

C. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Mariaville, including any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

D. Conflicts with Other Ordinances

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

E. 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.

F. Effective Date

The effective date of this ordinance shall be the date of the adoption by the voters of Mariaville at a special Town Meeting on March 30, 2009 and as subsequently by said voters.

G. Amendments

1. This Ordinance may be amended by a majority vote of the voters of Mariaville at a special or regular Town Meeting.

Section 2. PURPOSES-GENERAL AND SPECIFIC

A. General Purposes

The general purposes of this Ordinance are:

1. To implement the provisions of the Town's Comprehensive Plan.
2. To encourage growth in the identified growth areas of the Community, and to limit growth in the rural areas.
3. To promote the health, safety and general welfare of the residents of the community.
4. To encourage the appropriate use of land throughout the community.
5. To promote traffic safety.
6. To provide safety from fire and other elements.
7. To provide an allotment of land area in new development sufficient for adequate enjoyment of community life.
8. To conserve natural resources.
9. In watershed and shoreland areas, to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater; to control building sites, placement of structures and land uses; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

B. Specific Purposes

The specific purposes of the various sections of this Ordinance are:

1. Land Use Areas

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

a. Residential Growth (RG)
b. General Growth (GG)
c. Hopkins Pond & Oran Pond Watersheds(HOW)

d. Rural (R)
e. Resource Protection (RP) (overlay)
f. Aquifer Protection (AP) (overlay)

2. Zoning Map

The Official Zoning Map shall be certified by the attesting signature of the Municipal Clerk and located in the Town Office.

3. Amendments

If amendments are made in the district boundaries or other matter portrayed in the Official Zoning Map, such changes shall be effective thirty (30) days after the amendment has been approved at a special or regular Town Meeting.

4. Building and Construction Standards

The purpose of the building and construction standards is to insure proper construction practices and the use of materials for structures designed for human habitation. These standards are intended to protect general health, safety and welfare with respect to life and property.

Section 3. GENERAL ADMINISTRATION

A. Planning Board

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

a. The Board shall consist of five (5) members
b. Three (3) members shall be elected, two (2) members shall be appointed by the Board of Selectmen
c. Elected members serve staggered terms of three (3) years
d. Appointed members serve staggered terms of two (2) years
e. When there is a permanent vacancy, the Board of Selectmen shall within sixty (60) days of its occurrence appoint a person to serve the unexpired term
f. A member of the Board of Selectmen may not serve as a member
g. A member of the Board may be dismissed for cause by the Board of Selectmen upon written charges and after a hearing.

d. Rural (R)
e. Resource Protection (RP) (overlay)
f. Aquifer Protection (AP) (overlay)

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b. Three (3) members shall be elected, two (2) members shall be appointed by the Board of Selectmen
c. Elected members serve staggered terms of three (3) years
d. Appointed members serve staggered terms of two (2) years
e. When there is a permanent vacancy, the Board of Selectmen shall within sixty (60) days of its occurrence appoint a person to serve the unexpired term
f. A member of the Board of Selectmen may not serve as a member
g. A member of the Board may be dismissed for cause by the Board of Selectmen upon written charges and after a hearing.

2. Organization and Rules:

   a. The Board shall elect a chairperson from its members and designate a secretary. The term of all officers shall be one (1) year with eligibility for re-election. The Board may fill and create other offices as it may determine.
   b. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged
   c. The chairperson shall call at least one regular meeting of the Board each month.
   d. No meeting of the Board shall be held without a quorum consisting of three (3) members authorized to vote.
   e. The Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times.

3. Duties and Powers:

   a. The Board shall perform such duties and uphold the laws of the State of Maine.
   b. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
   c. The Board may adopt "By-Laws" in addition to these requirements as deemed necessary.

B. Board of Appeals

1. Appointment and Composition

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

   a. The Board of Appeals shall be appointed by the Board of Selectmen and shall consist of five (3) regular members and (1) alternate, all of whom shall be legal residents of the Town of Mariaville, serving staggered terms of three (3) years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board of Appeals shall be public record. A quorum shall consist of four regular or alternate members.
   b. When a member is unable to act because of interest, physical incapacity, absence or any other satisfactory reason, the chairperson shall designate an alternate member to sit in their stead. An alternate member may participate in the Board's

proceedings but may vote only when she/he has been so designated by the Chairperson.

c. Neither a member of the Board of Selectmen nor her/his spouse may serve as a member.

d. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon, shall be decided by majority vote of the members, except the member who is being challenged.

C. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged that there is a error in any order, requirement, decision, or determination made by, or failure to act by the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

b. Standard of Review/Burden of Proof. When acting in an appellate capacity, the board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer (CEO) only upon a finding that the decision was clearly contrary to specific provisions of this Ordinance or clearly contrary to the facts presented to the Planning Board or CEO.

2. Jurisdiction of Variance Appeals

The Board of Appeals shall hold a public hearing on the application for a variance. Said public hearing shall be held within 30 days of the time of submission of the application. Notice of said hearing shall be posted in the Town Office at least fourteen (14) days prior to the public hearing and advertised in a newspaper of general circulation in Mariaville at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. The Board shall send notice of such public hearing by Certified Mail, Return Receipt Requested, to all owners of property within 1000 feet of any boundary of the subject property. Said notice shall be mailed no later than ten (10) days prior to the date of the public hearing. The purpose of the public hearing shall be for the Board of Appeals to receive testimony from the public relative to any municipal or state ordinance, standard or regulation which is applicable to the proposed variance and the relationship of the variance to the ordinance, standard or regulation.

