ZONING ORDINANCE
of the
TOWN OF SIDNEY, MAINE

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I. GENERAL

A. TITLE: This Ordinance shall be known and referred to as the "Zoning Ordinance of the Town of Sidney, Maine", and will be referred to herein as this "Ordinance".

B. Authority: This Ordinance is enacted pursuant to the provisions of Article VIII, Part 2, Section 1 of the Constitution of the State of Maine; Revised Statutes, 1964, Title 30A, Section 3001.

C. Purpose: The purpose of this Ordinance is to promote the health, safety,

and general welfare of the residents of the Town; in accordance with the Town's comprehensive plan.

D. Jurisdiction: The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Sidney, Maine.

E. Non-Conformance

1. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of this Ordinance or Amendments thereto shall be allowed to continue, subject to the requirements set forth in this section except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

2. General

a. 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.

b. Repair and Maintenance: This Ordinance allows, without a permit, the 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 such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

3. Non-conforming Structures

a. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section I(E)(3)(c), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided. Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is

met to the greatest practical extent as determined by the Planning Board or designee, basing its decision on the criteria specified in Section I(E)(3)(b) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with section I(E)(3)(a) above, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure from the original ground level to the bottom of the first floor sill, it shall not be considered to be an expansion of the structure.

-No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

b. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Waste water Disposal Rules (Rules) or that a new system can be installed in compliance with the law and said 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 meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be remove to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(1) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation and ground cover that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(2) When feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

c. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or a wetland and which is removed, or damaged or destroyed regardless of the cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board or its designee, in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed structure is less than the required setback it shall not be any larger that the original structure, except as allowed pursuant to section I(E)(3)(a) above, as determined by the non-conforming floor area and volume of the reconstruction or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replaced in accordance with section I(E)(3)(b) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in section I(E)(3)(b) paragraph 2 above, the physical condition and type of foundation present, if any.

d. Change Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland and, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and

safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

4. Non-conforming Uses

a. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted elsewhere in the ordinances.

b. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

c. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed elsewhere in the ordinance.

5. Non-conforming Lots:

a. Non-conforming Lots: A legal non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, width and shore frontage can be met. Variances relation to setback or other requirements not involving lot area, width or shore frontage shall be obtained by action of the Board of Appeals.

b. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption 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, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

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 on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional

requirements of this Ordinance.

c. Contiguous Lots-Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, 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.

d. This provision shall not apply to 2 or more contiguous lots, at least one of which is non conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20, 000 square feet of lot area.

F. Validity and Severability: See Administrative Ordinance of the Town of Sidney, Maine

G. Conflict with Other Ordinances: See Administrative Ordinance of the Town of Sidney, Maine

H. Effective Date: The effective date of this Ordinance is March 19,1994.

II. Definitions

Terms not defined herein shall have the customary meaning. As used in Sidney Ordinance, the following definitions shall apply:

Abutting Landowner-any landowner whose property is within 200 feet of a lot line of the property in question.

Accessory Dwelling Unit-a self contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. Minimum size of 190 square feet and not more than 50% of the principal structure on the property. Structure must meet all the setback requirements and comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning requirements.

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

Aggrieved party-an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

Aquaculture-the growing or propagation of harvestable freshwater, estuarine, or marine plant, or animal species.

Basal Area – the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark

Basement – any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boarding Home-a building in which more than two guest rooms are offered for lodging, with or without meals and personal care, for compensation.

Boat Launching Facility-a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Buffer- Trees, shrubs, or other vegetative barrier in keeping with the character of the natural surroundings which provides a visual and auditory screen between a structure or lot and another structure, lot, or street or which provide erosion control.

Bureau – State of Maine Department of Conservation's Bureau of Forestry

Campground-any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Cluster Housing Subdivision - a subdivision, as defined in the Town of Sidney Subdivision Regulation, consisting of single family residential dwelling units, duplex dwellings or multi-family dwelling units, planned and developed as a whole or in a programmed series of developments, and controlled by one developer which contemplates a more compact grouping of uses. Cluster developments allow a reduced lot size and treat the developed area as an entirety to promote flexibility in design, the efficient use of land, a reduction in the length of roads and utility systems, the creation of permanent, common open space, and the permanent retention of the natural characteristics of the land.

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

Conservation Easement - the grant of a property right or interest from the property owner to another person, agency, governmental unit, or organization stipulating that the described land shall remain in its natural, scenic, open,

or for a specifically described purpose, and precluded from future or additional development.

Cross-sectional area – the cross –sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line of the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from the ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements-numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disruption of shoreline integrity – the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compact, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway-a vehicular access-way less than five hundred (500) feet in length serving two single family dwellings or one two-family dwelling, or less.

Duplex Dwelling - A structure used for residential purposes and consisting of two living units with separate entrances.

Emergency operations-operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property an livestock from the threat of destruction or injury.

Essential services-gas, electric, or communications facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cable or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

Family-one or more persons occupying a premises and living as a single housekeeping unit.

