Town of Fairfield Land Use

Ordinance

The effective adoptive date of this Ordinance is the 14th day of April, 1999.

Amended November 10, 1999
Amended December 13, 2000
Amended July 10, 2002
Amended March 9, 2005
Amended June 22, 2005
Amended July 6, 2005
Amended October 26, 2005
Amended April 12, 2006
Amended May 10, 2006
Amended August 9, 2006
Amended March 10, 2010
Amended April 14, 2010
Amended June 15, 2011
Amended October 5, 2011
Amended March 13, 2013
Amended June 12, 2013
Amended August 12, 2015
Amended August 24, 2016
Amended September 26, 2018
Amended April 10, 2019
Amended December 27, 2023

A True Copy I Attest:

_____

Town Clerk

Town of Fairfield Land Use Ordinance

Contents:

ARTICLE	TITLE	PAGE
1	General Provisions	3
2	Definitions of Terms Used in this Ordinance	5
3	Permitting, Enforcement, Appeals	29
4	Amendments	43
5	Non-conformance	45
6	Land Use Districts	48
7	Environmental and Neighborhood Protection Standards	60
8	Site Design and Public Facilities Impact Standards	69
9	Development Standards Applicable to Specific Activities	81

ARTICLE 1: General Provisions

1.1 Authority

The regulations contained in this Land Use Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and other specific authority, pursuant to the Fairfield Comprehensive Plan, as revised in 2015.

1.2 Short Title

This ordinance and the Official Land Use District Map hereby incorporated, shall be known and may be cited as the "Land Use Ordinance of the Town of Fairfield."

1.3 Purpose

This ordinance is enacted for the general purpose of promoting the health, safety, and general welfare of the citizens of the Town of Fairfield, and for other, specific purposes, including:

- Provision of adequate and cost-effective public facilities and services;
- Conservation of valuable natural resources;
- Promotion of local economic development and property values;
- Preservation of safety and convenience on public roads;
- Revitalization of the Town's downtown commercial area;
- Maintaining in all cases clean, safe, and comfortable neighborhoods for inhabitants of the town;
- Directing growth to designated growth areas to reduce tax burden, protect natural resources, and preserve the rural character of the Town; and,
- To incorporate M.R.S.A. 30-A §3015 and § 4364, an Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine.

1.4 Jurisdiction

The provision of this ordinance shall govern the use of all land and structures within the Town of Fairfield and, more specifically, the location and development of residential, commercial, industrial and public property within the Town.

1.5 Application of Terms and Requirements

In interpreting and applying the provisions of this ordinance, said provisions shall be deemed to be the minimum required to protect the health, safety, and general welfare of the public. Captions and headings contained in this ordinance are considered an integral part of the ordinance and shall be used to help determine applicability of sections to which they apply.

1.6 Conflict with Other Laws

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction upon the use of land, buildings, or structures shall control.

1.7 Severability

Should any section or part of a section or 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.

1.8 Repeal of Prior Ordinance

The prior Land Use Ordinance of the Town of Fairfield, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

1.9 Effective Date

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

ARTICLE 2: Definitions of Terms Used in this Ordinance

2.1 Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by their context in this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he", (s)he," or "they" when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive. The word "lot" includes the words "plot" and "parcel".

The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" mean the Town of Fairfield, Maine.

2.2 Definitions

In this Ordinance the following terms shall have the following meanings:

Abutter: The owner of any parcel with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or body of water along the road, railroad or body of water from the parcel involved in application or appeal. Property owner shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and include any Qualified Conservation Holder of an easement in any of the parcels described herein.

Accessory Dwelling Unit (ADU): Means a self-contained, single-family dwelling unit for human habitation with each unit containing cooking, sleeping, and toilet facilities, located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet, and cannot exceed the size, nor number of floors of the principal dwelling unit on the property. See Article 9, Section 9.13 for design standards and additional requirements.

Accessory Use or Structure: A use or structure which is customarily and in fact both

incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Acre: A measurement of land area equivalent to 43,560 square feet.

Administrative Review: The process by which the Land Use Board of Appeals is authorized to hear an appeal of a decision of the Planning Board or Code Enforcement Officer. An Administrative Review shall be only conducted through the procedures described in Article 3, Section 3.11 of this Ordinance.

Adult Businesses: Any commercial enterprise, including but not limited to bookstores and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually explicit material or activities or which features live entertainment in which performers have exposed genitals at any point during the performance. "Sexually explicit" means the depiction or display of human genitals.

Adult Day Care Facility: A Maine-licensed facility operated for the purpose of providing care and protection during the daytime to adults.

Affordable Housing Development: means:

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.*
3. For purposes of this definition, “housing costs” include, but are not limited to:
    a. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
    b. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.

Agriculture (Agricultural Operation): The production, keeping, or maintenance for sale or lease, of plants, animals, or products thereof, including ornamental and greenhouse products. Agriculture does not include forest management, cannabis cultivation, or timber harvesting activities.

Alteration: Any change, addition, or modification in construction (such as interior wall material or changing windows and doors), other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders. This does not include painting or flooring.

Applicant: The person(s) applying for approval under this Ordinance.

Area Median Income: Means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Assisted Living Facility: A residence for the elderly that provides housing, limited care, meals, personal care, and supervision, and which may provide other services such as recreational activities, financial services, and transportation.

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

Auction/Auction House: A facility or place used for public sale in which goods or property are sold to the highest bidder.

Authorized Agent: Any person having written authorization to act on behalf of a property owner, signed by the property owner.

Automobile Graveyard: The term as defined in 30-A M.R.S.A. sec. 3752, as amended.

Base Density: Means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Land Use Ordinance. This does not include, if applicable, density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100-year flood.

Basement: Any portion of a building with at least 50 percent of its volume below ground level, typically having a masonry floor and walls which comprise the structure's foundation, and where the clear height between floor and joists supporting the floor directly above is six feet or greater.

Bed and Breakfast: A type of overnight accommodation for transient guests based within the permanent residence of its owner or operator and that provides accommodations for

a fee for stays of limited duration. A bed and breakfast shall contain fewer than ten rental rooms and shall provide food only to registered guests, except that a bed and breakfast may be separately licensed to host special functions. There shall be no provisions for cooking in any individual guest room.

Best Management Practices ("BMPs"): "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Boarding House or Lodging House: Means a dwelling in which lodging, or lodging and meals are provided for compensation, to more than four persons and where a proprietor or manager resides in the building. No provisions for cooking in individual rooms other than the main kitchen are allowed.

Body of Water: Shall mean a free-flowing river or stream, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year, or a pond with no less than 20,000 square feet of water surface.

Buffers/Screening: Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure of persons, animals or personal property (see Structure).

Building Footprint: Means the total area of the foundation of the structure, or the furthest exterior wall of the structure projected to natural grade, not including stairs, patios, and decks.

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar auxiliary attachments.

Business, General, or Personal Services: A commercial enterprise which provides services but not goods, including but not limited to beauty shops, secretarial services, real estate brokers, and janitorial services. The term shall not be interpreted to include motor vehicle sales and services but may include certain professional offices.

Campground: Any area or tract of land improved to accommodate temporary camping for two or more parties, including, but not limited to tents, recreational vehicles, or other shelters, for which a fee may be charged. Campgrounds may operate seasonally from May 1st to October 1st.

Cannabis: As defined in the Maine Cannabis Legalization Act M.R.S.A. Title 28-B, and the Medical Use of Cannabis Act M.R.S.A. Title 22, chapter 658C as may be amended from time to time.

Centrally Managed Water System: Means 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 document meaning to convey the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

Change of Use: A change from one category of land use activity to another land use activity or the addition of a new land use activity, permitted in that district, and outlined in in the land use tabled found in Article 6, Section 6.4

Child Day Care Center: Means a facility conducted or maintained by anyone who provides, for a fee, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Must be licensed with the Maine Department of Health and Human Services. Childcare is considered to be “public or private schools” when it does not qualify as a home occupation.

Child Day Care Home Occupation: Means an accessory use of a residence by a person residing on the premises to provide on a regular basis, and for a fee, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day.

1. All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
2. If the property utilizes a private sewerage disposal/septic system, a written verification from a Maine site evaluator that the current system can handle the change of use to a home day care shall be submitted.

Code Enforcement Officer (CEO): A person appointed by the Town of Fairfield to administer and enforce this ordinance. Reference to functions ordinarily performed by the Code Enforcement Officer may be construed to include those of Building Inspector, Plumbing Inspector, Health Officer, and the like where applicable.

Commercial Establishment: Establishments that render goods and/or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc.

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

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, and monopoles, for the purpose of transmitting or relaying radio frequency signals, including, but not limited to, radio, television, cellular, and personal communication service frequencies. Towers established for personal use purposes, such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Comparable Sewer System: Means 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, State of Maine *Subsurface Wastewater Disposal Rules*.

Comprehensive plan: Means the master development plan of the Town of Fairfield, Maine, including any amendments or additions thereto, part or portion thereof adopted by the Town Council upon recommendation of the Planning Board of Fairfield, Maine, pursuant to 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Conditional Use: A use permitted only after review and approval by the Planning Board. A Conditional Use is a use that may not be appropriate without restrictions and performance standards, but which, if controlled under the provisions of this Ordinance, would promote the purpose of this Ordinance. Such uses may be permitted if specific provisions and performance standards of such Conditional Use are made in this Ordinance.

Conditional Use Permit: A permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

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

Congregate Housing: A multi-family, residential community living arrangement, with central dining facilities, consisting of a housing facility for persons with disabilities that is approved, authorized, certified or licensed by the State. Disability has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602. Also known as a Group Home or Community Based Residential Facility.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill,

paving, drainage, and the like, shall be considered as part of construction.

Contiguous Lots: Lots which adjoin at any line or point.

Controlled Substance Facility: A business, any part of which is engaged in the production or distribution of substances controlled by the Maine Department of Health and Human services. This term includes methadone clinics, for example, but excludes licensed hospitals, pharmacies, cannabis establishments, or physician's offices.

Critical Natural Area: Any area identified and listed by the Maine Natural Areas Program of the Department of Agriculture, Conservation and Forestry as containing rare or unique botanical features or habitat for rare, threatened, or endangered species or rare and unique natural communities.

Deck: An open-air structure with a floor, elevated above ground level and attached to a dwelling.

Demolition: To tear down or raze a structure or portion of any structure, and the appropriate removal and disposal of all the debris resulting from the demolition according to local, state and federal laws and regulations.

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

Designated Growth Area: Means an area that is designated in a municipality's or multi-municipal region's 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 10 years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

Developed Area: The portion of a lot which is disturbed for the intended use, including all areas used for structures, parking, circulation, and drainage.

Dimensional requirements: Means requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage and lot depth.

Dimensional Standards: Numerical standards relating to spiral relationships including but not limited to setback, lot coverage, lot area, frontage, and height.

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

District: A specified portion of the Town of Fairfield, delineated on the Official Land Use Map, within which certain regulations and requirements, or various combinations thereof apply under the provisions of this Ordinance.

Driveway: Means a vehicular entrance to a property from a public or private street. See Article 8 for standards.

Duplex: A structure containing two (2) dwelling units.

Dwelling: A fixed structure, containing one or more dwelling units.

Dwelling unit: A structure or portion of a structure containing one or more rooms or group of rooms designed, built, and used for permanent or seasonal human habitation, with each such unit containing cooking, sleeping, and toilet facilities. “Dwelling Unit” includes manufactured homes (including mobile homes and modular homes), as defined in M.R.S.A. 30-A, § 4358, but does not include motel units, hotel units, boarding houses, recreational vehicles, or other residential units intended primarily for transient occupancy. The rental of a dwelling unit is considered a usual and normal use associated with a dwelling unit.

1. **Single-Family Dwelling:** A building containing only one (1) dwelling unit for occupation by not more than one (1) household.
2. **Two-Family Dwelling:** A building containing only two (2) dwelling units, for occupation by not more than two (2) households living independently from one another.
3. **Multi-Family Dwelling:** A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more households living independently of one another, with the number of households not exceeding the number of dwelling units.

Eating or Drinking Establishment: Also known as a restaurant. An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-packaged meal items or preparation of food intended exclusively for consumption off the premises (delivery or take-out) are considered retail sales and are not to be included within this definition. See Article 9, Section 9.5 for standards.

1. **Sit-down Restaurant**: An eating or drinking establishment in which interior building space is devoted to seating area for patrons for the consumption of the food or drink served. The term includes fast food restaurants which provide indoor seating, even if there is drive-through or walk-up service.
2. **Snack Bar:** A place where food is prepared for consumption on or off the premises, where all of the consumption is intended to take place outside of the confines of the building, and where ordering and pickup of food may take place from a motor vehicle. The term includes businesses commonly referred to as food trucks, ice cream stands, coffee shacks, and drive-ins.

Elderly Housing: A dwelling or group of dwellings and shared community space, providing shelter and services to elderly persons, which may include meals, housekeeping, transportation, recreational activities, personal-care assistance, and the like. Elderly persons shall mean a person 55 years old or older.

Essential Services: The construction, alteration, and maintenance of gas, electricity, communication facilities (excluding communication towers), steam, fuel, or water transmission, distribution, collection supply or disposal systems. Such systems may include towers, poles, wires, pipelines, call boxes, and similar accessories, whether above- or below-ground, and shall include buildings which are necessary for the furnishing of such services. Essential Services includes primary transmission and pipeline corridors, and wind turbines for off-site energy supply and distribution.

Excavation: Any removal of earth material from its original position.

Existing dwelling unit: Means a residential unit in existence on a lot at the time of submission of a permit application.

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

Expansion of Use: The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Farm Stand: A booth, stall, or building located on the farm on which the produce and products being sold are available to the general public. Items not produced on the farm shall not comprise a significant proportion of sales merchandise.

Flood Map: The official map on which the Department of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Fairfield.

Floodplain: The area of land designed as begin in the special flood hazard area on the Flood Insurance Rate Map of the Town of Fairfield, published by the Federal Emergency Management Agency, February 17, 1988.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, as measured from the exterior faces of these exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks but excluding steps or stairways up to four feet in width. Floor area shall include all habitable,

or potentially habitable areas of a dwelling, including but not limited to: 1) basements if overhead clearance is 6’0” or more, and 2) half stories measured within points having 4’ or more of overhead clearance.

Forest Operations: Regulated by the Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry pursuant to Title 12, M.R.S.A. § 8868 (5) as may be amended from time to time. The planting, thinning, cutting or removal of trees from their growing site, including the operation of mechanical chippers or portable sawmills associated with such operations, but not to include the clearing of land for approved construction.

Foundation: The supporting structure of a building or other structure, including but not limited to basements, slabs, sills, posts or frost walls or other base consisting of concrete, block, brick, or similar structural material.

Frontage, **Road, Street, or Shore**: The horizontal, straight-line distance between the intersections of the side lot lines with (1) the road right-of-way or (2) the shoreline at normal high-water elevation.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost-line to protect structures from frost heaves.

Fueling Station (Fuel Sales): Buildings and structures required for the retail sale of petroleum products (propane, gasoline, diesel fuel), including any fuel storage and delivery systems.

Fuel Storage Depot, Bulk: A stand-alone facility for the bulk storage of fossil fuels, including gasoline, diesel, propane, or natural gas, primarily for distribution by motor vehicle to other locations. This definition does not include underground storage tanks at gas fueling stations.

Gravel Pit: An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials, whether alone or in combination, and which does not require the use of explosives.

General Town Way: A way constructed to a minimum standard that may be laid out by the municipal officers and offered in a warrant for acceptance by the Town Council.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except where such body of water is man-made and in addition is completely surrounded by land held by a single owner.

Height of a Structure: The vertical distance between the mean elevation of the finished grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Historic or Archeological Resource: Are identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as a historic or archeological resource as well as areas identified in the Town of Fairfield Comprehensive Plan.

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

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, and staff offices.

Housing: Means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, mobile homes, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

Impervious Surface: The total area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of storm water.

Increase in Nonconformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in waterbody, wetland, road, or property boundary setback distances, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase the nonconformity. For example, there is no increase in nonconformity with the setback requirement for waterbodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the waterbodies, wetlands, or

tributary stream than the closest portion of the existing structure from that waterbody, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of natural resource products.

Infrastructure: All common roads, drainage structures, ditches, erosion, sedimentation and stormwater control measures, utilities, landscaping, fire protection systems, recreation structures, and any additional common property or basic facilities associated with a development or subdivision.

Institutional: A non-profit or quasi-public use, or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

Junkyard: A yard, field or other area used as place for storage for:

1. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap, and junk lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and scrap iron, steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

Kennels/Boarding: Any place, building, tract of land, abode, enclosure, where three or more domestic animals, owned singly or jointly are kept for a commercial purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more domestic animals are kept for their owners in return for a fee. Dogs or cats under the age of six months shall not be counted for the purpose of this definition.

Land Use Board of Appeals: As defined in M.R.S.A. 30-A, § 4353. The Land Use Board of Appeals shall hear appeals from any action or failure to act of the official or board responsible for enforcing the Land Use Ordinance unless only a direct appeal to Superior Court has been provided by municipal ordinance. In deciding an appeal, the Land Use Board of Appeals may:

1. Interpret the provisions of an ordinance called into question;
2. Approve the issuance of a special exception permit or conditional use permit in strict compliance with the ordinance except that, if the municipality has authorized the planning board, agency or department to issue these permits, an appeal from the granting or denial of such a permit may be taken directly to Superior Court if required by local ordinance; and
3. Grant a variance in strict compliance with the provisions of this ordinance.

Land Use Ordinance: An ordinance or regulation of general application adopted by the Town Council which controls, directs, or delineates allowable uses of land and the

standards for those uses.

Level of Service: A term used by traffic engineers, indicating a scale of "A" to "F", measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of Service "E" or "F" describe road situations with severe problems attributable to traffic congestion.

Livestock Keeping: The keeping of animals such as rabbits, goats, sheep, cows, or horses for the use of the immediate household and not for commercial purposes. The term livestock keeping does not include cats, dogs, chickens kept as pets, or other household pets.

Lot: Means a single parcel of developed or undeveloped land.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right of way.

Lot, Back or Rear: A lot which has no frontage or insufficient frontage on a public or privately owned road in the land use district in which it is located. A rear lot does not include legally existing, non-conforming lots of record with some, but insufficient frontage on a public or privately owned road.

Lot, Interior: Any lot other than a corner lot.

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot Area: The area of land enclosed within the boundary lines of a lot, not including land below the normal high-water line of a water body or upland edge of a wetland and areas within road right-of-way.

Lot Coverage: The percentage of the lot covered by all buildings, pools, driveways, or other forms of impervious surface.

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

- **Front Lot Line:** On an interior lot the line separating the lot from the street or right of way. On a corner lot, the line separating the lot from the street along the longest frontage distance.
- **Side Lot Line:** Any lot line other than the front lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Somerset County Registry of Deeds.

Manufactured Housing Unit (also **Mobile Home and Modular Homes):** As defined in M.R.S.A. 30-A, § 4358. Structures, transportable in one or two sections, which are constructed in a trade specific manufacturing facility and transported to a building site, and which are designed to be used as year-round dwellings when connected to suitable

electrical, water supply, and sewage facilities.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.

Mobile Home Park: As regulated in M.R.S.A. 30-A, § 4358, Section 3. A lot of land designated and/or used to accommodate three or more manufactured housing units or mobile homes, and where the land is under unitary ownership and the community licensed by the State of Maine Manufactured Housing Board.

Motor Vehicle Sales and Service: An establishment which engages in the sale, rental, leasing, or repair of motor vehicles, including but not limited to motor vehicles, trucks, motor homes, recreational vehicles, snowmobiles, ATVs, and boats.

MUBEC: The Maine Uniform Building and Energy Code adopted pursuant to 10 MRSA §9721, as amended.

Municipality: A city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. § 682(1).

Municipal Facility: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by the Town of Fairfield.

Native: Indigenous to the local forests.

Net Residential Acreage: The gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

Net Residential Density: The number of dwelling units per net residential acre.

Non-Conforming: A building, structure, lot, 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, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. Any change of use, increase in the size, or any further deviation from the dimensional standards creating the non-conformity shall constitute an increase in non-conformity. (See definition for “Increase in non-conformity of a structure.”)

Non-Conforming Lot of Record: A single lot of record shown on a plan or deed recorded prior to the effective date or adoption of this Ordinance or amendment which, does not meet the area, frontage, or width requirements of the district in which it is located.

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

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated or which does not meet the performance standards prescribe for it by this Ordinance, but which is allowed to remain solely because it was lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Native Species of Vegetation: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine's ecosystems and not native to Maine's ecosystems.

Non-Town Way: A way constructed at a standard less than the general town way standards and shall not be accepted by the municipal officers.

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

Nuisance: A nuisance includes but is not limited to the use of any property defined as a nuisance in Title 17 MRSA, section 2802 or for any other type of conduct or in any manner as to cause or permit a condition to exist which results in injury or damage or interferes with the reasonable private use and enjoyment of the property of another, different from that sustained by the general public. A nuisance may be either such a use as is unreasonable because of its very nature or a use which, though reasonable in and of itself, becomes unreasonable because of the negligent manner in which it is exercised with respect to the legal rights of others.

Nursing Home: Any privately operated facility which provides meals, lodging and 24-hour nursing care for persons unable to care for themselves in exchange for compensation.

Outdoor Recreation Facility: Any land use which is primarily devoted to participating in or watching outdoor recreation activities and which is operated as a commercial facility.

Overnight Accommodation: A commercial enterprise, such as hotels or motels, in which rooms or suites of rooms are offered for a fee to travelers and transient guests.

Parking Space / Parking Stalls: A minimum area of nine (9) feet in width by eighteen

(18) feet in length for conventional arrangements. Handicapped parking spaces shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Parking spaces dimensions are exclusive of drivers, aisles or entrances, fully accessible for the storage or parking of vehicles. See Section 8.2.3.

