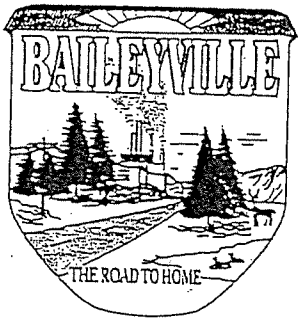
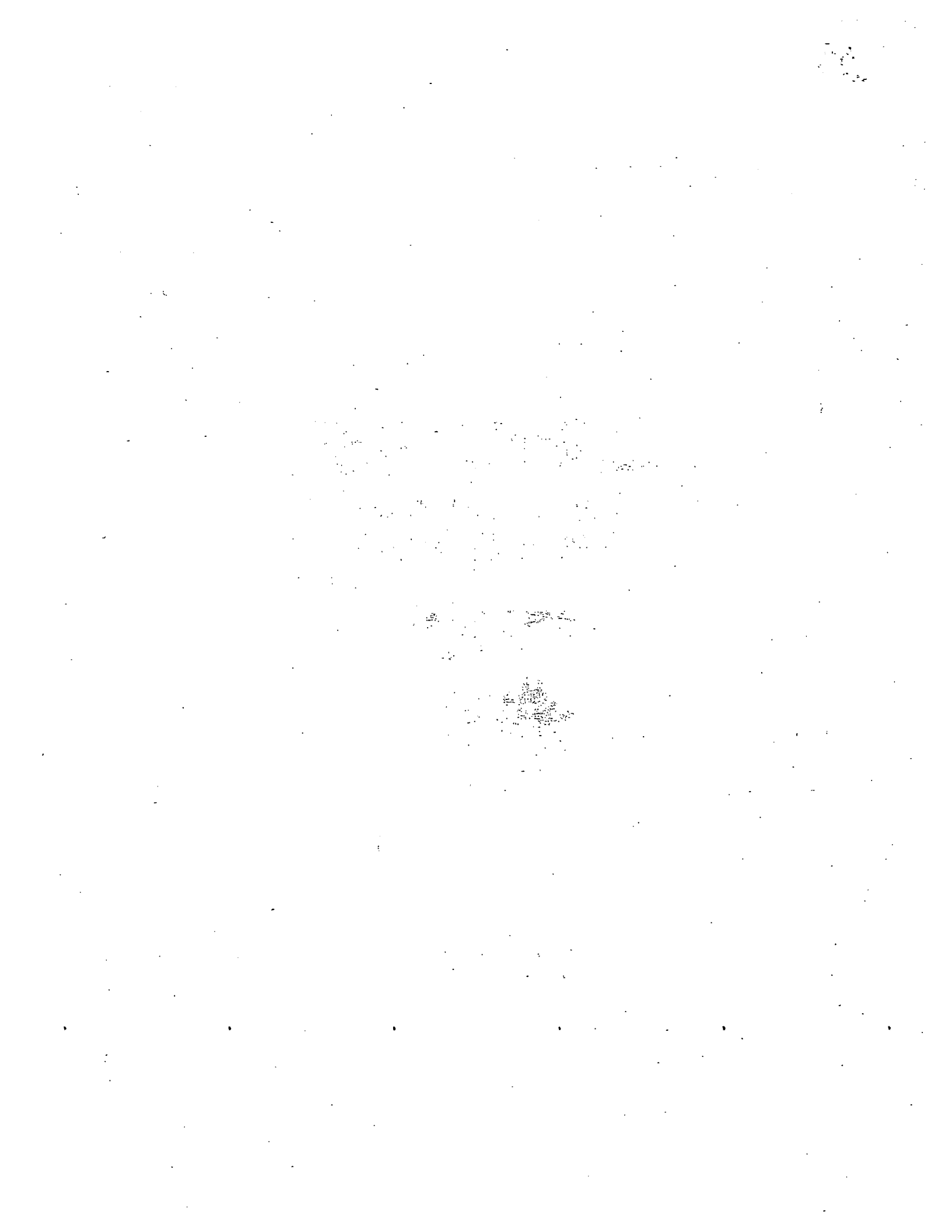
Town of Baileyville

LAND USE REGULATION ORDINANCE



EFFECTIVE DATE:
October 1, 1997



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Town of Baileyville
LAND USE REGULATION ORDINANCE

SECTION 1. GENERAL

A. Title
This Ordinance shall be known and cited as the Land Use Regulation Ordinance (referred to as "this Ordinance") of the Town of Baileyville, Maine (referred to as "the Town").

B. Authority
This Ordinance is adopted pursuant to the provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, Title 30-A, Maine Revised Statutes Annotated (MRSA) Section 3001 (Home Rule), and Title 30-A, MRSA, Section 4312 et. seq. (Comprehensive Planning and Land Use Regulation Act).

C. Administration
This Ordinance shall be administered, in accordance with the provisions of Section 7, by the Code Enforcement Office (referred to as the "CEO"), the Planning Board (referred to as "the Board"), and the Board of Appeals (referred to as the "BOA").

D. Purpose
The purpose of this Ordinance is to protect the Baileyville life style and way of life by:

Protecting homes from incompatible uses,
Preserving the rural nature of the Town,
Promoting the health, safety, and general welfare of the residents of the Town,
Encouraging the most appropriate use of land throughout the Town,
Promoting traffic safety, and provide safety from fire and other elements.

E. Establishment of areas
To carry out the purposes of this Ordinance it is necessary to divide the Town into seven land use Areas designated as follows: Resource, Rural, Residential, Village, Retail, General, Industrial. The purpose of each Area and the uses allowed in it are enumerated in Section 3 of this Ordinance.

F. Area boundaries
The location and boundaries of each Area are as shown on the "Official Land Use District Map of the Town of Baileyville, Maine" which is a part of this Ordinance and shall be maintained by the Town Clerk. Where uncertainty exists as to the boundary of any Area shown on the map, these rules shall apply:

1. Where Area boundaries are indicated as approximately following a street, road, easement, right-of-way, or lot line, such lines shall be construed to be such boundaries;
2. Where an Area boundary is indicated as the upland edge of a freshwater wetland, the boundary has been taken from general maps, the developer is responsible for determining the exact location of this edge.
3. Where an Area boundary crosses undivided property or divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by using the scale indicated on the map;
4. Where these rules are inapplicable, the Board shall be the final authority as to location;
5. Where any public or private right-of-way or easement is officially vacated or abandoned, the regulations applicable to abutting property shall apply to the vacated or abandoned property.
6. All property in the Town not otherwise designated is hereby designated "Resource".

G. Applicability
The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town.

H. Conflicts with other Ordinances
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation, or statute, the more restrictive provision shall control. This Ordinance supersedes the Land Use and Development Ordinance which became effective on November 1, 1982.

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

J. Effective date
The effective date of this Ordinance shall be the date of its adoption by Town Council .

K. Amendment
This ordinance may be amended by majority vote at a Town Council.

SECTION 2. NON-CONFORMING STRUCTURES, USES, & LOTS

A. Purpose
Non-conforming conditions that legally existed before the effective date of the Ordinance, or any amendment to it, shall be allowed to continue subject to the requirements of this section.

B. General requirements
1. **Transfer of ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and maintenance.** Normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations which do not involve expansion of the non-conforming use or structure, and changes required by federal, State, or Town codes are allowed without a permit pursuant to this Ordinance.

C. Non-conforming structures
1. **Expansion.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as for a new structure, if such addition or expansion does not increase the non-conformity of the structure.
2. **Foundation construction.** New foundation may be placed beneath a non-conforming structure provided the completed foundation does not extend beyond the existing exterior dimensions of the structure; and the foundation does not cause the structure to be elevated by more than three additional feet.
3. **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided the site of relocation conforms to all setback and other dimensional requirements to the greatest extent practicable as determined by the Board, and provided the applicant demonstrates that, if a subsurface disposal system is used, it meets the requirements of State law and rules or a new system can be installed in compliance with the law and rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation conforms to all setback and other dimensional requirements to the greatest extent

practicable, the Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system, location of other soils suitable for a septic system, and the type and amount of vegetation to be removed to accomplish the relocation.

4. **Reconstruction or replacement.** Any non-conforming structure which fails to meet the dimensional requirements of this Ordinance and which is removed, damaged, or destroyed by **more than 50% of its prior market value** may be reconstructed or replaced provided a permit is obtained within two years of such damage, destruction, or removal and provided such reconstruction or replacement is in compliance with the setback and other dimensional requirements to the greatest extent practicable as determined by the Board, and provided the applicant demonstrates that if a subsurface disposal system is used, it meets the requirements of State law and rules or a new system can be installed in compliance with the law and rules. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. Any non-conforming structure which is damaged, or destroyed by **50% or less of its prior market value** may be reconstructed in place with a permit from the CEO provided a permit is obtained within two years.

D. Non-conforming uses

1. **Expansion.** Expansion of non-conforming uses is prohibited.
2. **Resumption.** A non-conforming use which is discontinued for a period not exceeding two years, or which is superseded by a conforming use, may not be resumed, except that the Board may, for good cause shown by the applicant, grant up to a two year extension to that time period. This provision shall not apply to resumption of a use of a residential structure provided the structure has been used or maintained for residential purposes during the preceding five-year period.
3. **Change.** An existing non-conforming use may be changed to another non-conforming use provided that the Board finds after receiving written application, that the proposed use is equally or more appropriate to the Area that the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the existing use. The determination of appropriateness shall be based on the probable changes in traffic volume and type, parking, noise, litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

E. Non-conforming lots

1. **Separate or non-contiguous lots.** A vacant non-conforming lot of record as of the date of this Ordinance as amended may be built upon without the need for a variance provided such lot is in separate ownership, not contiguous with any other lot in the same ownership, and all provisions of this Ordinance except lot size or frontage can be met. Variances relating to other requirements shall be obtained by action of the Board of Appeals.
2. **Contiguous lots - vacant or partially built.** If two or more contiguous lots are in the same ownership at the time of adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.
3. **Contiguous lots - built upon.** If two or more contiguous lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together. If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold as a separate lot. When such lot is divided, each lot created must be as conforming as possible with the dimensional requirements of this Ordinance.

F. Vested rights

Non-conforming use rights cannot arise by the mere filing of a notice of intent to built, application for a building permit, or application for required State permits or approvals. Such rights arise when the substantive review process commences, or when substantive construction has begun in compliance with existing laws, ordinances, and regulations.

SECTION 3. LAND USE DISTRICT REQUIREMENTS

A. Purpose of each Land Use Area

The purposes of each of the land use Areas are:

1. **Resource Areas.** To protect, preserve, and enhance the enjoyment of areas in which development would adversely affect productive habitats, ecosystems, important scenic resources, unique or fragile natural areas, flood plains, surface waters, and aquifers (particularly the one that supplies the Town's water). These areas include the areas zoned Resource Protection in the Shoreland Zoning Ordinance as well as additional areas. It is in the public interest that these areas be preserved and protected because of their economic contribution to the community as well as their natural, aesthetic, and scenic value.
2. **Rural Areas.** To protect and preserve the rural character of the Town while permitting low density development, to safeguard the Town's forest resource from development, to conserve natural resources and open space land, and to encourage agriculture, forestry, and certain types of recreational uses.
3. **Residential Areas.** To provide for residential and recreational development in such manner and at such locations as is compatible with existing development and the ability of the town to provide essential services. To encourage high-standard developments of single family homes and to exclude uses which would be incompatible with them.
4. **Village Areas.** To ensure that future development is compatible, both in character and use, with existing development.
5. **Retail Areas.** To provide for mixed residential and commercial uses under 5,000 square feet primarily serving the daily needs of the people of the Town.
6. **General Areas.** To allow a maximum diversity of residential, commercial, and industrial uses, while protecting public health and safety, environmental quality and economic well-being through controls on commercial or industrial uses which by virtue of waste discharge, noise, glare, fumes, smoke, dust odors, or traffic generation could be nuisances, unsafe, or unhealthy.
7. **Industrial Areas.** To encourage the location of industrial uses on those lands which are best suited for them. To allow a diversity of industrial uses while protecting the Town by controlling those uses which, by virtue of noise, glare, fumes, dust, and traffic generation, could otherwise create nuisances or unsafe or unhealthy conditions. To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of industrial facilities.