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

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

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

Forested wetlands -freshwater wetlands dominated by woody vegetation that is 6 meters tall (approx. twenty (20) feet) or taller.

Forest Stand – a contiguous group of trees sufficiently uniform in age class description, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation-the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland-freshwater swamps, marshes, bogs and similar areas, excluding forested wetlands, which are:

1. Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses-those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great pond-any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA-any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest area – the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure - the vertical distance between the average finished grade of the structure and the mean roof height, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

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

Homeowners Association - An association combining individual home ownership with shared ownership, maintenance, and responsibility for common property or facilities, including open space, within a subdivision, cluster housing subdivision, or multi-family subdivision.

Increase in nonconformity of a structure – any changes in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite-an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad~~s~~, parking areas, fire places, or tent platforms.

Industrial-the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

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

Land Management Road – a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester – a forester licensed under 32 M.R.S.A. Chapter 76.

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

Manufactured Housing-a structural unit or units, generally known as mobile homes or modular homes, designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis or an independent chassis, to building site. Not included as manufactured housing are travel trailers and units not suitable for year round occupancy.

Marina-a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland-

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Market value-the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width-the closest distance between the side lot lines of a lot. When only two lines extend into the Shoreland zone, both lot lines shall be considered to be side lot lines.

Mineral exploration- hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction-any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Multi-Unit Housing-a structure or structures located on a single lot, which structures are designed or used to house 3 or more families. This definition shall not include accessory apartments or mobile home parks.

Native – indigenous to the local forests.

Non-conforming condition – nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

Non-conforming lot-a single lot of record which was legal when erected and which at the effective date of adoption or amendment of this Ordinance does not meet the area, frontage, or width requirements of the district in which it is located.

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

Non-conforming use-use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

Nursing Home-any building in which three or more aged, chronically, or incurable persons are housed and furnished with meals and nursing care for compensation.

Open Space - land within or related to a subdivision and/or cluster housing subdivision, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the subdivision or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation, forestry or agricultural activities.

Person – an individual, corporation, governmental agency, municipality, trust estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water or within a wetland-

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure- a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use- a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility-any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils-the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvail	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility-a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle-a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system-a system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

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

Residual basal area – the sum of the basal area of trees remaining on a harvested site.

Residual Stand – a stand of trees remaining in the forest following timber harvesting and related activities.

Riprap-rocks, irregularly shaped, and least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River-a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road/Traveled Way-a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by/or for the repeated passage of motorized vehicles, excluding a driveway as defined. In relation to subdivision frontage requirements, a road/traveled way shall be defined as a way suitable for the use of conventional automotive vehicles in all seasons and weather conditions.

Seasonal Conversion-See Title 30A, Sections 4201 and 4215

Service drop-any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

    a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. The total length of the extensions less than one thousand (1,000) feet

2. In the case of telephone service

    a. The extension, regardless of length, will be made by the installation of telephone wire to existing utility poles, or

    b. The extension requiring the installation or new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback-the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage-the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone-the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river, within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Significant River Segments-See Appendix B or 38 M.R.S.A. section. 437.

Skid Road or Skid Trail – a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash – the residue, e.g. treetops and branches, left on the ground after a timber harvest.

Solar Array- Multiple solar panels combined together to create one Solar Energy System.

Solar Energy- Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System- An interconnected assembly of any equipment, products, or devices which use mechanical, physical, or chemical means to collect and convert solar energy into an alternative form of energy. A Solar Energy System includes Solar Energy Equipment and associated, newly installed transmission lines. A Solar Energy System may be roof-mounted, ground-mounted, or wall-mounted.

Solar Panel- That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.

Solar Related Equipment- The parts and components of a Solar Energy System. These parts and components include: any solar photovoltaic cell, module, panel, or array; any solar hot air or water collector device panels; lines, pumps, batteries, mounting brackets, framing, foundations, or other similar components; and other structures used for or intended to be used for collection of solar energy.

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

Structure-anything built for the support, shelter or enclosure of persons, animals, goods or property or any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start-completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Substantial expansion- an expansion which increases either the volume or floor area of a structure by more than 30%.

Subsurface sewage disposal system- any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to; septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope-a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Structure-anything built for the support, shelter or enclosure of persons, animals, goods or property or any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

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Sustained slope-a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting-the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.*

Tributary stream-a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed devoid of topsoil containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Note: Water setback requirements apply to tributary streams within the shoreland zone.

Unbuildable Area - land area that cannot be counted toward the minimum lot size under a cluster housing subdivision and includes but not limited to steep slopes (20% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, flood ways and portions used for storm water management facilities.

Upland edge of a wetland- the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation-all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 ft. above ground level.

Violation-any activity which is not conducted in conformance with the provisions of an Ordinance or under conditions of an approval or a permit issued under an Ordinance is a violation.

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

Water body-any great pond, river or stream.