Parking Facilities: A structure or land used for off-street parking of vehicles.

Parking Lot: A parking lot is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking lots do not include On-Street Parking, driveways or areas devoted exclusively to non-passenger loading.

Permit: An official document of the Town of Fairfield, issued by the Code Enforcement Officer and authorizing a specific activity in accordance with an approval by the Code Enforcement Officer or Planning Board.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Premises: One or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures, and improvements.

Principal Structure: Means a structure in which the main or primary use of the lot is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Principal Use: The primary use to which the premises are devoted and the main purpose for which the premises exist.

Private Road: A private way meeting the road construction standards as specified in the Town's Subdivision Ordinance.

Private Water Supply: a dug well, drilled well, point or spring used as a source of drinking water.

Professional Offices: The place of business for professional services.

Professional Service Provider: A person who practices a profession subject to licensing and regulation under the authority of the Maine Department of Professional and Financial Regulation.

Public Drinking Water Source: Any groundwater well or surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days of the year.

Public Facility: Any facility, including buildings, property, recreation areas, schools, cemeteries, museums, libraries, which are owned, leased, or otherwise operated or funded by a government body or a public or quasi-public entity. A public facility also includes a church, hospital, congregate housing, fraternal organization or any similar building or property devoted to an institutional use whether publicly- or privately-owned and operated. A public facility does not include roads or other linear transportation facilities.

Public Space: A gathering place or part of a neighborhood, downtown, or other area within the public realm that helps promote social interaction and a sense of community. Examples of public spaces may include but are not limited to plazas, town squares, and parks.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, transportation, or water to the public.

Public Water Supply: A drinking water supply provided by a licensed public water system which is regulated.

Quadplex: A structure containing 4 (four) dwelling units.

Rear Lot Access: The permanent easement for a right-of-way or the fee simple ownership, of frontage not conforming to the requirements of the district in which it is located. The land in the permanent easement or fee simple ownership, used for a rear lot access way, shall be at least 24-feet in width, unless the rear lot access way is serving three or more dwelling units, in which case the land area of the permanent easement or fee simple ownership must be at least 40 feet in width. These measurements shall be described by metes and bounds or by a plan, and recorded in the Somerset County Registry of Deeds, and held by deed or other legal instrument by the owner of the rear lot, as required for the development of rear lots under Article 7, Section 7.1 of this Ordinance.
The private road constructed on the permanent easement or fee simple ownership, serving the rear lots shall be constructed to a minimum width of 12 feet if serving one dwelling unit, and 15 feet if serving two or more dwelling units. It shall contain a minimum depth of 15 inches of bank-run gravel, approved by a professional civil engineer, licensed in the state of Maine, with drainage ditches and culverts in locations recommended by the civil engineer.
This paragraph does not displace or reduce the requirements that apply to developments subject to review under the Town of Fairfield Subdivision Ordinance. No private road shall be accepted by the Town unless the road has been brought up to the Town's standards for public roads.

Recreational Facility: A public or privately owned commercial enterprise designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, or the viewing thereof. Also defined as camper.

Recreational Vehicle (RV): A vehicle or an attachment to a vehicle, designed for temporary seasonal use six (6) months per year (from April 1st to October 1st), for sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be currently registered with the State Division of Motor Vehicles as a motor vehicle or trailer.

Redevelopment: Construction on premises already improved with buildings, structures or activities or uses, but does not include such activities as exterior remodeling.

Repairs: Routine, ordinary maintenance of a structure for the purpose of maintaining its useful life. Examples include painting, papering, tiling, carpeting and maintenance of existing plumbing, electrical, or mechanical parts. “Repairs” does not include activities such as removal of any interior wall material, partition or portion thereof, removal of any structural support, changing of any means of egress, or addition or replacement to any water lines, waste disposal, gas, venting, electrical or mechanical system.

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

Residential Use: A use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this rule, the following uses are not included under this definition, unless otherwise allowed in local ordinance: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals.

Restaurant: see **Eating or Drinking Establishment.**: An establishment where meals and beverages are prepared and served to the public for consumption in exchange for compensation.

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

Retail Sales Business: A place engaged in sale to the ultimate consumer for direct consumption or use and not for resale.

Right of Way: An area or strip of land at least 24 feet in width, described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it and

indicating responsibility for maintaining said right of way, as defined and described in the deed. No land in the deeded right of way may be used to meet any dimensional requirements of this ordinance.

River: The Kennebec River, together with its associated floodplain and wetlands.

Road: Any route or track for vehicles, consisting of exposed mineral soil, gravel, asphalt, or other surface material constructed for or created by the repeated passage of motorized vehicles, excluding driveways.

Satellite Receiving Dish: An antenna designed to receive signals from satellites. A free-standing Satellite Receiving Dish is considered a structure under the terms in this ordinance.

School: An institution for education or instruction where any branch or branches of knowledge is imparted, and which satisfies either of the following requirements:

- **Public or Private School:** A school which is not operated for a profit or a gainful business; or which teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.
- **Commercial School:** A school which is commercial or profit oriented. Examples thereof are nursery, dancing, music, correspondence, driving, beauty, or business schools.

Seasonal Conversion: Any development to a seasonal dwelling which has the effect of rendering that structure habitable for year-round occupancy.

Seasonal Dwelling: As defined and regulated by the Department of Public Safety, Bureau of Building Codes and Standards, through Maine Uniform Building and Energy Code's (MUBEC) Administrative Procedures.
To be considered a seasonal dwelling, a building must meet a minimum of three of the requirements listed below and not be occupied more than 180 days within any calendar year. If the building meets the minimum requirements, then the building would meet the requirements set forth by the State of Maine to be considered a seasonal dwelling for the requirements of the Maine Uniform Building and Energy Code (MUBEC). If a building is considered a seasonal dwelling compliance with the IECC is not required.

1. The maximum area of the structure shall be limited to 750 sq. ft. of interior space.
2. There shall be no central heating system installed in the building.
3. Any heating appliance shall not have a fuel supply attached capable of heating the structure for more than 24 hours.
4. There shall not be a year-round sub-surface wastewater system installed.
5. The electrical service shall be limited to 100 amp. system.
6. The structure shall be owner occupied.
7. Any water supply shall be limited to 180 days of use per calendar year.

Setback Requirements: Means the minimum horizontal distance from a lot line, shoreline, or edge of road (or road right of way) to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Shared Driveway: A driveway jointly owned by the owners of the properties it gives access to, either owned in common or with reciprocal right-of-way easements legally described on a deed. A shared driveway comprises the entire width of its easements extending from the public way to which it is attached, to the point at which it serves only one lot. All lots which contain a portion of the shared driveway, or its easement shall be deemed to be served by the shared driveway whether or not the lots have alternate access to another road.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 and 1/2 feet above the driveway at a point 15 feet behind the street line, to an object 4 and 1/2 feet above the street.

Self-Storage Facility: A building or group of buildings consisting of individual, self-contained units that are leased for self-storage storage of personal property, with no commercial transactions permitted other than the rental of storage units.

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Site Plan: A scale drawing depicting the geographical area if the lot together with an accurate representation of existing and prospective structure, roads, parking area, utilities, and other elements of a development.

Solar Energy System (SES): An area of land or building principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power primarily for off-site use. A solar energy system consists of one or more free-standing ground or roof mounted solar collector devices, related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and appurtenant structures. The term includes commercial and community solar installations, but not installations that are clearly accessory to existing principal uses.

Solid Waste: Useless, unwanted or discarded solid material with insufficient liquid

content to be free-flowing, including by way of example, and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.

Storage Containers: A prefabricated, metal container with roof and walls placed and used for the storage of goods, materials, or merchandise. The term includes, but is not limited to, boxcars, semi-trailers, and “shipping” containers but does not include garages or pre-assembled storage sheds or containers placed temporarily for collection of waste.

Stormwater: Any precipitation runoff, snowmelt runoff, and surface water runoff and drainage; “Stormwater” has the same meaning as “Storm Water.”

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of the United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland zone.

Street: An existing state, county, or town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term ’street’ shall not include those ways which have been discontinued or abandoned.

Street Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Street Improvements: Enhancements made to the public right of way that contribute to the walkability, aesthetics, and general welfare of the Town. Examples of street improvements include sidewalks, bike paths, benches, street trees, and streetlights.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, either permanently or temporarily, including buildings, commercial park rides and games, satellite receiving dishes, carports, porches, and other building features, intended for the support, shelter or enclosure of persons, animals, or property as defined in 38 M.R.S. §436-A(12), but not including sidewalks, fences, driveways, parking lots, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors.

Subdivision: The term as defined by the Town of Fairfield Subdivision Ordinance.

Subsurface Wastewater Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to

function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

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 24 inches or more.

Tiny Homes: As defined in in M.R.S.A. Title 29-A, Section 101, §80-C and regulated under M.R.S.A. 30-A, § 4363. Means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

1. Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
2. Does not exceed 400 square feet in size;
3. Does not exceed any dimension allowed for operation on a public way; and,
4. Is a vehicle without motive power.
5. "Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream, or a private road established by the abutting landowners.

Trailer, Utility: A vehicle without motive power, designed to be towed by a passenger motor vehicle but not designed for human occupancy and which may include a flatbed, boat trailer, horse trailer, or snowmobile trailer.

Triplex: A structure containing three (3) dwelling units.

Undue Hardship: The condition necessary for the granting of a variance, which shall include:

1. That the land in question cannot yield a reasonable return unless a variance is granted.
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or prior owner.

Urban Compact Area: An area within a municipality designated by the Maine Department of Transportation for municipal maintenance and control of access. Within Fairfield, the urban compact area includes ME Route 139 east of the I-95 interchange

and US Route 201 south of the I-95 interchange.

Use: The purpose of which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Utilities: Public and private facilities intended for common or community use, such as water wells, pumping stations, water storage tanks, power, cable, and communication transmission lines, microwave relays, gas regulation stations, and sewage disposal plants.

Variance: As defined in M.R.S.A. 30-A, § 4353, Subsection 4. A relaxation of the terms of this Ordinance where such variance is not contrary to the public interest and where owing to conditions peculiar to the property, and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship (as defined). A financial hardship shall not constitute grounds for granting a variance.

As used in this Ordinance, a variance is authorized only for height, minimum lot size, frontage, lot coverage, setbacks, or open space requirements. Establishment or expansion otherwise prohibited shall not be allowed by variance.

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

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight stays. The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing: The use of structures for the purpose of providing space for secure storage of household or business goods, including freight terminals, and moving and transfer companies, as well as that portion of structures established for long-term storage of inventory or business-related items. "Self-storage" or "mini warehouse" uses in which spaces are available to the public for rent or lease shall not be considered warehousing.

Waste and Scrap Storage/Processing Facility: A business in which the principal activity is the storage or processing for reuse, waste or scrap materials including, but not limited to glass, plastic, metal, tires, white goods, wood waste, or chemical compounds.

Water Body: Any great pond, river or stream.

Wetland: An area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil, and

which is not part of a river, stream, or pond.

Wholesale Business: A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or resale.

Wind Energy Generation Facility: A structure or machinery capable of converting the kinetic energy of wind into electrical energy for residential or commercial purposes. A wind energy generation facility includes all structures, utilities, and connections associated with the conversion and delivery of energy.

Wireless Communications Facility: Any antenna, satellite dish, microwave dish or equipment used for receiving, relaying or transmitting radio, telephone, television, or any other electromagnetic based communication or data transfer, or any tower, pole or structure supporting such equipment.

Written Notice: An official written notification which is delivered in-person to the individual or parties intended or delivered by certified or regular USPS mail to the last residential or business address of record in the Town of Fairfield.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Yard: The area of land on a lot not occupied by the principal buildings.

- Yard, front- the area of land between the front lot line and the nearest part of the principal building.
- Yard, rear- the area of land between the rear lot line and the nearest part of the principal building.
- Yard, side- the area of land between the side lot line and the nearest part of the principal building.

Zoning Ordinance (also known as **Land Use Ordinance):** Means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Article 3: Permitting, Enforcement, and Appeals

3.1 Permit Requirements

A permit is required prior to commencement of development activities, as follows:

A. Building Permit: This permit is required for the erection, alteration, rebuilding, repair, remodel, enlargement, demolition, or relocation of any proposed or existing building and shall be obtained from the Code Enforcement Officer (CEO).

B. Accessory Dwelling Unit Building Permit: This permit is required for the erection, alteration, rebuilding, repair, remodel, enlargement, demolition, or relocation of any proposed or existing Accessory Dwelling Unit. An Accessory Dwelling Unit Building Permit shall be obtained from the Code Enforcement Officer.

C. Development Permit-by-Rule: For land use activities so designated in the Land Use Table (Article 6, Section 6.4), notification of the Town is required to assure that the standards of this Ordinance will be met. A Development Permit-by-Rule is also required for the erection of any new sign. A Development Permit-by-Rule is issued by the Code Enforcement Officer.

D. Conditional Use Permit: A Conditional Use Permit shall be issued by the Planning Board. This permit is required for land use activities which by their nature involve uses with significant impacts on neighboring land uses, and which have unusual characteristics which must be evaluated on a case-by-case basis.

E. Activities which require a Development Permit-by-Rule or Conditional Use permit are listed in the Land Use Table in Article 6, Section 6.4 of this Ordinance. No permits shall be required for normal maintenance or decorative changes in existing structures or buildings, landscaping, or the ordinary conduct of agricultural and forest operations.

F. Rights not Vested: Use rights under this Ordinance do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required permits and approvals. Such construction must be legal at the time it is commenced, and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

3.2 Building Permit Procedure

A. Building permits are required in the Town of Fairfield prior to the start of construction, when any owner or authorized agent intends to construct, enlarge, alter, repair, remodel, move, demolish or change the occupancy of a building or structure which is regulated pursuant to Maine Uniform Building and Energy Code (MUBEC), as adopted by the Maine Bureau of Building Codes and Standards in M.R.S. Title 25, § 2371-2374, pursuant to Title 10, Chapter 1103, § 9721-9725.

The Code Enforcement Officer (CEO) shall serve as the building official as defined in 25 MRSA §2371 and codes adopted pursuant thereto. The CEO shall be responsible for issuing building permits and certificates of occupancy, for inspecting all permitted construction for compliance with MUBEC or successor codes.

B. The CEO shall receive the written Building Permit Application during normal office hours and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application, issue the permit, if approved, within three (3) working days.

C. Building permits issued shall become invalid unless the work authorized by such permit is commenced within 365 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 365 days after the time the work is commenced. The CEO is authorized to grant, in writing, one or more extensions of time, for periods not more than 365 days each. The extension shall be requested in writing and justifiable cause demonstrated.

D. When plumbing or septic work is required to make a building habitable, no building permit shall be issued unless a plumbing permit has first been secured. All sewage and water connections for all structures must comply with the requirements of the Maine State Plumbing Code.

E. Following substantial completion of the activity permitted in conformance with the appropriate codes, the CEO shall issue a Certificate of Occupancy. No structure shall be utilized for the purpose for which it was permitted without the issuance of a Certificate of Occupancy.

F. An appeal from the decision of the Code Enforcement Officer may be made to the Land Use Board of Appeals, in accordance with Section 3.10 of this Ordinance, and must be filed within 30 days of the Code Enforcement Officer's decision.

3.3 Accessory Dwelling Unit (ADU) Building Permit Procedure

A. Accessory Dwelling Unit Building Permits are required in the Town of Fairfield prior to the start of construction, when any owner or authorized agent intends to construct, enlarge, alter, repair, remodel, move, demolish or change a building or structure for the purpose of creating an accessory dwelling unit. The CEO shall be responsible for issuing ADU Building Permits, certificates of occupancy, and for inspecting all permitted construction for compliance with this Ordinance.

B. The CEO shall receive the written Accessory Dwelling Unit Building Permit Application during normal office hours and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application, issue the permit, if approved, within three (3) working days.

C. ADU Building Permits issued shall become invalid unless the work authorized by such permit is commenced within 365 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 365 days after the time the work is commenced. The CEO is authorized to grant, in writing, one or more extensions of time, for periods not more than 365 days each. The extension shall be requested in writing and justifiable cause demonstrated.

D. The owner of all dwelling units and/or Accessory Dwelling Units must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to issuance of a Certificate of Occupancy. Written verification must include the following:

1. If connected to the Town of Fairfield Sewer System (municipal sewer pumping and treatment), or equivalent centralized system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
2. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules*;
3. If connected to the Kennebec Water District water system (municipal drinking water), or equivalent centralized system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; *Note: If Town does not have a public water system:* If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
4. If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

E. Only one (1) Accessory Dwelling Unit shall be exempt from any density requirements or calculations related to the area in which the Accessory Dwelling Unit is constructed. This is not applicable to an Accessory Dwelling Unit proposed in a Shoreland Zone.

F. An ADU may be constructed only:

1. Within an existing dwelling unit on the lot;
2. Attached to a single-family dwelling unit; or
3. As a new structure on the lot for the primary purpose of creating an ADU.

G. Any structure containing an Accessory Dwelling Unit must adhere to all setback and dimensional requirements outlined in the Ordinance.

H. An ADU must be at least 190 square feet and shall not exceed the square footage or number of floors of the existing or proposed primary dwelling unit.

I. Only one (1) Accessory Dwelling Unit may be exempt from parking requirements.

J. Following substantial completion of the activity permitted in conformance with the appropriate codes, the CEO shall issue a Certificate of Occupancy. No structure shall be utilized for the purpose for which it was permitted without the issuance of a Certificate of Occupancy.

K. An appeal from the decision of the Code Enforcement Officer may be made to the Land Use Board of Appeals, in accordance with Section 3.11 of this Ordinance, and must be filed within 30 days of the Code Enforcement Officer's decision.

3.4 Development Permit-by-Rule (DPBR) procedure

A. The Development Permit-by-rule procedure is established as an expedited approval activity for new or expanded signs and for certain uses identified in the Land Use Table (Section 6.4 of this Ordinance), to the extent that they will not significantly affect the purposes of this Ordinance or create nuisances, as determined by the Code Enforcement Officer. The DPBR does not relieve the developer of the obligation to comply with the appropriate development standards in Articles 7-9 of this Ordinance.

B. The CEO shall receive the written Development Permit-by-Rule Application during normal office hours and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application, issue the permit, if approved, within three (3) working days.

C. The DPBR becomes effective 14 calendar days after the CEO receives the notification form unless the Town approves or denies the DPBR prior to that date. If the CEO does not speak with or write to the applicant within this 14-day period regarding the DPBR notification, the applicant may proceed to conduct the activity.

D. Notwithstanding, compliance with the DPBR applicability requirements and standards set forth in this Ordinance, the CEO may require that a permit application be reviewed by the Planning Board in any case where credible evidence indicates that the activity may require interpretation of the standards of this Ordinance or could lead to significant impacts on road use, traffic safety, environment or other areas as determined by the CEO. The CEO shall notify the applicant in writing within the 14-calendar day waiting period described in Sub-section (C) above. When the CEO notifies an applicant, no work may be conducted unless and until the permit is obtained.

E. A permit application referred to the Planning Board shall be reviewed as a Conditional Use Permit and may require additional submissions and fees.

3.5 Conditional Use Permit

A. Pre-application Meeting: Every applicant for a Conditional Use Permit is expected to meet informally with the Code Enforcement Officer, and/or other relevant Town officials as deemed necessary by the Code Enforcement Officer prior to submitting a formal application. The purpose of the meeting will be to familiarize the Town with the proposed project so that it may be reviewed quickly and efficiently. The pre-application meeting is an opportunity for the applicant to ask questions about submission requirements, review processes, and development standards/expectations. The pre-application meeting intends to ensure the submission of a complete application that fits the criteria of this Ordinance.

B. Application Requirements: An applicant shall submit nine (9) hard copies and one electronic copy of all written application materials to the Code Enforcement Officer, including the following information:

1. The name and address of the applicant, landowner (if different), and applicant's agent (if different).
2. The street address, as well as the map and lot number of the property.
3. A site plan showing, at a minimum, the following:
4. Location of existing and proposed structure(s) with respect to lot lines and water bodies.
5. Existing topographic contour and proposed grading at contour intervals of not greater than five (5) feet, c. The location of existing and proposed essential features of site, including, but not limited to, pedestrian and vehicle travel ways and parking areas, landscaping and buffer areas, storm water and erosion control structures, water, sewer, and power lines, and outside installations of any machinery or materials.
6. An HHE-200, or subsequent revision, if a subsurface wastewater treatment system will be used.
7. Specification of the dimensions of the proposed structure(s), including length, width, height, and) elevation of the lowest floor if the property is in a floodplain as noted on the Flood Insurance Rate Maps for the Town of Fairfield.
8. A statement as to whether the proposed structure(s) is located on land subject to the Town's Shoreland Zoning Ordinance, or Floodplain Management Ordinance.
9. A statement regarding the proposed use of the structure(s).
10. A copy of the plans and specifications for all structures and site improvements shall be required.
11. An estimate of the traffic to be generated by the development, and any modifications to public roads which may be necessary to absorb the traffic. If the development is estimated to generate more than 50 vehicles per hour at its peak hour of usage, an analysis of traffic impacts and the need for traffic control devices, prepared by a professional engineer licensed in the State of Maine, together with a statement from the Town's Public Works

Director that any proposed improvements to public roads are adequate and acceptable.

