Town of Union
Land Use Ordinance



A True Copy Attest

Union Town Clerk
Date: _____

Amended June 15, 2015
Amended June 19, 2017 – Changeable Signs
Amended June 17, 2019 – Shoreland Zoning Map
Amended November 5, 2019 – Cluster Development
Amended August 24, 2020 – Marijuana Cultivation Facilities
Amended June 8, 2021 – Solar Arrays & Shoreland Zoning Map/Ordinance
Amended November 7, 2023 – Community Center District and Tax Increment Financing District
Amended June 11, 2024 – Metallic Mineral Mining & Increase Housing Opportunities (LD2003)
Amended November 5, 2024 – Resource Protection to Limited Residential (3 parcels)
Amended June 10, 2025 – Housing Opportunities & Planning Board and ZBA Qualifications

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ARTICLE 1: LAND USE PROVISIONS

1.1. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, and the provisions of 30-A M.R.S.A. Section 2101 (Home Rule) and30-A M.R.S.A. Section 3001 (Ordinance Power).

1.2. PURPOSE

This Ordinance is designed for all the purposes of planning and land use regulation embraced in the Maine Revised Statutes Annotated, including to protect the health, safety, and general welfare of the residents of Union, to encourage the most appropriate use of land throughout the Town, to promote traffic safety, to provide safety from fire and other elements, to conserve natural resources, and to implement the provisions of the Union Comprehensive Plan.

1.3. APPLICABILITY

This Ordinance applies to all land and land uses within the Town of Union.

1.4. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, or statute, the more restrictive or that imposing the higher standard shall govern.

1.5. AMENDMENTS

1.5.1. Scope

This section in no way supersedes the right of initiative and referendum granted by 30-A M.R.S.A. Section 2528.

1.5.2. Methods for Proposing Amendments

Amendments to this Ordinance shall be considered following petition, motion of the Planning Board, or motion of the Selectmen. All proposals for amendment of the Land Use Ordinance shall contain the recommendations (whether for or against) of the Planning Board.

1.5.3. Planning Board Review of Petitions

Upon receiving a proposed amendment, the Town Clerk shall notify the Planning Board Chairperson within five (5) working days. The Planning Board, at its next regular or special meeting following notification from the Town Clerk, shall determine whether the proposed amendment is consistent with the Comprehensive Plan of the Town of Union. The Board shall indicate, within thirty (30) days, in a written decision, whether a proposed amendment would be consistent with the Comprehensive Plan. The decision of the Planning Board may be appealed to the Board of Appeals within thirty (30) days of the Planning Board's decision.

1.5.4. Reconciliation with Comprehensive Plan

If the Planning Board finds the proposed amendment to be inconsistent with the Comprehensive Plan, unless overruled by the Board of Appeals or the Superior Court, such article shall not be considered by the Town Meeting until the Comprehensive Plan shall be

amended in such a manner that the proposed Land Use Ordinance amendment would be consistent with the amended Comprehensive Plan. The Town may consider the proposed Land Use Ordinance amendment and the proposed amendment to the Comprehensive Plan simultaneously.

1.5.5. First Public Hearing
The Planning Board shall hold a public hearing on the proposed amendment, consistent with the provisions of 30-A M.R.S.A. Chapter 187, Section 4352.

1.5.6. Second Public Hearing
No less than ten (10) days prior to an election or Town Meeting, the Selectmen shall hold a public hearing on the proposed amendment to the Land Use Ordinance. The proposed amendment shall be attested and posted in the manner provided for Town Meetings, not less than seven (7) days prior to the scheduled hearing. In addition, public notice shall be published twice in a newspaper of general circulation in the Town of Union. The date of the first publication shall be at least seven (7) days prior to the date of the public hearing. Following the public hearing, the Selectmen shall submit the proposed amendment to the voters at either the election or the Town Meeting.

1.5.7. Public Access to Proposed Amendments
One copy of the proposed amendment shall be certified by the municipal officers to the Town Clerk at least seven (7) days prior to the day of the election or Town Meeting, to be preserved as a public record, and copies shall be available at that time for distribution to the voters by the Town Clerk, as well as at the time of the Town Meeting.

The subject matter of the proposed amendment shall be reduced to the question:

"Shall an Ordinance or Amendment entitled_____ be enacted?"

The amended Ordinance shall be on file with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to any member of the public, at a reasonable cost, at the expense of the person making the request. Notice of availability of the amended Ordinance shall be posted.