B. Table of land uses

This table indicates land uses permitted in each Area, in conformance with the provisions of this Ordinance and all other applicable federal, State, and local laws, regulations, rules and ordinances.

Key to the table:		
	Y	use allowed in area, no permit required by this Ordinance
	N	use not allowed in Area
	CEO	use allowed in Area only with permit from Code Enforcement Officer
	PB	use allowed in Area only with approval from Planning Board
	PB*	use allowed in Area only after *site plan review and approval by* Planning Board

LAND USE TYPE	AREA						
	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
HOMES							
Cluster development	N	PB*	PB*	N	PB*	PB*	N
Congregate housing	N	PB*	PB*	PB*	N	PB*	N
Mobile home, on slab	N	CEO	CEO	CEO	N	CEO	N
Mobile home park	N	PB*	N	N	N	N	N
Multi-family home	N	CEO	CEO	N	N	N	N
Single family home	N	CEO	CEO	CEO	CEO	CEO	N
Two family home	N	CEO	CEO	CEO	N	N	N

	INDUSTRIAL	GENERAL RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE	
COMMERCIAL							
Adult business	N	CEO	N	N	N	N	N
Amusement park or facility	CEO	CEO	CEO	N	N	PB	N
Automobile repair	CEO	CEO	PB	N	N	PB	N
Bed and Breakfast	N	CEO	CEO	CEO	PB	PB	N
Boarding house	N	CEO	CEO	CEO	PB	PB	N
Building material sales	CEO	CEO	PB	N	N	PB	N
Campground	N	N	N	N	N	PB	N
Carnival	CEO	CEO	CEO	CEO	N	PB	N
Convenience store	CEO	CEO	CEO	N	N	PB	N
Commercial recreation	CEO	CEO	PB	N	N	PB	N
Gasoline service station	CEO	CEO	PB	N	N	PB	N
Home occupation	CEO	CEO	CEO	CEO	PB	PB	N
Hotel, motel	CEO	CEO	PB	N	N	PB	N
Inn	CEO	CEO	CEO	PB	N	PB	N
Kennel, veterinary hospital	CEO	CEO	N	N	N	PB	N
Light manufacturing	CEO	CEO	PB	N	N	PB	N
Movie theater	CEO	CEO	PB	N	N	PB	N
Offices: business, professional	CEO	CEO	CEO	PB	N	PB	N
Restaurant	CEO	CEO	PB	N	N	PB	N
Retail business	CEO	CEO	PB	N	N	PB	N
Service business	CEO	CEO	PB	PB	N	PB	N
Sporting camp	Y	Y	N	N	N	PB	N
Wholesale business	CEO	PB	PB	N	N	PB	N
INDUSTRIAL							
Agricultural products processing	CEO	CEO	N	N	N	CEO	N
Automobile grave yard or junk yard	CEO	PB*	N	N	N	N	N
Cellular & other communication towers	CEO	CEO	N	N	N	PB*	N
Cluster-developed industrial park	CEO	CEO	N	N	N	N	N
Forest products storage, etc.	CEO	CEO	N	N	PB*	PB	N
Manufacturing	CEO	CEO	N	N	N	N	N
Recycling facility	CEO	CEO	N	N	N	N	N
Sawmill	CEO	CEO	N	N	N	PB	N
Transportation terminal	CEO	CEO	N	N	N	N	N
Warehousing and storage	CEO	CEO	PB	N	N	N	N
Waste disposal	CEO	N	N	N	N	N	N
EDUCATIONAL, INSTITUTIONAL							
Daycare	N	Y	Y	Y	PB	PB	N
Group home, hospice, nursing home	N	CEO	CEO	CEO	N	PB	N
House of worship	N	CEO	CEO	CEO	N	PB	N
Museum, library, performing arts ctr	N	CEO	CEO	CEO	N	PB	N
School, public or private	N	CEO	CEO	CEO	N	PB	N
Social, fraternal club	N	CEO	CEO	CEO	N	PB	N
OUTDOOR, RESOURCE-BASED							
Agriculture, under two acres	Y	Y	Y	Y	Y	Y	PB
Agriculture, over two acres	Y	Y	N	N	PB	Y	PB
Animal breeding or care	CEO	CEO	N	N	N	PB	N
Farm stand	Y	Y	Y	PB	PB	Y	N
Forest management activities	Y	Y	Y	Y	Y	Y	Y
Mineral extraction (incl. sand & gravel)	PB	PB*	N	N	N	PB*	PB*
Recreation, intensive	CEO	CEO	CEO	CEO	PB	CEO	CEO
Recreation, non-intensive	CEO	CEO	PB	PB	PB	CEO	CEO
Timber harvesting	Y	Y	N	N	PB	CEO	CEO

 See Amendment

	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
USES SIMILAR TO USES SPECIFIED ABOVE							
Similar to those requiring no permit	Y	Y	Y	Y	Y	Y	Y
Similar to those not allowed	N	N	N	N	N	N	N
Similar to those requiring CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Similar to those requiring PB permit	PB	PB	PB	PB	PB	PB	PB
Similar to those requiring PB* permit	PB*	PB*	PB*	PB*	PB*	PB*	PB*
USES ACCESSORY TO SPECIFIED USES	Y	Y	Y	Y	Y	Y	Y

C. Table of dimensional regulations

LAND USE AREA	MINIMUM REQUIRED[1]					MAXIMUM PERMITTED
	LOT		SETBACKS[2] (IN FEET)			BUILDING/STRUCTURE HEIGHT
	AREA	FRONTAGE	FRONT[3]	SIDE[5]	REAR	(IN FEET)
INDUSTRIAL	5 acres	250	25	15	25	unrestricted
GENERAL	20,000 square feet	100	50	15	15	75
RETAIL	10,000[4] square feet	100	25	15	25	45
VILLAGE	10,000[4] square feet	100	10	15	10	35
RESIDENTIAL	2 acres	200	25	25	25	35
RURAL	2 acres	200	50	25	25	35
RESOURCE	STRUCTURES ARE NOT PERMITTED IN RESOURCE AREAS					

NOTES:

1. Section 5, "Performance Standards - Specific" contains dimensional requirements that apply to specific uses.
2. Where a non-residential use abuts a Village, Residential, Rural, of Resource Area, 30 foot buffer required.
3. Front setbacks are to be measured from the edge of the right-of-way, not the edge of the pavement.
4. If use is not served by Town sewer, 20,000 square feet minimum is required
5. PB may waive setback requirement by up to 5. 0% provided total distance between permanent structures on abutting lots is equal to or greater than original setback, and it determines waiver would not cause or result in unsafe conditions. PB may hold public hearing before granting such a waiver.

SECTION 4. PERFORMANCE STANDARDS - GENERAL

A. Vehicular access

Each property shall be provided with vehicular access by abutting public roads, or private ways protected by permanent easements.

B. Driveways

The following criteria shall be followed for driveways to any use other than single and two-family dwellings:

1. **Location.** No access driveway or other means of ingress and egress shall be located in any rural area or residential area to provide access to uses other than permitted or legal non-conforming uses in these areas.
2. **Design.** All entrance and exit driveways shall be designed in profile and grading to afford safety to traffic, provide for safe and convenient site ingress and egress, and to minimize conflict with the flow of traffic and shall not have an average slope in excess of eight percent within 50 feet of the point of intersection. Where two or more driveways connect a single site to any one road, a minimum site distance of 100 feet measured along the right-of-way line shall separate the closest edges of any two such driveways. Driveways shall intersect the road at an angle of as near 90 degrees as site conditions permit.
3. **Dimensions.** The dimensions of driveways shall be such as to adequately accommodate the volume and character of vehicles anticipated to be attracted to the proposed development.
4. **Emergency vehicles.** Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
5. **Corner lots.** Where a site occupies a corner of two intersecting roads no driveway entrance or exit shall be located within 50 feet, measured along the right-of-way lines, of the point of intersection.
6. **Setbacks.** Driveways shall be setback at least 10 feet from side property lines. However, the Board may permit a driveway serving two or more adjacent sites to be located within this setback.

C. Off-street parking

In order to accommodate the motor vehicles used by occupants, customers, clientele and employees, each dwelling, business or industrial establishment or other structure erected after the effective date of this Ordinance shall be provided with not less than the number of off-street parking facilities stated in the following sections. The required spaces shall be maintained exclusively for parking and shall be not be used for storage of material or equipment or other non-parking purposes.

1. **Dwellings.** Two parking spaces for *each dwelling unit* on the same lot. Each such parking space shall be not less than eight feet wide and twenty feet long.
2. **Home occupations.** Parking spaces adequate to accommodate the motor vehicles used by employees, customers, and clientele.
3. **Commercial, office, and industrial buildings.** One parking space for each 500 square feet of floor space or fraction thereof.
4. **Lodging houses, clubs, motels, hotels.** For each guest room: one parking space on the same lot or a contiguous lot, except that for hotels the spaces may be on lots within 500 feet of the building.
5. **Hospitals, convalescent homes, homes for the aged.** One parking space for each 1,000 square feet of floor space or fraction thereof.
6. **Places of assembly.** For churches, high school auditoriums or gymnasiums, theaters, general auditoriums, and similar places of assembly: one parking space provided for every 10 seats. A seat shall mean 18 lineal inches of seating when seats are arranged in rows or pews. For auditoriums with no permanent seats, a seat shall mean seven square feet of floor area.
7. **Amusements.** For stadiums, arenas, and fairs: one parking space for each four seats, a seat shall mean 18 lineal inches of seating. For dance halls: one parking space for each 100 square feet of floor area or fraction thereof.
8. **Recreation facilities.** There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
9. **Collectively used space.** Nothing in this Ordinance shall prohibit the collective use of space for off-street parking, provided such space is equal to the sum of the requirements of each individual use participating in such collective use.
10. **Parking on separate lot.** In cases where the required parking can not be provided on the same lot with the building or use which it is to serve, or on a contiguous lot, it may be provided on a separate lot. When the required off-street parking space is provided on a separate lot, the lot shall be within 500 feet of the building or use which it is to serve, and there shall be recorded in the Washington County Register of deeds a covenant by the owner of said lot to the effect that said owner will continue to maintain

such parking space so long as said building is maintained.
11. **Prohibition of yard use for parking.** No space in required front, side, or rear yard setback areas may be used to meet the off-street parking requirements.
12. **Landscaping.** Where parking abuts property classified for residential uses, existing vegetation shall be maintained or landscaping provided and maintained in all front, side, and rear yard setback areas.
13. **Drainage.** All off-street parking areas shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on the site.