12. If located on a State Highway not within the urban compact area, evidence that an application for DOT Entrance or Driveway Permit or Traffic Movement Permit has been applied for and obtained.
13. A statement from the Town of Fairfield's Fire Chief stating that suitable provisions for fire protection have been included.
14. An estimate of the value of all public improvements associated with the development. If any alterations or improvements to public facilities are proposed, a financial performance guarantee, in accordance with Section 3.10 of this Ordinance, must be submitted prior to permit issuance.
15. A list of names and addresses of all landowners within 200' of the property boundaries.
16. An analysis of potential environmental impacts, including effects on surface water bodies and ground water, air quality, and wildlife resources, together with a proposal for mitigating any negative impacts.
17. An estimate of demand on public water supply and sewage disposal systems, together with statements from the Kennebec Water District (municipal drinking water), Town of Fairfield Public Works (municipal sewer collection & transmission) and the Kennebec Sanitary Treatment District (municipal sewer pumping and treatment), concerning the ability of their respective systems to accommodate the development.
18. An erosion control plan prepared by a professional engineer licensed in the State of Maine.
19. A storm water management plan prepared by a professional engineer licensed in the State of Maine.
20. A statement regarding the use, storage, or disposal of any dangerous, toxic, special, or hazardous wastes, whether solid, liquid, or gaseous, including appropriate protocol in safe handling and lawful disposal measures.

C. Upon receipt of a permit application, the Code Enforcement Officer shall decide whether the information in the application is provided as required by this Ordinance. If the CEO finds the application is insufficient or incomplete, they shall, within five (5) working days, notify the applicant in writing, indicating what necessary information is required to complete the application. The CEO shall take no further action on an incomplete application.

D. Upon determination that an application is complete, the Code Enforcement Officer shall distribute the application materials to be considered by the Planning Board. If there is sufficient time for advertisement and notification, the Board shall schedule the public hearing, as required under Sub-section E below, for the next regularly scheduled meeting. From the date of the public hearing, the Board shall have 35 calendar days in which to act on the application, unless said time period is continued by mutual consent of the Board and the applicant.

E. A public hearing shall be held on all Conditional Use Permit applications under the following procedures:

1. The Town shall place a notice of the public hearing in a newspaper of general circulation within the Town of Fairfield at least seven (7) days prior to the date of the hearing. Notice shall also be posted in the Town Office at least seven (7) days prior to the hearing. The applicant shall reimburse the town for this fee.
2. The Town shall notify by regular mail all landowners within 200 feet of the boundaries of the parcel to be developed, to be postmarked at least seven (7) days prior to the hearing. Notice shall be sent to the addresses provided on tax assessment records. The failure of property owners to receive notice in a timely manner shall not invalidate a decision of the Board. The applicant shall reimburse the town for this fee for mailing.
3. The public hearing shall be conducted in accordance with established rules of parliamentary procedure for hearings. All parties shall be granted an opportunity to speak. All comments and evidence shall be directed through the Chair of the Planning Board.

F. The Planning Board may, at its discretion, retain expert, independent, technical assistance to evaluate or supplement the evidence presented by the applicant and in the public hearing. The cost of such expertise shall be borne by the applicant in accordance with the terms of the escrow account set up at the time of application as provided in Section 3.7.D of this Ordinance.

G. As applicable, the Planning Board may table a decision on a pending application and schedule a site visit to review the existing conditions and better understand the proposed development.

H. The Planning Board shall prepare Findings of Fact and shall act to approve or deny the Conditional Use Permit application. The following criteria shall be used in considering whether to approve the application:

1. The development will not create unsafe or unhealthful conditions and shall not create or exacerbate effects upon neighboring properties.
2. The development will not create or add to traffic congestion at or below Level of Service "D", as defined in the Maine Department of Transportation, Traffic Engineering Division, Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, under MDOT’s Rules on Traffic Movement Permits, and will not create unsafe traffic movements on public roads.
3. The development will not result in negative impacts to air or water quality, nor will it negatively affect wildlife habitat, cause flooding or soil erosion.
4. The development will, to the greatest extent feasible, preserve historic, prehistoric, or archeological resources.
5. The development will not cause an undue strain on public facilities or services, including public roads, water supply, sewage disposal, solid waste systems, police, educational, or other services.

6. The applicant has sufficient financial and technical capacity to complete the development.
7. The development is consistent with the Fairfield Comprehensive Plan, and in compliance with State and federal law, as well as all ordinances, rules, and regulations of the Town, including the performance standards of this Ordinance, unless the Planning Board acts to waive said standards.

I. In approving the application, the Planning Board may attach conditions which it feels are necessary to meet the criteria of this Ordinance. All conditions shall become a part of the permit, and any violation or failure to adhere to the conditions shall be considered a violation of this Ordinance. Any financial performance guarantee imposed as a condition of approval shall be in place before the Code Enforcement Officer may issue the permit.

J. An appeal from the decision of the Planning Board may be made to the Land Use Board of Appeals, pursuant to M.R.S.A. 30-A, §4353, Zoning Adjustments, within thirty (30) days of the date of issuance of the decision.

K. If the appellant is dissatisfied with the decision of the Land Use Board of Appeals, they may then proceed to make an appeal to the Somerset County Superior Court, pursuant to Rule 80-b of the Maine Rules of Civil Procedure and must be filed within thirty (30) days of the date of issuance of the decision.

L. No substantial change shall be made in any approved Conditional Use Permit without approval of the change by the Planning Board. Any change to the original application which would result in an increase in either the building area or developed area of more than ten 10 percent (10%) shall be reviewed as a new permit application.

M. Waiver of design and performance standards. The Planning Board is authorized in its review of applications for a Conditional Use Permit to waive requirements of Articles 7, 8, and 9 of this Ordinance. Waivers shall only be granted upon demonstration by the applicant that the intent of the standard can be met with alternative designs or approaches. Any waiver granted shall be listed in writing on the final Conditional Use Permit granted by the Planning Board.

3.6 Waiver Provisions

A. Waiver of submission requirements. The Planning Board is authorized to waive the submission of items required for a Conditional Use Permit (Section 3.5.A of this Ordinance) upon a showing by the applicant that the item requested has no bearing on the application. A written record of the request for and granting of the waiver must be appended to the application materials.

B. Waiver of design and performance standards. The Planning Board is authorized in its review of applications for a Conditional Use Permit to waive requirements of Articles 7, 8, and 9 of this Ordinance. Waivers shall only be granted upon

demonstration by the applicant that the intent of the standard can be met with alternative designs or approaches. Any waiver granted shall be listed as a condition of approval in writing on the permit.

3.7 Permit Administration

A. All time periods, including those for appeals for issuance or denial of a permit, shall be counted from the date of written notification of the decision.

B. If no substantial start is made on construction within 365 days (1 year) of the date of the permit, it shall lapse and become void. Thereafter, no further work on such construction can be done until a new application has been submitted and approved as aforesaid. The fee for such permit application shall be charged as a new fee.

C. Any permit issuance or denial which is found by the Land Use Board of Appeals or a Court of Jurisdiction not to be in conformity with the provisions of this Ordinance confers no right and is void.

D. The Town Council shall set and may, from time to time, amend a fee structure for permits required under this Ordinance. The fees shall be sufficient to pay for the Town's direct expenses incurred in processing the application, plus the cost of legal notice in the local newspaper and the cost of mailing notices to abutters. The Town Council shall also set a structure for collecting from applicants for Conditional Use Permits, a sum sufficient to cover anticipated technical review assistance. Said sum is to be deposited in an escrow account, with balance remaining to be returned to the applicant following completion of the review.

3.8 Duties of the Code Enforcement Officer (CEO)

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated, they shall immediately notify, in writing, the person responsible for such violations, indicating the nature of the violations and the action necessary to correct them. They are authorized to order immediate cessation of construction activity, pending action of the Town Council, as provided in Section 3.9.A of this Ordinance, below.

B. The CEO shall maintain a current file of all pertinent Federal, State, and local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans.

C. The CEO shall have the following authority and duties to enforce the provisions of this Ordinance, and may have other duties as assigned:

1. Examine preliminary plans;
2. Act upon all applications and collect any fees due, and refer or process applications as required;

3. Inspect sites where building permits have been issued to ensure compliance with all local, State, and federal laws, codes and/or ordinances, and to monitor activities under the jurisdiction of this Ordinance at all times;
4. Investigate complaints and reported violations;
5. Keep written inspection reports and thorough records;
6. Issue violation notices;
7. Participate in appeal procedures;
8. Process or act on consent agreements involving violations of this Ordinance and to appear in court when necessary;
9. Offer advice and opinions to members of the public upon request;
10. Attend meetings of the Planning Board and Land Use Board of Appeals.

D. The CEO shall have the authority to designate an assistant or agent.

E. When there is a question concerning the interpretation of this Ordinance, the CEO may refer the matter to the Land Use Board of Appeals for interpretation.

F. Stop-work order: Should the CEO find that information supplied in applying for a building permit is in error, or the work permitted has been exceeded they shall issue a stop-work order and revoke the permit. This action shall be accomplished by means of a verbal notification to the responsible person or work crew, or by posting the order at the entrance to the site or attaching the notice to the structure itself. This action shall be followed up by legal notice as provided in Section 3.9.A of this Ordinance.

3.9 Legal Action and Violations

A. Notice of Violation: If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, they shall provide written notice of the violation by hand delivery or by certified mail to the person responsible for such violation, indicating the nature of the violation, the penalty for violation, and the action necessary to correct it. They shall order discontinuance of any illegal use of land, buildings, structures, additions, alterations, or structural changes thereto, or discontinuance of any illegal activity.

B. Legal Action: When the above action does not result in the correction or abatement of the violation, the Town Council is hereby directed to institute any and all actions and proceedings, legal and equitable, including the seeking of injunctions of violations and imposition of fines that may be appropriate. The Town Council is authorized to enter into an administrative consent agreement for the purpose of eliminating violations of this Ordinance and collecting fines due to the Town without the necessity of court action.

C. Administrative Consent Agreements: Upon recommendation of the Town Attorney, certain violations of this Ordinance may be resolved through an Administrative Consent Agreement, executed between the violator and the Town Council. An Administrative Consent Agreement shall require that:

1. The violation shall be corrected in all respects;
2. The violator admits to the violation; and,
3. The violator pays an appropriate monetary penalty of not less than $100, plus the Town's legal costs.

D. Fines: Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall, upon conviction, be fined in accordance with provisions of 30-A MRSA §4452. Each day such a violation is permitted to exist after written notification by the Code Enforcement Officer shall constitute a separate offense. Fines shall be payable to the Town of Fairfield.

3.10 Performance Guarantees

A. Performance guarantees, when required, shall be tendered for all improvements to public facilities required under this Ordinance, including but not limited to, sidewalks, drainage facilities, traffic control devices, roadway and curbing within the public right-of-way, streetlights, and water and sewer facilities.

B. At the time of approval of the permit application, the applicant shall tender either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town issued by a surety company in an amount adequate to cover the total costs of all required improvements and review of inspection reports submitted to the Town of Fairfield, taking into account the time-span of the bond and the effects of inflation upon costs. The Town Council, with advice from the Town staff or professional consultants, will determine the type, conditions and amount of the performance guarantee.

C. Prior to the release of any part of the performance guarantee, the CEO or other designated Town official shall verify by reviewing the engineer's reports submitted to the Town of Fairfield, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated by the performance guarantee shall be returned to the developer.

D. The applicant shall retain the services of a State of Maine Licensed Civil Engineer to inspect the construction and the required improvements and supply reports of the inspections the Town Council. Prior to the release of the guarantee, if, upon inspection of the improvements performed, the appointed inspector finds that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, they shall report this finding to the CEO. The CEO shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the Town's rights under the guarantee.

3.11 Land Use Board of Appeals

A. Establishment and Organization

1. A Land Use Board of Appeals for the Town of Fairfield is established in accordance with the provisions of 30-A M.R.S.A. Section 2691. The Land Use Board of Appeals shall consist of five (5) regular members and two (2) alternate members. When a regular member of the Land Use Board of Appeals is unable to act because of interest, physical incapacity, or absence, an alternate member shall act in their absence.
2. The term of office for a Land Use Board of Appeal member or alternate member is five (5) years, staggered so that one term expires each calendar year. The Town Council shall appoint all members of the Land Use Board of Appeals. A Councilor, Planning Board member or a member of their household may not be a member or alternate member for the Land Use Board of Appeals. When there is a permanent vacancy, the Town Council shall appoint a new member to serve for the remainder of the unexpired term.
3. Members of the Land Use Board of Appeals may be removed from office by the Town Council for cause upon written charges and after public hearing.
4. The Land Use Board of Appeals shall annually elect a Chairperson and Secretary from its own membership.

B. Proceeding of the Land Use Board of Appeals: The Land Use Board of Appeals shall adopt rules necessary to conduct its affairs, in keeping with the provisions of this Ordinance and Title 30-A, MRSA, §2691. Meetings shall be held at the call of the Chairperson or when requested by a majority of the members, or by order of the Town Council. The Chairperson shall preside over all meetings and be the official spokesperson of the Land Use Board of Appeals. All meetings shall be open to the public. The Land Use Board of Appeals shall keep minutes of its proceedings, showing the vote or absence of each member upon each question, and shall keep records of its official actions, all of which shall be a public record and be filed in the town offices. A quorum shall consist of three (3) members.

C. Powers and Duties of the Land Use Board of Appeals: The Land Use Board of Appeals shall have the following powers:

1. Administrative Review: To hear and decide appeals where it is alleged there is a violation or error in any order, requirement, decision, or determination made by the Code Enforcement Officer or Planning Board in the administration of this ordinance.
2. Variances: To authorize relief from dimensional standards upon appeal in specific cases of hardship, within the limitations set forth in this Ordinance.
3. Variances may be obtainable only for height, minimum lot size, frontage, lot coverage, setbacks, and open space requirements. <u>Variances cannot, under any circumstances, be obtainable for establishment of prohibited uses</u>.
4. The Land Use Board of Appeals shall not grant a variance unless it makes a finding of undue hardship, as defined by this Ordinance. Mere

inconvenience to the property owner, financial hardship, or pleading that a greater value may be realized from the applicant's property were a variance granted shall not be evidence of undue hardship.

5. The variance granted shall be the minimum necessary to make possible the reasonable use of the property and will preserve the terms of the Ordinance as much as possible. The Land Use Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Appeal Procedure:

1. An appeal may be taken to the Land Use Board of Appeals by an aggrieved person(s). Such an appeal shall be filed within 30 days of the decision rendered by the Code Enforcement Officer or the Planning Board.
2. Such an appeal shall be made by filing with the Town Clerk a written notice of appeal, specifying which Ordinance Section(s) is/are being appealed and the grounds for such appeal. For a variance appeal, the appellant shall submit:
    a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.
    b. A concise written statement stating what variance is requested and why it should be granted.
3. The Land Use Board of Appeals shall hold a public hearing on the requested appeal within 25 days of the filing of the appeal with the Town Clerk. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Land Use Board of Appeals all records of the decision being appealed. At least 15 days prior to the date of the hearing, the Town Clerk shall publish a notice with the following information in one issue of a newspaper of general circulation within the Town:
    a. The name of the person appealing.
    b. A brief description of the property involved.
    c. A brief description of the decision being appealed, or the nature of a variance appeal.
    d. The time and place of the Land Use Board of Appeals' hearing.
4. At least 10 days prior to the date set for hearing, the Town Clerk shall also give similar written notice to:
    a. All property owners of record whose properties lie within 200 feet of the affected property.
    b. The person making the appeal, and
    c. The Code Enforcement Officer, and any other parties of record.
5. Each appeal shall be accompanied by the required fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the appellant shall pay the balance.

E. Hearing Procedure

1. All proceedings of the Land Use Board of Appeals shall be conducted in accordance with the procedures specified in state law, title 30-A M.R.S.A. Section 2691, Subsection 3.

2. The Code Enforcement Officer or their designated assistant shall attend all hearings and may present to the Land Use Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.

F. Decisions of the Land Use Board of Appeals

1. The concurring vote of at least three (3) members of the Land Use Board of Appeals present at the public hearing shall be necessary to reverse any order, requirement, decision, or determination of the CEO or Planning Board, or to decide in favor of the applicant on any matter related to this Ordinance, or to affect any variation in the application of this Ordinance.
2. The Land Use Board of Appeals shall decide all appeals within 30 days after the hearing and shall issue a written decision on all appeals.
3. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to appellant, their representative or agent, the Planning Board, the CEO, and the Town Manager within seven (7) days of the decision date.
4. Upon notification of the granting of a decision by the Land Use Board of Appeals, the CEO shall immediately take such action as is in accordance with the conditions of the decision, unless the applicant needs a Conditional Use Permit.
5. Further appeal may be taken as permitted by 30-A M.R.S.A. Section 2691(3)(G) from any decision of the Land Use Board of Appeals to the Somerset County Superior Court.

G. Stay of Proceedings

An appeal stays all legal proceedings related to the action appealed from unless the Code Enforcement Officer certifies to the Land Use Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in their opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the Code Enforcement Officer, if legally authorized by State law or local ordinance, may seek injunctive relief or refer the matter to the Town Council for prosecution.

Article 4: Amendments

4.1 Initiation for Amendment

A. A proposal for an amendment to this Ordinance may be initiated by:

1. The Planning Board, by majority vote;
2. The Town Council, by majority vote;
3. An individual, through request to the Planning Board; or,
4. A written petition by a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

4.2 Procedure

A. When initiated by an individual, a proposal for an amendment to the Ordinance shall be presented to the Planning Board in writing, stating the specific changes requested. When a change in district boundaries is proposed, the application shall state the nature, extent, reason, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. A fee shall accompany the proposal to cover the costs of hearings and advertisements. The Planning Board shall make a written recommendation regarding passage to the Town Council prior to any action on the amendment by the Town Council.

B. When initiated by written petition or by Town Council action, the Planning Board shall review the request and shall make a written recommendation regarding passage to the Town Council prior to any Town Council action on the amendment.

C. Before recommending the amendment to the existing Land Use Ordinance or map, the Town Clerk must post and publish notice of the public hearing required in accordance with the following provisions.

1. The notice shall contain the time, date, and place of the public hearing on the proposed amendment, and sufficient detail about the proposed changes as to give adequate information on their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Office shall be adequate notice.
2. The notice shall be posted in the Town Office at least seven (7) days prior to the hearing.
3. The notice shall be published in a newspaper with general circulation within the Town. The date of the publication shall be at least seven (7) days prior to the public hearing.
4. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains a source water protection area.
5. In the case of a request to change district boundaries or the status of permitted or prohibited uses within a district, notice shall be sent by certified first class mail to all persons owning property within the area potentially affected, or within 200 feet of the property that would be potentially affected.

Notice shall include a map illustrating the proposed change. Notice shall be mailed at least seven (7) days prior to the hearing.

D. Additionally, notice must be given if the proposed amendment within a geographically specific portion of the Town, has the effect of either prohibiting all industrial, commercial, or retail uses where any of these uses is permitted or permitting any industrial, commercial, or retail uses where any of these uses is prohibited. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

E. For each parcel that is in or abutting the portion of the Town affected by the proposed amendment, the notice must be mailed by first class mail at least seven (7) days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to any public drinking water supplier if the area to be rezoned is within its source water protection area. The Planning Board shall prepare and file a written certificate with the Town Clerk. The certificate shall include to whom the notice was mailed, the address to which it was mailed, when it was mailed, as well as by whom and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

4.3 Adoption

A. Any amendment to this Ordinance shall be adopted by the Town Council.

Article 5: Non-Conformance

5.1 Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this Section.

5.2 General Requirements

A. Except as hereinafter specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located through this Ordinance.

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

C. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures.

5.3 Non-Conforming Structures

A. A non-conforming structure may be repaired, maintained, and improved, but shall not be added to, or expanded except as follows:

1. The expansion does not itself exceed the maximum building height; and
2. The expansion or accessory structure does not increase non-conformance of an existing setback.

B. The placement of a foundation below an existing non-conforming structure shall not constitute an expansion of the structure provided that the foundation does not extend beyond the existing structure's footprint. The addition of uncovered, outside stairs or handicapped access facilities shall not constitute an expansion of the structure.

C. A non-conforming structure damaged or deteriorated beyond practicable repair may be rebuilt, provided that construction is completed within 24 months from the date of loss. The structure may not be enlarged in volume or area except in conformity with this Ordinance.

5.4 Non-conforming Uses

The use of land, buildings, or structures, lawful at the time of adoption of this Ordinance, or of subsequent amendments of this Ordinance, may continue although such use does not conform to the provision of this Ordinance, except as provided in the following

paragraphs below.

A. A non-conforming use which is discontinued for a period of 24 consecutive months may not be resumed. The uses of the land, building(s), or structure(s) shall thereafter conform to the provisions of this Ordinance.

B. Whenever a non-conforming use is changed to an allowed use, the property shall thereafter conform to the provisions of this Ordinance, and the non-conforming use may not be resumed.

C. Expansions of non-conforming uses are limited to no more than a 25 percent (25%) increase in area or volume of the structure and/or land and shall require review by the Land Use Board of Appeals. The Land Use Board of Appeals may approve the expansion request when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties that is greater than the existing non-conforming use.

D. Due to the expansion of a non-conforming use, there shall be no increase in nonconformity with the setback requirement for waterbodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the waterbodies, wetlands, or tributary stream than the closest portion of the existing structure from that waterbody, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

5.5 Non-conforming Lots

A. A non-conforming lot of record may be built upon provided that such lot is not contiguous with another lot in the same ownership, and all the provisions of this ordinance except lot size and frontage can be met, or a variance obtained.

B. If two or more adjacent, non-conforming lots are in the same ownership of record, and if one or more of the lots contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional standards.

C. If two or more adjacent, non-conforming lots are in the same ownership of record, and if a principal use or structure exist on each lot, the non-conforming lots may be conveyed separately or together, provided that lots that are not served by municipal sewer shall conform to the minimum Lot Size Law (12 M.R.S.A. §4807) and the State of Maine *Subsurface Wastewater Disposal Rules*.