1.5.8. Amendment to Fix the Boundaries of an Industrial District
An application for a land use that includes establishment of an Industrial District with specific bounds, in accordance with the provisions of 1.8.1.3, shall first be submitted to the Planning Board which shall determine, under this Ordinance and in accordance with the procedures specified in the Site Plan Review Ordinance, whether the application meets the requirements for uses in an Industrial District. Upon a positive determination to this effect, an amendment to establish an Industrial District with fixed boundaries consistent with 1.8.1.3 may be submitted by petition of the applicant and shall be processed as specified in 1.5.

1.6. EFFECTIVE DATE
This Land Use Ordinance shall be enacted and be of full force and effect on the day following the date of approval of this Ordinance by the voters of the Town of Union, and any Land Use

Ordinance of the Town of Union in effect prior to the date of enactment of this Land Use Ordinance shall be repealed as of that date. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, the amendments adopted on June 13, 2023 shall govern and apply to all industrial metallic mineral mining operations that were or are pending before the Town at any time on or after March 21, 2023 (the "Date of Applicability") and, to the extent allowed by 30-A M.R.S. § 3007(6), shall apply to and nullify the issuance of any final approval, license, or permit for any new or expanded industrial metallic mineral mining operations.

1.7. SEPARABILITY

In the event that any section, subsection, or provision of this Ordinance is declared invalid for any reason by any competent court, or is not adopted by the voters of the Town, such a decision shall not affect the validity of any other section, subsection, or provision of this Ordinance.

1.8. DISTRICTS AND LAND USE MAPS

1.8.1. Establishment of Districts

For the purpose of the provisions in this Ordinance, the Town of Union is hereby divided into the following districts.

1.8.1.1. Village District

1.8.1.1.1. Boundaries

On the west side of Ayer Hill Road and Depot Street: from the St. George River to the northern boundary of Map 8 Lot 54, extending northwest (away from Ayer Hill Road and Depot Street) as far as Map 8 Lot 51 (the Union Fairgrounds property); from the northern boundary of Map 8 Lot 54 to Common Road, extending northwest to the closer of either the St. George River or an extension of the southeast boundary of Map 8 Lot 51 to the St. George River.

On the south side of Common Road: from Depot Street to Fairgrounds Lane, extending two hundred fifty (250) ft. back from the centerline of the Common Road right-of-way; and from Depot Street to South Union Road, extending two hundred fifty (250) ft. back from the centerline of the Common Road right-of-way.

On the west side of South Union Road: the entirety of Map 6 Lot 16 (the Union Town Office property).

On the east side of Ayer Hill Road and Depot Street: from the St. George River and Seven Tree Pond to Common Road, extending eastward to the closer of a line two hundred fifty (250) ft. east of the center of the Depot Street right-of-way or Seven Tree Pond.

On the north side of Common Road:

All of the area west of Town House Road and south of a line five hundred (500) ft. south of the center of the Heald Highway right-of-way (this line marks the southern

extent of the Commercial District specified in 1.8.1.3).
All of the area east of Town House Road and south of Map 25 Lot 7, to the eastern boundary of Map 25 Lot 1.
All of the area east of Map 25 Lot I extending back a distance of two hundred fifty (250) ft. from the centerline of the Common Road right-of-way to Heald Highway and South Union Road.

1.8.1.1.2. Purpose
To protect existing residential and small business development, and to encourage compatible future development; to preserve and protect historical and cultural structures and sites in the Union Common area; to provide for orderly business expansion and renovation while maintaining the present village character expressed as a goal in the Town of Union Comprehensive Plan and in the associated Town of Union citizen survey.

1.8.1.2. Commercial District

1.8.1.2.1. Boundaries
On the north side of Heald Highway: extending northward from the highway for a distance of five hundred (500) ft. from the center of the right-of-way, and from the western boundary of Map 8 Lot 41 (the Union Agway property) to the eastern boundary of Map 27 Lot 11 (the Damariscotta Bank and Trust Company property).

On the south side of Heald Highway:

Extending southward from the highway for a distance of five hundred (500) ft. from the center of the right-of-way, and from the western boundary of Map 8 Lot 40 (the B.M. Clark Co. property) to Town House Road. Extending southward from the highway to the southern boundary of Map 25 Lot 7, and from Town House Road to the eastern boundary of Map 25 Lot 7.