Variances may be permitted only under the following conditions:

a. General Variances:

The Board of Appeals may grant a variance from strict application of this Ordinance under the following conditions:

1. The strict application of the terms of this Ordinance would result in undue hardship to the applicant;
2. The hardship is not the result of action taken by the applicant or prior owner;
3. The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding in accordance with the Land Use Standards.

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

b. Set-back Variance for Single-Family Dwellings

The Board may grant a set-back variance for a single-family dwelling only under the following conditions:

1. The need for a variance is due to the unique circumstances or the property and not to the general conditions of the neighborhood;
2. The granting of a variance will not alter the essential character of the locality;
3. The hardship is not the result of action taken by the applicant or a prior owner;
4. The granting of the variance will not substantially reduce or impair the use of the abutting property; and
5. That granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A set-back variance for single-family dwellings may only be granted for a structure that is the primary year-round residence of the petitioner.

c. Variance from Dimensional Standards

The Board may grant a variance from the dimensional standards of this Ordinance when strict application of this Ordinance to an applicant and the applicant's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

2. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
3. The practical difficulty is not the result of action taken by the petitioner;
4. No other feasible alternative to a variance is available to the petitioner;
5. The granting of a variance will not unreasonably adversely affect the nature environment; and
6. The property is not located in whole or in part within shoreland areas as described in 38 M.R.S.A. §435.

As used in this subsection "dimensional standards" means and is limited to provisions in this Ordinance relating to lot area, lot coverage, frontage and setback requirements.

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

3. Appeal Procedure

a. Making an appeal

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Such appeal shall be made by filing with the Board of Appeals a written application provided by the Town and includes:

   a. A concise written statement indicating what relief is requested and why it should be granted.
   b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

3. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

b. Decision by the Board of Appeals

1. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
2. The person filing the appeal shall have the burden of proof.
3. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
4. All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.

c. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

d. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of its original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

D. Code Enforcement Officer

1. General

A Code Enforcement Officer (CEO) and one (1) or more Assistant Code Enforcement Officers, where appropriate, shall be appointed by the Selectmen annually by July 1.

2. Responsibilities of the Code Enforcement Officer

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

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

4. Fines

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

E. Permits Required

1. Code Enforcement Permit Required

A permit from the Code Enforcement shall be required before beginning or undertaking any of the following activities:

a. Flood Hazard Development Permit: All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

b. Shoreland Zoning Permit: All construction or earth moving activities or other improvements within the Shoreland Zones.

c. Building Permit:

New construction, conversion, additions, relocations, and replacements or significant segment thereof, including all trailers, manufactured homes and/or recreational vehicles when connected to any utility, and/or used as a residence for a period of more than Thirty (30) days. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. A permit is not required for the construction or placement of a dog house, children's playhouse, tool shed or similar small building having not more than one-hundred (100) square feet, providing such structures shall meet all other requirements of this Ordinance.

d. Moving or Demolition Permit: All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished in a hazardous manner.

e. Change of Use Permit: The change of any premises from one category of land use to any other land use. A change of use may also require a permit from the Local Plumbing (LPI).

f. Seasonal Conversion: The conversion of a seasonal dwelling unit to a year-round use requires a permit from the Local Plumbing Inspector (LPI).

g. Activities Listed in the Schedule of Uses: Any activity listed in Section 5, of this Ordinance, as requiring a permit from the Code Enforcement Officer.

2. Certificate of Occupancy

A "Certificate of Occupancy" must be obtained from the Code Enforcement Officer by the owner or representative before the building or part thereof may be occupied, unless the waiving of such requirement is indicated on the building Permit.

F. Procedure:

1. Application: All applications for a Code Enforcement Officer permit shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose, together with such fees as required in Section 9 of this Ordinance.

2. Submissions: All applications for a Code Enforcement permit shall be accompanied by a plan, accurately drawn to scale, and showing:

a. The actual shape and dimensions of the lot for which a permit is sought;
b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within 250' of the property;
c. The location of proposed new buildings or structures;
d. The existing and intended use of each building or structure;

e. The location of well and septic;
f. The location of utility lines and whether above or underground.

G. Expiration of Permit

1. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of permit, the permit shall lapse and become void.

2. All permits expire three years from date of issue. Projects not completed shall require permit renewal at one-half (1/2) the cost of the original permit. Renewal permits expire after three years. Permits can be renewed only once. If project not completed at end of renewal period a new permit is required.

H. Display of Permit

The building permit shall be retained by the owner, or duly authorized representative, until all work covered by the permit is completed.

I. Vested Rights

The submission of an application shall not be considered the initiation of the review process for the purposes of bringing the applicant under the protection of Title 1 M.R.S.A. §302.

J. Application Fees

The application for a permit shall be accompanied by an application fee in such amount as the Board of Selectmen may by rule from time to time establish. The fee schedule will be provided to the applicant by the Code Enforcement Officer. Fees shall be established sufficient to cover the cost to the Town in administrating the provisions of the Ordinance.