D. If two (2) or more uses or structures exist on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the State Minimum Lot Size Law and *Subsurface Wastewater Disposal Rules* are followed.

When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

Article 6: Land Use Districts

6.1 Official Land Use District Map

Districts are located and bounded as shown on the Official Land Use District Map which is made part of this Ordinance. Detail Maps "A" and "B" are hereby incorporated as visual aids in interpretation of the Official Land Use District Map. The Official Land Use District Map is separate and distinct from the Official Shoreland Zoning Map as required in the Town of Fairfield Shoreland Zoning Ordinance and does not include shoreland zones designated therein.

The areas to which this Ordinance is applicable are divided into the following districts, as shown on the Official Land Use District Map:

RU= Rural District
RR= Rural Residential District
V= Village District
C= Commercial District
R= Residential District
UR= Urban Residential District
MS= Main Street District
I= Industrial District

A. Certification of Map

The Official Land Use District Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Land Use District Map of the Land Use Ordinance of the Town of Fairfield," together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Assessor.

B. Changes to the Official Land Use District Map

If changes are made in the district boundaries, or other matter portrayed on the Official Land Use District Map, such changes shall be made on the Official Land Use District Map within 14 days after the amendment has been adopted together with an entry on the Official Land Use District Map as follows:

> "On (date), the Town Council enacted the following change: (insert brief description of the nature of change)."

Immediately beneath the entry the Town Clerk shall place their signature.

C. Replacement of Official Land Use District Map

In the event that the Official Land Use District Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Town Council shall authorize the printing of a new Official Land Use District Map.

6.2 Establishment of Districts

A. Rules Governing District Boundaries

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

1. Boundaries indicated approximately follow the center lines of streets, highways, rivers, or streams, or are defined in terms of their distance from said center lines and shall be construed to precisely reference such center lines.
2. Boundaries indicated approximately follow plotted lot lines and shall be construed as following such lot lines. In cases where a lot line shifts due to boundary line adjustments, the district boundary shall shift accordingly.
3. Boundaries indicated as approximately following Town limits shall be construed to follow such limits. Boundaries indicated as following shorelines shall be construed to following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
4. Sources for the exact delineation of the Special Flood Hazard areas shall be the Town of Fairfield Flood Insurance Map by the Federal Emergency Management Agency (FEMA) February 17, 1988.
5. Distances not specifically indicated on the Official Land Use District Map shall be determined by the scale of the map.

B. Lots Divided by District Boundaries

1. When a lot of two (2) acres or less in area is divided by a district boundary the requirements of either district may be used but shall be applied uniformly to the entire lot.
2. When a Land Use District boundary line divides a lot or parcel of the same ownership of record at the time such line is established by the adoption or amendment of this Ordinance, the regulations applicable to the less restrictive portion of the lot may be extended to not more than 50 feet into the more restrictive portion of the lot, subject to approval by the Planning Board in accordance with the criteria for Conditional Use Permits and provided that it shall not extend into any area designated under the Shoreland Zoning Ordinance.

C. Where features existing on the ground vary from those shown on the Official Land District Use Map, or other circumstances not covered by Sections 6.2.A and 6.2.B of this Ordinance, the Land Use Board of Appeals shall interpret the district boundaries.

D. Designation of District

To implement the provisions of this Ordinance, the Town of Fairfield is hereby divided into the following Land Use Districts which are depicted on the Town's Official Land Use District Map:

RU=	Rural District
R=	Residential District
RR=	Rural Residential District
UR=	Urban Residential District
V=	Village District
MS=	Main Street District
C=	Commercial District
I=	Industrial District

6.3 Purpose of Districts

Each Land Use District designated in this Ordinance is intended to promote the purpose of the 2012 Comprehensive Plan and the health, safety, and general welfare of Town residents. The 2012 Comprehensive Plan designated all Land Use Districts outside of the Rural District as locations where growth and development should be directed and encouraged.

A. Rural District (RU)

The purpose of the Rural District is to ensure that proposed development and land uses are compatible with the preservation of Fairfield's rural character and are protective of sensitive natural resources and visual/scenic quality. The Rural District is also designated to provide a healthy agriculture, forest, and resource base for the Town, while accommodating low density residential development. The Rural District also accommodates certain commercial and light industry uses and strives to maintain a development pattern of mixed, low density use while protecting critical natural and scenic resources.

B. Residential District (R)

The purpose of the Residential District is to provide a substantial portion of the town devoted to accommodating medium-density residential development based on the availability of public water and sewer connection, in addition to associated commercial development on collector roads.

C. Rural Residential District (RR)

The purpose of the Rural Residential District is to provide a location suitable for low density residential development, similar in nature to the Rural District, but more suitable for medium density residential housing. Commercial development in the area will be accommodated because of available land but should be limited to that which will not impact the need for public facilities, the development capability of the land, or suitability of neighboring properties for residential use, as determined through Land Use Tables below, the CEO and Planning Board.

D. Urban Residential District (UR)

The purpose of the Urban Residential District is to preserve the quality and integrity of the Town's older residential neighborhoods and permit high-density housing in the area closest to the Town's public facilities and services, and within walking distance of the Town's principal commercial area near Main Street. This designation encourages more compact pattern or residential development, while seeking to ensure the existing character of this area is maintained.

E. Village District (V)

The purpose of the Village District is to promote small-scale, mixed-use developments, which are characteristics of the Town's three existing village neighborhoods. A healthy mix of easily accessible, local servicing, commercial development and medium-density housing (or high-density where public water and sewer are available) is encouraged. The Village District designation strives to accommodate the denser, mixed land use pattern described above while seeking to maintain the character and historical integrity of the village areas, and to ensure that proposed development and land uses are compatible with existing uses in the village.

F. Main Street District (MS)

The purpose of the Main Street District is to promote a downtown, centralized, commercial business district. The density and location of the Main Street District is intended to provide centrally located residents with efficient access to retail and services. The Main Street District is a variation of the Commercial District, with more flexible standards suited to the highly developed, small-lot, and mixed-use character of the existing downtown blocks. Infill and redevelopment to preserve the viability of the downtown is encouraged and promoted. New construction and any alteration of existing buildings or land use should be consistent with the objective of developing and maintaining the downtown as a central business area.

G. Commercial District (C)

The purpose of the Commercial District is to provide the opportunity for small to medium scale commercial and industrial uses to locate or expand in the community while limiting impact on adjacent residential areas of the Town. This ordinance seeks to ensure that proposed uses are compatible with existing uses and the character of the Town and are protective of natural resources and visual quality. The Commercial District is located so as to provide an area suited to such development due to site conditions such as soil, slopes, proximity to highway access, and public water and sewer services.

H. Industrial District (I)

The Industrial District is a specialized commercial district intended to provide for a variety of employment opportunities, including intensive commercial or industrial enterprises, which may not be compatible with other land uses, without an adverse effect on adjacent residential areas. The Industrial District intends to provide an attractive industrial environment including access to interstate interchanges and public water and sewer systems.

6.4 Land Use Activities Permitted by District

A. The Land Use Tables in this section are intended to designate the land use activities which will be permitted, and what type of permitting is required within each district for each land use activity. The Code Enforcement Officer shall determine in which category a proposed activity will fall. The North American Industry Classification System (SIC codes) shall be used as a guide in the event of uncertainty. Appeals of the CEO's determination shall be classified as Administrative Review.

B. The Ordinance is intended to be sensitive to the size, scale, and potential impact of land use activities. Some land use activities listed below are broken down by the size of the proposed structure as a means of gauging potential impact. Articles 7 and 8 of this Ordinance are the general performance standards for land uses. They are intended to regulate the potential impact of land use activities, rather than the existence of uses to minimize use conflicts as much as possible.

RU= Rural District
R= Residential District
RR= Rural Residential District
UR= Urban Residential District
V= Village District
MS= Main Street District
C= Commercial District
I= Industrial District

The letters appearing within the table indicate the type permitting required, as follows:

A= Allowed (Building Permit required for structures)
PBR= Development Permit-by-Rule (see Section 3.3)
C= Conditional Use Permit Required (see Section 3.4)
S= Subdivision Review Required under separate Ordinance
X= Not permitted in this District

Table 1: Land Use Activity: Open Space and Natural Resource Uses

Land Use	MS	V	UR	R	RR	C	I	RU
Open parks, parking lots, cemeteries	C	C	C	C	C	C	C	C
Recreational facilities	C	C	C	C	C	C	C	C
Gravel pit extractive operations	X	X	X	X	C	C	C	C
Agriculture & forestry operations	X	X	X	C	A	A	A	A
Farm stands	A	A	A	A	A	A	A	A
Campgrounds	X	X	X	C	C	C	C	C

Table 2: Land Use Activity: Residential Uses

Land Use	MS	V	UR	R	RR	C	I	RU
One and two-family homes	A	A	A	A	A	A	A	A
Multi-family housing (3+ units) See Article 9, Section 9.12	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S
Accessory Dwelling Units	A	A	A	A	A	A	A	A
Mobile homes	A	A	A	A	A	A	A	A
Mobile home parks	X	S	S	S	S	S	S	S
Home occupations	PBR	PBR	PBR	PBR	PBR	PBR	PBR	PBR

Table 3: Land Use Activity: Commercial- General Entertainment, Retail, and Wholesale by Size*

Land Use	MS	V	UR	R	RR	C	I	RU
Under 10,000 ft^2 building area	C	C	X	X	C	C	C	C
10,000-20,000 ft^2 building area	C	C	X	X	X	C	C	C
20,000 ft^2 & larger building area	C	X	X	X	X	C	C	C

*Unless otherwise listed.

Table 4: Land Use Activity: Manufacturing by Size*

Land Use	MS	V	UR	R	RR	C	I	RU
Under 25,000 ft^2 building area	C	C	X	X	X	C	C	C
25,000 ft^2 & larger building area	X	X	X	X	X	C	C	X

*Unless otherwise listed.

Table 5: Land Use Activity: Commercial Uses- Other

Land Use	MS	V	UR	R	RR	C	I	RU
Gasoline and fueling stations	C	C	X	X	C	C	C	C
Banks	C	C	X	X	X	C	C	X
Professional offices & general services	C	C	X	C	C	C	C	C
Call centers	X	X	X	X	X	C	C	X
Adult businesses	X	X	X	X	X	C	X	X
Kennels & animal boarding	X	X	X	X	C	C	C	C
Ground water extraction	X	X	X	X	X	C	C	C
Waste/scrap storage/processing facility	X	X	X	X	X	C	C	C
Motor vehicle sales & service	C	C	X	X	X	C	C	C
Junkyard/auto graveyards	X	X	X	X	X	C	C	C
Warehousing	X	X	X	X	X	C	C	C
Sit-down restaurants	C	C	X	X	X	C	C	X
Self-storage units	X	C	X	C	C	C	C	C
Snack bar/food trucks	PBR	PBR	X	PBR	PBR	PBR	PBR	PBR
Bed & breakfast	C	C	C	C	C	C	C	C
Hotel/motel	C	C	X	X	X	C	C	X
Lodging house, boarding houses	C	C	C	C	C	C	C	C
College residence halls	C	X	C	C	C	C	C	C
Controlled substance facilities	X	X	X	X	X	C	C	X
Communication towers	C	C	C	C	C	C	C	C
Solar energy systems	X	X	X	X	C	C	C	C
Wind energy generations	X	X	X	X	C	C	C	C
Adult use cannabis facility	X	C	X	X	X	C	C	C
Medical cannabis dispensary	X	C	X	X	X	C	C	C

Table 6: Land Use Activity: Institutional Uses

Land Use	MS	V	UR	R	RR	C	I	RU
Public and private schools & child/adult day care centers	C	C	C	C	C	C	C	C
Places of public assembly	C	C	C	C	C	C	C	C
Governmental facilities	C	C	X	X	C	C	C	C
Public utility structures	C	C	C	C	C	C	C	C
Essential facilities	C	C	C	C	C	C	C	C

C. Uses Not Listed

1. Any land use activity not listed in the Table of Land Uses shall generally be interpreted as follows:
    a. If the proposed land use activity is similar to a land use activity listed in the Table of Land Uses Activities, the type of permitting will match that of the similar and listed land use activity.
    b. If the proposed use is similar to a prohibited use, it shall be prohibited.

2. In determining which land use activities are similar, the Code Enforcement Officer shall consider the following factors: size and appearance, impact on abutting properties, scale of operations, traffic, environmental impacts, and the purpose of the district. In no case will this provision be used to permit prohibited land use activities or to permit a land use activity which does not comply with all dimensional requirements and performance standards of this Ordinance. The CEO may require any land use activity not listed in the tables above to obtain a Conditional Use Permit from the Planning Board.

D. Accessory Uses

1. An activity which is incidental and directly related to the principal use of the property shall be considered a part of the principal use for the permitting requirements. Examples of such relation include warehouse space as part of a retail store or waste processing facilities as part of a manufacturing operation.
2. An activity which meets the definition of accessory use, but which has no direct relation to the principal use of the lot shall be subject to permitting requirements as if it were an unrelated use. Examples might be an auto repair shop on residential property, or a clothing store in a sawmill.

E. Expansions of Existing Uses

Unless the land use activity is non-conforming, the expansion of a land use activity

already existing at the effective date of this ordinance, or previously permitted under this ordinance, which would require a Development Permit-by-Rule or Conditional Use Permit, will require only a Building Permit if all of the following conditions are met:

1. The expansion does not increase the developed area or building area by more than 50 percent (50%) in any 12-month period;
2. The expansion does not require substantial demand for public water, sewer and other services; and,
3. The expansion does not constitute a change of land use activity.

F. Change of Use

1. A change of use is defined as conversion from one land use activity permitted in the district to another land use activity also permitted in the district, as determined in the appropriate land use tables above. Such a change of use requires a new permit if the proposed conversion of land uses would require a higher level of permitting, such as going from a use that only requires a Building permit to a use that would require a Conditional Use permit, as determined by the Land Use Tables above.
2. When changing from a land use activity that requires a lower level of permitting, to a land use activity that requires a higher level of permitting, a new permit application for the appropriate permit, as determined by the Land Use Tables above, is required.
3. A new permit application is necessary for activities where no building or structural changes are proposed.
4. A change of land use activity which would require the provision of more parking spaces, as determined in the Land Use Table in Section 8.2.C, must demonstrate to the satisfaction of the Planning Board that the parking lot has the capacity to absorb the added demand.

6.5 Dimensional Standards

A. The Dimensional Standards Table contains dimensional requirements for each designated land use district. These standards shall be considered minimums, except where noted. See Section 6.5.B: Adjustments to Dimensional Standards, below, for exceptions and adjustments. Relief from standards herein may be obtained only through the granting of a variance from the Land Use Board of Appeals.

RU= Rural District
R= Residential District
RR= Rural Residential District
UR= Urban Residential District
V= Village District
MS= Main Street District
C= Commercial District
I= Industrial District

Table 7: Dimensional Standards by Land Use District

Standards	MS	V	UR	R	RR	C	I	RU
Minimum Lot Size, (SF) per principal structure/dwelling unit	5,000	20,000	7,500	30,000	80,000	30,000	30,000	2 acres
Lot Area per additional dwelling unit/accessory structure (SF)	1,200	10,000	5,000	20,000	40,000	20,000	20,000	2 acres
Maximum Lot Coverage	None	None	None	None	None	None	None	None
Street frontage-Sewered	50’	50’	75’	75’	N/A	75’	75’	N/A
Street Frontage–Unsewered	N/A	100’	N/A	150’	150’	150’	150’	200’
Front setback	10’	15’	15’	25’	30’	25’	25’	40’
Side & Rear Setback–Principal Structure	5’	10’	10’	10’	20’	10’	10’	30’
Side & Rear Setback accessory structures (does not include Accessory Dwelling Units)	None	5’	5’	10’	10’	10’	10’	10’
Side & Rear Setbacks for Accessory Dwelling Units	5’	10’	10’	10’	15’	10’	10’	20’
Maximum Building Height	75’	45’	45’	45’	35’	75’	85’	35’

SF= Square Feet

B. Adjustments to Dimensional Standards

1. Within the Industrial District, if the proposed activity will be adjacent to an existing commercial or industrial use, minimum side and rear setbacks shall be 25 feet. If the proposed activity will be adjacent to an existing residential use or district boundary, setback will be determined by the buffer provided (see Article 7, Sections 7.6 and 7.13 of this Ordinance).
2. Within the Main Street District, the side setback requirement is eliminated if an adjoining building is already built to the lot line.
3. Within the Main Street District, dwelling units located above the ground floor are not subject to the requirement for additional lot area.
4. Within the Residential District, the minimum lot area per additional dwelling unit/accessory structure may be reduced to 10,000 square feet, if the unit

will be connected to public sewer.

5. Mobile home parks are exempt from the standards of this Dimensional Standards Table but must comply with the dimensional standards of 30-A MRSA §4358(3).

Article 7: Environmental and Neighborhood Protection Standards

7.1 Access to Back Lots

Notwithstanding the road frontage requirements of this Ordinance, rear lots may be built upon provided all State and Federal requirements and the following provisions are met:

1. No permit required under this Ordinance shall be issued to erect any structure on a lot without frontage on a public or private road unless an access way is constructed within a deeded right-of-way, fee simple ownership, or access strip of at least 24 feet in width, except that any private road or access way serving three or more dwelling units shall be constructed within a deeded right-of-way or access strip at least 40 feet in width.
2. The private road/driveway shall be constructed to a minimum width of 12 feet if serving one dwelling unit, and 15 feet if serving two or more dwelling units.
3. It shall be constructed of a minimum depth of 15 inches of bank-run gravel, with drainage ditches and culverts in locations as required by the Public Works Director or professional engineer licensed in the state of Maine.
4. No structures shall be constructed or placed within the limits of the access way, all setbacks to the private road frontage must be met for each land use district.
5. A copy of the recorded access way shall be attached to the Building Permit.
6. Rear lots, together with any rights-of-way serving those rear lots, created and legally recorded on or before the date of adoption of this provision dated **12/27/2023** shall be considered legally non-conforming lots and rights-of-ways of record and may be used in accordance with all other provisions of this Ordinance.
7. This section does not displace or reduce the requirements that apply to the developments subject to review under the Town of Fairfield Subdivision Ordinance. No private roads shall be accepted as public ways by the Town unless the private road has been constructed to the Town's Subdivision Ordinance Article XII, Street and Storm Drainage Design and Construction Standards.

7.2 Nuisance Conditions

A. Noise, vibration, odors, dust, smoke, heat, glare, radiation, and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions. Further details on those nuisance conditions are detailed below. Nuisance conditions shall not be construed to include the by-products of conventional agricultural practices.

7.3 Air Pollution

A. No emissions of dust, ash, smoke or other particulate matter which can cause damage to human or animal health, vegetation, or property by reason of

concentration or toxicity, beyond the property boundaries is permitted. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard.

B. The emission of smoke from any chimney, vent, stack, opening, or combustion process shall not exceed a density of Ringelmann #1.

7.4 Odors

A. Odors shall be controlled so that they shall be undetectable without instruments at the property boundaries.

7.5 Vibration

A. Vibration inherently and recurrently generated, and heat, shall be undetectable without instruments at property boundaries.

7.6 Buffering and Screening

A. Parking Lots

Multi-family and commercial land use activities are subject to the following requirements for screening of parking lots: Except within the Main Street (MS) District, any parking lot that is located within 25 feet of the street line shall be screened in a manner approved by the Planning Board to reduce the distraction of parking lot activity on the street:

1. A minimum buffer width of 15 feet is required if the width consists of a landscaped mixture of deciduous and evergreen vegetation, selected for varying heights and adaptability to roadside conditions, and continuously maintained.
2. A visual screen of at least three (3) feet in height may be substituted for the landscaped buffer. The screening may consist of low walls, fences, berms, evergreen plantings or any combination of these.

B. Screening of Adjacent Properties

1. Setbacks or Screening for Industrial Uses:
    a. No screening shall be necessary if the distance between the developed area and the closest property line is at least 100 feet.
    b. A 40-foot buffer from the closest property line is required if the buffer width will consist entirely of natural woodland or if there is a change in elevation between the developed area and the property line of at least 10 feet.
    c. A 25-foot buffer from the closest property line is required if the buffer width will consist of a planted vegetative screen dense enough to form an effective visual barrier, as determined by the Planning Board during permitting of proposed plan.
    d. If no natural or landscaped buffer is obtainable, a structural visual

and/or sound barrier must be erected to act as a buffer between the developed area and the closest property line.

e. When the property for the proposed land use activity abuts a residential property or district, the Planning Board may require additional buffering or screening. This determination shall be at the discretion of the Planning Board and based on the density of development and type of industrial use proposed.
f. When the property for the proposed land use activity abuts a property of similar land use, the Planning Board may reduce buffering or screening requirements. This determination shall be at the discretion of the Planning Board and based on the density of development and type of industrial use proposed.
g. Additional buffer requirements may apply to specific uses, at the Planning Board's discretion (see Article 9 of this Ordinance).

2. Screening of Commercial and Multi-family Development: In cases where commercial or multi-family development is proposed adjacent to residential uses or a residential district boundary, the Planning Board may require a natural or landscaped buffer strip to visually screen the uses. Where no natural vegetation can be maintained, or due to unusual site conditions, the screening may consist of fences, walls, berms or combinations thereof. The buffering shall be sufficient to minimize the visual impacts of large buildings, loading and unloading operations, outdoor storage areas, parking lots, waste storage and similar commercial activities. The buffer areas shall be maintained, and appropriate vegetation planted to ensure continuous year-round screening.
3. Outside storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other article of salvage or refuse, shall be opaquely shielded to a height of eight (8) feet from abutting roads or residential uses, regardless of distance. Where a potential safety hazard to children is evident, physical barriers sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

7.7 Erosion and Sedimentation Control

All activities involving filling, grading, excavation, well drilling, timber harvesting or other similar activities that result in un-stabilized soil conditions shall be conducted so as to prevent soil erosion from entering waterbodies, wetlands and adjacent properties.