On both sides of Common Road: extending back a distance of five hundred (500) feet from the Common Road centerline, and from Heald Highway to the centerline of Fairgrounds Lane (including the extension of the centerline across Common Road).

1.8.1.2.2. Purpose
To promote the establishment, nurturing and growth of highway-based commercial enterprises along the Town's major throughway, in a district that allows regulations appropriate to larger-scale commercial activities than might be acceptable in the Rural District, without compromising the regulation of the surrounding Rural District.

1.8.1.3. Floating Industrial District

1.8.1.3.1. Boundaries
The Industrial District is established in this Revision 16 as a floating district with to-be-defined boundaries, within a larger sector whose boundaries are described herein. The actual boundaries of the Industrial District within this larger sector are to be fixed by

future amendments to this Ordinance, after a developer or other applicant with standing identifies a suitable parcel within the sector bounds and submits a request for rezoning of the parcel in accordance with the procedure specified in 1.5.8. Until such time, the sector is part of the Rural District and is governed by the regulations in the Rural District.

The sector within which an Industrial District may be established consists of the following parcels as they exist as of the date of this ordinance: Map 11 Lots 22-1, 22, 23 and the portion of Lot 24 that lies south of Heald Highway; Map 14 Lots 1, 1-1, 8, 9 and 9-2. Notwithstanding the foregoing, the sector within which an Industrial District may be established for purposes of Industrial Metallic Mineral Mining uses consists of the above-described parcels as well as all parcels within the Rural District.

1.8.1.3.2. Purpose

To promote orderly development of manufacturing, processing, treatment, research, development of new products, and distribution, in accordance with performance standards that are appropriate for these enterprises.

1.8.1.4. Rural District

1.8.1.4.1. Boundaries

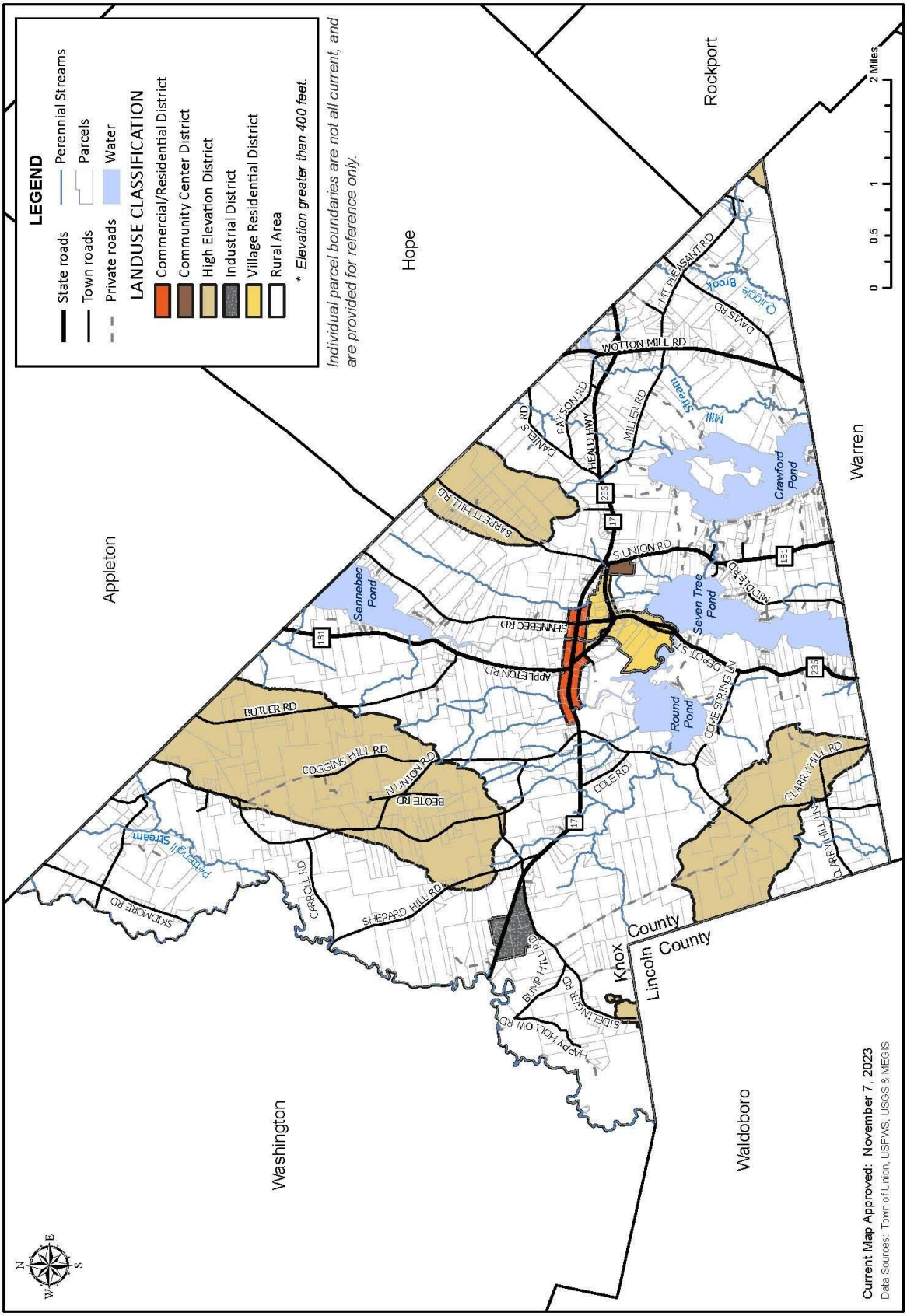
All other areas of the Town.