D. Buffer strips

Any non-residential use which is adjacent to a Village, Residential, Rural, or Resource Area shall be separated from these areas by a buffer strip, or strips, at least 30 feet wide. Such buffer strip should obstruct the view of the proposed development from abutting properties and minimize noise. To the extent possible, the buffer shall be maintained in its natural state. When natural features such as slope, gullies, stands of vegetation, or rock outcroppings are insufficient to provide a buffer, landscaping shall be provided. Where landscaping is not feasible a solid fence or wall at least six feet high shall be provided. (See H2 below for special buffer requirements to control phosphorous export.)

E. Flammable or explosive materials - SEE AMENDMENT effective 6/10/1999

No flammables or explosives shall be stored in bulk (more than 500 gallons or equivalent) above ground unless they are at least 75 feet from any lot line, or below ground unless they are at least 40 feet from any lot line, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations including those of the Maine Department of Public Safety.

F. Sanitary provisions

1. **Private systems.** When property is not served by Town sewer, permit applications shall include a completed Bureau of Health Engineering Form HHE-200 evidencing soil conditions adequate for subsurface wastewater disposal.
2. **Shared systems** When two or more lots or buildings share a common subsurface disposal system, covenants in the deed for each lot shall provide for adequate funding to assure maintenance of the system.
3. **Industrial or commercial waste water.** Industrial or commercial waste waters may be discharged into Town sewers only in such quantities and/or of such quality as to be compatible with treatment operations. Pretreatment of wastes at the industrial or commercial site may be required in order to render them amenable to Town treatment processes. Pretreatment may include screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation, reduction, dilution, or other appropriate processing. Wash water or other process water carrying stone dust, stone particles, silt, or other mineral matter will not be accepted into the Town system.

G. Storage of materials

All materials stored outdoors shall be stored in such 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 materials, prevention of stagnant water, extermination, or other methods.

H. Water quality protection

1. **General.** No materials of any kind shall be permanently or temporarily placed or deposited directly into any water body or flood plain or the ice thereof. Nor shall such materials be placed or deposited into pits, wells, or on the ground surface except in conformity with applicable local, State, and Federal laws, rules, and regulations.
2. **Phosphorous export.** When a proposed development is within the direct watershed of Meddybemps, Pocomoonshine, or Ryan Lakes, or Grand Falls Flowage, buffer strips shall be provided in accordance with the following table. Such buffer strips shall be provided along the downhill lot line.

Minimum Buffer Strips Required to Control Phosphorous Export	
Lot Size	Buffer Width in feet per lot
1 Acre or less	75
1-1.99 Acres	50
2 or more Acres	25

NOTE: These requirements apply throughout the watersheds. Other requirements apply within the Shoreland Zone.

I. Signs

1. **On-site.** Signs advertising or identifying the occupant or activity of the lot on which they are located shall be permitted subject to the regulations contained in this section.
2. **Off-site.** Signs, bill boards, or other advertising devices not advertising or identifying the occupant of activity of the lot on which they are located shall not be allowed, but if existing on the effective date of this Ordinance, may continue as non-conforming signs.
3. **Sale.** A sign not exceeding 20 square feet in area advertising the sale of, or construction on, the premises on which it is located shall be permitted.
3. **Trespassing, hunting, etc.** Signs relating to trespassing, hunting, etc. shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.
4. **Height.** Sign extending higher than 20 feet above the ground shall not be allowed.
5. **Moving signs.** Signs with moving, flashing or animated parts shall not be allowed.
6. **Resource, Rural, Village, and Residential areas.** Uses in these Areas may have one sign not exceeding two square foot in area for each residence, and one sign not exceeding ten square feet in area for each home office or occupation.
7. **Retail, General, and Industrial areas.** Uses these Areas may have signs of not greater than 40 square feet in area and may have non-animated and non-flashing illumination provided no such illumination is visible on the boundary of a residential property after 11:00 p.m.

J. Fences

Fences, walls, and hedges are permitted in any Area, provided that no fence, wall, or hedge located in a required rear or side yard shall exceed six feet in height and no fence, wall, or hedge located in a required front yard shall exceed four feet in height. Along lot lines of any lot in the Residential and Village Areas, or within ten feet of said lot lines, no barbed wire shall be used in the construction of a fence, and no sharp wire or points shall project at the top of any fence or wall. In cases where both sides of a fence or wall are not of equal quality or finish, the more attractive or finished side shall face the abutting property.

SECTION 5. PERFORMANCE STANDARDS - SPECIFIC

A. Cluster development

The Board may modify the provisions of this Ordinance relating to minimum lot size in accordance with the standards in this section. The number of lots in a cluster development may exceed the number of lots in a standard subdivision if the Area in which it is located allows density bonuses

1. **Application procedure.** A developer who desires approval for a cluster development shall submit to the Board:

a. A written statement describing the natural features which will be preserved or enhanced and impacts which will be minimized by the cluster approach. Natural features include, but are not limited to, wildlife and waterfowl habitat, aquifers, and important natural or historic sites. Impacts include Town costs for roads and sewers, school busing, solid waste removal, recreation opportunities, and environmental

impacts.
b. An overall plan for site development and landscaping which shows the proposed placement of buildings and treatment of open spaces, roads, services, and other proposed improvements.
2. **Area required.** Any cluster development shall contain a minimum of 10 acres and a minimum area of reserved open space of 25% of the total acreage.
3. **Density bonus.**
For cluster developments the size of each building lot may be reduced by 50%.
4. **Basic requirements.**
a. All cluster developments shall comply with the performance standards and other provisions of this ordinance, except lot area, and all other applicable Town, State and Federal laws, rules, ordinances, and regulations.
b. No individual lots shall have frontage on a road which existed prior to the time of development.
c. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
5. **Preservation and maintenance of open space and facilities.**
a. There shall be no further subdivision of open space. Open space shall be used only for agriculture, non-commercial recreation, forestry, or conservation activities. Easements for public utilities, but no structures, may be permitted in the open space area.
b. Open space shall be clearly indicated on the development plan with notation that it shall not be used for future building lots, and it will be dedicated to the Town, a suitable trust, or irrevocably held in common.
c. If any or all of the open space it to be reserved as common space for use by the residents, a proposed formal irrevocable method of maintaining the area shall be spelled out in the deed to each development property.
6. **Alteration of plans.** Approved cluster development plans shall not be altered without prior approval of the Board.

B. Extractive activities

1. **State permit required.** Site plan approval of any mineral extractive activity which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall be subject to such approval in addition to approval by the Board.
2. **Time of approval.** The Board may approve a mineral extraction activity for one year, or other specific time period, in which case a new application must be submitted to continue the activity beyond that time.
3. **Performance guarantee.** The Board may require a performance guarantee sufficient to cover the cost of rehabilitation of the site at the conclusion of operations.
4. **Buffer strip required.** A buffer strip of not less than 100 feet shall be maintained between the location of any extraction of materials and all property lines.
5. **Standing water.** All areas of standing water exceeding two feet in depth shall be entirely enclosed by a fence.
6. **Slope.** No extraction of materials shall be permitted which create a slope steeper that two horizontal feet to one vertical foot.
7. **Traffic control.** Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to major streets unless otherwise approved by the Planning Board. All loads shall be covered or trimmed a minimum of three inches below the edges of the sidebodies of truck bodies to prevent spillage of materials being transported.
8. **Rehabilitation of site.** Upon cessation of the extraction of materials or upon the expiration of the Board approval, the site shall be rehabilitated in accordance with a plan endorsed by the Soil Conservation Service and approved by the Board.

C. Home occupations

Home occupations, including home offices, shall be permitted in Rural, Residential or Village areas only if they conform with all the requirements of this section.
1. **Residential character to be maintained.** Home occupations shall be carried out with minimum alteration of the residential character of the structure or neighborhood, and without changing the character

of the lot from its residential nature. The use shall be carried out wholly within the principal structure or accessory structures. There shall be no outside storage or display of materials, products, equipment, or vehicles.
2. **Employees.** A home occupation shall be carried out by permanent residents of the dwelling unit, with not more than three employees who are not residents of the dwelling.
3. **Performance standards.** The performance standards of this Ordinance shall apply.
4. **Signs.** One non-illuminated sign, no larger than four square feet may be erected on the premises.
5. **Product limits.** The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises.

D. Industrial facilities and related uses

1. **Enclosure, screening.** All business, service, repair, manufacturing, storage, processing, or display activities on property abutting or facing a Rural, Residential, or Village Area shall be conducted wholly within an enclosed building or screened from these Areas.
2. **Yards.** All yards abutting or facing a Rural, Residential, or Village Area shall be maintained in lawn or other landscaping unless screened from these Areas.
3. **Access.** Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
4. **Storage.** All materials including wastes shall be stored, and all grounds maintained, in a manner which will not attract, or aid in the propagation of insects or rodents or create a health hazard.

E. Recreational facilities

All recreation facilities shall meet the provisions below:
1. **Traffic.** The proposed use shall not create a traffic hazard.
2. **Waste disposal.** Containers and facilities for rubbish collection and removal shall be provided.
3. **Sanitary facilities.** Adequate sanitary facilities shall be provided.
4. **Screening.** Screening or buffer strips shall be built, planted, or maintained according to the Buffer Strip standards of this Ordinance to protect adjacent residences from advertise noise, light, dust, smoke, and visual impact.

F. Manufactured housing

See Amendment

The following design standards shall apply to all manufactured housing units, including mobile homes:
1. **Minimum width.** Any manufactured housing unit shall be a minimum of 14 feet in width and 70 feet in length, or have a minimum area of 1,150 square feet.
2. **Roof pitch.** Any manufactured housing unit shall have a roof with a pitch of two or more vertical feet for every 12 horizontal feet, and which is covered with asphalt or fiberglass composition shingles, or other residential-type materials. Corrugated roofing is prohibited.
3. **Siding.** Any manufactured housing unit shall have residential-type siding such as real or simulated clapboards.
4. **Skirting.** Any manufactured housing unit shall, if on an axle(s), have a skirt installed covering the space between the unit and the ground which shall not be constructed of clear polyurethane, tarred paper, canvas, or similar material.
5. **Slabs.** Any manufactured housing unit shall be placed on a full foundation or on a concrete pad not less than five inches thick which extends the entire length and width of such unit, excluding any tongue.

G. Mobile home parks

Except as stipulated below, mobile home parks shall comply with all applicable laws, ordinances, and regulations.
1. **Lot area and width.** Notwithstanding the dimensional requirements in section 3C, lots in a mobile home park shall meet the following area and width requirements:
a. Lots served by Town sewer: Minimum lot area 6,500 square feet, minimum lot width 50 feet.
b. Lots served by individual subsurface wastewater disposal system: Minimum lot area 20,000 square feet, minimum lot width 100 feet.

c . Lot served by a central subsurface wastewater disposal system: Minimum lot area 12,000 square feet, with the overall density not exceeding one dwelling unit per 20,000 square feet of total park area, minimum lot width 75 feet.

2. **Unit setbacks.** The following setbacks shall apply to all dwelling units and accessory buildings:

a . Front setback, 20 feet; side setback, 20 feet; rear setback, 10 feet.

b . On lots which abut a public way within or adjacent to the mobile home park, structures shall meet the section 3C residential setback requirements for the Area.