Water crossing-any project extending from one bank to the opposite bank of a river stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland-a freshwater or coastal wetland.

Windfirm – the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation – live trees or woody, non-herbaceous shrubs.

III. ESTABLISHMENT OF DISTRICTS

A. Land Use Districts: The Town of Sidney is hereby divided into the following Land Use Districts:

1. Lake Shore District
2. River Shore District
3. Resources Protection District
4. Stream Protection District
5. Wetlands District
6. General District

B. Location of Districts

1. Said Land Use Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of the Town of Sidney, Maine", dated March 14, 1992, and on file in the office of the Town Clerk.

2. The Official Zoning Map, and all future amendments thereto, is hereby made part of and incorporated into this Ordinance.

C. Uncertainty of Boundary Location

1. Unless otherwise set forth in the Official Zoning Map, Land Use District boundary lines are property lines, the center lines of streets, roads and rights of way, and the boundaries of natural features as defined herein. Where uncertainty exists as to the exact location of Land Use District Boundary Lines, the Board of Appeals shall be the final authority as to location.

D. Division of Lots by District Boundaries

1. Where a Land Use District boundary divides a lot of land of the same ownership of record at the time such line is established by adoption of amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot, and such extension shall be considered a Conditional Use, subject to approval of the Planning Board in accordance with the criteria set forth herein.

IV. LAND USE DISTRICT REQUIREMENTS

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

A. District Designations and Purposes

1. Lake Shore District

a. Designation: This district includes all land within 250' of normal high water mark of Messalonskee Lake, Gould Pond, Joe Pond, Penny Pond, Silver Lake, and Ward Pond, where such land is not included in a Wetlands or Resource Protection District.

2. River Shore District

a. Designation: This district includes all land within 250' of the normal high water mark of the Kennebec River, where such land is not included in a Wetlands Resource Protection District.

3. Resource Protection District

a. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed are not included within the Resource Protection District.

b. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value water fowl and wading bird habitat, including, nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) Data Layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purpose of this paragraph “wetlands associated with great ponds and river” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the

water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or river" are considered to be part of that great pond or river.

c. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

d. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

e. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

f. Land areas along rivers subject to severe bank erosion, undercutting or river bed movement and lands adjacent to tidal waters which are subject to surface erosion or mass movement, such as steep coastal bluffs.

4. Stream Protection District

a. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.
This District includes the following streams in Sidney: Mills Brook,Lily Brook, Lily Pond Brook, Ellis Brook, Bog-Goff Brook, and Jones Brook.

5. Wetland District

a. Areas within 250 feet, horizontal distance, of the upland edge of those wetlands of ten acres or more not rated or rated "low" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973.

6. General District

a. This district includes all non-shoreland areas in the Town of Sidney not otherwise included in the Lakeshore, River Shore, Resource Protection, Stream Protection, or Wetland Districts.

V. Districts and Uses

A. All land use activities, as indicated in Table 1, Land Uses in the Town of Sidney, shall conform with all the applicable Performance Standards in the Zoning Ordinance and the Shoreland Zoning Ordinance. The district designation for a particular site shall be determined from the Official Zoning Map.

B. Key to Table 1:
Yes - Allowed (no permit required but the use must comply with all applicable Performance Standards)

No - Prohibited

PB - shall require review and approval by the Planning Board before a permit is issued

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

NA - shall mean not applicable

C. Abbreviations:

LS - Lake Shore District

RS - River Shore District

RP - Resource Protection District

SP - Stream Protection District

W - Wetlands District

G - General District

Table 1-Districts and Uses

	LS	**RS**	**RP**	**SP**	**W**	**G**
Residential						
Single Family Residence	PB	PB	NO	PB_2	PB	CEO
Duplex Dwelling	PB	PB	NO	PB_2	PB	CEO
Accessory Dwelling Unit	PB	PB	NO	PB_2	PB	CEO
Multi-Unit Housing	NO	NO	NO	NO	NO	PB
Hotels, Motels, Trailer Courts, and Mobile Home Parks	NO	NO	NO	NO	NO	PB

Commercial						
Commercial structures and uses not requiring a shorefront location as operational necessity	NO	NO	NO	NO	NO	PB
Commercial structures and uses requiring a shorefront location as an operational necessity	PB	PB	NO	NO	NO	PB
Home Occupations	PB	PB	NO	PB	PB	PB
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
Industrial						
Industrial structures and uses not requiring a shorefront location as an operational necessity	NO	NO	NO	NO	NO	PB
Industrial structures and uses requiring a shorefront location as an operational necessity	NO	PB	NO	NO	NO	PB
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
	LS	**RS**	**RP**	**SP**	**W**	**G**
Recreational						
Public and private parks and recreational areas involving minimal structural development	PB	PB	PB	PB	PB	CEO
Non-intensive recreational uses not requiring structures such as hunting, fishing, & hiking	YES	YES	YES	YES	YES	YES
Campgrounds	PB	PB	NO_4	NO	PB	CEO
Individual Private Campsites	CEO	CEO	CEO	CEO	CEO	YES
Maximum lot coverage shall be 50% and with an engineered site plan for storm water runoff a maximum of 80%.	PB	PB	NO	PB	NO	PB
Public, Semi-Public & Institutional	**LS**	**RS**	**RP**	**SP**	**W**	**G**
Small, non-residential facilities for educational, scientific or nature interpretation purposes	PB	PB	PB	PB_2	PB	PB