Soil erosion during development shall be minimized through implementation of erosion control management practices. An erosion control plan shall be submitted with all development applications in conjunction with any permit. All temporary and permanent erosion control measures shall be designed, installed and maintained in accordance with the most applicable, recent revisions of the following, which shall be used as a guideline:

- *Maine Erosion and Sediment Control Best Management Practices* (Maine DEP, October 2016 or as revised). Publication can be viewed online at: https://www.maine.gov/dep/land/erosion/escbmps/esc_bmp_engineers.pdf
- *Maine Nonpoint Source Management Program Plan* (Maine DEP, September 2019, or as revised). Publication can be viewed online at: https://www.maine.gov/dep/land/watershed/Maine%20NPS%20Mgmt%20Plan%202020-2024%20Final_F090119.pdf
- *MaineDOT Best Management Practices for Erosion and Sedimentation Control* (MaineDOT, February 2008, or as revised) Publication can be viewed online at: https://www.maine.gov/mdot/env/documents/bmp/BMP2008full.pdf
- *Gravel Road Maintenance Manual: A Guide for Landowners on Camp and Other Gravel Roads* (Maine DEP, April 2016, or as revised). Publication can be viewed online at: https://www.maine.gov/dep/land/watershed/camp/road/gravel_road_manual.pdf

In addition, the following practices shall be followed:

A. Stripping of vegetation, soil removal, re-grading, or other development shall be minimized to the extent practicable and shall be done in a way as to minimize erosion.

B. The duration of exposure of the disturbed area shall be kept to a practical minimum. Exposed areas shall be temporarily stabilized within seven (7) days from the time it was last actively worked by application of mulch, sod, seed, riprap, or other effective measures. Exposed areas shall be permanently stabilized within six (6) months of the date of exposure. Dust control methods shall be employed during dry conditions.

C. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped onsite by the use of staked hay bales, silt fence, or other acceptable methods as determined by the Code Enforcement Officer.

D. The top of a cut or bottom of a fill section shall not be closer than 10 feet to an adjoining property line, unless otherwise approved by the Code Enforcement Officer or waived by the abutter in a document submitted to the Town of Fairfield for the permit file.

E. Natural and man-made drainage ways and outlets shall be protected from erosion due to water flowing through them. Eroded areas shall be stabilized as approved by the Code Enforcement Officer.

7.8 Glare from Outside Lighting

A. Lighting may be used which serves security, safety, and operational needs but which does not impair the vision of a vehicle operator on adjacent streets. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal

view by motorists or pedestrians, or from adjacent dwellings. Intensity should not exceed one (1) foot candle at the property line, and under no circumstances be sufficient to create a nuisance to abutting residential properties.

7.9 Historic and Archaeological Resources

A. If any portion of the site has been identified or is found or known to contain historic or archaeological significance or resources as determined by the Maine Historic Preservation Commission or similar agency/organization, the development shall include appropriate measures for protecting these resources, including, but not limited to, requesting an appropriate survey through Maine Historic Preservation Commission or modification of the proposed building and site layout and design to preserve the area deemed to contain the resource.

7.10 Natural Resource Protection

A. Natural Features

1. Site development shall minimize disturbance of natural features, by all practical measures. This shall be done through limiting tree removal, limiting disturbance and compaction of soil, and minimal grading and filling. No construction activity shall disturb natural features shown outside of the clearing limits designated on the site plan.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, that area shall not be developed. Maps produced by the *Beginning with Habitat* Program shall be consulted as a guide. In addition, areas within 250' of these resources shall only be developed in a manner consistent with the protection of these resources. The Planning Board may require a mitigation or management plan to be reviewed by the Natural Areas Program of the Department of Agriculture, Conservation & Forestry prior to approval.
2. If any portion of the area to be developed includes areas shown on *Beginning with Habitat* program maps as Deer Wintering Areas, the developer shall consult with a qualified wildlife biologist to limit the impact of the development on the habitat and incorporate those recommendations into the site plan to the extent practicable.
3. If any portion of the development contains a wetland or vernal pool, the applicant shall follow Maine DEP's Natural Resource Protection Act protocol on the determination of the status of the vernal pool or wetland. Significant vernal pool habitat is protected by law under the Natural Resources Protection Act. Any activity in, on, or over these areas must avoid unreasonable impacts on the significant vernal pool habitat and obtain approval from the DEP, through a Maine DEP Permit by Rule or individual NRPA approval. Prior to beginning any work in an area that contains a

wetland or potentially contains a vernal pool, the applicant shall consult with the Code Enforcement Officer.

7.11 Noise

A. Noise shall be kept within the limits of the Town of Fairfield Noise Ordinance. In general, the maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed in Table 1.

Table 1: Sound Pressure Level Limits- Measured in dB:

District	7 a.m. to 9:30 p.m.	9:30 p.m. to 7 a.m.
MS	60	50
V	60	50
UR	55	45
R	55	45
RR	55	45
C	60	50
I	60	50
RU	55	45

B. Notwithstanding the standards of subsection, A, above, a venue providing outdoor entertainment activities may produce sound to the level permitted by the Fairfield Police Chief under a permit issued pursuant to Article 6, Section 7 of the Town of Fairfield Public Safety Ordinance.

C. The level specified may be exceeded by 10 dB for no more than 15 minutes per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.

D. No person shall engage in construction activities on a site abutting any residential use between the hours of 7:00 a.m. and 9:30 p.m. Monday through Saturday and on Sunday 9:00 a.m. to 9:30 p.m.

E. The Planning Board, in reviewing Conditional Use Permit applications for commercial activities abutting or within any residential district, may require additional measures for noise suppression.

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

1. Sounds emanating from construction and maintenance activities conducted

between 7:00 a.m. and 9:30 p.m. Monday through Saturday and on Sunday 9:00 a.m. to 9:30 p.m.

2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.
3. Conventional farming operations.

7.12 Outside Storage of Materials

A. All materials stored outdoors shall be isolated in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. A plan for establishment and maintenance of appropriate measures shall be part of any required permit application. The Planning Board may set additional conditions as deemed necessary.

7.13 Commercial Development in the Rural (RU) District

A. Just as commercial use is promoted in the Commercial (C), Village (V) and Main Street (MS) districts of the town, it is restricted in the Rural (RU) District. In addition to other standards established in this ordinance, Rural (RU) District commercial uses are subject to the following conditions:

1. **Setback and Buffer.** A minimum of 50 feet shall be maintained between the area or structure used for commercial purposes and any parcel boundary. A minimum of 25 feet shall be in the form of a natural or planted buffer as described in Section 7.6 of this Ordinance.
2. **Size.** No new commercial structure may exceed 10,000 square feet, except in such cases where the applicant can demonstrate that traffic generated by the development will not exceed 10 percent (10%) of the existing Average Daily Traffic (ADT) of the road used for access. The total impervious surface used for commercial purposes shall not exceed 50 percent (50%) of the gross area of the parcel on which it is established.
   The Planning Board may waive this standard only in the case where the commercial use is primarily related to and dependent on locally produced farm or forest products, or gravel or other earth products mined on site.
3. **Traffic Impact.** A qualified traffic engineer shall estimate the amount of traffic to be generated by the use, as required by the Planning Board. Except for uses waivable in section 2, above, no uses will be permitted which generate more than 500 vehicle trips per day onto Route 139 and Route 201, and no more than 200 vehicle trips per day onto any other road in the district.
4. **Access Points.** All access points shall be designed and constructed at a point with a minimum of 500 feet sight distance in each direction along the public road. All driveways shall be paved for a distance of at least 50 feet from the edge of the pavement of the public road.
5. **Signs.** Only one free-standing sign shall be permitted per parcel. The maximum size of the free-standing sign shall be 32 square feet. Lighted or

moving signs shall not be permitted unless approved by the Planning Board.

7.14 Storm Water Management

A. All new construction shall be designed to minimize storm water runoff and mimic pre-development conditions in terms of volume, velocity, and location as much as practicable. Where possible, existing natural runoff control features, such as swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm water. Stormwater shall not be channeled to discharge directly into any waterbody or tributary stream, or abutting properties.

B. The Planning Board may, at their discretion, require application for a Conditional Use Permit be accompanied by a Storm Water Management Plan prepared by a professional engineer licensed in the State of Maine. All applications for a Conditional Use Permit that will involve the creation of more than 10,000 square feet of new impervious surface must submit a Storm Water Management Plan prepared by a professional engineer licensed in the State of Maine. Storm water plans should show how the development will limit peak discharges from the site to predevelopment levels through a system of engineering structures and best management practices equivalent to those described in Maine *Stormwater Management Design Manual: Stormwater Management Manual, Volume I,* (Maine DEP, March 2016, or as revised) and/or *Maine Stormwater Management Design Manual: Phosphorous Control Manual, Volume II* (Maine DEP, March 2016, or as revised)*:*. Both publications can be viewed online at the following link: https://www.maine.gov/dep/land/stormwater/stormwaterbmps/vol1/volume%20I%20March%202016.pdf

https://www.maine.gov/dep/land/stormwater/stormwaterbmps/vol2/volume%20II%20March%202016.pdf

The use of low-impact development techniques is highly encouraged, as described in *LID Guidance Manual for Maine Communities* (Maine State Planning Office, September 2007, or as revised). Publication can be viewed online at: https://www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/LIDguidancemanual2007.pdf

C. Storm water runoff systems should be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reduction in infiltration. Conversely, designs should avoid aquifer recharge where groundwater effects might be harmful.

7.15 Water Quality

A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials so as to contaminate, pollute, or harm any water resources or cause nuisances, such as

floating or submerged debris, oil or scum, color, odor, taste, turbidity, or unsightliness, or be harmful to human, animal, plant or aquatic life. Evidence that State and Federal regulatory requirements and all pertinent permitting have been met shall be considered sufficient to meet this standard.

B. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious material, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, to prevent liquid from spilling onto or seeping into the ground surrounding the storage area. In addition, such facilities shall be located at least 75 feet from any lot line, or 40 feet for underground storage tanks. Storage tanks for "home heating oil" and diesel fuel, not exceeding 330 gallons in size, may be exempted from this requirement. Evidence that State and Federal regulatory requirements have been met shall be considered sufficient to meet this standard.

C. No commercial activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Fairfield Fire Chief. All materials shall be stored in a manner and location which is in compliance with appropriate regulations of the Maine Department of Public Safety and other Federal, State, and local regulations.

D. Any development which will generate a demand of 2,000 gallons per day or greater provided by groundwater supplies shall not substantially diminish groundwater quantity or quality beyond the boundaries of the property as a result of the project. The Planning Board will require evidence in the form of a report by a qualified hydrogeologist that this standard will be met.

E. Public Water Supplies: Any land use activity which involves the development of a new public water supply shall develop a wellhead management plan demonstrating that the applicant has legal control over land use activities within a minimum300 foot radius of the wellhead.

Article 8: Site Design and Public Facilities Impact Standards

8.1 Access to Public Roads and Driveway Standards

A. General Provisions:

Provision shall be made for vehicular access to the development and circulation upon the lot to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street, and to provide safe and convenient circulation on public streets and in the development.

1. The number of access points shall be minimized to attain safe and proper vehicular access to the site. Commercial access points shall avoid local residential streets wherever possible.
2. Where a commercial lot has frontage on two or more streets, access to the lot shall be provided from the street where there is lesser potential for traffic congestion, traffic hazard, and danger to pedestrians.
3. The street providing access to the lot and neighboring streets which is expected to carry traffic to and from the development shall have existing capacity or be improved, at the expense of the developer, to accommodate the amount and types of traffic to be generated by the proposed use. No development shall increase the volume of traffic to a level exceeding 80 percent (80%) of the street's capacity nor reduce the street's Level of Service to "D" or below as defined in the Maine Department of Transportation, Traffic Engineering Division, Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, under MDOT’s Rules on Traffic Movement Permits.
4. Provision shall be made for interconnecting driveway links to adjoining lots, when an interconnecting driveway would enable the public to travel between two existing or potential uses, generally open to the public, without the need to travel upon a street.
5. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above level within a triangular area defined by legs of 25 feet measured along the driveway and street lines in order to provide adequate vehicle sight lines.

B. Access onto State Jurisdiction Roads

A land use activity with proposed access onto roads under the jurisdiction of the State of Maine Department of Transportation (DOT) is required to obtain a DOT Driveway, Entrance, or Traffic Movement Permit, depending on the volume of traffic involved. If the proposed activity requires a Conditional Use Permit, the applicant shall provide Maine DOT permitting materials to the Town as evidence that this standard is met.

Roads in Fairfield under Maine DOT jurisdiction include US 201 outside of the urban compact area, Maine Route 139 outside of the urban compact area, Maine Route 104, and Maine Route 23.

C. Access Standards

The standards of this section shall apply to all land use activities that will access roads not under the jurisdiction of Maine DOT (detailed above), including town roads and state highways/state aid roads within the urban compact area.

1. Sight Distances: Driveways shall be designed and located to provide adequate sight distance in each direction. A sight distance of 10 feet for each mile per hour of posted speed limit shall be provided. On unposted roads, the minimum sight distance is 250 feet within the urban compact area and 350 feet outside this area.
2 Number of Access Points: The following criteria shall limit the number of access points independent of frontage length.
    a. Developments estimated to generate less than 10 vehicle trips at the peak hour or less than 100 vehicle trips per day shall be limited to one (1) two-way driveway onto a single roadway.
    b. All other developments shall be permitted no more than two (2), two-way driveways in total onto a single roadway.

3. Separation from Street Intersections: Separation of a driveway from any existing street intersections should be the maximum distance practicable, based on site constraints.
    a. Low volume driveways shall be located no closer than 50 feet from an intersection, unless it is controlled by a traffic signal, in which case low volume driveways shall be no closer than 100 feet from an intersection.
    b. A two-way driveway which will serve a volume of 100 or more vehicle trips during its daily peak hour of operation shall be located no closer than 200 feet from an intersection, unless the intersection is controlled by a traffic signal, in which case the two-way driveway shall be no closer than 500 feet from the lighted intersection.
    c. A single lane, one-way driveway may be located closer than 50 feet to an intersection only if traffic is prevented from entering into or leaving out of the opposing lane of the road by a raised median or other traffic control device.
    d. Distances shall be measured from the point of tangency (PT) of the intersection curb radius to the point of tangency of the driveway curb at their closest points.

4. Separation from lot lines: Except in the Urban Residential (UR) District, no driveway entrance shall be located within 10 feet of the side lot line of an adjoining lot, unless the driveway is a shared driveway that serves both lots with both lots having deeded access to use and maintain the driveway.
5. Driveway Design
    a. All driveways, including commercial entrances, with a volume of fewer than 100 vehicle trips during its daily peak hour of operation shall

meet the following design requirements:

iii. **Angle of Entry.** Driveways shall be two-way operational and shall intersect the road at an angle as close to 90 degrees as site conditions permit. The angle of entry shall be no less than 75 degrees on arterials, or no less than 60 degrees on all other roads.

iv. **Curb Radius.** The curb radius shall be between 5 feet and 24 feet, with a preferred radius of 10 feet.

v. **Driveway Width**. The width of the driveway shall be between 12 feet and 24 feet, as measured in the throat area behind the radius.

vi. **Slope**. From the street line, the driveway should slope at 2 percent or less for a distance of 25 feet, followed by a slope of 6 percent or less for at least 50 feet.

b. Commercial driveways with a volume of greater than 100 vehicle trips during its daily peak hour of operation shall meet the following design requirements:

i. **Angle of Entry.** Driveways shall intersect the road at an angle as close to 90 degrees as site conditions permit, but in no case less than 75 degrees.

ii. **Entering and exiting lanes shall be separated by a raised median**. The median shall define a throat length of adequate dimensions based on the traffic volume, but in no case less than forty (40) feet.

iii. **Width.** Driveway widths shall be between 12 feet and 26 feet across, depending on whether they are single-lane or two-lane. "Right turn only" lanes established by a channelization island shall be between 16 feet and 20 feet in width.

iv. **Curb Radius.** Without channelization islands for “right-turn only” movements, the curb radii shall be between 30 feet and 50 feet. With a channelization island, the curb radii shall be between 75 feet and 100 feet.

v. **Slope.** From the street line, the driveway should slope no more than 2 percent for a minimum of 100 feet.

vi. Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and islands.

D. Construction Materials/Paving

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing shall be placed around all raised islands or medians.
2. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

8.2 Off-Street Parking

A. General

No use shall be permitted, and no structure shall be constructed or enlarged, unless adequate vehicle parking is provided without requiring parking on the street, in accordance with the following requirements.

B. Parking Lot Design Criteria

1. Access Restrictions
    a. Parking areas with more than two (2) parking spaces shall be designed so that vehicles cannot back into the street.
    b. Vehicle access points shall be designed in conformance with section 8.1 of this Ordinance, above.
    c. All parking spaces shall be at least five (5) feet from either side or rear lot line, unless more is required for visual or safety buffer.
    d. Required parking spaces will not be located within the right-of-way of the public street.

2. Interior Vehicular Circulation
    a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement, to avoid slowing vehicles on the public road. A throat length adequate to serve the volume of traffic shall be provided. No parking spaces will provide access directly from the throat area.
    b. In parking lots that exceed 100 spaces, raised islands with vegetation shall be used to identify circulation patterns and restrict driving diagonally across parking aisles. Island placement shall divide the lot into two (2) or more smaller cells of no more than 100 spaces each. Landscaped islands shall be no less than 15 feet of vegetative width containing a landscaped mixture of deciduous and evergreen vegetation, selected for adaptability to roadside conditions and continuously maintained., A pedestrian walkway and drainage facilities may be placed within the island, provided that it occupies no more than one-half the width of the entire island.
    c. All parking spaces shall be immediately accessible from an aisle without the necessity of moving other vehicles.
    d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
    e. Any layout that utilizes vehicular access service ("drive-up") windows shall provide a minimum of five (5) car lengths of queuing space on the incoming side of the initial stopping point. This requirement may be increased by the Planning Board for certain types of developments. The required queuing space shall be designed so that it shall not interfere with parking, pedestrian traffic, and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

a. Parking stalls shall be a minimum of nine (9) feet in width by 18 feet in length for conventional arrangement. Stalls designated for handicapped use shall be a minimum of 12 feet in width by 18 feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by 22 feet in length.

b. In paved parking areas, painted stripes shall be used to delineate parking stalls. The stripes should be a minimum of 4 inches in width. Where double lines are used, they should be separated a minimum of 10 inches on center. Unpaved parking lots are not required to delineate spaces on the ground, but the site plan must show adequate parking, circulation design, and a minimum of one space reserved for handicapped parking must be identified with an appropriate sign. (See details in Section 8.2 C.4)

c. Two-way aisles shall be a minimum of 22 feet in width. One-way aisles shall be a minimum of 16 feet in width.

d. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

e. The provision of oversize spaces shall be permitted for activities that ordinarily serve oversize vehicles, such as recreational vehicles, travel trailers, delivery trucks or tractor trailer trucks.

4. Paving Required: All parking lots and access drives which would require 10 or more parking spaces under the table in Section 8.2.C.1 of this Ordinance shall be paved with hot bituminous concrete or an equivalent surfacing over a gravel sub-base at least 18 inches in thickness and shall have appropriate bumper or wheel guards where needed.

C. Numerical Requirements

1. Basic Requirements for Parking Space: Adequate off-street parking shall be provided in accordance with the land use activity proposed. The table below shall be interpreted as a guide, subject to adjustments in Subsections 2 through 5 of this Ordinance. The provision of spaces for vehicles owned or operated by the business, such as construction vehicles, tractor trailers, and vehicles displayed for sale, shall not be included in the calculations.

Table 1: Parking Space Standards

# of Spaces	Land Use Activity
Places of Residence or Accommodation- Spaces per Room or Dwelling Unit	
0.3	Dedicated retirement home, nursing care facility
1	Hotel, motel, bed & breakfast, college residence hall
2	Multi-family buildings
Places of Public Assembly- Spaces per Seat Based on Maximum Seating Capacity	
0.25	Theater, with fixed seating
0.03	Church
0.5	Restaurant, convention center, meeting hall, grange, bottle club
Places of Commerce and Industry- Spaces per 1,000 SF of Gross Floor Area	
0.5	Warehousing, including self-storage
1.5	Industrial and manufacturing facilities, wholesaling
3	Grocery stores over 5,000 SF., offices, professional, and
3.5	personal services, except as noted.
5	Retail sales except as noted
6	Banks, medical & dental offices, call centers, fitness clubs, childcare centers
Public and Institutional Facilities- Spaces per 1,000 SF of Gross Floor Area	
2	Elementary school
4	School, except as noted, museum, art center, public office
6	Commuter college, hospital
Miscellaneous- Criteria as Specified	
1 per 1,000 SF	Indoor sports facility (tennis, soccer etc.,)- no spectators
1 per 4 seats or attendees, based on maximum capacity	Stadiums, arenas, racetracks, and other spectator sport venues
30 per acre	Mini-golf, go-carts, and outdoor amusements
5 per land	Bowling alley
3 per service bay- plus 1 per 10 vehicles displayed	Motor vehicle sales & service

SF= Square Feet

2. Conditional Modification of Requirements: The Planning Board is permitted to modify these standards as minimum requirements, under the following circumstances:
    a. By up to 10 percent (10%), based upon a showing by a professional traffic engineer, licensed in the State of Maine that similar uses under similar circumstances generate greater or less demand.
    b. In the Main Street (MS) District only, the Planning Board may permit any land use to provide up to 100 percent (100%) of its parking requirement through the cooperative development and maintenance of a municipal or public parking lot or structure. Alternatively, the Planning Board may reduce the required parking by up to 30 percent (30%), with the condition that the off-street parking provided is not restricted exclusively to patrons/tenants of the development.
    c. The following listed land uses may satisfy up to 50 percent (50%) of their parking requirement through a shared-use agreement with a non-listed use: churches, fraternal meeting halls, eating & drinking establishments, theaters, fitness clubs, and bowling alleys.
    d. A development may include the provision that a portion of its required parking spaces are not located on the same lot, provided that:
        i. the spaces are located within 200 feet of the property line,
        ii. a written agreement is in place for long-term use of the spaces, and
        iii. the spaces would not be among the minimum required for pre-existing or already-permitted use.