An additional fee may be charged if the Planning Board and/or Board of Appeals require the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within ten days after the Town submits an estimate for such services to the applicant. Failure to pay the fee to the Town within the required time period shall constitute a violation of the Ordinance. An expert shall not be hired by the municipality at the expense of the applicant until the applicant has either consented to such hiring in writing or be given an opportunity to be heard on the subject.

Starting without first obtaining a permit shall result in double the permit fee, plus possible fines and penalties.

K. Waivers of Submission Requirements

When the Planning Board makes written findings of fact that there are special circumstances of a particular parcel or proposed use, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the performance standards of these regulations have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purposes of the Comprehensive Plan or this Ordinance.

Section 4. Land Use Standards

A. PURPOSE

The purpose of the regulations contained in this section is to allow maximum utilization of land while assuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the area of the Town of Mariaville into zones and permitting specific land uses within each, provided that a use meets all the additional standards specified in this Section.

B. GENERAL STANDARDS

The following Land Use Standards shall govern all Permits and Approvals issued by the Code Enforcement Officer and the Planning Board.

1. Mobile Homes

This section is applicable to all new, used and relocated mobile homes in the Town of Mariaville, when and wherever newly installed at a home site. All new, used and relocated mobile homes shall meet designated snow and wind loads as specified by the Manufactured Housing Board.

a. All new, used and relocated mobile homes shall be on a permanent foundation or concrete slab.
b. All mobile homes shall be installed with a skirting system. Skirting materials shall be of durable materials suitable for exterior exposures.
c. All mobile homes shall have a "pitched, shingled roof". "Pitched, shingled roof" means a roof with a pitch of 2 or more vertical units for every 12 horizontal

units or measurement and which is covered with asphalt or fiberglass composition shingles or other acceptable material.

2. Junkyards and Automobile graveyards

No junkyard as defined in this ordinance shall be established without first being approved by the Planning Board, and shall be established in accordance with State licensing and local requirements including , and complying with the following provisions:

a. Junkyards shall be located a minimum of two hundred feet (200') from the edge of right-of-ways; and shall be set back one hundred feet (100') from all side and rear lot lines;

b. Junkyards shall be located a minimum of three hundred (300') from any public park, facility, or grounds;

c. Junkyards shall be entirely screened from view by earth berms, plantings or fences which shall be well constructed and properly maintained at a minimum height of six feet (6') and sufficient to accomplish the complete screening from ordinary view;

d. Upon arrival at the junkyard, all fuel, engine oil, battery, transmission fluids, etc shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents;

e. No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months;

f. All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be constructed in such a manner as to prevent unsightliness to the adjacent area;

g. No open burning of salvage materials or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in environmentally sound manner.

3. Recreational vehicle, tent or similar shelter

a. When used for more than a total of one hundred twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface wastewater disposal system.

b. Installation of essential services such as well, electric requires a permit from the Code Enforcement Officer.

4. Campgrounds

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

a. Each tent or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas (i.e. within two hundred fifty feet (250'), horizontal distance, of the normal high water mark of any river, lake, pond, upland edge of a wetland, and seventy-five feet (75') of a stream), and twenty five hundred (2,500) square feet of suitable land in inland areas, not including driveways and roads, for each site;

b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site;

c. The area intended for placement of the tent or shelter site, and utility and service buildings shall be set back a minimum of fifty feet (50') from the exterior lot lines of the camping area, and one hundred feet (100') from the normal high water elevation of any river, lake, pond, stream, and upland edge of a wetland; and

d. Screening shall be required to shield the campground from abutting areas.

5. Uses Prohibited On or Adjacent To Aquifers

a. The following uses are prohibited within the boundaries of the town's identified significant sand and gravel aquifers plus all lands laying outside and within three hundred feet (300') of said boundaries unless the use has been reviewed by the Planning Board and based upon a Ground Water Impact Analysis prepared by either a registered geologist or soil scientist, at the discretion of the Board, and other submissions, that the Board is able to make written findings of fact that the proposed use will not have an adverse impact on the quantity or quality of ground water resources:

1. Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with DEP regulations.
2. Petroleum storage for commercial or industrial use.
3. Engineered subsurface waste disposal systems as defined herein.

4. Multi-family dwellings.
5. Industrial uses except those permitted as home occupations as defined herein.
6. Salt-sand and road salt storage and loading area.
7. Dumping of snow containing deicing chemicals.
8. Junkyards as defined herein.
9. Sanitary landfills or demolition/stump dumps.
10. Commercial animal feedlots.
11. Metal plating.
12. Commercial furniture stripping.
13. Dry cleaning establishments.
14. Commercial motor vehicle repair or service.
15. Non-residential pipelines for transmission of oil, gas, or hazardous materials.
16. Spray irrigation of sewage.
17. Any other use that involves the manufacture, storage, use, transportation or disposal of toxic or hazardous materials.

b. When a Ground Water Impact Analysis is submitted, the assessment shall contain at least the following information:

1. Soil data for entire site including soil test pits and percolation test results.
2. The depth to the water table at representative points throughout the site.
3. Drainage conditions throughout the site.
4. Data on the existing ground water quality, either from test wells on the site or from existing wells on neighboring properties.
5. An analysis and evaluation of the effect of the development on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the site, or at the site boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is shortest distance.
6. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

c. Projections of groundwater quantity shall be based on the assumption of drought conditions (assuming 60% of annual recharge from precipitation).

d. No development shall increase any contaminant concentration in the groundwater, within or outside the development, to more than one half of the Primary Drinking Water Standards. No development shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.

e. If applicable, submit the following:

1) A list of all petroleum products, hazardous materials, and hazardous wastes that will be handled on site, whether used, stored, transported, or transferred. The list should contain the volume of each and a statement on how it will be handled.