Public, private, parochial schools	NO	NO	NO	NO	NO	PB
Libraries & other public buildings	PB	PB	NO	NO	PB	PB
Churches	PB	PB	NO	NO	PB	PB
Cemeteries	NO	NO	NO	NO	NO	PB
Medical & convalescent facilities	NO	NO	NO	NO	NO	PB
Boarding & Nursing Homes	NO	NO	NO	NO	NO	PB
Public utilities, including sewage Collection & treatment facilities	PB	PB	NO	NO	PB	PB
Government	NO	NO	NO	NO	NO	PB
Resource Uses	**LS**	**RS**	**RP**	**SP**	**W**	**G**
Mineral Exploration	NO	PB	NO	NO	NO	PB
Mineral extraction, including sand, loam, & gravel extraction	NO	PB	NO	NO	NO	PB
Forest management activities except for timber harvesting	YES	YES	YES	YES	YES	YES
Timber Harvesting	YES	YES	PB_1	YES	YES	YES
Clearing of vegetation for approved construction & other allowed uses	CEO	CEO	CEO_1	CEO	CEO	YES
Filling & earth-moving of less than 10 cubic yards	YES	YES	CEO	YES	YES	YES
Filling & earth-moving of more than 10 cubic yards	PB	PB	PB	PB	PB	YES
	LS	**RS**	**RP**	**SP**	**W**	**G**
Agriculture	YES	YES	PB	YES	YES	YES
Aquaculture	PB	PB	PB	PB	PB	YES
Soil & water conservation practices	YES	YES	YES	YES	YES	YES
Wildlife management practices	YES	YES	YES	YES	YES	YES
Other Uses						
Signs - 8 sq. ft. or less	YES	YES	YES	YES	YES	YES
Signs - more than 8 sq. ft.	PB	PB	PB	PB	PB	PB
Road & driveway construction	CEO	CEO	NO_5	CEO	CEO	CEO

Parking facilities	CEO	CEO	NO[4]	CEO	CEO	CEO
Septage Disposal for allowed users	LP[I]	LP[I]	NO	LP[I]	LP[I]	LP[I]
Essential services	PB	PB	PB[3]	PB[3]	PB	PB
Service drops, as defined, to allowed uses	YES	YES	YES	YES	YES	YES
Fire prevention activities	YES	YES	YES	YES	YES	YES
Surveying & resource analysis	YES	YES	YES	YES	YES	YES
Emergency operations	YES	YES	YES	YES	YES	YES
Conversion of seasonal residences to year-round residences	PB & LPI	PB & LPI	NO	PB & LPI	PB & LPI	CEO& LPI
Permanent piers, docks, wharves, bridges & other use extending over or below the normal high water line or within a wetland						
a. Temporary-less than 7 mos.	CEO	CEO	CEO	CEO	CEO	NA
b. Permanent-7 mos. or more	PB	PB	PB	PB	PB	NA
Structures accessory to and structures and uses similar to those requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
Structures accessory to and structures and uses similar to those requiring a PB permit	PB	PB	PB	PB	PB	PB
Authorized vehicular traffic on existing roads and trails	YES	YES	YES	YES	YES	YES

1 In RP not permitted within 75 feet of the normal high water line of great ponds, except to remove safety hazards.

2 Provided that a variance from the setback requirement is obtained from the Board of Appeals.

3 See further provisions in Section VI Performance Standards, Paragraph G. Essential Services of the Zoning Ordinance.

4 Except where area is zoned for resource protection due to flood plain criteria in which case Planning Board approval is required.

5 Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case Planning Board approval is required.

Table 2 Dimensional Requirements

	LS	RS	RP	SP	W	G
MINIMUM LOT AREA--1 acre (acre = 43,560 sq. ft.)						
Residential - per dwelling unit Duplex	1	1	NA	1	1	1
Dwelling	2	2	NA	2	2	2
Government, institutional commercial, industrial, per principal structure	$1_{1/2}$	$1_{1/2}$	NA	$1_{1/2}$	$1_{1/2}$	1
Public & private recreational facilities	1	1	1	1	1	1
Minimum Frontage - Per lot						
Along a public or private road, lake, river, or stream (See note 10)	200'	200'	200'	200'	200'	200'
Duplex Dwelling	300’	300’	NA	300’	300’	300’
Minimum Setback						
Of structures from the edge of the traveled way (center of traveled way in general district)	15'	15'	NA	15'	15'	55'
Of structures from any lot line	10'	10'	NA	10'	10'	20'
Maximum Lot Coverage	20%	20%	20%	20%	20%	20%
For Commercial, Industrial and Recrea-tional %’s see Table 1 – Districts and Uses						

All new principal and accessory structures shall be set back at least one hundred (100) horizontal distance, from the normal high water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. In the resource protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, road, parking spaces or other regulated objects specifically allowed in the district in which case the setback requirements specified above shall apply.