3. Impact on Physical and Environmental Resources: Parking lots shall not be excessively large or contain an area more than 25 percent (25%) greater than that required by these standards.
4. Handicapped Access: At least one handicapped space, plus one additional handicapped space for every 25 parking spaces required, shall be designated as available for handicapped persons, and shall be located nearest the primary entrance. If more than two (2) spaces are required, spaces shall be separated by a five (5) foot wide access aisle. All spaces shall be identified by signs mounted at least five (5) feet above ground surface.
5. Mixed Uses:
    a. Any portion of an activity or land use which is listed separately on the table in Section 8.2.C, Parking Space Standards, of this Ordinance shall be considered as a separate use for the purpose of calculating spaces if:
        i. that activity or land use exceeds the area detailed in the table in Section 8.2.C, Parking Space Standards, by 25 percent (25%) of the building or development, or
        ii. the activity or land use exceeds seating capacity by 25 percent (25%) of that detailed in the table in Section 8.2.C, Parking Space Standards.

b. If an eating and drinking establishment provides both indoor and outdoor seating, the parking requirements shall be calculated according to the total seating capacity.

D. Standards for Loading Bays

1. Areas for loading and unloading goods shall be located entirely on the same lot as the building or land use to be served, so that trucks, trailers, and containers for loading or storage shall not be required to stand or maneuver upon any public street, *except* that in the Main Street (MS) District. Unloading to pre-existing buildings in the Main Street (MS) District may be by way of the street for time periods specified in the Town of Fairfield Public Safety Ordinance, Article 1, Section 5. No loading bays shall be on the side of the building facing the principal street frontage, except for approved industrial land use activities in the Industrial (I) District.
2. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use for the purpose of retail, wholesale, warehouse and industrial operations.
3. Loading bays shall be a minimum dimension of 12 feet by 55 feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

Table 2: Loading Bay Requirements

Building Size	Loading Bays Required
5,0001 to 20,000 SF	1 bay
20,001 to 80,000 SF	2 bays
80,001 to 130,000 SF	3 bays
130,001 to 190,000 SF	4 bays

SF= Square Feet

Each 100,000 square feet over the initial 190,000 square feet requires one (1) additional bay.

8.3 Signs

A. A Development Permit-by-Rule (Article 3, Section 3.4 of this Ordinance) is required for the erection of any new sign or sign structure or when an existing sign is replaced by a larger one. This section sets out standards for sign location, size, and placement in addition to those of the Maine Traveler Information Services Act, 23 M.R.S.A. §1901 et seq.

B. Sign standards for each Land Use District are detailed further in Table 3.

Table 3: Sign Standards Per Land Use District

Districts	Maximum Sign Size	Permitting Requirements	Number of Signs Permitted	Changeable Signs
MS	16 SF	DPBR	See below	Permitted**
V	16 SF	DPBR	See below	Permitted**
UR	16 SF	DPBR	1 free standing	Permitted**
R	16 SF	DPBR	See below	Required PB Approval
RR	32 SF	DPBR	1 free standing	Required PB Approval
C	32 SF*	DPBR	See below	Permitted**
I	32 SF*	DPBR	See below	Permitted**
RU	32 SF	DPBR	1 free standing	Permitted**

*Maximum Sign size in the Commercial and Industrial District 32 SF- or as approved by the Planning Board.

**Changeable signs, including digital displays, require Planning Board approval in the Rural and Rural Residential Districts. All other districts are permitted to have one changeable/digital display sign.

C. In the R, I, and C Districts, the following restrictions shall apply:

1. Signs shall be permanently affixed to the land or building except as provided in Section 8.3.E of this Ordinance.
2. Free-standing signs (not building-mounted) shall be subject to the following requirements:
    a. Signs shall be placed no closer than 10 feet from the edge of the street right-of-way. No sign shall be placed in or on the sidewalk.
    b. No portion of any free-standing sign shall extend more than 35 feet above the level of the ground on which it is located.
    c. No more than two (2) free-standing signs shall be permitted per lot or business.
    d. Within an industrial or commercial area, property owners may pool together to erect one (1) free-standing sign that advertises all businesses located at the road or entrance to the development.

3. Building-mounted signs shall be subject to the following requirements:
    a. There shall be no more than three (3) building-mounted signs permitted, except in the case where there are multiple lessees of a building, in which case, there shall be no more than one (1) sign per lessee permitted.
    b. If mounted on the building in such a way as to overhang a pedestrian walkway or public sidewalk, no portion of the sign shall extend beyond five (5) feet of the building face to which attached, nor within 10 feet vertical distance of the sidewalk.

c. If the proposed sign is to be "flush-mounted", it shall not extend or project more than 12 inches from the building wall. Cut out letters should not project more than six (6) inches from the building wall.
d. No portion of a sign structure shall extend higher than 10 feet above the cornice line of any building.

D. In the Village and Main Street Districts, special provision must apply to accommodate existing development and higher development densities. In general, the provisions of Table 3- Sign Standards per Land Use District of this Ordinance shall apply, except as follows:

1. No free-standing sign shall be placed in the public right-of-way or sidewalk, except that temporary "sandwich board" signs may be placed on sidewalks during normal business hours.

E. Changeable Signs: as defined 23 MRSA §1914.11A (1)

1. Changeable signs, including digital displays, are permitted in all Land Use Districts except Rural and Rural Residential Districts. In the Rural and Rural Residential Districts, changeable signs/digital displays require Planning Board approval (see Table 3- Sign Standards per Land Use District). Only a single changeable sign is permitted per lot of record.
2. The display on a changeable sign may be changed no more than once every 10 seconds. If adjacent to pre-existing residential development, the changing feature shall be discontinued outside of business hours.
3. The displayed message shall not scroll, flash, dissolve, or be otherwise animated. No streaming or moving images shall be displayed on the sign. No sign shall contain external moving parts or other elements that may distract drivers.

F. Temporary signs

Temporary signs and banners may be posted for a period of not more than 20 days within any 90-day period. The owner shall remove said signs upon termination of the event. No temporary sign or banner shall be placed in or above the right-of-way of a public street, except with written permission of the Town Manager.

G. The following are not considered signs subject to these provisions:

1. Flags and insignia of any government.
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
3. Integral decorative or architectural features of building unless they consist of letters, trademarks, moving parts, or moving or flashing lights.
4. Signs placed for the purpose of guiding traffic and parking on private property.
5. Signs advocating for an election issue or candidate.

H. Existing, non-conforming signs may be maintained but shall not be replaced except

by conforming signs. Upon change of ownership of a business premises, all non-conforming signs must be removed or replaced by conforming signs.

I. A sign which advertises a business which is no longer in operation, or which poses a risk to public safety by virtue of being unmaintained shall be removed by the owner, agent, or person responsible for the building or site upon which the sign is located. The Code Enforcement Officer is responsible for identifying such signs and providing written notice to the owner of record in accordance with Article 3, Section 3.8.A of this Ordinance.

8.4 Solid and Liquid Wastes

A. The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The Town shall not be responsible for pickup or transfer of waste.

B. Sanitary and Liquid Wastes:

1. When not serviced by the public sewerage system, the approval of a permit shall be subject to presentation of a completed site evaluation form (HHE-200) prepared by State of Maine, Licensed Site Evaluator which evidences adequate soil conditions for wastewater disposal.
2. Industrial or commercial waste waters may be discharged to public sewers only and in such quantities and/or qualities as to be compatible with operations of the Kennebec Sanitary Treatment District. Wash-water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted. Wastes may require pretreatment at the industrial or commercial site in order to achieve this standard. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the system's facilities (in terms of volume, flammability, or toxicity) and may require the development to dispose of such wastes elsewhere, in conformance with applicable State and Federal regulations. The Planning Board may require the applicant to specify the amount and exact nature of all industrial and chemical wastes to be generated by the proposed operation.
3. This standard shall not apply to facilities that treat their own wastewater requiring an Effluent Discharge Permit from the Maine Department of Environmental Protection.

8.5 Utilities

Public utility lines feeding commercial structures shall be placed underground wherever practicable.

8.6 Public Safety and Emergency Services

A. Commercial buildings in the Industrial (I) and Commercial (C) Districts covering an

area of more than 10,000 square feet shall provide clear access for emergency vehicles on all sides of the building(s). Clear access consists of a minimum of 20 feet of unobstructed width with a surface level and firm enough to support fire equipment. The access shall be considered developed area and not included in any calculations for buffer areas.

B. At a minimum, the requirements of the editions of NFPA – 1 and NFPA – 101 in use at the time of construction must be met for all construction, alteration, or demolition. Key box (Knox Box) security systems shall be installed, as required by Article 1 of the Fairfield Fire Prevention and Protection Ordinance. Truss construction markers as required under Article 4 of Fairfield Fire Prevention and Protection Ordinance shall be properly displayed at all entrances.

C. All fire lanes shall be installed and maintained as required by Article 5 of the Fairfield Fire Prevention and Protection Ordinance. The Fire Chief may require temporary fire lanes and/or building access routes during construction, alteration, or demolition work.

D. The applicant must submit evidence that proposed fire protection measures are adequate, in the form of a written statement from the Fire Chief that the proposed development will not exceed the capacity of the department to provide adequate protection. The Fire Chief may recommend additional protective improvements, including but not limited to fire ponds, dry hydrants, fire lanes, separation of flammable wastes, or sprinkler systems.

E. If the development will use or store items that, because of their toxicity or flammability, would require specialized training or equipment, the developer will be responsible for providing that training or equipment to the fire department.

F. The development must be designed to provide security consistent with the capacity and practices of the Town of Fairfield police department. The applicant shall provide a written statement from the Police Chief approving any proposed security measures; the Police Chief may make recommendations for additional security measures.

Article 9: Design Standards Applicable to Specific Activities

9.1 Adult Businesses

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location to protect the general welfare and preserve the community standards.

A. Physical Separation: In Land Use Districts where permitted, adult businesses shall not be located within:

1. 250 feet of a residential district boundary;
2. 500 feet of an existing residential dwelling unit, educational, or religious structure; or within,
3. 500 feet of any other adult business.

B. Exterior Appearance: No sexually explicit message, materials, images, or activity shall be visible outside the building.

9.2 Automobile Graveyards and Junkyards

Automobile graveyards and junkyards shall be subject to the provisions of 30-A MRSA, § 3751-3760, as amended "Automobile Graveyards and Junkyards", including separate licensing provisions. In addition to the requirement for a Conditional Use Permit under this Ordinance, an automobile graveyard or junkyard is required to obtain a permit under the Fairfield Automobile Graveyard and Junkyard Ordinance and meet the performance standards therein. The applicant will show that the performance standards in both ordinances will be met prior to receiving a Conditional Use Permit.

9.3 Campgrounds and Tenting Grounds

A. General

1. A campground must be constructed on a lot containing a minimum of 10 acres. All Recreational Vehicles (RVs) or trailer sites and all structures shall be located at least 100 feet from any property line, front, side, and rear. All campgrounds shall be licensed with the State of Maine Health Inspection Program and a copy of that license submitted to the Town of Fairfield.
2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, neighboring residences, or approved subdivision lots. Any combination of natural woodland, evergreen planting, landscaped earthen berms, or solid fencing, as approved by the Planning Board, may be used to screen this activity, when sites would otherwise be visible from the locations described above.
3. No mobile home or manufactured housing unit shall be permitted within any campground, temporary or otherwise, except for a single mobile home or manufactured housing unit for the use of the owner or manager of the campgrounds or tenting grounds.

4. Tent sites and sites for trailers and RVs shall be laid out so that the overall density does not exceed 14 units per acre for tents or 11 units per acre for trailer or RV sites, unless a lower density is required under the Town of Fairfield Shoreland Zoning Ordinance.
5. The minimum setback from the normal high-water mark shall be 100 feet for all recreational vehicles, tents, or other temporary or permanent structure.
6. If a campsite is located within the 100-year floodplain, as determined by the FEMA Flood Insurance Rate Maps (dated February 17, 1988), it must remain vacant from October 1 through May 1.

B. Parking and Circulation

1. Adequate parking plus maneuvering space shall be provided for each RV, tent, or shelter site. Individual spaces shall be laid out so that there shall be a minimum of 15 feet between RV sites and all roads located inside the boundaries of the campground.
2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. All roads shall be constructed to the standards for a private right-of-way, as per the Town of Fairfield Subdivision Ordinance Article XII, Street Design Standards. No vehicle parking shall be permitted on the public or private roadways.

C. Health and Safety

1. Trash receptacles shall be provided at convenient locations throughout the campground. The park management shall dispose of refuse from said containers at least once every two days.
2. The campground shall provide potable water and sewage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. At least two separate washrooms, which include a minimum of two (2) toilets, one (1) shower, and two (2) lavatories shall be provided for every 10 campsites. All RV and trailer sites shall be equipped with water and sewage hook-ups and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour access to a manager on site in case of emergency shall be required.
4. Provide proof that the campground has been licensed with the State of Maine Health Inspection Program.

D. Planning and Review

1. Campground proposals are subject to review under this Land Use Ordinance and in some cases with the Town of Fairfield Subdivision Ordinance, with particular attention to the requirements for habitat protection and retention of natural vegetation. Campgrounds within Shoreland Zone Districts are under the jurisdiction of the Fairfield Shoreland Zoning Ordinance.

9.4 Communication Towers

New or expanded communication towers are subject to Planning Board review as a Conditional Use Permit application and the standards of this section, unless exempted under subsection C below. Maintenance and repair of existing facilities, equipment, and the addition of antennae does not require review unless there is a change in height or coverage of impervious surface for the facility. A building permit is also required, as determined by the Code Enforcement Officer.

A. Location

1. Communication Towers require a Conditional Use Permit application in all Land Use Districts.
2. Consideration shall be given to the use of existing towers (co-location) whenever practicable. Permit applicants for new facilities shall state why location on an existing tower is not feasible.
3. Towers shall be located no closer than the height of the tower from all property lines and dwelling units.

B. Design and Installation

1. No tower shall exceed 195 feet in height, as measured from the tip of the tower to the ground surface. A tower in the Main Street (MS) or Village (V) Districts shall not exceed 75 feet in height.
2. The applicant for a new tower will provide the Planning Board with a radio frequency propagation survey demonstrating that the proposed tower height is needed.
3. All new and replacement towers shall be of the monopole design.
4. No tower shall be approved unless at least one (1) wireless service provider has already committed occupancy. New towers shall be designed with capacity for co-location.
5. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than 10 years.
6. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.
7. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries association. Compliance with these standards shall be certified by a registered professional engineer, licensed in the State of Maine.
8. A decommissioning and removal plan shall be submitted with the Conditional Use Application.
9. Any communication tower that is unused or out of service for a period of 24 continuous months shall be considered abandoned and shall be removed within 90 days. The Town of Fairfield is hereby authorized to contract for the removal of the tower and assess the cost of said removal as a lien against the property.

C. Exempt Installations

1. Facilities for communication by local, county, state or federal emergency and public safety organizations.
2. Amateur radio stations (Ham Radio) as licensed by the Federal Communications Commission.
3. Facilities attached to an existing dwelling unit for the purpose of accepting and transmitting signals of personal use.
4. Facilities intended to be in operation for no more than 180 days total.

9.5 Eating and Drinking Establishments

A. All permit applications shall state the maximum seating capacity of the proposed establishment, including any planned outdoor seating areas. Any expansion or enlargement above the stated capacity on the original application shall require a new permit application. State Fire Marshal permits are required for eating and drinking establishments, a copy of the approved State Fire Marshal Construction permit shall be submitted to the Planning Board.

B. Any establishment located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the developer. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted to the Planning Board as part of the application material. All proposed subsurface disposal systems shall meet 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules*;

C. Restroom facilities for patrons complying with the Maine State Plumbing Code, as amended, shall be provided on the premises.

D. Eating establishments with little or no indoor seating capacity ("snack bars") must still provide for traffic flow and parking such that movement on the public road is not impeded.

9.6 Garvel Pit Extractive or Filling Operations

A. Scope and Exclusions: Except for the exclusions listed below, the removal or placement of topsoil, rock, sand, gravel, and other earth materials is prohibited in the Urban Residential (UR), Village (V), Residential (R), and Main Street (MS) Districts and requires a Conditional Use Permit application in all other districts:

1. The removal, placement or transfer of less than 100 cubic yards of material from or onto any lot in any 12-month period.
2. The removal, placement or transfer of material incidental to the construction, alteration, or repair of a building or the grading and landscaping incidental thereto; and
3. The grading or shifting of material incidental to construction, alteration, or repair of a public or private way or essential facility.

B. Submission Requirements

1. All applications shall show sufficient information to determine compliance with this Ordinance and applicable State Laws, and accompanied by all required State Permits or Licenses and the following information:
    a. A site plan with:
        i. Topography indicating not greater than five (5) foot contour intervals, related to U.S. Geodetic Survey data;
        ii. The location and slope of both existing and proposed grades, upon completion of the extraction operation; and
        iii. Details of proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; and A written statement of the proposed operating procedure and working hours.
    b. A plan for reclamation of the site upon completion of the operation.
    c. Evidence of adequate insurance against liability arising from the proposed operations, to be maintained throughout the period of operation.
    d. Written approval of routes to be used by the Fairfield Director of Public Works.

2. The Planning Board may require the additional submission of a hydrogeological study to determine the effects of the proposed activity on groundwater movement and quality within the area.

C. Performance Standards

1. No part of any excavation shall be permitted within 150 feet of any property or street line, except for drainage ways. Natural vegetation shall be left and maintained on the undisturbed land.
2. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects.
3. No slopes steeper than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted at any site unless a fence at least six (6) feet in height is erected to limit access to such locations.
4. Topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stockpiled for use in restoring the location after an extraction operation has ceased. Stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this Ordinance (Article 7, Section 7.7 Erosion and Sediment Control).
5. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure, as provided in Article 7, Section 7.7 of this Ordinance.
6. Lagoons shall be designed to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable, prior to consideration by the Planning Board.
7. The hours of operations at any site shall be limited as the Planning Board

deems advisable to ensure compatibility with neighboring land uses.

8. Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Director of Public Works. No mud, soil, sand, or other materials shall be deposited on a public road from loading or hauling vehicles.
9. All access/egress roads leading to or from the site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.
10. No equipment debris, junk, or similar material shall be permitted on a site. Any temporary shelters or buildings erected for operations and any equipment used in connection to an extraction or filling operation shall be removed within 30 days following completion of operations.
11. Within six (6) months of the completion of operations at any site or any one or more locations within any site, ground levels and grades shall be established in accordance with the submitted reclamation plans, including the following:
    a. All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or, in the case of solid, non-organic, non-toxic matter, may be buried and covered with a minimum of two (2) feet of soil.
    b. The extent and type of grading material shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
    c. Storm drainage and water courses shall leave the site at the original natural drainage points. The amount of drainage at any point will not be significantly increased from the original pre-operations level.
    d. Sufficient topsoil or loam shall be retained or obtained to cover all disturbed areas to a depth of four (4) inches. Areas shall be reseeded and properly restored to a stable condition.

9.7 Ground Water and/or Spring Water Extraction and/or Storage

A. Permit Required: The removal of more than 2,000 gallons of ground water or spring water per day for commercial purposes requires a Conditional Use Permit in all Land Use Districts.

B. Submission Requirements: The Conditional Use permit application shall include the following information:

1. Statement of the quantity of ground water planned to be extracted at full capacity, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
2. A letter from the Maine Department of Health and Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;
3. Where appropriate, letters from the Department of Environmental Protection

when the Site Location Law is applicable, or a discharge permit is required.

4. A hydrogeological report by a certified, professional hydrogeologist or registered professional engineer, licensed in the State of Maine. This report shall include:
    a. A map of the aquifer feeding the spring(s), well(s), or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in 10 years.
    b. An estimate of any potential interaction between this aquifer and adjacent water supplies.
    c. Impacts on the water table in the aquifer and wells within 1,000 feet of the proposed extraction facilities shall be assessed.

C. Performance Standards:

1. The quantity of water to be taken from water sources will not substantially lower the water table beyond the property lines, cause undesirable changes in ground water flow, or cause unacceptable ground subsidence during a drought with a probability of occurrence of once in 10 years.
2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
3. Safe and healthy conditions shall be maintained within and about the proposed use.
4. The operator shall make monthly operating records of the quantity of water extracted, stored, and removed from the site, available to the Code Enforcement Officer or a designee.
5. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under state law.

9.8 Home Occupations

Home occupations are permitted as a Development Permit by Rule Permit in all Land Use Districts. A home business must also obtain a Town of Fairfield business license issued by the Town Clerk. A business enterprise which cannot meet these standards must be classified and permitted according to the Land Use Table in Article 6 of this Ordinance. A home occupation in existence prior to the effective date of this ordinance is not required to get a permit or comply with these standards unless the activity expands in size, scope, or traffic demand. (See expansion of non-conforming use in Article 5, Section 5.4 of this Ordinance.)

A. The use of a dwelling unit or property for a home occupation shall be clearly incidental and subordinate to the primary residential use of the property and surrounding residential uses.

B. A home occupation may not alter the residential character of the structure(s) or neighborhood, nor shall it change the character of the lot from its principal use as a

residence.