1.8.1.4.2. Purpose

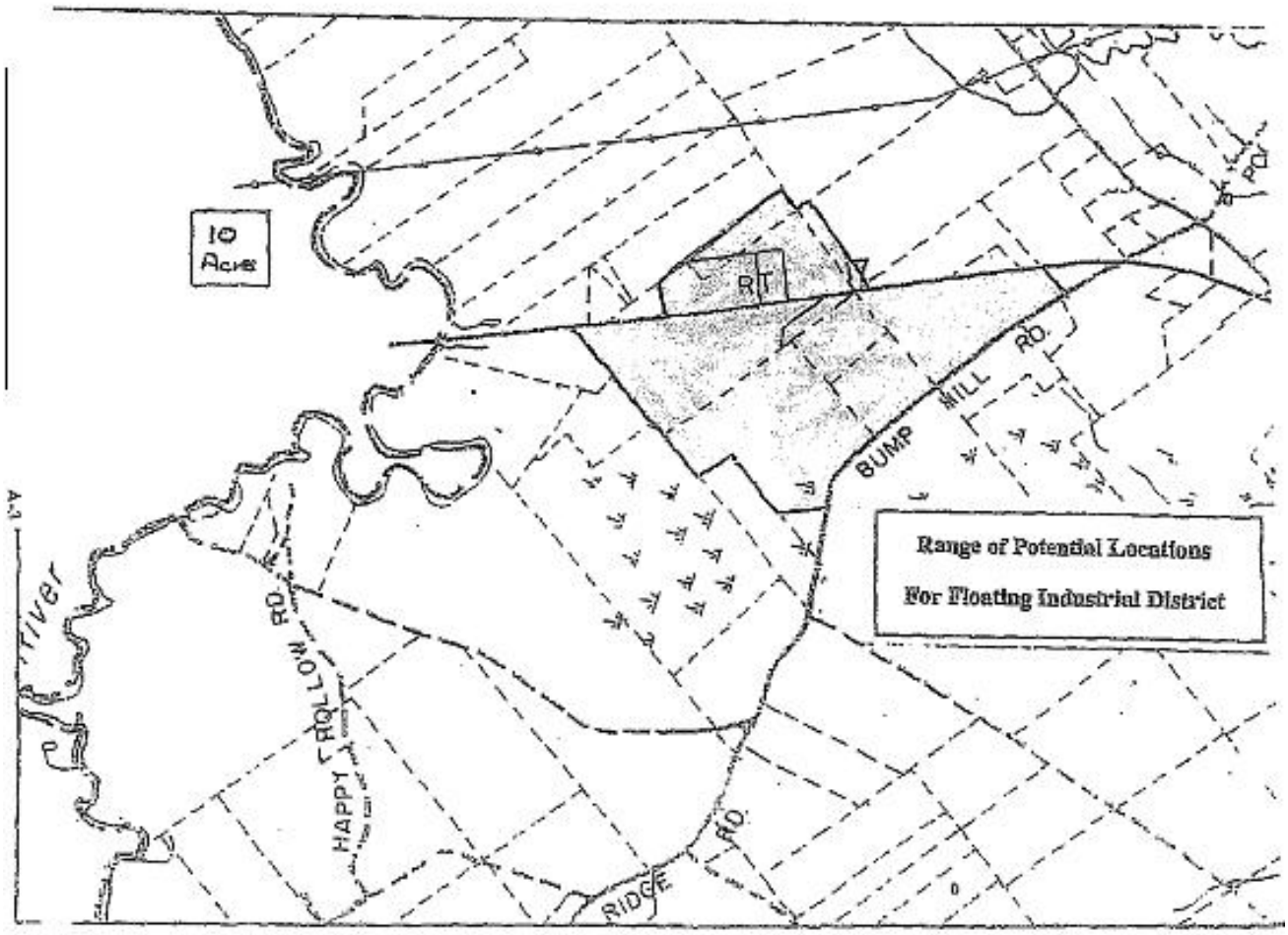
To protect and preserve the rural character of the Town, while providing for flexibility and innovative use of the land in accordance with standards of development that do not unduly compromise the rural character of the district.