On a non-conforming lot of record which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, or the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other

applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

Maximum Height

Buildings & other structures	35'	35'	35'	35'	35'	35'

Notes

1. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

2. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

3. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirements for a lot with the proposed use.

4. If more than one residential dwelling unit, principal governmental institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements of the applicable Town of Sidney Ordinances shall be met for each additional dwelling unit principal structure or use.

5. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

6. The 35 foot height provision shall not apply to structures such as transmission towers, windmills, antennas and similar structures having no floor area.

7. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

8. Not withstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of step slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, M.R.S.A. 38, Section 480-C) and that the applicant demonstrates that no reasonable assess alternative exists on the property

9. Upon receipt of a written application, the Planning Board may, with cause, reduce the setback(s) from lot line(s) and road/traveled way.

10. Private road must be built to private road/street standards.

11. Height is measured from the average finished grade to the mean roof height.

12. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met.

    a. The site has been previously altered and an effective vegetated buffer does not exist;

    b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland;

    c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

    d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

    e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

    f. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

    g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics

        1. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or back mulch;

        2. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;

        3. Only native species may be used to established the buffer area;

        4. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high water line or upland edge of a wetland;

        5. A footpath not to exceed the standards in Section , may traverse the buffer;

    Note: If the wall and associated soil disturbance occurs within 75 feet horizontal distance, of a water body, tributary stream of coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

VI. PERFORMANCE STANDARDS

A. Accessory Dwelling Unit (ADU)

1. The purpose of this provision concerning accessory dwelling units (ADU) is to provide a diversity of housing for town residents, while protecting the single family character of the town. Accessory Dwelling Units may be utilized for rental purposes, as well as family accommodations.

a. Either the principal dwelling or the ADU must be owner occupied.

b. Any request for an ADU shall include a plot/site plan showing the following:

1. Lot boundaries and dimensions at scale of 1"=100'.

2. Date of plan.

3. Property owner with deed reference.

4. Lot area.

5. Wastewater disposal system.

6. Off-street parking areas.

c. Any request for an ADU shall include a building plan showing the following:

1. Separate floor layout of all finished levels.

2. All plumbing facilities.

3. All entrances/exits.

d. Any request for an ADU shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an ADU until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

e. After completion the ADU shall have a floor area not to exceed 50%of the floor area of the principal dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.

f. Only one ADU shall be permitted per lot.

g. The attachment of a structure that is now or was formerly a mobile home or trailer is prohibited.

h. Non-conforming structures cannot be used as an ADU.

B. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972, or subsequent revisions thereof.

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams,or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the set back requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agriculture activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet horizontal distance from other water bodies, nor within 25' horizontal of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100)feet, horizontal distance, of the normal high-water line of a great pond classified GPA;within seventy-five (75) feet horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

C. Archaeological Sites

1. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

CI. Boarding Homes, Nursing Homes and Medical and Convalescent Facilities.

1. Boarding homes, nursing homes and medical and convalescent facilities shall conform in all respects to the provisions of the Multi-family Dwelling Unit Subdivision Ordinance of the Town of Sidney.

CII. Campgrounds

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

   a. Campgrounds area shall contain a minimum of five thousand (5,000) square feet, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

   b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

CIII. Earth-Moving Activities

1. All filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such a manner as to prevent to the maximum extent possible, erosion and sedimentation of surface waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of Environmental Quality Handbook Erosion and Sediment Control, published by the Maine Soil and Water Conservation Commission, 1986.

CIV. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrated that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

H. Mineral Exploration and Extraction

1. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

2. Mineral extraction may be permitted under the following conditions:

   a. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 3 below.

   b. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of wet land. Extraction operations shall not be permitted within seventy-five of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

   i. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

   ii. The final graded slope shall be two to one (2:1) slope or flatter.

   iii. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

I. Mobile Homes and Modular Homes

1. Mobile homes not in a mobile home park shall conform in all respects to the provisions of this Ordinance pertaining to single family dwellings.

2. Modular homes shall conform in all respects to the provisions of this Ordinance pertaining to single family dwellings. this Ordinance pertaining to single family dwellings. placed upon a permanent foundation. placed upon a permanent foundation.

3. Mobile Home Parks shall comply with the standards of the Mobile Home Park Ordinance of the Town of Sidney.

J. Multi-Family Dwelling Units

Multi-Family dwelling units shall be governed by the "Multi-Family Dwelling Unit Subdivision Ordinance of the Town of Sidney, Maine," and, where not otherwise addressed in that Ordinance, by the provisions of this Ordinance.