2) A Spill Prevention, Control and Countermeasures (SPCC) plan.

Section 5. LAND USE REQUIREMENTS

A. Residential Growth Area

1. Purpose

The purpose of the Residential Growth Area is to:

a. Provide an area for additional growth within the Town of Mariaville; while maintaining the traditional character of the existing Town;
b. Encourage a variety of single and two family housing and light commercial uses that are compatible with the scale and intensity of uses found in this area;
c. Promote a pattern of development which permits an efficient delivery of municipal services and assure prompt emergency vehicle access;
d. Maintain fifty (50) foot vegetative buffer between the road and dwelling except when more visibility is needed for safe vehicle access onto the road;
e. Encourage the cluster housing option with twenty (20) percent density bonus in subdivisions.

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. One and two family residential
b. Home Occupations
c. Accessory residential uses
d. Accessory structures consistent with permitted uses

3. Uses Allowed Subject to Planning Board Approval

a. Commercial: retail uses of 3000 square or less, professional offices and personal services shops of less than 2000 square feet, mixed use structures or developments containing dwelling units and other permitted commercial uses no more than 1,000 square feet, craft shops, flower and vegetable stands growing or making articles for sale at retail on premises;

b. Civic: schools, libraries, churches, Town offices and services and related uses;
c. Bed and breakfast inns, having more than three rooms for rent:
d. Nursery schools and day care centers;
e. Restaurant
f. Multi-family dwellings
g. Convenience stores

4. Prohibited Uses

a. Large scale industrial uses, manufacturing other than allowed above;
b. Uses which attract high volumes of vehicular traffic (any access with more than 200 vehicle trips per day but less than peak hour volume of 50 vehicle trips or greater) ;
c. Commercial animal breeding or care facilities unless carried out within the home as a home occupation;
d. shopping centers
e. Telecommunications facilities and towers, unless attached to an existing structure; exempting ham radio and municipal emergency towers;
f. Adult entertainment;
g. Campgrounds

5. Dimensional Requirements per Principal Structure or Dwelling Unit:

a. Minimum lot size: 2 acres;
b. Minimum road frontage: 200 feet;
c. Minimum front yard setbacks: 75 feet from center line of road
d. Minimum rear yard setbacks: 25 feet;
e. Minimum side line setbacks: 15 feet
f. Maximum building height: 35 feet
g. Maximum lot non-vegetated coverage: 50 %

B. General Growth Area

1. Purpose

This purpose of the General Growth Area is to:

a. Provide an area for additional growth within the Town of Mariaville; while maintaining the traditional character of the Town;
b. Encourage higher density multi-family dwelling units, mobile home parks and commercial and manufacturing uses restricted to 2500 square feet of floor space

within one mile of the fire station except for rural uses, where 10,000 square feet are permitted unless in Shoreland or Resource Protection Zones;

c. Promote a pattern of development which permits an efficient delivery of municipal services and assure prompt emergency vehicle access;
d. Maintain fifty (50) foot vegetative buffer between manufacturing or commercial uses and adjoining uses;
e. Encourage the cluster housing option with twenty (20) percent density bonus.

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. Residential: single family, detached dwelling units, two family dwellings units, accessory residential uses, including home occupations, and accessory structures consistent with permitted uses.

3. Uses Allowed Subject to Planning Board Approval

a. Commercial: retail uses of 2500 square feet or less, professional offices and personal services shops of 2500 square feet or less, or developments containing dwelling units and other permitted commercial uses no more than 1000 square feet, craft shops, flower and vegetable stands growing or making articles for sale at retail on the premises, bed and breakfast inns having three or less rooms for rent. The 2500 square foot restriction would not apply to traditional rural uses; these uses would be restricted to 10,000 square foot per building
b. Convenience stores with or without gasoline service
c. Civic: schools, libraries, churches, Town offices and services and related uses.
d. Nursery schools and day care centers
e. Mobile home parks
f. multi-family dwellings of up to four units per two acres

3. Prohibited Uses

a. uses which attract high volumes of vehicular traffic (any access with more than 200 vehicle trips per day but less than peak hour volume of 50 vehicle trips or greater).
b. Shopping centers
c. Commercial animal breeding or care unless carried out within the home as a home occupation.

4. Dimensional requirements per Principal Structure or Dwelling Unit

a. Minimum lot size: 2 acres;
b. Minimum road frontage: 150 feet;
c. Minimum front yard setbacks: 75 feet from center line of road
d. Minimum rear yard setbacks: 50 feet;
e. Minimum side line setbacks: 30 feet
f. Maximum building height: 35 feet
g. Maximum lot non-vegetated coverage: 50 %
e. All roads serving development other than single and two family homes in the district must meet town road standards

C. Hopkins Pond and Oran Pond Watershed Area

1. Purpose

The purpose of the Hopkins Pond and Oran Pond Watersheds is to:

a. Maintain water quality;
b. Minimize sedimentation and run-off that increase phosphorus loading
c. Minimize density
d. Minimize storm water run-off
e. Discourage overdevelopment in an area where it would be costly to extend municipal services.