C. The home occupation shall be conducted wholly within the existing structures. Any outside storage or display of materials or products shall be screened from view of the abutting properties and street. The display of motor vehicles for sale or outside storage of vehicles awaiting repair is expressly prohibited as a home occupation.

D. If operated within a unit of a multi-family dwelling unit or mobile home park, only family members residing at that location may be employed and there shall be no signs posted or retail sales conducted. Written permission for the home occupation must be obtained from the owner of the premises.

E. All parking shall be located to the rear or side of the principal structure, but not within the required yard setbacks.

F. One (1) sign, complying with the sign section of this Ordinance (see Article 8, Table 3: *Sign Standards per Land Use District*) may be erected on the premises.

G. The sale of products shall be limited to one of the following categories:

1. items which are crafted, assembled, or substantially altered on the premises or,
2. items ordered off the premises by customers, and items not crafted on the property, but which are accessory and incidental to a service which is provided on the premises.

H. A home occupation shall not involve the use or storage of heavy commercial vehicles, including construction equipment, and delivery vehicles.

I. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.

J. A home occupation shall not generate noise, vibration, smoke, fumes, odor, heat, light, electrical interference, or other effects which can be detected beyond the boundaries of the property, or in the case of a multi-family dwelling unit, beyond the walls of the dwelling unit in which the home occupation is located.

9.9 Kennels and Veterinary Clinics

A. Structures, runs, or pens for housing or containing animals shall be located a minimum of 100 feet from the property line.

B. All pens, runs, kennels, and other such facilities shall be designed, constructed, and located on the site in a manner that will minimize the potential adverse effects upon the surrounding properties.

C. The owner or operator shall maintain the premises in a clean, orderly, and sanitary

condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding/nesting place for insects, vermin or rodents.

D. Temporary storage containers for any waste containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every two days. Such containers shall be made of steel or plastic to facilitate cleaning and shall be located in accordance with the setbacks required for outdoor runs (Section 9.9 A of above).

E. If outdoor animal runs are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to ensure cleanliness and ease of maintenance.

F. Incineration devices for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from any property line and shall have a chimney vent not less than 35 feet above the average ground elevation. Approval shall be obtained from the Maine Department of Environmental Protection for the proposed incinerator, prior to submitting an application to the Planning Board.

9.10 Mobile Homes/Manufactured Homes in the Village (V) and Urban Residential (UR) Districts

A. All installations of mobile homes/manufactured housing units in the Village (V), and Urban Residential (UR) Districts shall conform to the following design standards:

1. All units must be a minimum of 14 feet in width and contain at least 750 square feet of living space;
2. All units shall have a residential-style siding and roof pitch of at least three (3) in 12;
3. All units shall have the wheels and axles removed and be placed on a permanent foundation compliant with the minimum Housing and Urban Development (H.U.D.) slab design.

9.11 Multiple Dwelling Units on One Lot

This section applies to multiple dwellings units on a lot, regardless of tenure (condominium or rental) or number of individual buildings. Certain forms of multiple dwellings may also be subject to the Fairfield Subdivision Ordinance. These standards apply to residential units for which a permit is sought after January 1, 2024.

A. Water/ Wastewater:

1. The property owner of record must provide written verification that the proposed unit(s) [ADUs, additional housing unit on one lot, affordable housing] can be connected to adequate water and wastewater services

prior to the issuance of a certification for occupancy. Written verification must include the following:

a. If connected to the Town of Fairfield Sewer System (municipal sewer pumping and treatment), or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system;
b. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules*;
c. If connected to the Kennebec Water District water system (municipal drinking water), or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection.
d. If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

B. Undeveloped Parcels (no existing dwelling unit on property) as of July 1, 2023.

1. If the parcel is located in a Designated Growth Area as defined in the Town of Fairfield Comprehensive Plan the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this shall be subject to the Fairfield Subdivision process.
2. If the parcel is located outside a Designated Growth Area, as defined in the Town of Fairfield Comprehensive Plan, the lot owner of record for the property may have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures.

C. Developed Parcels (lots with existing housing units already on them) as of July 1, 2023.

1. If the parcel contains one (1) existing dwelling unit, up to two additional dwelling units may be constructed. The additional units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.
2. If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.

D. All Dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and the Town of Fairfield's Shoreland Zoning Ordinance.

E. All residential dwelling units permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

F. Residential dwelling units developed under this section must comply with Town of Fairfield standards for minimum lot dimensional requirements per dwelling unit, as stated in Article 6, Section 6.5, Table 7 of this Ordinance.

G. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot will not be treated as a vacant lot; it will be treated as if the dwelling unit was still standing.

H. Each dwelling unit shall be equipped with approved, hard-wired smoke and CO detectors, according to the National Fire Protection Association's Life Safety Code.

I. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land, as required in the Fairfield Subdivision Ordinance.

J. In the Main Street District, all newly created dwelling units adjacent to Main Street must be wholly located above the ground floor.

9.12 Multi-family Housing:

The construction of three or more units within a building, where permitted, shall comply with the standards of this subsection. Multi-family housing includes college residence halls.

A. A multi-family housing unit is also a subdivision; however, the Planning Board may choose to perform the subdivision review and the review for a Conditional Use Permit jointly.

B. Multi-family buildings shall meet all of the dimensional standards of Article 6, Section 6.5, Table 7, and the performance standards in Articles 7 and 8 of this Ordinance.

C. Water/ Wastewater:

1. The property owner of record must provide written verification that the proposed unit(s) [ADUs, additional housing unit on one lot, affordable housing] can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:
    a. If connected to the Town of Fairfield Sewer System (municipal sewer pumping and treatment), or equivalent centralized system, proof of

adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system;

b. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules,* as amended;

c. If connected to the Kennebec Water District water system (municipal drinking water), or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection.

d. If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

D. The Planning Board may require a fence, wall, or vegetative buffer to be constructed as screening based on specific conditions of the lot, pursuant to Article 7 of this Ordinance.

E. Each dwelling unit shall be equipped with approved, hard-wired smoke and CO detectors, according to the National Fire Protection Association's Life Safety Code.

9.13 Accessory Apartments/Accessory Dwelling Units

For the purposes of this Ordinance, Accessory Apartments and Accessory Dwelling Units will be referred to as ADUs.

A. ADUs are permitted wherever a single-family dwelling unit is allowed.

B. An Accessory Dwelling Unit Building Permit is required, as per the standards outlined in Article 3, Section 3.3 Accessory Dwelling Unit Building Permit Procedures, of this Ordinance.

C. Water/ Wastewater

1. The property owner of record must provide written verification that the proposed ADU can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:
    a. If connected to the Town of Fairfield Sewer System (municipal sewer pumping and treatment), or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system.
    b. If connected to a septic system, proof of adequate sewage disposal

for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules,* as amended;

c. If connected to the Kennebec Water District water system (municipal drinking water), or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection.

d. If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

D. An ADU may be constructed only:

1. Within an existing dwelling unit on the lot;
2. Attached to a single-family dwelling unit; or,
3. As a new structure on the lot for the primary purpose of creating an ADU.

E. Any structure containing an ADU must adhere to all setback and dimensional requirements outlined in Article 6, Section 6.5, Table 7 of this Ordinance and to Fairfield's Shoreland Zoning Ordinance.

F. An ADU must be at least 190 square feet and cannot exceed the size or number of floors of the principal dwelling on the property.

G. Only one (1) ADU may be exempt from parking requirements as outlined in Article 8 of this Ordinance.

H. Each dwelling unit shall be equipped with approved, hard-wired smoke and CO detectors, according to the National Fire Protection Association's Life Safety Code.

I. An ADU is allowed on a non-conforming lot if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviate from the dimensional standard(s) creating the non-conformity.

J. An After-the-Fact permit may be obtained for an ADU that was not built with municipal approval if the Accessory Dwelling Unit otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.

9.14 Affordable Housing Development

A. Affordable housing developments are permitted in all Land Use Districts that permit multi-family dwellings and are in a designated Growth Area as outlined in the Fairfield Comprehensive Plan.

B. The Planning Board shall review all applications for affordable housing

developments per the Town of Fairfield Subdivision Ordinance.

C. Water/ Wastewater:

1. The property owner of record must provide written verification that the proposed unit(s) [ADUs, additional housing unit on one lot, affordable housing] can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:
    a. If connected to the Town of Fairfield Sewer System (municipal sewer pumping and treatment), or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system;
    b. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules,* as amended;
    c. If connected to the Kennebec Water District water system (municipal drinking water), or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection.
    d. If proposed to be connected to a well, the application must include proof that the water supply is potable and acceptable for domestic use.

D. Location

1. The proposal must be in a Designated Growth Area, as delineated in the Town of Fairfield's Comprehensive Plan, and detailed in Article 6, Land Use Districts.
2. The proposed multi-family dwelling unit must be located in a District in which multi-family dwelling units are a permitted land use activity, as determined by Article 6 of this Ordinance.

E. The owner or agent of the affordable housing development must (1) execute a restrictive covenant, (2) record the restrictive covenant in the Somerset County Registry of Deeds to ensure that, for at least 30 years after completion of construction:

1. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local Area Median Income (AMI) at the time of initial occupancy; and
2. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local Area Median Income (AMI) at the time of initial occupancy.
3. Area Medium Income will be determined by Maine Housing at the time the application is submitted.

F. Each dwelling unit shall be equipped with approved, hard-wired smoke and CO detectors, according to the National Fire Protection Association's Life Safety Code.

9.15 Mobile Home Parks/Manufactured Housing Communities:

A. Mobile home parks/ manufactured housing communities are permitted in all districts except Main Street (MS). The establishment of a mobile home park/manufactured housing community shall be reviewed as a subdivision and shall require Planning Board approval.

B. Notwithstanding the provisions of this Ordinance, dimensional standards for mobile home parks shall be as provided in 30-A MRSA §4358(3) "Regulation of Mobile Home Parks."

9.16 Overnight Accommodations

A. All facilities intended for short-term stay and designed and constructed without individual kitchen facilities (except for Bed and Breakfasts) are subject to the following requirements:

1. Each rental unit shall contain not less than 190 square feet of habitable floor area enclosed by walls and a roof, exclusive of any adjoining portions of roofed or covered walkways, except as specified in Subsection B, below.
2. Each unit shall include private bathroom facilities.
3. For each building or lot, one (1) dwelling unit may be provided for a resident owner, manager, or other responsible staff person.
4. If not located on a public sewer system, the developer shall provide a written statement from a State of Maine Licensed Site Evaluator stating that the proposed system shall comply with 10-144 CMR Ch.241, State of Maine *Subsurface Wastewater Disposal Rules,* as amended.
5. Each rental room shall be equipped with approved, hardwired smoke and CO detectors, according to the National Fire Protection Association's Life Safety Code.

B. Bed and Breakfast facilities shall comply with the following:

1. The application for a Conditional Use Permit shall include a scale drawing of the lot showing the location of the existing buildings, the existing and proposed parking, and the existing and proposed sewage disposal system.
2. In addition to parking required by Article 8, Section 8.2.C of this Ordinance, two (2) parking spaces shall be provided for the dwelling unit.
3. There shall be at least one (1) bathroom for the rental rooms, in addition to the bathroom for the dwelling unit.
4. Each rental room shall be not less than 120 square feet.

C. Guest Houses, lodging houses, boarding houses, and room rentals shall comply with the following standards:

1. Guest houses are generally considered to be conversions from pre-existing single-family homes. There should be no new external construction to increase the size of the existing structure to accommodate the use other than necessary to meet fire egress or handicapped accessibility codes.
2. The water and sewage facilities shall meet all existing laws and codes for the increased demand.
3. One (1) parking space shall be provided for every room to be rented, in addition to two (2) parking spaces for the original dwelling unit.

D. Hotels, motels, or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards of this Ordinance. In addition, the creation of three (3) or more units shall be subject to review under the Town of Fairfield Subdivision Ordinance.

9.17 Professional Offices in the Urban Residential (UR) District

Within the Urban Residential (UR) District, professional offices may be established, subject to the following standards:

A. New professional offices shall be located only within existing buildings, in order to retain the essential residential character of the neighborhood.

B. No use projected to generate more than 60 vehicle trips per day will be permitted.

C. Exterior alterations shall be minimal, and all exterior alterations shall be similar to the original architectural style of the building. In special situations where a building is extremely dilapidated and structurally unsound, the Planning Board may approve plans to replace the existing building with a new building designed to be consistent in scale and appearance with other buildings in the neighborhood. The Planning Board may seek the recommendation of a recognized architectural authority before granting permission to demolish and rebuild according to the proposed plan.

D. Parking for professional offices shall be located to the side or rear of the building and shall be screened from view from abutting residential properties pursuant to Article 7, Sections 7.6 and 7.13 of this Ordinance, or as conditioned by the Planning Board.

E. All outdoor lighting shall be directed in such a manner as to avoid "overspill" onto abutting residential properties, or glare into the street.

9.18 Recreational Facilities

All public and private recreation facilities shall meet the standards below, as appropriate:

A. Adequate off-street parking shall be provided for the anticipated maximum attendance at any event.

B. If the facility is an outdoor venue, containers and facilities for trash collection and removal shall be provided, as well as sufficient sanitary facilities. Fixed-location sanitary facilities shall comply with the Maine Plumbing Code.

C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact, pursuant to the standards outlined in Article 7, Section 7.6 of this Ordinance.

D. The facility shall not create a traffic hazard due to the intermittent nature of peak traffic flow or sports equipment entering roadways. The Fairfield Police Department shall review the location and the access point and provide their comments to the Planning Board prior to or at the public hearing.

9.19 Schools, Colleges, Churches, Fraternal Organizations, and Non-Profit Clubs

Public and private schools, colleges, religious and fraternal organizations, and non-profit clubs shall meet the provisions below.

A. Buffering and screening shall be provided as if a commercial use in accordance with the provisions of Article 7, Section 7.6 of this ordinance.

9.20 Storage Containers

Storage containers placed into use after the effective date of this ordinance may only be located and utilized in accordance with the following standards. Containers placed into use prior to the effective date of this Ordinance may remain but shall be replaced in accordance with the standards of this section if deemed unsafe or hazardous by the Code Enforcement Officer.

A. Storage Containers. Storage containers located on a property for longer than 60 days shall be used under the following conditions:

1. Containers are considered to be accessory to the principal use of the property and subject to permitting as such. If there is no development of the property at the time the containers are placed, the use is presumed to be warehousing and regulated accordingly.
2. Maximum dimensions for a storage container are 14 feet in width, 55 feet in length, and nine (9) feet in height.
3. Containers shall comply with all required setbacks and other dimensional standards in the Land Use District.
4. Containers shall not displace parking, as required for the land use activity on the lot and shall not be placed in a way that creates vehicle or pedestrian hazards.
5. The exterior sheathing of the container will contain no signs or advertising material.

6. Containers shall be structurally sound, with no visible rust or holes, sharp edges, damaged sheathing or other defects which could endanger public health or safety.

9.21 Solar Energy Systems

A. The standards in this section apply to all Solar Energy Systems (SES) except those that are accessory to a previously established principal use:

1. Layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL),Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with MUBEC, and with all other applicable fire and life safety requirements, as detailed by the National Fire Protection Agency. The manufacturer specifications for the key components of the system shall be submitted to the Planning Board as part of the application.
2. The owner of a SES shall provide the Planning Board with written confirmation that the public utility company to which the SES will be connected has been informed of the customer's intent to install a grid connected system. The owner of the SES shall provide a copy of the final inspection report and connection approval from the utility company to the CEO prior to the issuance of a certificate of completion for the SES.
3. All on-site utility transmission lines shall be placed underground. If, however, the applicant can demonstrate that this would not be feasible, this requirement may be waived in writing by the Planning Board.
4. The SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
5. Ground mounted SES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of a vegetative barrier which provides a visual screen. In lieu of a planting screen, a fence that provides visual screening may be used, as approved by the Planning Board.
6. The surface area of the arrays of a ground mounted SES, regardless of the mounted angle of any solar panels, shall not be considered impervious surface for purposes of a stormwater management plan.
7. All ground mounted SES rated in excess of 10 kw shall be completely enclosed by chain link fencing that is a minimum of eight (8) feet high and has a locking gate. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SES informing individuals of potential voltage hazards.
8. Access drives shall be maintained to allow for maintenance and emergency management vehicles. At a minimum, drives must be 12 feet wide and surfaced with a 15-inch-thick gravel base.

9. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in unsafe condition, or detrimental to public health, safety or general welfare.
10. The SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. A Knox Box. key box, or Knox Lock shall be used to allow emergency service access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
11. A copy of the decommissioning plan, approved by the State of Maine Department of Environmental Protection in accordance with M.R.S.A. Title 35-A Section 3491 -3496 as amended.

9.22 Waste and Scrap Storage and Processing

Waste, scrap storage, and processing facilities are subject to the provisions of 38 MRSA, chapter 13 Waste Management, including separate licensing provisions, and shall meet the following standards in addition to those outlined in Articles 7 and 8 of this Ordinance:

A. Location

1. No waste scrap storage or processing facility shall be located in a sand and gravel aquifer or an aquifer recharge area, as mapped by the Maine Geological Survey or a qualified hydrogeologist.
2. No waste, scrap storage, or processing facility shall be located within the 100-year floodplain, as it appears on federal Flood Insurance Rate Maps on file at the Town Office.

B. Supplementary Submission Requirements

1. All applications for a Conditional Use Permit shall include, in addition to the basic submission requirements, all required state permits or licenses and the following information:
    a. A written statement about the proposed operating procedure and working hours.
    b. Evidence of adequate insurance liability arising from the proposed operations, to be maintained throughout the period of operation.
2. The Planning Board may require the additional submission of a hydrogeological study to determine the effects of the proposed activity on groundwater and the quality of the groundwater within the area.

C. Performance Standards

1. The hours of operation shall be reviewed and may be limited as the Planning Board deems it appropriate to ensure operational compatibility with nearby residences.
2. Stormwater drainage and water courses shall leave the location at the

original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

3. All waste and scrap storage and processing facilities shall be completely enclosed by chain link fencing that is a minimum of eight (8) feet high and has a locking gate.
4. Any waste or scrap being transported to the storage or processing facility shall be securely managed to prevent spillage onto roadways and adjacent properties.
5. Safe and healthy conditions shall be maintained within and about the proposed use. The Planning Board may set additional sanitation standards that must be maintained at the developer's expense.

9.23 Wind Energy Generation Facilities (WEGF)

A. Supplementary Submission Requirements

In addition to the submission requirements of Article 3, Section 3.5B, Conditional Use Permit Application Requirements, of this Ordinance, applications for Wind Energy Generation Facilities (WEGF) shall contain the following information:

1. A map and description of the route to be used for transporting personnel and materials to the development site;
2. Documentation of pre- and post-construction sound levels at the property boundaries;
3. A plan and description of connections to the utility grid, if one is proposed, together with the form of a connection agreement between the applicant and the utility; and,
4. A decommissioning plan, together with a proposal for a performance guarantee for decommissioning costs.

B. General Standards

The following standards apply to both residential and commercial WEGF:

1. **Setback:** The tower of the WEGF shall be placed a horizontal distance no closer than 1.5 times the height of the tower to any adjoining property boundary, easement or right-of-way, or to any residential structure other than that of the applicant.
2. **Height:** The WEGF tower structure shall not exceed 175 feet in height (excluding blades). The purpose of this limitation is to forestall the Federal Aviation Administration (FAA) requirement for the tower to be lighted. If at some time in the future, the FAA requirement is amended, the Planning Board may modify this requirement.
3. **Sound Levels:** No WEGF shall produce sound at any property boundary that exceeds 35 decibels (dBA) between dusk and dawn, and 40 decibels at other times, or five (5) decibels (dBA) above pre- construction levels at any time, whichever is greater. Permissible sound levels may be exceeded during short-term (12 hours or less) weather events.

No WEGF shall produce low-level (dBC) sound above background levels at any property boundary.

4. **Design:**
    a. Any tower stays or guy wires shall have safety coverings extending from the ground to at least 15 feet above ground level.
    b. The WEGF shall be equipped with both manual and automatic overspeed controls.
    c. The WEGF shall be designed and constructed to prevent disruption to radio, television, cable, wireless, or internet connections or similar signals beyond the site.
    d. The tower shall contain no step-bolts or ladder structure within 25 feet of the ground surface, to deter unauthorized access.
    e. All materials in the WEGF shall be non-reflective to minimize visual disruption.
    f. Electrical wiring associated with the WEGF shall be installed underground, except as needed to transition to the utility grid. Transition points shall be enclosed in rigid conduit.
    g. The tower shall not be lighted unless required by the FAA. If the FAA approves or requires technological upgrades to lighting systems, they shall be installed by the operator within 180 days of the effective date of the rule.
    h. The minimum distance between the lowest point of a blade in a horizontal-axis system and the ground shall be 15 feet. The minimum distance between the lowest point of a blade in a horizontal-axis system and any other structure shall be eight (8) feet.

C. Standards for Facilities over 50 kw

1. **Shadow flicker:** Shadow flicker shall be limited to the site of the facility at all times.
2. **Use of Public Roads:** The applicant shall identify all state and local public roads to be used to transport equipment and parts for construction, operation or maintenance. The applicant shall retain a third-party professional engineer, licensed in the State of Maine and acceptable to the Council to document road conditions prior to construction and again 30 days after construction is complete or as weather permits. Any road damage caused by the applicant, or their contractors shall be promptly repaired at the applicant's expense.

The applicant shall demonstrate, to the satisfaction of the Town Council, that they have financial resources sufficient to comply with this requirement. The Town Council may require the applicant to post a performance guarantee in order to ensure such compliance.