K. Parking, Off-Street Parking, and Loading Requirements

1. In any District where permitted, no use of premises shall be authorized or extended, and no structure shall be constructed or enlarged, unless there is provided adequate off-street automobile parking space. An area of two hundred square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No off-street facility shall have more than two entrances and exits on the same street. Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

2. There shall be a minimum of two off-street parking areas per dwelling unit and an adequate number, as determined by the Planning Board, for commercial properties.

3. In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the principal structure or use to be served so that trucks, trailers, and containers shall not be located for loading, unloading, or storage upon any public way.

4. Required parking and loading spaces for non-residential uses, where not enclosed within a structure, shall be effectively landscaped and neatly maintained.

5. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirements for parking areas serving public boat launching facilities, in districts other than the General District shall be no less than fifty (50) feet horizontal distance from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

6. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

7. No vehicle shall park or stand within a road intersection or within ten (10) feet of a street corner or square within the Town limits.

8. No vehicle shall be parked at any time on any public way so as to interfere with or hinder the removal of snow from the public way.

9. No vehicle shall be parked at any time on any public way so as to interfere with or hinder the free passage of vehicles to or from a public or private way.

10. When signs are posted at the direction of the Selectmen, giving notice of no parking on a public way, parking shall be prohibited in the area specified.

11. Any vehicle found to be in violation of the provisions of paragraphs 7, 8, 9, and 10 above may be removed, by order of a law enforcement officer, a fire chief, or the Road Commissioner, from that area at the expense of the owner of such vehicle.

L. Road Construction

All roads shall be a minimum of 200' in length and shall comply with all applicable provisions of this ordinance. No building permit shall be issued for a property until the road constituting the frontage for that property is constructed. Roads shall be located, constructed and maintained in such a manner that minimal erosion hazard results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. All roads whether built to the standards for Private road/street, Public road/street or Commercial road/street shall be inspected during construction and upon completion by the Town of Sidney Road Commissioner.

Within ninety (90) days of acceptance by Town meeting vote of a Public or Commercial road/street constructed to the Town of Sidney road/street standards and approved by the Road Commissioner, a warranty deed for the road shall be given to the Town of Sidney. For any road to be accepted by the Town of Sidney as a Public or Commercial road/street, the applicable standards must be met, and at least 50% of the lots accessed by the road/street must have structures approved for occupation as residential or commercial uses. However, any right of way in existence prior to the adoption of this ordinance on March 15, 2008 may qualify for acceptance by the Town if it meets the Road/Street standards for public (referred to subdivision at the time) or commercial road/street in effect prior to March 15, 2008.

STREET STANDARDS FOR A PRIVATE ROAD/STREET

A private road/street is any road/street that will be used principally by vehicles serving residential areas and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	9 Feet
Width of Right-of-Way	50 Feet
Storm Drainage	Ditches
Driveway Culverts	20' Length Min./12" Min.
Sub-base - Bank Run Gravel (6" minus)	12 inches
Road Base/Gravel (12" minus)	Variable-Depends on soil conditions
Shoulder	Determined by reviewing authority
Turnaround	Determined by reviewing authority

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance

STREET STANDARDS FOR PUBLIC ROADS/STREETS

A public road/street is any road/street that will be used principally by vehicles serving residential areas and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4’ gravel shoulder with remainder of cleared ROW to be seeded with contractor grade seed
Width of Right-of-Way	60 Feet
Maximum Grade 9 Percent	
Center Line Radius on Curves (Min.)	200 Feet
Tangent between Reverse Curves (Min.) Road Base/Gravel	200 Feet Variable-Depends on Soil Conditions
Sub-base - Bank Run Gravel (6" minus)	18 inches
Upper Base (1" minus gravel)	6 inches
Bituminous Paving - Travel Lanes Only (Modified Binder Grading B)	3" binder, 2" surface
Storm Drainage	Ditches
Driveway Culverts	20' Length Min. x 12" Min

Materials are based on Maine Department of Transportation Standard Specifications.

- 2 inches of 12.5 mm Hot Mix Asphalt (50 Gyration Design)
- 3 inches of 12.5 or 19.0 mm Hot Mix Asphalt (50 gyration Design)
- 6 inches of MDOT 703.06 Type A, Crushed Aggregate Base
- 18 inches of MDOT 703.06 Type D, Crushed Aggregate Sub-base

The base and sub-base materials shall be compacted to at least 95 percent of their maximum dry density as determined by ASTM D-1557. Hot mix asphalt pavement shall be compacted to 92 to 97 percent of its theoretical maximum density as determined by ASTM D-2041. A tack coat should be used between successive lifts of bituminous pavement.

All new roads shall enter onto an existing Town or State road at a 90° angle for a distance of 75’. On dead end roads/streets, 60'from end of road/street a turn around of 50' wide and 60' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install if it were doing the work itself. There shall be no driveways in the turnaround within 20 feet of the turn- around.