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. Residential: single family, detached dwelling units, two family dwellings units, accessory residential uses, including home occupations, and accessory structures consistent with permitted uses.
b. All earth moving activities involving ten or more cubic yards

3. Uses Allowed Subject to Planning Board Approval

a. Expansion of non-conforming structures or uses

4. Prohibited Uses

a. Commercial uses other than home occupations

5. Dimensional requirements per Principal Structure or Dwelling Unit

a. Minimum lot size: 5 acres;
b. Minimum road frontage: 200 feet;
c. Minimum front yard setbacks: 75 feet from center line of road
d. Minimum rear yard setbacks: 40 feet;
e. Minimum side line setbacks: 25 feet
f. Maximum building height: 35 feet
g. Maximum lot non-vegetated coverage: 50 %

D. Rural Area

1. Purpose

The purpose of the Rural Area is to:

a. Maintain water quality;
b. Minimize sedimentation and run-off that increase phosphorus loading
c. Minimize density

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. Residential: single family, detached dwelling units, two family dwellings units, accessory residential uses, including home occupations, and accessory structures consistent with permitted uses.
b. All earth moving activities involving ten or more cubic yards

3. Uses Allowed Subject to Planning Board Approval

Commercial uses dependent upon natural resources such as sawmills, farm stands and mineral extraction.

4. Prohibited Uses

a. Commercial uses other than home occupations or uses dependent on natural resources.

5. Dimensional requirements per Principal Structure or Dwelling Unit

a. Minimum lot size: 5 acres;
b. Minimum road frontage: 200 feet;

c. Minimum front yard setbacks: 100 feet from center line of road
d. Minimum rear yard setbacks: 40 feet;
e. Minimum side line setbacks: 25 feet
f. Maximum building height: 35 feet

E. Aquifer Protection Overlay Area

1. Purpose

To protect ground water resources from both point and non-point water pollution. The Aquifer Protection Overlay Area shall include all lands within the boundaries of the Town's identified significant sand and gravel aquifers. Commercial and industrial uses that threaten water quality are prohibited (i.e. gasoline stations, dry cleaning). Residential uses shall require a minimum of two acres per dwelling unit. The maximum impervious surface coverage shall be 25%.

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. Residential: single family, detached dwelling units, two family dwellings units, accessory residential uses, including home occupations, and accessory structures consistent with permitted uses.
b. All earth moving activities involving ten or more cubic yards

3. Uses Allowed Subject to Planning Board Approval

Commercial uses prohibited other than home occupations.

4. Prohibited Uses

a. Commercial uses other than home occupations

5. Dimensional requirements per Principal Structure or Dwelling Unit

a. Minimum lot size: 2 acres;
b. Minimum road frontage: 200 feet;
c. Minimum front yard setbacks: 100 feet from center line of road
d. Minimum rear yard setbacks: 40 feet;
e. Minimum side line setbacks: 25 feet;
f. Maximum building height: 35 feet;
g. Maximum impervious surface ratio of 25 percent.

F. Natural Resource Overlay Area

1. Purpose

The purpose of the Natural resource Overlay Area is the protection and enhancement of the town's natural and scenic resources and to preserve the quality of life and hunting and fishing opportunities.
The Natural Resource Overlay Area is for those natural resources outside the shoreland zone. This district would overlay any underlying area and apply to Deer Wintering Areas and Uses would be restricted to one single family unit per two acres unless stricter standards applied in underlying district. All earth disturbance activities greater than ten cubic yards or timber harvesting would require planning board review. During the review process the planning board would consult with the Maine Department of Inland Fisheries and Wildlife to minimize disruptions to the deer wintering activities.

2. Uses Allowed with a Permit from the Code Enforcement Officer

a. Single family dwelling units
b. Home occupations
c. Earth moving activities

3. Uses Allowed Subject to Planning Board Approval

a. All earth moving activities involving ten or more cubic yards
b. Timber harvesting

4. Prohibited Uses

Commercial uses prohibited other than home occupations.

5. Dimensional requirements per Principal Structure or Dwelling Unit

a. Minimum lot size: 2 acres;
b. Minimum road frontage: 200 feet;
c. Minimum front yard setbacks: 100 feet from center line of road
d. Minimum rear yard setbacks: 40 feet;
e. Minimum side line setbacks: 25 feet;
f. Maximum building height: 35 feet;

g. Maximum impervious surface ratio of 25 percent.

G. Dimensional Requirements: Protection Zones

The following Table describes the dimensional requirements for the (RP) Resource Protection, (SP) Stream Protection, (AP) Aquifer Protection, (HOP) Hopkins Pond and Oran Pond Watersheds

Dimensional Requirements	RP Resource Protection	SP Stream Protection	AP Aquifer Protection	NROA Natural Resource Overlay Area	HOP Hopkins Pond and Oran Pond Watersheds
Minimum Lot Size (sq ft)	N/A1[1]	N/A[1]	N/A[1]	87,120	217,800
Minimum Road Frontage	200'	200'	N/A[1]	200'	200'
Minimum Shore Frontage Residential Structures	N/A	N/A	N/A1[1]	200'	200'
Minimum Front Yard Setback From R-O-W Edge From NHMW	N/A[1] 250'	N/A[1] 75'	N/A[1] N/A[1]	100' N/A	75' 250'
Minimum Side Yard Setback Principal Structures Accessory Structures	N/A N/A	N/A[1]	N/A[1] N/A[1]	25' 25'	25' 25'
Minimum Rear Yard Setback Principal Structures Accessory Structures	N/A N/A	N/A[1]	N/A[1] N/A[1]	40' 40'	40' 40'
Maximum Lot Coverage	N/A	N/A[1]	N/A[1]	25%	50%
Minimum Building Height Principal Structures Accessory Structures	N/A N/A	N/A N/A	N/A[1] N/A[1]	35' 16'	35' 16'

[1] Same minimums or maximums required in zone which is overlaid.