3. **Buffering.** Where a mobile home park is proposed with a residential density of twice (or more) the density of adjacent development in existence or, if the neighboring land is undeveloped, with a residential density of twice (or more) the density permitted in the Area, the mobile home park shall be designed with a continuous landscaped buffer along all exterior lot lines. The buffer shall be not less than 50 feet in width and shall contain no structures, utilities, or roads, except utilities and roads may cross the buffer to provide service or access to the mobile home park. The buffer shall contain shrubs, trees, fences, walls or a combination thereof which form an effective visual barrier except where kept open to provide sight distances for vehicles entering or leaving the park. The buffer shall be maintained by the owner or operator of the mobile home park throughout the life of the mobile home park.

4. **Open space reservation.** An area equal in size to at least 10% of the total area of lots of 10,000 square feet or less shall be reserved as open space. This area shall be suitable for use for active or passive recreational purposes by residents of the mobile home park, have slopes of less than 5%, not be located on poorly drained soils, and be accessible directly from roads within the mobile home park. Areas devoted to parking spaces, driveways, streets and buffer areas may not be used in computing open space area, but areas devoted to community recreation buildings, pools, and courts may be. The developer shall submit as part of the application, a copy of the proposed park rules and a plan which specifies how the open space it to be used and maintained and what conditions are to apply to its use. The Board may waive this requirement if the mobile home park is located within one half a mile of a publicly owned recreation area.

5. **Road design, circulation, traffic impacts.** Streets within a mobile home park shall be designed by a Professional Engineer.

a . Streets which are to be dedicated as public ways shall be designed and constructed in accordance with the Subdivision Regulations.

b . Streets which the applicant proposes to remain private ways shall have a minimum right-of-way width of 23 feet and a minimum paved traveled way width of 20 feet. These widths are maximums that can be required under State law, but are so narrow that on-street parking shall not be allowed. If the developer proposes to allow on-street parking on either or both sides of a street, a minimum right-of-way of 50 feet and paved way of 24 feet shall be required, in accordance with the Subdivision Regulations.

c . No mobile home lot may have vehicular access directly onto a State highway.

d . Any mobile home park expected to generate average daily traffic of 200 or more trips per day shall have at least two street connections with existing public streets.

6. **Utilities.** All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home site.

7. **Administration.** The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites, privately-owned streets, and buffer areas.

8. **Conversion of park.** No lot in a mobile home park may be sold or conveyed without prior approval of the Board. Any such lot shall meet the lot size requirement of the Area in which it is located.

H. Inns

1. **Conformance with area.** Inns shall be designed to conform in appearance with other buildings in the Area.

2. **Setbacks.** Inns shall have front yard setbacks of at least 75 feet and side and rear setbacks of at least 50 feet.

I. Rural commerce

Commercial uses are permitted in Rural Areas only if they conform with all the requirements of this section. The following commercial uses are exempt from the requirements of this section: Bed and

breakfast, boarding house, campground, home occupation, kennel, and sporting camp.

1. **Application procedure.** A developer who desires approval for a rural commerce development shall submit to the Board an overall plan for site development and landscaping which shows the proposed placement of buildings and treatment of open spaces, roads, services, and other proposed improvements.

2. **Area required.** Any rural commerce development shall contain a minimum of 10 acres and a minimum area of reserved open space of 50% of the total acreage.

3. **Basic requirement.**

All rural commerce developments shall comply with the performance standards and other provisions of this ordinance and all other applicable Town, State and Federal laws, rules, ordinances, and regulations.

4. **Preservation and maintenance of open space and facilities.**

a. There shall be no further subdivision of open space. Open space shall be used only for agriculture, non-commercial recreation, forestry, or conservation activities. Easements for public utilities, but no structures, may be permitted in the open space area.

b. Open space shall be clearly indicated on the development plan with notation that it shall not be used for future building lots, and it will be dedicated to the Town, a suitable trust, or irrevocably held in common.

5. **Alteration of plans.** Approved rural commerce development plans shall not be altered without prior approval of the Board.

SECTION 6. SITE PLAN REVIEW

A. Purpose

The purpose of site plan review is to provide a high level of Town review of projects and developments that could potentially impact the Town negatively. This section provides the criteria and standards for such review.

B. Applicability

This section applies to all new uses, and changes of use, for which this Ordinance, in the Table of Land Uses and elsewhere, requires site plan review.

C. Major and minor projects

The Board shall place projects subject to site plan review into one of two classes: Major or minor.

1. **Minor projects.** Projects involving:

a. construction of less than 5,000 square feet of gross non-residential floor area,
b. installation of less than 5,000 square feet of impervious surfaces,
c. creation of less than five dwelling units, or
d. conversion of existing buildings or structures from one use to another.

2. **Major projects.** Projects involving:

a. construction of 5,000 or more square feet of gross non-residential floor area,
b. installation of 5,000 or more square feet of impervious surfaces,
c. creation of five or more dwelling units,
d. establishment or expansion of a campground or mobile home park,
e. extractive industries, or
f. other projects requiring review which are not classified as minor projects.

D. Procedure

1. **Preapplication meeting.** Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review to discuss their plans and gain an understanding of the review procedure, requirements, and standards.

2. **Waiving of application requirements.** The Board may, upon request by the applicant, waive specific application requirements when the applicant can show that such requirements are not relevant to the proposed project.

3. **Applications in writing.** All applications for site plan review shall be made in writing to the CEO on the forms provided for that purpose. For major projects applications shall not be submitted until a site inventory and analysis is first submitted to the CEO and reviewed by the Board. The Board shall act upon the completeness of the inventory and analysis within 30 days of its receipt.

4. **Fee.** An application for site plan review shall be accompanied by a fee from the following schedule. Application fees may be waived for public works projects including schools.

a. $50 plus $10 per dwelling for residential projects,

b. $10 for each camp site or mobile home site for projects involving the establishment or expansion of a campground or mobile home park,

c. $10 for each 2,000 square feet of gross floor area for commercial, institutional, or industrial projects

d. $10 for each 2,000 square feet of area to be disturbed by extractive industries.

When an exact use is not enumerated in the fee schedule, the Board shall determine the fee based upon its judgment as to which of the fees is most appropriate for the proposed use.

5. **Board agenda.** An application for site plan review, together with the documentation required in these regulations, shall be placed on the Board's agenda for consideration within 30 days of its receipt.

a. However, any application which the CEO initially determines to be incomplete shall not be placed on the agenda but shall be retuned to the applicant with an indication of the additional information required. When this additional information has been received, the CEO shall place the application on the agenda.

b. The Board shall make a final determination of the completeness of the application, and within 60 days of such determination shall act to approve it as submitted, approve it subject to changes or conditions, or deny it.

c. When the Board denies an application, the applicant shall be notified in writing and the specific causes of denial shall be stated.

d. When the Board approves an application, the CEO shall issue a building permit, provided all other requirements of this and other ordinances, laws, rules, and regulations are met.

6. **Additional studies.** The Board may require the applicant to undertake any study which is deems reasonable and necessary to insure the requirements of this Ordinance are met. The costs of all such studies shall be borne by the applicant.

7. **Professional services.** The Board may require that an expert review all or part of the application as to compliance or noncompliance with this Ordinance and advise, if necessary, of procedures which will result in compliance. The expert shall be fully qualified to provide the review and shall be mutually acceptable to the Town and applicant. The expert shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the expert from this account and reimburse the applicant if funds remain after payments are complete.

8. **Notice to abutters.** Abutting property owners shall be notified by mail, by the Town clerk, of a pending application for site plan review. This notice shall indicate the time, date and place of Board consideration of the application.

9. **Public hearing.** Prior to taking final action the Board in the case of any major applications shall, and in the case of minor applications may, accord the public the opportunity to comment by holding a hearing.

10. **Financial guarantee.** The Board may require the posting, prior to final approval of any application, of a bond or escrow account in such amount, and in such form, as the Board deems to be reasonably necessary to ensure completion of all improvements required as conditions of approval of the application.

11. **Inspections.** Town officials shall have access to the site at all times to review progress of the work, and shall have the authority to review all records and documents related to the project.

12. **Conditions.** The Board may attach reasonable conditions to site plan approvals to ensure conformity with the standards and criteria of this Ordinance.

13. **Expiration of approvals.** All site plan approvals shall expire within one year of the date of issuance unless project work is commenced. If work is not completed within two years from date of issuance, a new application must be made. There will be no additional fees unless there are significant changes in the proposal.

E. Contents of site inventory and analysis

The inventory and analysis submission shall contain, at a minimum, the following information concerning the site:

1. **Owner.** The name(s), address(s), and telephone number(s) of the owner(s) of record and the applicant.
2. **Consultant.** The name(s), address(s), and telephone number(s) of any and all consultants working on the project.
3. **Inventory plan.** Eight copies of an accurate site plan at a scale of not more than 100 feet to the inch showing at a minimum:
   a. Name of the development, north arrow, date, and scale;
   b. Boundaries;
   c. Topography at an appropriate contour interval depending on the nature of the use and the character of the site;
   d. Major natural features including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats and other important features;
   e. Existing restrictions and easements;
   f. Location and size of existing utilities serving the site;
   g. If on-site sewage disposal is proposed, soils information detailed enough to allow those portions of the site which are not suitable for on-site disposal systems to be identified;
4. **Narrative.** Eight copies of a narrative describing existing conditions, the proposed use, and constraints and opportunities created by the site including: traffic studies, utility studies, market studies, and other preliminary work that will assist the Board in understanding the site and the proposed use.
5. **Site analysis plan.** Eight copies of a site analysis plan, at the same scale as the inventory plan, highlighting opportunities and constraints and indicating:
   a. Portions of the site which are unsuitable for on-site sewage disposal if public sewerage will not be used,
   b. Portions of the site which have development limitations such as steep slopes, poor soils, wetland, aquifers, wildlife habitat, scenic areas, flood plains, drainage, etc. which must be addressed in the development plan,
   c. Areas well suited to the proposed use.
6. **Area analysis plan.** A sketch plan of the vicinity of the project site indicating areas where there may be off-site conflicts such as noise, lighting, traffic, etc.
7. **Summary.** A summary narrative of key constraints and opportunities which need to be addressed in the development plan.

F. Review of site inventory and analysis

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or denial of the project by the Board. The Board shall review the submission to determine if the information provides a clear understanding of the site and problems and opportunities likely to be encountered in using it for the proposed development. If additional information or analysis is required, the Board shall advise the applicant of this in writing. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal site plan review application.

G. Application exhibits

The completed application form, required fees, and related information shall be submitted to the CEO who shall forward it to the Chair of the Board. For both major and minor developments the submission shall contain at least the following exhibits:

1. **Application form.** Application forms provided by the Town shall be fully completed and signed by the applicant.
2. **Maps.** One original on durable, permanent, transparent material and four copies of all maps and drawings. The maps and drawings shall be at a scale of 50 or fewer feet to the inch.
3. **Written materials.** Eight sets of all written materials assembled in binders.

H. Application content

For both major and minor developments the exhibits shall contain:

1. **General.** General information concerning the site including at least the following:

a. Name(s), address(s), and telephone number(s) of the owner(s) of record and the applicant.

b. Name of the proposed development.

c. Names and addresses of all property owners within 500 feet of property line.

d. Sketch map showing general location of the site.

e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being proposed for development at this time.

f. Tax map and lot number of the parcel or parcels.

g. Copy of deed to property, option to purchase, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.

h. Name, registration number, and seal of the land surveyor, architect, engineer, or similar professional who prepared the plan.