Note: Please refer to drawing of cross section at the end of the Zoning Ordinance.

STREET STANDARDS FOR PUBLIC COMMERCIAL ROADS/STREETS

A commercial road/street is any road/street that will be used principally by vehicles servicing commercial and/or industrial facilities, as well as other types of vehicles, and which is suitable for use in all seasons and weather conditions.

Number of Travel Lanes	2 Lanes
Width of Travel Lanes	10 Feet
Width of Parking or Shoulder	4 Feet
Width of Right-of-Way	60 Feet
Center ditch to center ditch	42 Feet
Maximum Grade	9 Percent
Center Line Radius on Curves (Min.)	200 Feet
Tangent between Reverse Curves (Min.)	200 Feet
Road Base/Gravel Variable-	Depends on Soil Conditions
Sub-base - Bank Run Gravel (6" minus)	18 Inches
Upper Base (1" minus gravel)	6 Inches
Bituminous Paving - Travel Lanes Plus Shoulder	3" Binder, 2" Surface
Storm Drainage	Ditches
Driveway Culverts	20' Length Min. x 12" Min.

Materials are based on Maine Department of Transportation Standard Specifications.

- 2 inches of 12.5 mm Hot Mix Asphalt (50 Gyration Design)
- 3 inches of 12.5 or 19.0 mm Hot Mix Asphalt (50 gyration Design)
- 6 inches of MDOT 703.06 Type A, Crushed Aggregate Base
- 18 inches of MDOT 703.06 Type D, Crushed Aggregate Sub-base

The base and sub-base materials shall be compacted to at least 95 percent of their maximum dry density as determined by ASTM D-1557. Hot mix asphalt pavement shall be compacted to 92 to 97 percent of its theoretical maximum density as determined by ASTM D-2041. A tack coat should be used between successive lifts of bituminous pavement.

All new roads shall enter onto an existing Town or State road at a 90° angle for a distance of 75’. On dead end roads/streets, 60'from end of road/street a turn around of 50' wide and 60' deep will be provided, preferred on left side of road. Improvements should be to the same standards the town would normally install if it were doing the work itself. There shall be no driveways in the turnaround within 20 feet of the turn- around.

STREET STANDARDS FOR TURNAROUNDS

All dead-end streets shall include a T-shaped or hammerhead turnaround and shall be designed and constructed following standard engineering practices and in conformance with the requirements of the Town of Sidney Zoning Ordinance Section VI. L Road Construction Standards and the specifications described below:

- Turnaround to be 60’ from end of road, 50’ wide, and 60’deep
- Turnaround preferred on the left side of the road
- Asphalt to be 30’ wide in the turnaround
- Turnaround asphalt to be 50’ wide at the edge of road
- Shoulder to be a minimum 2’ wide of gravel
- T-shaped turnaround shall have mirrored sides of 50’ wide, and 60’ deep

Note: Please refer to the drawing of cross section at the end of the Zoning Ordinance.

M. Screening of Mobile Home Parks, commercial establishments and Multi-Family Dwelling Units.

1. A green strip of up to 25' width shall be required as follows:

   a. In all mobile home parks originally with or expanded to five or more designated lots the green strip shall be established and may be within the buffer strip around park boundaries

   b. In all commercial establishments utilizing any of the property for non-enclosed storage, exhibition or placement of inventory, work-in-process or other material the green strip shall be on or within the boundaries of the property, but not to include a boundary that abuts a public road.

   c. In all multi-family dwelling unit subdivisions of 18 or more dwelling units the green strip shall be within or around the boundaries of the property, but not to include a boundary that abuts a public road.

2. Whenever possible the green strip shall include existing vegetation. However, the Planning Board may require the planting of evergreen trees and shrubs to provide a permanent screen.

3. In no case shall the green strip be required to be placed so as to prevent visual access from a public road/street.

N. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

   a. a clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high water line of a water body or the upland edge of a wetland and
   b. a holding tank is not allowed for a first-time residential use in the shoreland zone

Note: The Maine Subsurface Waste Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance

2. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1000 square feet in size, in all shoreland areas. All sanitary waste disposal facilities shall conform in all respects with the provisions of the Maine State Plumbing Code and subsequent revisions thereof. No structure or land use requiring sanitary waste disposal facilities shall be issued a permit under the provisions of this Ordinance without having first been issued a Plumbing Permit by the Plumbing Inspector of the Town of Sidney, certifying conformance with these sanitary standards.

3. Septage, as defined in 38 MRSA Section 1303, Sub-section 6, which includes any material from a septic tank, cesspool, or other similar facility and sludge, as defined in 38 M.R.S.A., Section 1304, which is the semi-liquid or liquid residual generated from a municipal, commercial, or industrial wastewater treatment plant, may not be disposed of in the Town of Sidney without a permit from the Planning Board and the Code Enforcement Officer. (*Amended 3/15/97)*

   a. Upon receipt of an initial permit by the Planning Board and the

Code Enforcement Officer, approval shall be obtained from the Maine Department of Environmental Protection pursuant to M.R.S.A. § 1304 & 343. The DEP approval shall be filed with the Planning Board for review and written authorization to spread septage.