All land use activities, as indicated in Table 1, Land uses in the Town of Mariaville, shall conform to all of the applicable land use standards in the Ordinance and any other applicable state or federal laws and regulations. The district designation for a particular site shall be determined from the Official Zoning Map.

Key to Table 1:

Yes	Allowed (no permit required but the use must comply to all applicable land use standards)
No	Prohibited
PB	Requires Planning Board Approval and permit issued by CEO
CEO	Requires permit issued by CEO
LPI	Requires permit issued by Local Plumbing Inspector
RG	Residential Growth Area
GG	General Growth Area
HOP	Hopkins Pond and Oran Pond Watershed Area
R	Rural Area
NR	Natural Resource Overlay
AP	Aquifer Protection Overlay

TABLE 1. LAND USES IN THE TOWN OF MARIAVILLE				
LAND USES	AREAS			
	RG	GG	HOP	R
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads/trails	yes	yes	yes	yes
3. Forest management activities except timber harvesting	yes	yes	yes	yes
4. Timber harvesting	yes	yes	yes	yes
5. Clearing of vegetation for approved construction and other allowed uses	yes	yes	PB	yes
6. Fire prevention activities	yes	yes	yes	yes
7. Clearing of vegetation prior to approved development	yes	yes	CEO	yes
8. Wildlife management practices	yes	yes	yes	yes
9. Soil and water conservation practices	yes	yes	yes	yes
10. Mineral exploration	yes	yes	yes	yes
11. Mineral extraction including sand/gravel extraction	PB	PB	no	no
12. Surveying and resource analysis	yes	yes	yes	yes
13. Emergency operations	yes	yes	yes	yes
14. Agriculture	yes	yes	yes	yes
15. Aquaculture	yes	yes	n/a	PB
16. Principal structures and uses				
A. One and two family residential	CEO	CEO	CEO	CEO
B. Multi-unit residential	CEO	CEO	CEO	CEO
C. Commercial	PB	PB	no	no
D. Industrial	no	PB	no	no
E. Governmental and Institutional	PB	PB	no	no
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	CEO	CEO	PB	CEO
17. Structures accessory to allowed uses	CEO	CEO	CEO	CEO
18. Mobile Home Park	PB	PB	no	PB
19. Lots not otherwise subject to planning board review through subdivision or site plan review standards	PB	PB	PB	PB
20. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
21. Home Occupations	CEO	CEO	CEO	CEO
22. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
23. Essential services	PB	PB	PB	PB
24. Service drops, as defined, to allowed uses	yes	yes	yes	yes
25. Public and private recreational areas involving minimal structural development	CEO	CEO	PB	PB
26. Individual, private campsites	CEO	CEO	CEO	CEO
27. Campgrounds	PB	PB	PB	PB
28. Road and driveway construction	CEO	CEO	CEO	CEO
29. Parking facilities	PB	PB	PB	PB
30. Marinas	n/a	n/a	PB	n/a
31. Filling and earthmoving of <10 cubic yards	yes	yes	yes	yes
32. Filling and earthmoving of >10 cubic yards	CEO	CEO	CEO	CEO
33. Signs	yes	yes	yes	yes
34. Telecommunications facilities and towers	PB	PB	PB	PB
37. Structural Subdivisions	PB	PB	PB	PB
38. Mobile Home Park subdivisions	No	PB	no	no
39. Mobile Home Parks	no	PB	PB	no
40. Uses similar to allowed uses	CEO	CEO	CEO	CEO
41. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO

42. Uses similar to uses requiring a PB permit	PB	PB	CEO	PB

Section 6. Enforcement

1. Nuisances

Any violation of this ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

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

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this ordinance.

Section 7. Building Standards and Safety

A. Foundations

The foundation and its structural elements shall be capable of accommodating all superimposed live, dead and other loads and all lateral loads in accordance with accepted foundation practices.
All lots shall be provided with adequate drainage that will not cause erosion and shall be graded so as to drain surface water away from foundation walls.

B. Wall, Floor, and Roof Construction

The wall, floor and roof construction shall be capable of accommodating all loads imposed and transmitting the resulting loads to its supporting structural elements in accordance with accepted construction practices and codes.

C. Exterior Finish

All building exterior walls shall be finished with a covering of clapboards, wood siding, plywood, wood, shingles, masonry, brick, stone or other approved material. Tarred paper and/or felt, or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering.

D. Roof Covering

The roof shall be covered with non-combustible or fire resistant materials as asphalt, fiberglass, wood, or slate shingles according to accepted construction practices and codes.

E. Electrical Installations

All buildings shall have a safe and adequate electrical service. All wiring shall meet the standards of the current edition of the National Electrical Code.