1.8.2. Land Use Maps

The above districts shall be shown on the Certified Land Use Map filed in the Office of the Town Clerk. The Land Use Map and all future amendments thereto are hereby made a part of this Ordinance.



Union Land Use Districts


10 Acre
RT
BUMP MILL RD.
Range of Potential Locations
For Floating Industrial District
HAPPY HOLLOW RD.
RIDGE RD.

1.8.3. Resolution of District Boundaries

Unless otherwise set forth on the Land Use Map, district boundary lines are:

1.8.3.1. Property lines;

1.8.3.2. Centerlines of streets, roads, and rights-of-way;

1.8.3.1. Boundaries of districts as defined.

Where uncertainty exists as to the exact location of District Boundary Lines, the Board of Appeals shall be the final authority as to location.

1.9. NONCONFORMANCE

1.9.1. Purpose

The purpose of this article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming uses.

1.9.2. Definitions

See ARTICLE 11. DEFINITIONS.

1.9.3. Nonconforming Lots

1.9.3.1. Vacant Lots

1.9.3.1.1. Single Lot in Separate Ownership

A nonconforming lot may be built upon provided that such a 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 size and frontage can be met. Variance of other requirements shall be obtained only by action of the Board of Appeals.

1.9.3.1.2. Contiguous Lots in Common Ownership

If two or more vacant, contiguous lots, or a lot with a building that is contiguous with one (1) or more vacant lots, are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the dimensional requirements of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional standards, except:

1.9.3.1.2.1. where the contiguous lots front onto different streets; or

1.9.3.1.2.2. where the lots were legally created and recorded in an approved Subdivision plan.

1.9.3.1.3. Creation of Nonconforming Lot Prohibited

No division of any lot may be made which leaves the lot's frontage or area below the minimum requirements of this Ordinance or which worsens an existing nonconforming situation.

1.9.3.2. Lots with Structures

1.9.3.2.1. Conveyance of Contiguous Lots

When two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the applicable area and dimensional requirements, and if a principal use exists on each lot, or if the lots were legally created and recorded before the adoption of this Ordinance, the nonconforming lots may be conveyed separately or together, providing all other State law and local Ordinance requirements are complied with.

1.9.3.2.2. Conveyance of Contiguous Lots with Permitted Accessory Structures

Contiguous nonconforming lots of record which, at the effective date of adoption or amendment of this Ordinance, are the site of permitted accessory structures shall conform to the provisions of 1.9.3.1.2.

1.9.4. Nonconforming Structures

1.9.4.1. Maintenance and Enlargement

1.9.4.1.1. Repair and Improvement

A structure in existence as of the effective date of this Ordinance that does not meet the height or yard requirements may be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that:

1.9.4.1.1.1. the enlargement or accessory structure itself meets the height requirements of the District in which it is located;

1.9.4.1.1.2. the enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage; and

1.9.4.1.1.3. the enlargement or accessory structure itself meets the setback requirements of the District or, if located within the same yard area as the nonconforming structure, is no closer to the front, side, or rear lot line than the nonconforming structure, and contains no more than twenty-five (25) percent of the ground floor area of the nonconforming structure.

1.9.4.1.2. Reconstruction

Any nonconforming building or structure which is hereafter damaged or destroyed by fire or any cause, other than the willful act of the owner or his agent, may be restored or reconstructed in conformity with its original dimensions and used as before within twelve (12) months of the date of said damage or destruction, provided, however, that such

reconstruction and use shall not be more nonconforming than the prior nonconforming building, structure, or use. Nothing in this section shall prevent the demolition of the remains of any building damaged or destroyed.