2. **Existing conditions.** A map showing at least the following information:

a. Land Use Area classification of property and location of Area boundaries if property is located in two or more different Areas or abuts a different Area.

b. Bearings and distances of all boundary lines of the development property and the source of this information.

c. Location of open drainage courses, wetlands, stands of trees, and other important natural features, with indication of which of these will be retained.

d. Direction of existing surface water drainage across site.

e. Location and size of any existing sewer and water mains, culverts, and drains on the property and any that will serve the proposed development but are on abutting streets or land.

f. Location, names, and present widths of existing streets and rights-of-ways within or adjacent to the proposed development.

e. Location and dimensions of existing driveways, parking areas, loading areas, and walkways.

g. Location of road intersections or driveways within 200 feet of site

h. Location, dimensions, and ground floor elevations of all existing buildings on the site.

i. Location, front view, and dimensions of existing signs.

j. Location and dimensions of existing easements and copies of existing covenants and deed restrictions.

3. **Proposed development activity.** A proposed development activity map providing a space for the signatures of the Board, the words "Approved: Town of Baileyville Maine Planning Board", space for date of approval, and showing at least the following information:

a. Location of all building setbacks, yards, and buffers required by this Ordinance.

b. Location, dimensions, and ground floor elevations of all proposed buildings.

c. Location and dimensions of proposed driveways, parking areas, loading areas, and walkways.

d. Location and dimensions of all provisions for water supply and wastewater disposal.

e. Direction of proposed surface water drainage across the site.

f. Location, front view, and dimensions of proposed signs.

g. Location and type of exterior lighting.

h. Proposed landscaping and buffering.

i. Copies of applicable State approvals and permits, provided however, that the Board may approve development plans subject to issuance of specified State approvals and permits where it determines it is not feasible to applicant to obtain them by the time of development review.

j. Schedule of construction, including anticipated beginning and completion dates.

I. Additional information required for major developments

Applications for approval of major developments shall, in addition to the information described in G. and H. above, include the following information:

1. **Topography.** Existing and proposed contours at two-foot intervals, or such other interval as the Board may determine is necessary.

2. **Storm water, erosion control.** Storm water and erosion control program showing:

a. Existing and proposed method of handling storm water run-off, with arrows indicating the direction of

flow.

b. **Drainage.** Location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

c. **Storm calculations.** Engineering calculations used to determine drainage requirements based upon 25-year and 24-hour storm frequencies, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces including proposed paving and building areas.

d. Methods of controlling erosion and sedimentation during and after construction.

3. **Groundwater.** An impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons per day or greater.

4. **Utility plan.** A plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and other utility services to be installed.

5. **Planting schedule.** A schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs, and other plants to be planted.

6. **Traffic impact.** An analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets.

7. **Water supply.** Written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for domestic and fire purposes.

8. **Streets.** Location, width, typical cross-section, grades, and profiles of all proposed streets and sidewalks.

9. **Registered engineer.** Construction drawings for streets, sanitary sewers, water, and storm drains shall be prepared by a profession engineer registered in the State of Maine.

10. **Easements, etc.** A plan showing the location of any of pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language and a signed statement that the easement will be executed upon approval of the proposed development. In the case of any streets or other ways proposed for public ownership, the developer shall submit a signed statement they will be maintained year-round until they are accepted by the Town.

11. **Covenants, etc.** Any and all covenants and deed restrictions shall be noted on the plan. The Town shall be included as a party to any and all covenants or deed restrictions covering all or part of the proposed development.

12. **Dedications to Town.** Written offers of dedication or conveyance to the Town, for consideration by the Town Council, of all land included in streets, highways, easements, parks, or other open spaces to be dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.

13. **Associations.** If the development is a condominium or clustered development, evidence that all requirements relative to establishment of a homeowners or condominium owners association have been met. The submission shall include copies of the by-laws of any association charged with maintaining common spaces and roadways. In the case of roadways to be offered to the Town, association documents shall clearly state that it shall properly maintain them after the developer has legally relinquished that responsibility until such time as the Town may accept them.

14. **Financial capability.** Estimate of cost of the proposed development and either

a. Evidence of owner or developer's financial capability to complete it, or

b. Letter from a bank or other source of financing indicating its interest in financing it.

15. **Narrative.** Describing how the proposed development scheme relates to the site Inventory and Analysis.

J. Waiver or modification of submission requirements.

The Board may waive or modify any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden on the applicant, and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, or welfare of the Town.

K. Criteria and standards

The following criteria and standards shall be utilized by the Board in reviewing applications for site plan approval. The standards are not intended to discourage creativity, invention, or innovation. The Board shall approve the site plan unless it does not meet the intent of one or more of the criteria. The Board may waive a criteria upon determination it is not applicable to the proposed action, or its application is not necessary to carry out the intent of this Ordinance.

1. **Preservation of landscape.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Environmentally sensitive areas such as wetlands, steep slopes, flood plains, natural drainage ways, and unique natural features shall be maintained and preserved to the maximum extent practical.

2. **Access *to* the site.** Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic that will be generated by the development. Intersections on major access routes to the site which are, based upon Highway Capacity Manual Special Report 209 which is available from the Maine Department of Transportation, functioning at a Level of Service of "C" or better prior to the development shall also function at this level after the development is completed. The Board may approve a development not meeting this requirement if the applicant demonstrates:

a. A public agency has committed funds to construct improvements necessary to bring the level to this standard, or

b. The applicant will assume financial responsibility for the improvements necessary to bring service to this level and will guarantee completion of the improvements within one year of approval of the project.

3. **Access *into* the site.** Roads and driveways into the development shall provide for safe and convenient access.

a. Any exit way shall be designed to provide a minimum sight distance of 250 feet in each direction, at the point where it meets any existing street.

b. Points of access shall be located to avoid hazardous conditions or conflicts with existing turning movements and traffic flows.

c. The grade of any exit way shall, for a distance of 100 feet from its intersection with any existing street, be a maximum of three percent.

d. Projects generating 400 or more vehicle trips per 24 hours shall provide two or more separate points of vehicular access into and out of the site.

e. Entrance/exit design of proposed developments fronting on U.S. Route 1 and State Route 9 shall be reviewed by, and be in conformance with the standards of, the Maine Department of Transportation for size, location, sight-distance, and possible future changes in highway alignment. To the maximum extent feasible, such developments shall utilize shared accesses, and other methods to avoid interfering with traffic flow.

4. **Internal vehicular circulation.** The layout shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

a. Nonresidential projects shall provide a clear route for delivery vehicles and be designed to allow turning and backing for vehicles expected to use the facility.

b. Clear routes of access to all portions of the site shall be provided and maintained for emergency vehicles and these routes and shall be clearly signed.

c. Parking lots shall be designed for safe and convenient circulation of vehicles throughout the lot and to avoid the necessity of vehicles backing onto any street.

d. All streets and access ways shall be designed to follow the topographic and natural features.

5. **Pedestrian circulation.** The plan shall provide for a system of pedestrian circulation within the development which shall connect with existing sidewalks, if any, in the vicinity. The pedestrian network may be located in street rights-of-way, have separate rights-of-way, or be located in open space and recreation areas.

6. **Environmental standards.** The site plan shall be designed in accordance with applicable standards to protect the environment, including:

a. Conservation, erosion, and sediment control:

1) Stripping of vegetation, regrading, or other activities shall be done in such a way as to minimize erosion.
2) To the extent practical, salient natural feature shall be preserved, cuts and fills kept to a minimum, and existing topography conformed to so as to minimize surface water runoff onto adjacent lands.
3) The duration of exposure of disturbed areas shall be kept to the minimum practical.
4) Disturbed soils shall be stabilized as quickly as practical.
5) Temporary vegetation or mulching shall be used to protect areas that will be exposed for longer periods.
6) Final vegetation and mechanical erosion control measures shall be installed as soon as practical.
7) Until the disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
8) Whenever sedimentation is caused by stripping vegetation, regrading, or other activities, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and water courses and to repair any damage as soon as possible.
9) Any activity on a stream, water course, swale, floodway, or drainage right-of-way shall comply with the Maine Natural Resources Protection Act, Sections 480A-480S and shall be conducted in such a manner as to maintain as nearly as possible the present state of the stream, water course, swale, floodway, or drainage right-of-way for the duration of the activity. The stream, water course, swale, floodway, or drainage right-of-way shall be returned to its original or equal condition after such activity is completed.

b. Site conditions.

1) During construction, the site shall be maintained and left each day in a safe and sanitary manner. If necessary, the site area shall be regularly sprayed to control dust from construction activity.
2) Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots, and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of, and to the satisfaction of, the CEO.
3) No major change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site except as shown on the approved site plan. Minor changes necessitated by field conditions may be made after approval by the CEO.
4) Inappropriate fill materials shall not be used.

7. **Open space.**

a. To the extent possible, common open space areas shall be contiguous.
b. Any approved development plan which shows common open space areas shall contain a notation that these areas shall not be further developed for any other use.
c. To the extent practical, open space shall include irreplaceable natural features located on the site such as stream beds, stands of trees, individual trees of significant size, or rock outcroppings.

8. **Relation of proposed buildings to the environment.** Proposed structures shall be related harmoniously to the terrain and existing buildings in the vicinity so as to have minimal adverse effect on the environmental and aesthetic qualities of the neighboring areas.

a. Individual lots, buildings, streets, and parking areas shall be designed and situated to:
1) Minimize alterations of the natural site,
2) Avoid adverse effects of shadows, noise, and traffic on residents of the site, and
3) Relate harmoniously with surrounding properties.

b. Diversity and originality in lot layout and individual building, street, parking areas, and lot layout shall be encouraged.

9. **Surface water drainage.** Adequate provisions shall be made for surface drainage so removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system. Increase in quantity of off-site discharge shall zero percent, or less, after development. On-site absorption shall be utilized to minimize discharges wherever possible. All drainage calculations shall be based on a 25 year storm frequency. Emphasis shall be placed on protection of floodplains and wetlands, preservation of stream corridors, establishment of drainage rights-of-ways, the adequacy of the existing system, and the need for improvements, both on-site and off-site, to adequately control the rate, volume, and velocity of storm drainage.

10. **Groundwater protection.** The proposed development shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000

gallons per day or greater shall demonstrate that following development the groundwater at the property line will comply with the standards for safe drinking water established by the State of Maine.

11. **Water supply.** The development shall provide each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. This may be by connection to the Town system, by a private system serving the development, or by individual wells for each use.

12. **Sewage disposal.** A sanitary sewer system shall be designed and installed at the expense of the developer. The system may involve a collection lines connecting to the Town sewer, collection lines discharging into an on-site treatment facility, or individual underground waste disposal for each use.

13. **Solid waste disposal.** The proposed development shall provide for adequate disposal of solid and hazardous wastes. All such wastes which can not, or will not, be disposed of through the Town shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's waste. Evidence of a contractual arrangement with the facility shall be submitted.

14. **Wire utilities.** To the extent practical, wire utility installations including telephone, cable TV, and electric shall be underground.

15. **Advertising features.** The size, location, texture, and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property, the design of proposed buildings and structures, or surrounding properties. Nor shall such features be designed or installed in such a way as to constitute hazards to vehicles or pedestrians.

16. **Special screening required.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to screen plantings, fencing, or such other screening methods as shall be reasonably required to prevent their being incongruous with the existing or contemplated environment and surrounding properties.