F. Chimneys

Every dwelling shall have a chimney constructed of brick, masonry units, or of reinforced concrete or other approved manufactured chimney material. Smoke pipes shall not be permitted. Chimneys in all dwellings shall be lined with approved fire clay or tile flue liners and be erected according to accepted practices and codes. All chimneys shall be constructed in accordance with the standards of N.F.P.A. 211.

G. Plumbing

Except as may be otherwise provided by ordinance, the plumbing, waste, vent and drainage systems of buildings or structures shall be designed and installed in accordance with the requirements of the current State Plumbing Code.

H. Heat Appliances and Equipment, and Fuel Systems

All appliances, equipment and fuel supply systems shall be of a quality to meet the intent of this ordinance and the material used and practice followed in the construction, erection, and installation of appliances and equipment shall conform to the generally accepted standards and fire codes.

I. Means of Egress

All buildings shall be provided with exit facilities in accordance with the requirements of the Life Safety Code as adopted by the State Fire Marshall's office. No building shall be altered so as to reduce the number or capacity of exits to less required for new buildings.

J. Smoke Detectors

Smoke detectors shall be installed in accordance with the standards of the current Life Safety 101 code.

Section 8. DEFINITONS

Abutter: One whose property abuts, is contiguous, origins at a border or boundary, including the property across the street, road, public way or private way.

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance has been granted, or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

Alteration : Any change or modification in construction or change in structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, expansion, or addition of a deck, dormer, staircase, or roof of the building or other change in volume or floor area.

Animal Breeding or Care: The keeping or raising of four or more animals, including domestic animals, birds, and pets, for any commercial use. This definition includes kennels.

Aquifer: An underground bed or stratum of earth, gravel or porous stone that contains water.

Authorized Agent: A person having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Applicant: The person applying for a permit under this Ordinance who demonstrates legal standing or interest to apply by means of ownership, authorized agent, or option or purchase and sale agreement.

Bed & Breakfast: A single-family, owner occupied dwelling in which lodging or lodging and meals are offered to guests for compensation, of not more than three (3) bedrooms for lodging purposes.

Buffer Area: A part of a property or an entire property, which is not built upon, is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, glare, etc.) on adjacent properties or on sensitive natural recourses.

Building: Any structure maintained or intended for the use as shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

Building Height: The vertical distance measured between the average finished grade of the foundation of a building to the highest point of a structure, not including chimneys, spires, antennas, or similar structures.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters and for which a fee is charged.

Certificate of Occupancy: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Cluster Development: A subdivision or development in which the lot sizes are reduced below those normally required in return for the provisions of open space owned in common by the lot owners/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Commercial Use: The use of lands, buildings, or structures, other than a "home occupation" defined herein, 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 or residential buildings and/or dwelling units.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance or by a vote by the Board to waive the submission or all required information.

Comprehensive Plan: Any part or element of the overall plan for development of the Town as defined in 304 M.R.S.A. §4301 as amended from time to time.

Conforming: A building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required construction. Excavation, fill drainage, and the like, shall be considered a part of construction.

Density: The number of dwelling units or principal structures per area of land.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore or road frontage and height.

Driveway: A vehicular access-way from a public or private road serving two or fewer dwelling units including access to vacant lots to permit resource based management activities, i.e. harvesting.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Single-Family Dwelling - Any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two-Family Dwelling - A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

3. Multi-Family Dwelling - A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

4. Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles. Any additional living space which is offered for lease or rent to the general public, shall be considered another dwelling unit therefore making additional lot size dimensional requirements necessary.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity or essential communications or for the collection, treatment or disposal of wastes, including without limitation, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories but not buildings.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way or the existing tarred or gravel road.

Junkyard/Automobile Graveyard: A yard, field or other area used as a place of storage of three (3) or more unserviceable, discarded, worn-out, junked, unregistered or uninspected motor vehicles or part thereof as defined in 30-A M.R.S.A. §3752, as amended from time to time.

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

Home Occupation: An occupation or profession which is carried on in no more than 25% of the ground area of a single family dwelling unit by the full-time permanent occupant of the dwelling, which employs no more than (2) persons other than family members residing in the home, and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. By way of illustration and not of limitation, the term home occupation shall include making foods such as breads, cookies or preserves, rugs, birdhouses, fishing flies, and quilts. The term "home occupation" shall include both professional and personal services. Anything greater than 25% requires Planning Board approval.

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

Lot, Coverage: The percentage of a lot covered by all buildings or structures including non-vegetated surfaces.

Lot Lines: The lines bounding a lot as defined below.

1. Front Lot Line: Interior lots: the line separating the lot from a street right-of-way. Corner lot or through lot; the line separating the lot from either street right-of-way. Where a right-of-way does not exist or cannot be determined the front line shall be the edge of the paved or graveled area of the road.

2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Manufactured Home: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Multi-Family: A residential structure containing three (3) or more residential dwelling units.