4. A property owner needs only to obtain a permit from the Code Enforcement Officer, and does not have to obtain a permit from the Planning Board to dispose of or spread septage from his residence on his property provided:

   a. The location for the disposing or spreading of septage is at least 100 feet back from a traveled right of way, at least 25 feet back from any abutting landowner's property line, and at least 300 feet from any drinking water supply or any dwelling;

   b. The septage will not be disposed of or spread on or within 300 feet of any inland wetland, streams, lakes or ponds.

5. Any permit shall specify the time period within which septage may be spread.

O. Signs

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 8 square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited. Signs which will exceed 8 square feet or signs and billboards which will be illuminated in a manner other than set forth in sub-paragraph 6 will require a permit from the Planning Board.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over 6 square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. No sign shall extend higher than twenty (20) feet above the ground.

6. Signs may be illuminated only by shielded, non-flashing lights.

7. Changeable message signs, including time and temperature signs, are permitted under this subsection provided that each message remains fixed on the display surface for a minimum of two (2) seconds. For purposes of this subsection, "changeable message signs" are signs whose messages change by mechanical or electronic means. Freestanding changeable message signs may include message boards where letters, words, pictures and messages can be removed and replaced, provided that the signs are permanently mounted within a fixed base. Changeable message signs may also be affixed to a building. Scrolling and other effects that make the message appear to have movement, or that have a continuous streaming of information and animation are not permitted.

P. Soils and Site Modification

1. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by a Maine Certified Soil Scientist or other state-certified professional. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the soil scientist deems appropriate. The soils report shall include recommendations for a proposed use to counter-act soil limitations where they exist. Other state-certified professionals, including Maine Registered Professional Engineers, Maine State Certified Geologists and others practicing within their license, may supplement the soils report with reports on such matters as bearing capacities of soils, bedrock geology, aquifers, and other information based on their training and experience in the recognition and evaluation of these properties.

Q. Standards for the Construction in Town Right of Ways

1. The purpose of this section is to set requirements for the safe movement of fill within the Town Right of Ways and the safe construction of private drives leading onto Town Right of Ways resulting in the continued safe passage of the public on these Town Right of Ways.

2. Any individual planning construction within the Town Right of Way shall make application to the Town of Sidney for such work. It shall be the responsibility of the Town Road Commissioner to review the application, and if all requirements are met, shall grant a permit for such work.

3. Any individual moving fill within the Town Right of Ways, shall make application to the Town of Sidney for this purpose. Fill work along the ditch line of Town Right of Ways shall not interfere with the free flow of water along and away from Town Right of Ways.

4. Any individual planning a new private drive onto a Town Right of Way, shall make application to the Town of Sidney for this purpose. The entrance of a new private drive shall not be continuously wider than 40 feet, nor less than 20 feet unless agreed to otherwise by the Selectmen. The applicant shall at no time cause the highway to be closed to traffic. The grade of the entrance shall slope away from the road surface at a rate of three-quarters (3/4) inch per foot to provide a gutter three (3) feet beyond the edge of the existing shoulder but not less than five (5) feet from the edge of the traveled way. A new permit shall be required whenever black topping, a grade change, widening, or relocation is contemplated.

5. New private drives leading from a Town Right of Way shall be inspected by the Town Road Commissioner, upon receipt of application, to determine whether there is a necessity of placing a culvert. The Town Road Commissioner shall make the determination as to whether a culvert needs to be placed, the size of such culvert. The Town Road Commissioner shall make the determination as to whether a culvert needs to be placed, the size of such culvert,and the appropriate placement of the culvert.

The culvert shall be a minimum of 12" in diameter and be of aluminized metal or heavy ribbed plastic with smooth bore. he initial purchase of the culvert shall be the responsibility of the land owner. Thereafter, it shall be the Town's responsibility to replace and maintain any culvert which has been properly placed and of proper construction according to the requirements of this section. Any private drive which is not properly constructed under these requirements and is/or may eventually be causing obstruction to the free flow of water, shall be opened to the free flow of water at the discretion of the Selectmen and/or the Town Road Commissioner. If a culvert is removed by the town due to violation of the previously stated requirements, the culvert shall be properly replaced as soon as is reasonable at the property owner's expense.

6. Any public or private way serving two or more residences shall be named. The names shall not be the same or similar sounding to any existing road names. All signage and installation must be approved by the Municipal Officers or their appointed agent.

R. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

S. Water Quality

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will degrade water quality.

Effective Date: The effective date of this Ordinance as amended March 19, 1994; March 18, 1995; March 16, 1996; March 15, 2008; March 20, 2010; March 19, 2011, March 24, 2018; March 30, 2019; March 23, 2024