17. **Exterior lighting.** All exterior lighting shall be designed to encourage energy efficiency and to ensure safe movement of people and vehicles, but also shall be arranged to minimize glare, reflection, and other adverse impacts on neighboring properties, public ways, and the sky.

18. **Emergency vehicle access.** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

19. **Landscaping.** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, to enhance the physical design of the buildings and site, and to minimize the encroachment of the proposed use on neighboring land uses.

SECTION 7. ADMINISTRATION, ENFORCEMENT, AND APPEALS

A. Administering agent and bodies

1. **Code Enforcement Officer (CEO).** In regard to this Ordinance the CEO shall have the following powers and duties:

a. Enforce the provisions of this Ordinance.
b. Act upon building, construction, and use applications, refer to the Board applications requiring action by it, and refer to BOA requests for variances and other applications requiring action by it.
c. Enter any property at reasonable hours with the consent of the owner, occupant, or agent to inspect the property or building for compliance with this Ordinance.
d. Investigate complaints and report violations.
e. Keep written inspection reports and thorough records.
f. Issue violation notices.
g. Participate in appeals procedures
h. Appear in court when necessary.
i. Confer with citizens in the administration and enforcement of this Ordinance.
j. Attend all meetings of the BOA, and attend meetings of the Board as necessary.

k. Revoke a permit after notice and hearing if it was issued in error or if it was based on erroneous information.

2. **Planning Board (the Board).** The Board shall be responsible for reviewing and acting upon various applications as specified in this Ordinance.

3. **Board of appeals (BOA).** The BOA shall be responsible for deciding administrative and variance appeals in accordance with the requirements of section 12.

B. Permits required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any new activity or use of land or structure; expand, change, or replace an existing use or structure, or; renew a discontinued nonconforming use for which this Ordinance requires a permit.

C. Permit application

1. **Application form.** Every applicant for a permit shall submit a written application, on a form provided by the Town, to the appropriate officials as indicated in this Ordinance.

2. **Authorization.** All applications shall be signed by the owner(s) of the property or other person authorizing the work, certifying the information is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. **Date.** All applications shall be dated, and the CEO or the Board, as appropriate, shall note upon each application the date and time of its receipt.

4. **Application fee.** An application for a building permit shall be accompanied check for $10 made out to "The Town of Baileyville". Permits applied for after an activity has started shall have a fee of $50. No building permit shall be issued until the fee is paid. The fee is non-refundable. There is a separate fee schedule for cluster developments (see section 6.D.4. on page 13).

D. Procedure for administering permits

1. **Determination of complete application.** Within 30 days of the date of receiving a written application the Board or CEO, as indicated in this Ordinance, shall notify the applicant in writing either the application had been accepted as complete, or if the application is incomplete, the specific additional material needed to make it complete.

2. **Public hearing.** If a public hearing is held, it shall be within 30 days of the date of acceptance of the complete application.

3. **Timing of actions.** The Board or CEO, as appropriate, shall approve, approve with conditions, of deny all permit applications in writing within 30 days of a public hearing or, if no hearing is held, within 30 days of acceptance of the application.

4. **Approval.** Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

5. **Burden of proof.** The applicant shall have the burden of proving a proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

E. Expiration of permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. If work is not completed within two years from date of issuance, a new application must be made. There will be no additional fees unless there are significant changes in the proposal.

F. Installation of public utility service

No public utility or utility company may install services to any new structure or use unless written authorization attesting to the validity and currency of all local permits has been issued by the CEO.

G. Enforcement

1. **Enforcement procedure.**

a. Enforcement of the provisions of this Ordinance shall be the duty of the CEO who, upon finding that any provision is being violated, shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action(s) necessary to correct it.
Such actions may include: discontinuance of illegal use of land or structures; stopping work being done; removing illegal buildings or structures; and abatement of nuisance conditions. Copies of such notice shall be submitted to the Town Council to the Board and shall be maintained as a permanent record.
b. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
c. The CEO shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations investigated, violations found, and fees collected.
2. **Legal actions.** When the above procedure does not result in correction or abatement of the violation or nuisance condition, the Town Council, upon notice from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Town Council, or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without court action.
3. **Fines.** Any person, including but not limited to a landowner, a landowner's agent, or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A MRSA 4452 of the laws of the State of Maine.

H. Appeals

The BOA shall have the power and duty to hear and decide administrative appeals and authorize variances within the limitations set forth in this Ordinance.
1. **Administrative appeals.** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the CEO or the Board in the enforcement or administration of this Ordinance.
2. **Variance appeals.** To authorize variances, upon appeal, within the limitations set forth in this Ordinance.
a. Variances may be granted only from dimensional requirements including frontage, lot area, lot width, structure height, percent of lot coverage, and setback requirements.
b. Variances shall not be granted for establishment of any uses otherwise prohibited.
c. The BOA shall not grant a variance unless it finds that:
1) The proposed structure or use would meet the standards of the Ordinance except for the specific provision which has created the non-conformity and from which relief is sought, and
2) The strict application of the terms of this Ordinance would result in undue hardship which shall mean all of the following:
a) The land in question can not yield a reasonable return unless a variance is granted,
b) The need for a variance is due to unique circumstances of the property and not to general conditions in the neighborhood,
c) The granting of a variance will not alter the essential character of the locality, and
d) The hardship is not the result of action taken by the applicant or a prior owner.
d. Disability variance. The BOA may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is, or will be, living on the property. The BOA shall restrict any variance granted under this provision solely to the installation of equipment or the construction of structures to make the property accessible by the person with the disability. The BOA may imposed conditions on the variance, including limiting the variance to the duration of the disability or the time that the person with the disability lives on the property.
e. Limitations of variances. The BOA shall limit any variances granted as strictly as possible in order to insure conformance with the purpose and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. Recording of variances. If a variance is granted under this section, a certification indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance including any conditions on the variances, has been granted and the date of the granting, shall be prepared by the BOA within 30 days of final approval and recorded by the applicant in the Washington County Registry of Deeds. The variance is not valid until recorded.

3. Appeal procedure

a. Time limit. An administrative appeal or variance appeal from any decision of the CEO or the Board must be taken to the BOA by an aggrieved party within 30 days of the date of the decision being appealed.

b. Written notice. Appeal shall be made by filing with the BOA written notice which includes:

1) A concise statement of what relief is requested and why it should be granted, and

2) A sketch showing lot lines, location of structures, and other features of the lot pertinent to the relief being requested.

c. Records. Upon being notified of an appeal, the CEO or the Board, as appropriate, shall transmit to the BOA all of its records concerning the decision being appealed.

d. Public hearing. Within 30 days of receiving an appeal request, the BOA shall hold a public hearing on it.

e. Decision by BOA.

1) Quorum. A majority of the BOA shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

2) Majority vote. The concurring vote of a majority of the members of the BOA present and voting shall be necessary to reverse an order, requirement, decision, or determination of the CEO or the Board, remand the matter to the CEO or the Board, or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms.

3) Burden of proof. The person filing the appeal shall have the burden of proof.

4) Action on appeal. Following the public hearing on an appeal, the BOA may affirm, affirm with conditions, or reverse the decision of the CEO or the Board. The BOA may reverse the decision, or failure to act, of the CEO or the Board only on a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance. When errors of administrative procedure or interpretations are found, the case shall be remanded back to the CEO or the Board for correction.

5) Time frame. The BOA shall decide all appeals within 30 days after the close of the hearing and shall issue a written decision of all appeals.

6) Findings. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reason or basis thereof and notation of the order, relief, or denial.

f. Appeal to superior court. Any aggrieved party who participated as a party during the proceedings before the BOA may appeal to Superior Court in accordance with State laws within 30 days from the date of decision of the BOA.

g. Reconsideration. The BOA may reconsider any decision reached within 30 days of its prior decision. In connection with such reconsideration, the BOA may conduct additional hearings and receive additional evidence and testimony.

SECTION 8. DEFINITIONS & CONSTRUCTION OF LANGUAGE

A. Construction of language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined shall have the meaning implied in their context or their ordinary meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map or table, the text shall control.

"Person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. Present tense includes the future, singular numbers include the

plural, and plural the singular. "Shall" and "will" are mandatory, the word "may" is permissive. "Used" or "occupied" shall be construed to include the words "intended, arranged, or designed to be used or occupied".

B. Definitions

The following terms shall have the following meanings:

Abutter. Owner of any property having one or more common boundaries with, or across a road, or stream from, the property involved in an application or appeal.

Accessory use or structure. A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot.

Adult business. Business offering erotic materials such as books, magazines, videos, and sexual stimulation devices for sale or rent, but not offering live amusement or individual viewing booths or rooms. In order to combat the secondary effects of such businesses, adult businesses are prohibited in certain Areas.

Agriculture. Producing or raising crops, including gardening as a commercial operation, greenhouses and nurseries.

Alteration. Change or modification in the structural members, or in the use, of a structure.

Aggrieved party. Person who has, directly or indirectly, suffered particularized injury as a result of the granting or denial of such permit or variance.

Amusement facility. Temporary or permanent, private or commercial premises maintained or operated primarily for the amusement, patronage, or recreation of the public and containing any combination totaling four or more table sports, pinball machines, video games, or similar mechanical or electronic games.

Animal breeding or care. Keeping or raising of four or more animals, including domestic animals and pets, for any commercial use. Includes kennels.

Area. Specified portion of the Town, delineated on the Land Use Map, within which certain regulations and requirements apply under the provisions of this Ordinance.

Authorized agent. Individual or firm having written authorization to act on behalf of that property owner.

Automobile repair shop. Business establishment engaged in general repair, engine rebuilding, or parts replacement, but not body, frame, or fender straightening and repair or painting and undercoating, or the sale of gasoline or other motor fuels.

Automobile graveyard or junkyard. Place where three or more unregistered, unserviceable, discarded, worn-out, or junked vehicles, or bodies, or engines thereof are gathered together.

Base flood. Flood having a one percent chance of being equaled or exceeded in any year; a "100 year flood".

Bed and breakfast. Dwelling in which transient lodging and/or meals are provided and offered to the public by the owner for compensation for periods of less than one week. This dwelling shall also be the full-time, permanent residence of the owner; otherwise it shall be classified as a hotel. Thee shall be no provisions for cooking in any individual guest room.

Boarding/lodging facility. Dwelling where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Building. Structure having a roof supported by columns or walls for any use or occupancy, temporary or permanent.

Building height. Vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building, which ever distance is greater.

Campground. Land upon which one or more tents are erected, or trailers parked, for temporary use for a fee on sites arranged specifically for that purpose.

Club. Voluntary association of persons organized for social, religious, benevolent, scientific, political or similar purposes whose facilities are open to members and guests only, and which is not engaged in activities customarily carried on by a business for pecuniary gain.

Cluster development. Development controlled, planned, and developed as a whole by one developer, which is comprised of a grouping of structures in order to preserve or enhance natural features. Cluster developments treat the area to be developed as an entirety in order to efficiently use the land, reduce size of road and utility systems, create permanent common open space, and the permanently retain natural characteristics of the land.

Code Enforcement Office (CEO) Person appointed by the Town Council to enforce this Ordinance and administer specific portions of it.

Commercial use. Activity carried out for pecuniary gain.

Conforming. Structure, or use of land, which complies with the provisions of this Ordinance.

Congregate housing. Private dwelling units with central dining facilities and supportive services for functionally

impaired occupants who are unable to live independently yet do not require constant supervision or intensive care of intermediate or skilled nursing facilities.