Non-Conforming: A lot, building, structure, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Recreational Vehicle: A vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slide outs;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Rural Uses: As defined in Comprehensive Plan and include farming, cutting of trees for firewood, sawmills, greenhouses, barns and equipment storage buildings

Setback: The minimum required horizontal distance from a lot line, or from the centerline of the travel way of a road, or the normal high waterline of waterbodies, tributary streams, or the upland edge of coastal or freshwater wetlands, to the nearest part of a building or structure, including porches, steps, decks, and railings or other regulated object or area.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, telecommunications facilities, towers, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and

antennas, but not including fences. Structure also means, for floodplain management purposes, a walled and roofed building, and a gas or liquid storage tank that is principally above ground is also a structure. In determining which structures apply to setback requirements, the exemptions listed within the definitions of building apply.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

APPENDIX A: SCREENING

1. CLASSIFICATION OF SCREENS

Screening shall be classified as follows:

a) SCREENING WITH AN OPAQUE SCREEN

A visual screen that is opaque, from the ground to a height of at least six feet (6') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to exclude all visual contact between uses and create a strong impression of spatial separation. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

b) SCREENING WITH A SEMI-OPAQUE SCREEN

A visual screen that is opaque, from the ground to a height of three feet (3') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to partially block visual contact between uses and to create a strong separation of spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

c) SCREENING WITH A BROKEN SCREEN

An intermittent visual screen from above the ground to a height of at least twenty feet (20'). The purpose of this screen is to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

2. SUGGESTED SCREENING COMBINATIONS

The following suggested screening combinations are considered a minimum to achieve the above screen classifications:

a) SCREENING WITH AN OPAQUE SCREEN

Small trees planted twenty feet (20') on center in combination with a six foot (6') high evergreen hedge planted four feet (4') on center;

Large trees planted thirty-five feet (35') on center in combination with a six foot (6') high wooden fence; or

Tall evergreen trees, stagger planted, with branches touching the ground.

b) SCREENING WITH A SEMI-OPAQUE SCREEN

Small trees planted twenty feet (20') on center in combination with a three foot (3') high stone wall or wood fence;

Small trees planted twenty feet (20') on center on top of a three foot (3') high seeded earth berm; or

Large trees planted thirty-five feet (35') on center in combination with a three foot (3') high evergreen hedge planted three feet (3') on center.

2. SUGGESTED SCREENING COMBINATIONS (continued)

c) SCREENING WITH A BROKEN SCREEN
Small trees planted twenty feet (20') on center;

Small trees planted thirty feet (30') on center in combination with a split rail fence; or

Large trees planted thirty-five feet (35') on center in combination with assorted shrubbery.

3. SCREENING REQUIRED
The screening required for various areas and purposes are as follows:

a) In any buffer strip established between lots located in any of the General Growth District or Residential Growth District which abuts any residential development: Semi-Opaque Screening;

b) In any buffer strip established for the purpose of preventing driver confusion between on-site roads running parallel to an off-site road: Semi-Opaque Screening;

c) In any buffer strip established for the purpose of protecting or enhancing the scenic character along Routes 181 and 179: Broken Screening;

d) In any buffer strip established for the purpose of shielding incompatible uses from one another: Opaque or Semi-Opaque Screening;

e) In any buffer strip established for the purpose of blocking prevailing winds to stop wind-borne debris from leaving the site: Opaque or Semi-Opaque Screening;

f) In any buffer strip established for the purpose of preventing any proposed lighting from interfering with residential properties or with safe driving: Opaque or Semi-Opaque Screening;

g) In any buffer strip established for the purpose of deterring small children from entering areas with potential safety hazards: Opaque Screening; and

h) In any buffer strip established for the purpose of screening exposed storage and service areas, sand and gravel extracting operations, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties: Opaque Screening.

4. PLANT MATERIAL SPECIFICATIONS
Unless otherwise specifically indicated by the Planning Board, all plant material used for any screening required under this Ordinance shall meet the following minimum requirements:

a) All planting shall be of a type and species appropriate for the soil types, site conditions, and climatic conditions of the Town;

4. PLANT MATERIAL SPECIFICATIONS (continued)

b) Plant material used for screening shall meet the following minimum size standards:

PLANT TYPE	SIZE
Canopy Tree-Single Stem	2.5 inch caliper
Understory Tree	1.5 inch caliper
Evergreen Tree	5-7 feet high
Deciduous Shrub	24 inches high
Evergreen Shrub	18 inches high

c) Evergreen trees can be used as screening, provided they are planted properly. An evergreen screen requires two (2) or three (3) rows of staggered plantings. The rows should be five feet (5') apart and the evergreens planted four feet (4') on center.

5. MAINTENANCE OF BUFFERS AND SCREENING
Buffers and screening shall be located and maintained as follows:

a) Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

b) Fencing and screening shall be durable and properly maintained at all times by the owner.

c) All buffer strips shall be maintained in a neat and sanitary condition by the owner.

APPENDIX B: FEE SCHEDULE

Fee Schedule

Building Permits	Minimum Fee	Fee	Comments
Residential	$20.00	$.08 per square foot	Includes full basement
Commercial/Industrial	$20.00	$.10 per square foot	Requires Planning Board approval
Accessory	$20.00	$.08 per square foot	
Home Occupation		$20.00	
Bed & Breakfast		$20.00	
Change of Use		$20.00	
Roadside Stands		$20.00	
Shoreland		Permit fee + $25.00	
Floodplain		Permit fee + $25.00	
Starting without permit		**Double fee**	
Mobile Home Park		Subdivision fee	
Certificate of Compliance		$25.00	
Annual license fee		$50.00	
Appeals Board		$50.00	

Effective 3/30/09