Town of Chesterville
Regular Land Use Ordinance

Section 1

1.1 Authority

1.1.1 State law allows towns to have home rule authority as per Article VIII of the Maine Constitution and Home Rule Statute, Title 30-A M.R.S.A, §3001.

Section 2

2.1 Building Notifications

2.1.1 Required for the construction of any structure or addition with a footprint of more than 200 square feet.

2.1.2 Required for any structure with a footprint of more than 200 square feet that is moved in from off the property.

2.1.3 Required for the replacement of any structure that does not meet minimum setback requirements

2.1.4 Not required for any structure that is relocated within the boundaries of the property.

2.1.5 Not required for structures that are temporary and portable in nature, including tents, portable garages, canopies, and other structures as determined by the Board of Selectmen.

2.1.5 All structures must meet minimum setback requirements unless otherwise exempted by this ordinance.

2.1.6 All required internal plumbing permits and subsurface wastewater permits shall be provided with Building Notification application.

2.1.7 There shall be no fee for a Building Notification.

2.2 Minimum Lot Requirements

2.2.1 Minimum lot size of 20,000 square feet with an entrance frontage of no less than 100 feet on any public or private road.

2.2.2 No private road or right of way may reduce the lot frontage requirements (i.e.: minimum frontage of 130' with a right of way or 150 feet with a private road)

2.2.3 All back lots must have a minimum width of 100 feet, minimum depth of 100 feet and a minimum lot area of no less than 20,000 square feet. The calculation of the minimum lot width, depth, area shall not include the easement, right of way, or strip of land that provides access to the lot as required by section 3.1.3.

2.3 Minimum Setback Requirements

2.3.1 All structures must meet a minimum setback of 10 feet from all property lines and 35 feet from the centerline of a town or state maintained traveled way.

2.3.2 Fences, stairs, ramps, and walkways are exempt from setback requirements with the landowner assuming all responsibility and liability for those within the minimum setback area.

2.3.3 Structures in place at the time of the effective date of this ordinance that do not meet minimum setback requirements shall be allowed to be repaired or replaced within their existing footprint, provided that application for Building Notification is made within 18 months of removal, and work to replace the structure begins within 36 months of removal.

2.3.4 All structures may be built within the minimum setback area, provided that a variance for the reduced setback has been granted by the Board of Appeals, or provided that the property owner obtain a construction, maintenance, and repair easement from the affected abutting property owners, and record such easement at the Franklin County Registry of Deeds, provided that such easement may not be amended or modified without the agreement of both such property owners.

Section 3

3.1 Driveways and Entrances

3.1.1 Driveway entrance as determined by road foreman for culvert size and drainage if needed will be the responsibility of the landowner. It is preferred that the town install entrance culverts provided by the landowner and assume all maintenance responsibilities. The town will also maintain entrance culverts properly installed by the landowner or their agent.

3.1.2 Actual stopping sight distance in each direction from where the driveway is located on a town maintained road is required. State or state aid roads shall meet the minimum State of Maine requirements as defined in the Department of Transportation, Highway Driveway Entrance Rules.

3.1.3 A 30 feet wide right of way is required for any driveway serving one or two back lots or back lots exempt from subdivision rules as defined under Maine State Statute.

3.2 Private Roads

3.2.1 A private road for subdivisions shall have a minimum 50 feet wide right of way and a minimum 18 feet wide driving surface. Private roads shall meet the same entrance requirements as driveways.

Section 4

4.1 Subdivisions

4.1.1 Subdivisions shall adhere to the minimum requirements of state statute and be approved by the Planning Board.

Section 5

5.1 Code Enforcement Officer Authority

5.1.1 The Code Enforcement Officer shall enforce all requirements of this ordinance and all other regulations, codes, and laws as allowed by Maine Statute, as directed and authorized by the Board of Selectmen. The Code Enforcement Officer may enter any property with just cause, as determined by the Board of Selectmen, or permission from the landowner or occupant to check for violations of this ordinance. If permission is not granted, legal action may be taken as needed to gain access to the property.

5.2 Variances

5.2.1 Variances from the requirements of the ordinance may be granted by the Board of Appeals operating under Maine State Statute, Title 30-A $2691. Enforcement actions resulting from violations of this ordinance shall not be subject to variances or appeals from the Board of Appeals.

5.2.2 Board of Appeal decisions are final other than a Superior Court ruling.

5.3 Violations

5.3.1 If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he or she shall notify in writing the person responsible for such violation and the property owner, indicating the nature of the violation, the action necessary to correct it, and the timeframe for corrective action to be completed. A copy of the notification shall also be sent to the Board of Selectmen. If the violation persists after the provided timeframe has expired, the matter shall be referred to the Board of Selectmen for legal action if deemed necessary.

5.4 Penalties

5.4.1 Any person, corporation, or other entity who shall cause any violation of this ordinance, that persists after the timeframe provided for corrective action has expired, shall be subject to a fine of not less than $100 and not more than $2,500, and each day on which such violation shall continue shall constitute a separate offense, as provided in Title 30-A. MRSA, $4452.

Section 6

6.1 Repeal of Prior Ordinances

6.1.1 This ordinance repeals and replaces any and all regular land use ordinances and their supplements in the Town of Chesterville prior to the effective date of this ordinance.

Effective date of this ordinance is June 1, 2020.