Constructed. Built, erected, altered, reconstructed, or moved. Includes excavated or filled

Convenience store Store of less than 5,000 square feet of floor space intended primarily to serve a residential neighborhood with such items as basic foods, newspapers, minor household-related items, and similar merchandise; but *not* including eat-in foods or take-out windows.

Day care. Homes and centers licensed as such by the Maine Department of Human Services.

Density. The number of primary buildings or structures per unit of land.

Development. Any changes made to the land, including but not limited to structures, mining, dredging, filling, grading, paving, excavation, and drilling.

Disability. Physical or mental handicap under Title 5, section 4553 of Maine Law

Dwelling. Structure or portion thereof designed or used for residential purposes. Single family dwellings contain only one dwelling unit for occupation by not more than one family, two-family dwellings contain dwelling units for occupation by not more than two families, and multifamily dwellings contain three or more dwelling units.

Dwelling unit. Room, or rooms, used by a family as a habitation which is separate from other such rooms, and contains independent living, cooking, sleeping, bathing, and sanitary facilities.

Essential services. Transmission or distribution of water, gas, electricity or communications, or collection, treatment, or disposal of wastes. Includes required facilities such as towers, poles, wires, mains, drains, pipes, conduits, cables, fire hydrants, traffic signals, but not buildings.

Extractive industries. Industries excavating, processing, or storing soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including excavation incidental to, and at site of, approved construction of buildings or streets, or excavation, processing, or storage of less than ten cubic yards of material on a lot within a one year period.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a bed and breakfast, boarding house, or hotel.

Filling. Depositing or dumping any matter on or into the ground or water.

Flood or flooding. General and temporary condition of partial or complete inundation of normally dry land from unusual and rapid accumulation of waters, or from collapse or subsidence of land along the shore of water body as a result of erosion.

Flood Insurance Rate Map. Official map on which the Federal Insurance Administration has delineated special hazard areas and risk premium zones.

Flood plain. Lands susceptible to being inundated by water from any source.

Floodway. Channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Forest harvesting. The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products.

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

Garage. Accessory building, or part of a principal building, used primarily for storage of motor vehicles, includes a carport.

Gasoline service station. Any place of business at which gasoline or other engine fuels are sold to the public regardless of any other business on the premises.

Hardship, undue. Condition which may be the basis for granting a variance from certain provisions of this Ordinance.

Hazardous material. Materials so designated by the Department of Environmental Protection.

Home occupation. Occupation or profession which is carried on in no more than 50% of the area of a single family dwelling unit by the full-time permanent occupant of the dwelling, which is clearly secondary to the use of the dwelling for residential purposes, and which does not change the character of the dwelling. A retail outlet is a home occupation only if the items sold are manufactured, produced, created, or grown by the owner's labor.

Hospital. Institution providing overnight health services, primarily for in-patients, medical and/or surgical care for the sick or injured, and related facilities such as laboratories, out-patient departments, training facilities, and staff offices.

Hotel/motel. Building or group of buildings providing transient guests who are staying for a limited duration with rental units having their own private bathrooms and separate entrance, but not having cooking facilities. May have a restaurant serving its guests and other customers.

Inn. A hotel with 15 or fewer rooms and designed to blend in with other buildings in the area.

Kennel. Establishment in which more than four dogs and/or cats are sold, housed, bred, boarded, or trained for a fee.

Light industry. Manufacture, compounding, assembly or treatment of articles or merchandise which does not produce, cause, or emit any fumes, dust, odor, smoke, gas, or vibrations which are or may be detrimental to properties in the

neighborhood or to the welfare of occupants thereof.

Lot. A plot or parcel of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by boundary lines on a land subdivision plan approved by the Board and recorded in the Registry of Deeds.

Lot area. Total horizontal area within the lot lines, minus land below the normal high water line of a water body or wetland, and areas beneath roads serving more than two lots.

Lot, corner. Lot with at least two contiguous sides abutting on a street.

Lot coverage. Percentage of a lot covered by all buildings.

Lot lines. The lines bounding a lot: Front lot line: Line separating lot from a road right-or-way or, where a right-of-way can not be determined, the edge of the paved or graveled roadway; Rear lot line: Lot line opposite front lot line; Side lot line: Any lot line other than front and rear.

Lot, through. Any interior (non-corner) lot having frontage on two or more streets or a street and a body of water. Front yard requirements shall apply on each street.

Lot width. Distance between side boundaries of the lot, measured at the front setback line.

Manufactured housing. Dwelling unit constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Includes mobile homes.

Mobile home. Single-wide manufactured housing built on a permanent chassis and designed to be used as a dwelling.

Mobile home park. Lot under unified ownership approved by Town for placement of three or more manufactured homes.

Net acreage Area of a lot which is usable for determining allowable densities. Does not include land below the normal high water line of a water body, upland edge of a wetland, or beneath roads serving more than two lots.

Net residential density. Number of dwelling units per net acre.

Non-conforming. Structure or use of land legally exiting at the effective date of this Ordinance or amendment thereto which does not comply with all applicable provisions.

Nursing home. Structure where maintenance or nursing care are provided for persons unable to care for themselves.

Open space. Area which will not be developed. May include woods, fields, wetlands, and lawns, but no structures except as specifically permitted by his Ordinance.

Parks and recreation. Non-commercially operated recreation facilities open to general public. Includes playgrounds, parks, monuments, green strips, open space, athletic fields, boat launches, docks, picnic grounds, swimming pools, but does not include campgrounds, or commercial recreation or amusement centers.

Parks and recreation, non-intensive. Includes wildlife and nature preserves, nature trails, and accessory facilities

Permitted use. Use listed as permitted in a Land Use Area established by this Ordinance.

Planning Board. Planning Board of the Town of Baileyville, Maine, herein "the Board".

Principal use. Primary use and chief purpose of a lot or structure.

Professional office. Place of business of an accountant, architect, attorney, chiropractor, dentist, engineer, insurance agent, medical laboratory, optician, osteopath, physician, pharmacy, real estate broker, surgeon, and similar professions.

Public utility. Any person, corporation, Town department or board authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, or water to the public.

Recreation, intensive. Activities requiring structures or facilities, such as ball fields, tennis courts, gymnasiums, swimming pools, but not amusement facilities.

Recreation, non-intensive. Activities utilizing open space and natural areas, such as natural trails, golf courses.

Recreational vehicle. Self-propelled or vehicle-drawn unit designed for temporary sleeping or living quarters, which is not a dwelling. Includes; pick-up camper, travel trailer, and motor home.

Restaurant. Establishment where meals are prepared and served to the public for consumption primarily within an enclosed building, where no food or beverages are served directly to occupants of motor vehicles or to pedestrian traffic from an exterior service opening or counter, and where customers are not encouraged to take out food or beverage for consumption.

Retail business. Business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption, not for resale.

Right-of-way. Land within which roads, utility lines, boat launching sites, etc. are located.

Road. Way which affords the principal means of access to abutting properties. Includes public streets and highways, and private undedicated ways which are described in a recorded document.

Road frontage. Horizontal straight-line distance between the intersections of side lot lines with the road right-of-way.

Rural commerce. Commercial uses permitted in the Rural Areas, but only if they conform with specific performance standards and all other requirements of this Ordinance.

School, commercial Institutions which are operated for profit, which offer classes in various skills, trades, professions, or other fields of knowledge, but are not authorized by the State to award baccalaureate or higher degrees.

Schools, public and private. Primary and secondary schools which either: 1) not operated for a profit; or 2) teach courses of study which are sufficient to qualify attendance in compliance with State compulsory education requirements.
Setback. Horizontal distance from lot line to the nearest part of building, includes roof overhangs, porches, and steps.
Structure. Anything constructed or erected, the use of which requires a fixed location on or in the ground or water, or an attachment thereto, including buildings, building features such as porches, carports, stacks, antennas, signs, and commercial rides and games, but not sidewalks, fences, driveways, parking lots, and landscaping walls or embankment retaining walls.
Use. The manner in which land or a structure is arranged, designed, or occupied.
Variance. Relaxation of terms of this Ordinance where such relaxation will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the actions of the applicant, literal enforcement would result in undue hardship. A variance is not justified unless *all* the following findings are made: 1) A particular property can not yield a reasonable return unless a variance is granted, *and* 2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood, *and* 3) The granting of a variance will not alter the essential character of the locality, *and* 4) The hardship is not the result of action taken by the applicant or a prior owner. Variances are limited to height, lot size, yard size, open space size, frontage and setback. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate vicinity.3
Wetland. All lands identified by the Maine Department of Inland Fisheries and Wildlife in accordance with Maine State law Title 38, Section 407A, or the United States Environmental Protection Agency under Section 404 of the Clean Water Act.

F. Manufactured housing

The following standards shall apply to all manufactured housing units, including mobile homes:

1. **Intent:** It is the intent of this Ordinance to provide a variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community. To this end, this ordinance allows the siting of all types of manufactured housing within designated areas of the Town regardless of their construction date or compliance with all the standards of the Manufactured Home and Construction Safety Standards of the Department of Housing and Urban Development, adopted in 1975. The Town does hereby require however, that all manufactured housing sited within the Town of Baileyville meet certain minimum safety and design criteria:

2. **Minimum Safety Standards:** All manufactured housing as defined in the ordinance, regardless of date of manufacture, and sited within the Town of Baileyville after the effective date of this ordinance, shall meet or exceed the following minimum standards before a Building/Land Use Permit shall be issued by the Code Enforcement Officer.

3. **Minimum Electrical Safety Standards:** All manufactured housing shall meet the following minimum safety requirements for electrical installation and maintenance as provided for by the National Electrical Code as said code pertains to the following:

(a) 100 Ampere Entrance required;
(b) Copper wiring required;
(c) Two means of grounding required;
(d) Ground faulting receptacles required;

In addition, all electrical installation or modifications to existing manufactured housing shall be inspected by and certified by an electrician licensed by the State of Maine or the Municipal Code Enforcement Officer if duly appointed as electrical inspector.

4. **Minimum Fire Prevention Standards:** All manufactured housing shall meet the following minimum fire safety requirements as provide for by the National Electrical Code and Manufactured Housing Construction Standards of 1975 established by the Department of Housing and Urban Development (HUD).

(a) All homes shall contain at least one operable fire extinguisher which is readily accessible at all times;

(b) All homes shall have at least one operable AC smoke detector centrally located within the home and one operable smoke detector in each of the bedrooms;

(c) The installation and maintenance of all heating systems including vents, chimneys, and encompassing secondary and tertiary as well as primary heating sources, shall meet the standards of NFPA 211. In addition, no wood stoves shall

be used for heating purposes in a manufactured home in the Town of Baileyville without first being inspected and approved by the Baileyville Fire Department for safe installation;

(d) All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1975 as established by HUD; and;

(e) All manufactured homes must meet the egress requirements of the Manufactured Home Construction Standards of HUD, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home and may be accomplished by way of a window of suitable size which can be opened easily without tools, and two doors exiting directly to the outside of the home separated by distances as established by the standards.

5. **Minimum Plumbing Standards:** All manufactured housing shall meet the minimum standards of the Maine Plumbing Code as amended.