3. **Access:** All ground-mounted electrical and control equipment and all access to the WEGF tower shall be labelled and secured to prevent unauthorized access.
4. **Wildlife Habitat:** The design and operation of the WEGF shall minimize interference with flying wildlife patterns to the maximum extent possible.

The creation of artificial habitat for raptors or raptor prey shall be minimized. Bird flight diverters shall be installed on any guy wires.

5. **Decommissioning/Abandonment:** The applicant shall provide a plan for removal or replacement of the WEGF at such point as it is no longer in operation. “No longer in operation” means that the facility is not producing electricity into the grid. The decommissioning plan shall show that work to remove or replace the WEGF shall commence within six (6) months of the time when it is no longer in operation and conclude within two (2) years. The plan shall estimate costs and provide a means for paying that cost.

If a WEGF is not in operation for a period of at least six (6) months, the Town Council may declare the facility abandoned and shall order its removal. If the facility has not been removed within 90 days of this order, the Town shall contract to remove the tower and assess the cost to the property owner, said cost to become a lien against the property.

6. **Emergency Services:** The wind turbine shall be equipped with an appropriate fire suppression system to attack fires within the nacelle portion of the turbine. The applicant shall develop a coordinated emergency response plan in coordination with the Fairfield Fire Chief and the Fairfield Police Chief. The plan shall include the means and equipment necessary to respond to emergencies at ground-level facilities on the site.

9.24 Adult Use Cannabis Businesses and Registered Medical Cannabis Dispensaries

Cannabis is illegal under the federal Controlled Substances Act, 21 U.S.C. §§801 et seq. State and local regulations do not preempt federal law. Involvement in the cultivation, processing, sales, and possession of cannabis is illegal under federal law and those, including both individuals and businesses, who engage in such activities do so at their own risk of criminal prosecution under federal law. Local zoning in the Town of Fairfield Land Use Ordinance and other regulations are not a defense against a violation of federal law.

By enacting this section 9.20 Adult Use Cannabis Businesses and Registered Medical Cannabis Dispensaries in the Town of Fairfield Land Use Ordinance the Town of Fairfield does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law.

A. Purpose

1. The purpose of this section is to implement the provisions of the Maine Cannabis Legalization Act, M.R.S.A. Title 28B and Medical Use of Cannabis Act, M.R.S.A. Title 22, which authorizes the licensing and regulation of adult use cannabis businesses and registered medical cannabis dispensaries and affords municipalities the option to determine whether or not to allow adult use cannabis businesses and/or registered medical cannabis dispensaries within their municipality. It is further intended that the purpose

of these regulations is to: Regulate the conduct of persons owning, operating, and using adult use cannabis businesses and registered medical cannabis dispensaries in order to protect the public health, safety and welfare and establish a nondiscriminatory mechanism by which the Town of Fairfield appropriately regulates the location and operation of adult use retail cannabis stores, adult use cannabis cultivation facilities, adult use cannabis products manufacturing facilities, adult use cannabis testing facilities, and registered medical cannabis dispensaries. Adult use cannabis social clubs are prohibited in the Town of Fairfield.

2. Adoption of State Statutory Provisions and State Administrative Regulations: Except where the provisions set forth under this Section 9.20 of the Town of Fairfield Land Use Ordinance are inconsistent with or differ from the Maine Cannabis Legalization Act, M.R.S.A. Title 28B or the Medical Use of Cannabis Act, M.R.S.A. Title 22, as may be amended from time to time, relating to adult use cannabis facilities and registered medical cannabis dispensaries, all the provisions of the Maine Cannabis Legalization Act and Medial Use of Cannabis Act are hereby adopted by reference and apply to all Conditional Use Permit applications received and permits issued by the Town of Fairfield Planning Board. If there is a conflict between the provisions of this section and the Maine Cannabis Legalization Act, M.R.S.A. Title 28B or the Medical Use of Cannabis Act, M.R.S.A. Title 22, the stricter provisions will control to the fullest extent permitted by applicable law. The Planning Board may impose such reasonable terms and conditions on Conditional Use Permits for adult use cannabis facilities and registered medical cannabis dispensaries as may be necessary to protect the public health, safety and welfare, and obtain compliance with the Town of Fairfield Land Use Ordinance, the Maine Cannabis Legalization Act, the Maine Medical Use of Cannabis Act, the Maine Uniform Building and Energy Codes (MUBEC), the State of Maine Fire and Life Safety Codes, the State of Maine Plumbing Code and must obtain a food establishment license, pursuant to MRSA 22, §2167, prior to preparing edible goods containing adult use or medical cannabis.
3. The terms used in this section shall have the meaning ascribed to them in the Maine Cannabis Legalization Act, M.R.S.A. Title 28B and the Medical Use of Cannabis Act, M.R.S.A. Title 22, as may be amended from time to time, and such definitions are hereby incorporated into the Fairfield Land Use Ordinance by reference.
4. Only adult use cannabis businesses and registered medical cannabis dispensary specifically authorized under these provisions are permitted. All other adult use and registered medical cannabis businesses are prohibited. Adult use cannabis social clubs are prohibited in the Town of Fairfield.

B. No Town Liability

By operating an adult use cannabis business or registered medical cannabis dispensary pursuant to a Conditional Use Permit issued by the Town of Fairfield Planning Board, and

a Town of Fairfield Adult Use Cannabis or Registered Medical Cannabis Dispensary municipal license issued by the Municipal Officers, a permit holder releases the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients or customers for a violation of any state or federal law, rule or regulations related to cannabis, or from forced closure of the licensed premises because the Maine Cannabis Legalization Act M.R.S.A. Title 28B or the Medical Use of Cannabis Act, M.R.S.A. Title 22, is found to be invalid under any applicable law, including but not limited to Federal law. As part of the Conditional Use Permit application and the Town of Fairfield Adult Use Cannabis or Registered Medical Cannabis Dispensary municipal license application for an adult use cannabis facility or registered medical cannabis dispensary in the Town of Fairfield, an applicant shall sign and submit a waiver that states the following:

1. By applying for and accepting a Conditional Use Permit issued by the Fairfield Planning Board, and a Town of Fairfield Adult Use Cannabis or Registered Medical Cannabis Dispensary municipal license issued by the Municipal Officers, the permit holder waives and releases the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
2. By applying for and accepting a Conditional Use Permit, and a Town of Fairfield Adult Use Cannabis or Registered Medical Cannabis Dispensary municipal license all permit holders, jointly and severally if more than one agree to indemnify, defend, and hold harmless the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the adult use cannabis or registered medical cannabis dispensary business that is subject of the Conditional Use Permit and a Town of Fairfield Adult Use Cannabis or Registered Medical Cannabis municipal license.

C. Conditional Use Permit Required

1. No person, firm, or corporation may operate a retail adult use cannabis store facility, an adult use cannabis cultivation facility, an adult use cannabis products manufacturing facility, an adult use cannabis testing facility, or a registered medical cannabis dispensary without a valid Conditional Use Permit issued by the Town of Fairfield Planning Board, and an annual adult use cannabis or registered medical cannabis dispensary municipal license issued by the Municipal Officers and an adult use cannabis license or medical cannabis dispensary registration issued from the State of Maine Licensing Authority. A person, firm or corporation seeking to obtain a Conditional Use Permit from the Town of Fairfield shall file an application with the Town of Fairfield Planning Board in accordance with the

requirements set forth in the Town of Fairfield Land Use Ordinance, Article 3. The Town of Fairfield Conditional Use Permit is a revocable privilege subject to the will and scrutiny of local authorities. Each Conditional Use Permit is separate and distinct. A separate Conditional Use Permit shall be required for each specific adult use cannabis business type and each registered medical cannabis dispensary and for each geographic location.

2. Registered medical cannabis dispensary in Fairfield shall allow the cultivation of not more than 20,000 square feet of mature cannabis plant canopy.
3. Nothing in this Ordinance is intended nor shall be construed to authorize or approve medical cannabis collective gardening or medical cannabis cooperatives. Operation of a retail cannabis facility or a registered medical cannabis dispensary without a Conditional Use Permit issued by the Fairfield Planning Board and an adult use cannabis municipal license issued by the Municipal Officers and an adult use cannabis license or a medical cannabis dispensary registration issued from the State of Maine Licensing Authority, is a violation of the Fairfield Land Use Ordinance and will be prosecuted as such.

D. General Provisions

1. **Location restrictions on where an adult use cannabis facility or registered medical cannabis dispensary can locate.**
   Pursuant to the Maine Cannabis Legalization Act M.R.S.A. Title 28B, and the Medical Use of Cannabis Act M.R.S.A. Title 22, with a Conditional Use Permit, the Town of Fairfield is allowing, adult use cannabis retail stores, adult use cannabis cultivation facilities, adult use cannabis products manufacturing facilities, adult use cannabis testing facilities, and registered medical cannabis dispensaries in the Town of Fairfield and these facilities shall only be permitted to locate in the **Village (V), Commercial (C), Industrial (I) and Rural (RU) land use districts**, in accordance with all applicable provisions set forth in section 9.20 of the Fairfield Land Use Ordinance, the Maine Cannabis Legalization Act M.R.S.A. Title 28B, the Medical Use of Cannabis Act M.R.S.A. Title 22.
2. A separate Conditional Use Permit application and fee must be submitted for each type of adult use cannabis facility or registered medical cannabis dispensary to the Town of Fairfield Planning Board.
3. Adult use cannabis social clubs are prohibited in the Town of Fairfield.
4. Applications: issuance for adult use retail cannabis store facilities or registered medical cannabis dispensaries in the Town of Fairfield shall be in accordance with provisions of the Maine Cannabis Legalization Act M.R.S.A. Title 28B, the Medical Use of Cannabis Act M.R.S.A. Title 22 and the Town of Fairfield Land Use Ordinance. The Town of Fairfield Planning Board may not grant approval to any one applicant for a Conditional Use Permit application, for more than one adult use cannabis retail store facility or registered medical cannabis dispensary in the Town of Fairfield.

Adult use cannabis facility and registered medical cannabis dispensary applications must be deemed complete by the Planning Board Clerk before the applications are presented to the Planning Board for review.

5. **Proximity Restrictions**

Adult use cannabis facilities and registered medical cannabis dispensary proximity to other land use activities: The distance limitations established by this section shall control the location of all adult use cannabis facilities and registered medical cannabis dispensary in the Town of Fairfield. Distances shall be calculated by direct measurement from the nearest property line of the land use activity listed below to the nearest portion of the building of the adult use cannabis facility or registered medical cannabis dispensary. Distances shall be verified by the applicant and confirmed by the Fairfield Code Enforcement Officer. Each adult use cannabis facility or registered medical cannabis dispensary shall be operated from a permanent location. No adult use cannabis facility or registered medical cannabis dispensary shall be permitted to operate from a movable, mobile or transitory location. At a minimum, no adult use cannabis facility or registered medical cannabis dispensary shall be located within the following distances from the specified land uses activities listed below:

a. 500 feet of any existing public or private school grades Pre-K through 12, or existing licensed childcare facility, public library, or any public parks and public playgrounds designated as drug free safe zones by the Town of Fairfield in accordance with M.R.S.A. Title 17-A, §1101 (23);
b. 500 feet from any existing halfway house;
c. 500 feet from any existing drug or alcohol rehabilitation facility;
d. 500 feet from any houses of worship; or,
e. 500 feet from any other adult use cannabis retail store facility.

The suitability of the location for an adult use cannabis facility or registered medical cannabis dispensary shall be determined at the time of the issuance of the Conditional Use Permit for such business. The fact that changes in the neighborhood that occur after the issuance of the Fairfield Conditional Use Permit might render the site unsuitable for a retail cannabis facility or registered medical cannabis dispensary under this section shall not be grounds to suspend, revoke or refuse such facility to continue doing business in this location.

6. **Not a home occupation**

Adult use cannabis facilities and registered medical cannabis dispensary shall not be allowed as a home occupation as defined within Article 2, 2.2 Definitions, of the Fairfield Land Use Ordinance.

Adult use retail cannabis shall not be sold from any residential unit nor shall retail cannabis be grown in or on any portion of residential property with the intent to sell. Residential personal use cannabis cultivation shall be conducted in accordance with the Maine Cannabis Legalization Act

M.R.S.A. Title 28B, Chapter 3. Personal use of cannabis is for personal use only and shall not be sold and shall not be given away and/or gifted for a donation and/or for shipping/delivery fees, or for any remuneration.

7. **Store hours of operation**

   An adult use cannabis retail or registered medical cannabis dispensary store may open no earlier than 7:00 a.m. and shall close no later than 10:00 p.m., Monday through Sunday. No sale of adult use or medical use cannabis may occur at the store between the hours of 10:00 p.m. and 7:00 a.m.

8. **No Giveaways**

   Adult use cannabis facilities and registered medical cannabis dispensaries may not distribute cannabis or cannabis infused products free of charge to a consumer. The use, consumption, ingestion or inhalation of cannabis or cannabis infused products on or within the premises of an adult use cannabis store facility, adult use cannabis cultivation facility, an adult use cannabis products manufacturing facility or a registered medical cannabis dispensary is prohibited.

9. **Direct Sales**

   All retail sales of adult use cannabis or adult use cannabis infused products at retail cannabis stores must be made in person, directly to the consumer/purchaser that has been verified to be 21 years of age or older. No sales of adult use cannabis may be made by telephone, internet, or other means of remote purchase, no drive-through sales window, no automated dispensing or vending machines. No sales of adult use cannabis or adult use cannabis infused products shall be made to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including cannabis. The use, consumption, ingestion or inhalation of adult use cannabis or adult use cannabis infused products on or within the premises of a retail adult use cannabis store facility, adult use cannabis cultivation facility or adult use cannabis products manufacturing facility is prohibited.

10. **Disposal**

    Disposal of adult use cannabis and medical cannabis waste shall be stored, secured, and managed in accordance with the Maine Cannabis Legalization Act MRSA Title 28B and the Medical Use of Cannabis Act M.R.S.A. Title 22, in effect and as amended from time to time hereinafter.

11. **Prohibited.**

    Persons prohibited from applying for adult use cannabis or registered medical cannabis dispensary facility Conditional Use Permit Applications:

    a. Any person until all state adult use cannabis licenses and fees have been paid;
    b. Any natural person under 21 years of age;
    c. Any person who fails to remedy outstanding, delinquent state and local taxes;
    d. Any person whose license for a medical or adult use cannabis business in another town, city, county or state has been revoked;

e. Any person who has made a false, misleading or fraudulent statement on his or her application; and,
f. Any person who has pending violations of the Town of Fairfield Land Use Ordinance.

12. **Odor Control**
The applicant will submit a detailed report on the effective mitigation of any cannabis odors of the proposed operation. Such report shall include proof that the design plan for the purification of air and odor for indoor adult use cannabis facilities and registered medical cannabis dispensary shall be prepared and installed by a professional mechanical contracting company to show ventilation systems will properly filter cannabis odors. If any complaints are received, Conditional Use Permit holders for adult use cannabis facilities or registered medical cannabis dispensary will rectify air quality cannabis odor concerns immediately. Unresolved air quality cannabis odor complaints may be the basis for legal action in accordance with section 3.8 of the Fairfield Land use Ordinance and failure to correct violations will also be grounds for suspension or revocation of the Fairfield Conditional Use Permit.
13. **Not Visible**
All cultivation, production, storage, display, testing and sales of adult use and medical use cannabis and adult use and medical cannabis infused products must not be visible from the exterior of the property.

For the purposes of this section, greenhouse cultivation shall be deemed to occur within a building. The greenhouse or outdoor cultivation area must have proper buffering, screening or fencing so its contents are not visible from any property line or public road, as detailed in Article 7 of this Ordinance and as approved by the Planning Board.
14. **Issuance of a Conditional Use Permit**
Upon approval of each application the Town of Fairfield Planning Board shall provide the applicant with one (1) original Conditional Use Permit for each adult use cannabis facility or registered medical cannabis dispensary to be operated by the applicant. Each such copy shall show the name and address of the permit holder, the type of facility for which the Conditional Use Permit was issued, and the address of the facility at which it is to be displayed. Each Conditional Use Permit shall be limited to use at the premises on the application for such permit. The Conditional Use Permit remains valid if there is no change in use or change in ownership of the of the adult use cannabis facility or registered medical cannabis dispensary.

Change of use or transfer of ownership of a permitted adult use cannabis facility or registered medical cannabis dispensary shall be cause for a new Conditional Use Permit application to be filed with the Fairfield Planning Board at least 30 days prior to the anticipated change. The Planning Board will review the change of use or transfer of ownership for the Conditional

Use Permit, at which time new conditions of approval may be applied to the new permit issued by the Town of Fairfield Planning Board. The current owners of a Conditional Use Permit retain full responsibility for the permitted cannabis facility until the new ownership Conditional Use Permit application is approved in writing by the Town of Fairfield Planning Board and by the State licensing authority.

Change in location of a permitted adult use cannabis facility or registered medical cannabis dispensary shall be cause for a new application to be filed with the Fairfield Planning Board at least 30 days prior to the anticipated change in location. A permitee wishing to change the location of their cannabis facility shall submit a new Conditional Use Permit to the Fairfield Planning Board. Such an application shall meet the requirements for a new Conditional Use Permit in the Fairfield Land Use Ordinance.

15. **Storage of Chemicals**
    Hazardous chemicals storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation or processing of cannabis shall comply with all local, state, and federal laws. A Conditional Use Permit application for review of any adult use cannabis facility or registered medical cannabis dispensary shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval by the Fire Chief.
16. **Signage and advertising**
    All signage and advertising for adult use cannabis facilities or registered medical cannabis dispensaries shall comply with applicable State of Maine laws as well as the provisions of Article 8 of the Town of Fairfield Land Use Ordinance. Signage and advertising shall not be attractive to persons under 21 years of age.
17. **Required Notices**
    There shall be posted in a conspicuous location in each adult use cannabis store, cultivation, and manufacturing facility. A legible sign shall be posted in a conspicuous location in each adult use cannabis store, cultivation, and manufacturing facility. The sign shall include the following warnings:
    a. The use of cannabis or cannabis infused products may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under Maine Law to drive a motor vehicle when under the influence of or impaired by cannabis;
    b. Loitering in or around an adult use retail cannabis facility is prohibited;
    c. No person under the age of 21 years of age is permitted on the premises;
    d. Possession and distribution of cannabis is a violation of federal law;
    e. No onsite consumption or use of cannabis; and
    f. No giveaways and/or gifts: no distribution of adult use cannabis or adult use cannabis infused products given free of charge to a consumer.

18. **Security requirements at adult use cannabis facilities and registered**

medical cannabis dispensaries shall comply with all requirements of the State of Maine and shall include at a minimum the following:

a. Security surveillance cameras installed to monitor all entrances, and the common areas of the adult use cannabis facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the adult use cannabis facility. All security recordings shall be preserved for at least 45 days by the adult use cannabis facility and be made available to law enforcement upon request for inspection. These recordings shall be continuously backed-up to both on-site and a secure, off-site location;

b. Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;

c. A locking safe, permanently affixed to the premises, that is suitable for storage of all cash stored at the adult use cannabis facility;

d. Exterior lighting that illuminates the exterior entrances and walls of the adult use cannabis facility and complies with the provisions of Article 7of the Town of Fairfield Land Use Ordinance; and,

e. Access to any cannabis cultivation facility that is located in the same building as an adult use cannabis store facility or an adult use cannabis products manufacturing facility shall be secured so as to render the cultivation facility inaccessible to any unauthorized persons at all times.

19. **Inspection and compliance**

Inspection of the adult use cannabis facility or medical use cannabis dispensary is required after approval of the Fairfield Conditional Use Permit. When the building in which the adult use cannabis facility or medical use cannabis dispensary is completed in accordance with the plans submitted and approved by the Planning Board for a Conditional Use Permit, the premises will be inspected for occupancy by the Code Enforcement Officer and Fire Chief, to determine compliance with the Conditional Use Permit, as well as building and life safety codes. Throughout the term of the Town of Fairfield Conditional Use Permit for an adult use cannabis facility or medical use cannabis dispensary, the Code Enforcement Officer, Fire Chief, and Law Enforcement may inspect the permitted premises to determine continuing compliance with the building and life safety codes and state and local laws and rules.

20. **Public Nuisance**

Any violation of the Fairfield Land Use Ordinance or conditions attached the Conditional Use Permit for an adult use cannabis facility or medical use cannabis dispensary shall be considered a public nuisance per se, and, in addition to any other remedy provided by law or equity, may be abated by the Town of Fairfield under the applicable provisions of this Ordinance or State Law.

21. **Adult use Cannabis and Registered Medical Cannabis Dispensary Municipal License Required**

In addition to a Conditional Use Permit, an adult use cannabis facility or registered medical cannabis dispensary shall obtain a separate annual Adult Use Cannabis or Medical Cannabis Dispensary Municipal License, subject to an initial Town Council public hearing, for each type of adult use cannabis facility or registered medical cannabis dispensary, from the Town of Fairfield, Municipal Officers. It is recommended that applicants familiarize themselves with the Town of Fairfield Land Use Ordinance relating to adult use cannabis facilities or registered medical cannabis dispensaries, as well as building codes and state licensing regulations before they complete an application and submit the fee to the Town of Fairfield. The Adult Use Municipal Cannabis License and Registered Medical Cannabis Dispensary Municipal License is not transferable, and a new license must be obtained from the Town Council for a change of ownership or change in location. The applicable adult use cannabis municipal license and registered medical cannabis dispensary municipal license fee shall be set forth in the Town of Fairfield fee schedule, and approved by the Town of Fairfield Municipal Officer, as amended from time to time. The annual license fee is non-refundable.

22. All adult use cannabis businesses and registered medical cannabis dispensaries shall obtain all necessary building, electrical, and plumbing permits for any portion of the structure that contains electrical wiring, light and/or watering devices that support the cultivation of and or resale of adult use or medical cannabis.