6. **Minimum Design Standards:** All manufactured housing will be sited and maintained in such a manner as to blend harmoniously with other residential structures in close proximity, to this end all manufactured housing located within the Town of Baileyville after the effective date of this ordinance shall:

(a) **Siding.** Have and maintain external siding which is residential in appearance such as real or simulated clapboards for the manufactured home as well as any additions thereto or accessory structures located on the same lot;

(b) **Slabs.** Any manufactured housing unit shall be placed on a full foundation or on a concrete pad not less than five inches thick which extends the entire length and width of such unit, excluding any tongue.

(c) **Skirting.** Any manufactured housing unit shall, if on an axle(s), have a skirt installed covering the space between the unit and the ground which shall not be constructed of clear polyurethane, tarred paper, canvas, or similar material. Permanent skirting shall be installed within thirty (30) days of siting;

(d) **Roof pitch.** Any manufactured housing unit shall have a roof with a pitch of two or more vertical feet for every 12 horizontal feet, and which is covered with asphalt or fiberglass composition shingles, or other residential-type materials. Corrugated roofing is prohibited.

Amendment replaces Section F "Manufactured Housing" in the Land Use Regulation Ordinance dated October 1, 1997

Introduced May 26, 1998
Reading June 8, 1998
Public Hearing June 22, 1998

	INDUSTRIAL	GENERAL	RETAIL	VILLAGE	RESIDENT	RURAL	RESOURCE
COMMERCIAL							
Adult business	N	CEO	N	N	N	N	N
Amusement park or facility	CEO	CEO	CEO	N	N	PB	N
Automobile repair	CEO	CEO	PB	N	N	PB	N
Bed and Breakfast	N	CEO	CEO	CEO	PB	PB	N
Boarding house	N	CEO	CEO	CEO	PB	PB	N
Building material sales	CEO	CEO	PB	N	N	PB	N
Campground	N	N	N	N	N	PB	N
Carnival	CEO	CEO	CEO	CEO	N	PB	N
Convenience store	CEO	CEO	CEO	N	N	PB	N
Commercial recreation	CEO	CEO	PB	N	N	PB	N
Gasoline service station	CEO	CEO	PB	N	N	PB	N
Home occupation	CEO	CEO	CEO	CEO	PB	PB	N
Hotel, motel	CEO	CEO	PB	N	N	PB	N
Inn	CEO	CEO	CEO	PB	N	PB	N
Kennel, veterinary hospital	CEO	CEO	N	N	N	PB	N
Light manufacturing	CEO	CEO	PB	N	N	PB	N
Movie theater	CEO	CEO	PB	N	N	PB	N
Offices: business, professional	CEO	CEO	CEO	PB	N	PB	N
Restaurant	CEO	CEO	PB	N	N	PB	N
Retail business	CEO	CEO	PB	N	N	PB	N
Service business	CEO	CEO	PB	PB	N	PB	N
Sporting camp	Y	Y	N	N	N	PB	N
Wholesale business	CEO	PB	PB	N	N	PB	N
INDUSTRIAL							
Agricultural products processing	CEO	CEO	N	N	N	CEO	N
Automobile grave yard or junk yard	CEO	PB*	N	N	N	N	N
Cellular & other communication towers	CEO	CEO	N	N	N	PB*	N
Cluster-developed industrial park	CEO	CEO	N	N	N	N	N
Forest products storage, etc.	CEO	CEO	N	N	PB*	PB	N
Manufacturing	CEO	CEO	N	N	N	N	N
Recycling facility	CEO	CEO	N	N	N	N	N
Sawmill	CEO	CEO	N	N	N	PB	N
Transportation terminal	CEO	CEO	N	N	N	N	N
Warehousing and storage	CEO	CEO	PB	N	N	N	N
Waste disposal	CEO	N	N	N	N	N	N
EDUCATIONAL, INSTITUTIONAL							
Daycare	N	Y	Y	Y	PB	PB	N
Group home, hospice, nursing home	N	CEO	CEO	CEO	N	PB	N
House of worship	N	CEO	CEO	CEO	N	PB	N
Museum, library, performing arts ctr	N	CEO	CEO	CEO	N	PB	N
School, public or private	N	CEO	CEO	CEO	N	PB	N
Social, fraternal club	N	CEO	CEO	CEO	N	PB	N
OUTDOOR, RESOURCE-BASED							
Agriculture, under two acres	Y	Y	Y	Y	Y	Y	PB
Agriculture, over two acres	Y	Y	N	N	PB	Y	PB
Animal breeding or care	CEO	CEO	N	N	N	PB	N
Farm stand	Y	Y	Y	PB	PB	Y	N
Forest management activities	Y	Y	Y	Y	Y	Y	Y
Mineral extraction (incl. sand & gravel)	PB	PB*	N	N	N	PB*	PB*
Recreation, intensive	CEO	CEO	CEO	CEO	PB	CEO	CEO
Recreation, non-intensive	CEO	CEO	PB	PB	PB	CEO	CEO
Timber harvesting	Y	Y	N	N	PB	CEO	CEO
INDUSTRIAL - Natural Gas Pipeline and Compression Facilities, PB*							

E. Flammable or Explosive Materials

No flammable or explosives shall be stored in bulk (more than 500 gallons or equivalent) above ground unless they are at least 75 feet from any lot line or below ground unless they are at least 40 feet from any lot line. These restrictions shall not apply to storage of LP gas. LP gas storage shall be in accordance with table 3-2.2.2. All materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations including those of the Maine Department of Public Safety.

Table 3-2.2.2

Water Capacity Per Container Gallons (m^3)	Minimum Distances: Mounded or Underground Containers [Note (d)]	Aboveground Containers [Note (f)]	Between Containers [Note (e)]
Less than 125 (0.5) [Note (a)]	10 ft (3 m)	None [Note (b)]	None
125 to 250 (0.5 to 1.0)	10 ft (3 m)	10 ft (3 m)	None
251 to 500 (1.0 + to 1.9)	10 ft (3 m)	10 ft (3 m)	3 ft (1 m)
501 to 2,000 (1.9 + to 7.6)	10 ft (3 m)	25 ft (7.6 m) [Note (c)]	3 ft (1 m)
2,001 to 30,000 (7.6 + to 114)	50 ft (15 m)	50 ft (15 m)	5 ft (1.5 m)
30,001 to 70,000 (114 + to 265)	50 ft (15 m)	75 ft (23 m)	
70,001 to 90,000 (265 + to 341)	50 ft (15 m)	100 ft (30 m)	(¼ of sum of diameters of adjacent containers)
90,001 to 120,000 (341 + to 454)	50 ft (15 m)	125 ft (38 m)	
120,001 to 200,000 (454 to 757)		200 ft (61 m)	
200,001 to 1,000,000 (757 to 3 785)		300 ft (91 m)	
Over 1,000,000 (3 785)		400 ft (122 m)	

Notes to Table 3-2.2.2

Note (a): At a consumer site, if the aggregate water capacity of a multicontainer installation comprised of individual containers having a water capacity of le than 125 gal (0.5 m^3) is 501 gal (1.9 + m^3) or more, the minimum distance shall comply with the appropriate portion of this table, applying the aggrega capacity rather than the capacity per container. If more than one such installation is made, each installation shall be separated from any other installation b at least 25 ft (7.6 m). Do not apply the MINIMUM DISTANCES BETWEEN CONTAINERS to such installations.

Note (b): The following shall apply to aboveground containers installed alongside of buildings:

(1) DOT specification containers shall be located and installed so that the discharge from the container pressure relief device is at least 3 ft (1 m) horizontal away from any building opening that is below the level of such discharge, and shall not be beneath any building unless this space is well ventilatedto the ou side and is not enclosed for more than 50 percent of its perimeter. The discharge from container pressure relief devices shall be located not less than 5 ft (1.5 m) in a direction away from any exterior source of ignition, openings into direct-vent (sealed combustion system) appliances, or mechanical ventilation air intakes.

(2) ASME containers shall be located and installed so that the discharge from the container pressure relief device is at least 3 ft (1 m) horizontally away fro any building opening that is below the level of such discharge, and not less than 5 ft (1.5 m) in any direction away from any exterior source of ignition, ope ings into direct-vent (sealed combustion system) appliances, or mechanical ventilation air intakes.

(3) The filling connection and the vent from liquid level gauges on either DOT or ASME containers filled at the point of installation shall be not less than 10 ft (3 m) any direction away from any exterior source of ignition, openings into direct-vent (sealed combustion system) appliances, or mechanical ventilation air intakes.

Note (c): This distance may be reduced to not less than 10 ft (3 m) for a single container of 1,200 gal (4.5 m^3) water capacity or less provided such contain is at least 25 ft (7.6 m) from any other LP-Gas container of more than 125 gal (0.5 m^3) water capacity.

Note (d): Minimum distances for underground containers shall be measured from the pressure relief device and filling or liquid level gauge vent connect at the container, except that no part of an underground container shall be less than 10 ft (3 m) from a building or line of adjoining property which may built upon.

Note (e): When underground multicontainer installations are made of individual containers having a water capacity of 125 gal (0.5 m^3) or more, such c tainers shall be installed so as to permit access at their ends or sides to facilitate working with cranes or hoists.

Note (f): In applying the distance between buildings and ASME containers of 125 gal (0.5 m^3) or more water capacity, a minimum of 50 percent of this h izontal distance shall also apply to all portions of the building that project more than 5 ft (1.5 m) from the building wall and that are higher than the r valve discharge outlet. This horizontal distance shall be measured from a point determined by projecting the outside edge of such overhanging structure tically downward to grade or other level upon which the container is installed. Under no conditions shall distances to the building wall be less than those sp ified in Table 3-2.2.2.

Exception to Note (f): Not applicable to installations in which overhanging structure is 50 ft (15 m) or more above the relief valve discharge outlet.

Table 3-2.2.4

Fire Protection Provided by	Maximum Number of Containers in One Group	Minimum Separation Between Groups—feet
Hose streams only—see 3-10.2.3	6	50 (15 m)
Fixed monitor nozzles per 3-10.3.3*	6	25 (7.6 m)
Fixed water spray per 3-10.3.4*	9	25 (7.6 m)
Insulation per 3-10.3.1	9	25 (7.6 m)

*In the design of fixed water spray and fixed monitor nozzle systems, the area of container surface to be protected may reflect portion of containers not likely to be subject to fire exposure as determined by good fire protection engineering practices.

Land Use Regulation Ordinance

Amendments

Farm stand - vegetable or produce stand.

(This land use is permitted in all land use districts except resource protection and requires planning board approval in the village and residential areas.)

Domesticated Animals - one or more of any of the following animals: horses, cattle, pigs, chickens, or any other domesticated animal that is typically kept for commercial use. Dogs and cats are not restricted under this definition

(This land use requires a setback of 50 feet from an abutting property line.)

Wild Animals - Keeping animals which typically live in a natural undomesticated state, includes animals both native and not native to the State of Maine. Birds or mammals acquired from a pet shop licensed in the State of Maine are not restricted under this definition.

(This land use is restricted to the rural areas only and requires approval from the planning board.)

Introduced	09-27-99
Public Reading	10-11-99
Public Hearing & Adoption	10-25-99
Effective	11-04-99

Baileyville Land Use Regulation Ordinance (Amendment)

Amendment to the Town of Baileyville Land Use Ordinance:

Areas of Map12 Lot 34, located in the rural area and general area in the Baileyville Land Use Regulation Ordinance are rezoned to the industrial area.

January 12, 2004	Introduction
January 27, 2004	Public Reading
February 24, 2004	Public Hearing
February 24, 2004	Adoption
March 18, 2004	Effective Date