1.9.5. Nonconforming Uses

1.9.5.1. Continuance

The use of land, building, or structure, lawful at the time of adoption or amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in 1.9.5.3 below.

1.9.5.2. Resumption After Change

Whenever a nonconforming use of land and/or structure is superseded by a permitted use, such structure and/or land use shall thereafter conform to the provisions of this Ordinance and the nonconforming use shall not thereafter be resumed.

1.9.5.3. Resumption After Discontinuance

A nonconforming use which is discontinued for a period of two (2) years shall not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

1.9.5.4. Expansion of Use

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function.

1.9.6. Transfer of Ownership

Ownership of nonconforming lots, structures, and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

1.10. LAND USE REGULATIONS

1.10.1. Allowable Land Uses

Specific land uses shall be permitted in each of the districts defined in 1.8 that are consistent with the stated purposes of the districts. Table 1.10-l lists reasonably anticipatable land uses, together with the districts in which these uses shall be permitted, and the administering agent (Code Enforcement Officer or Planning Board; ref 1.12) responsible for dispositioning the land use application in each case. Applications for proposed land uses not specifically listed in Table 1.10-1 shall be dispositioned by the Planning Board. In determining whether a proposed land use not specifically listed in Table 1.10-1 is consistent with this Ordinance in the district for which it is proposed, the Planning Board shall be guided by the land use standards listed in 1.10.3, considering similarities and differences between the proposed land use and the land uses for which standards are expressly provided.

Table 1.10-1. Allowable Land Uses by District, and Application Dispositioning Authority

No.	Residential Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
101	Accessory apartment	CEO	CEO	NO	CEO	CEO
102	Boarding house, boarding care facility	PB	NO	NO	PB	NO
103	Building, structure or use accessory to a residential use	CEO	CEO	CEO	CEO	CEO
104	Cluster housing subdivision	PB	NO (Note 2)	NO (Note 2)	PB	PB
105	Conversion of existing single-family dwelling to multi-family dwelling units, including but not limited to apartments or condominiums	PB	NO	NO	PB	PB
106	Elderly housing facility, assisted living facility	PB	NO	NO	PB	PB
107	Home occupation	CEO	CEO	CEO	CEO	CEO
109	Manufactured housing, mobile home	CEO	NO	NO	CEO	NO
110	Mobile home park	NO	NO	NO	PB	NO
111	Multi-family dwelling, including but not limited to apartments or condominiums	PB	NO	NO	PB	PB
112	Nursing or convalescent home	PB	NO	NO	PB	PB
113	Single-family dwelling	CEO	CEO	CEO	CEO	NO
114	Two-family dwelling (duplex), including but not limited to apartments or condominiums	CEO	CEO	CEO	CEO	NO

No.	Retail, Light Commercial, Agricultural and Civic Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
201	Agricultural and related heavy equipment sales and associated services	NO	PB	NO	NO	NO
202	Agricultural products storage and distribution	NO	PB	PB	NPR	NO
203	Amusement center	NO	PB	NO	PB	PB
204	Art gallery	PB	PB	NO	PB	PB
205	Automobile fueling services, excluding body and major mechanical repair	NO	PB	NO	PB	NO
206	Automobile sales and associated services, excluding body and major mechanical repair	NO	PB	NO	PB	NO
208	Bed & Breakfast establishment or similar transient accommodations	PB	NO	NO	PB	NO
209	Banks	PB	PB	NO	NO	PB

No.	Retail, Light Commercial, Agricultural and Civic Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
210	Bottle club	PB	PB	NO	PB	PB
211	Business services and processing services	PB	PB	PB	PB	PB
212	Campground	NO	NO	NO	PB	NO
213	Cemetery	NO	NO	NO	PB	NO
214	Churches and other religious facilities	PB	NO	NO	PB	NO
215	Clinic, medical	PB	PB	NO	PB	PB
216	Commercial complex	PB	PB	NO	PB	PB
217	Commercial outdoor recreation facility	NO	PB	NO	PB	PB
218	Community and civic buildings	PB	NO	NO	PB	PB
219	Craftsmen's offices, shops, and showrooms	PB	PB	PB	PB	PB
220	Farming activities, including crop and dairy farming, animal husbandry, and outdoor storage of agricultural products	NPR	NPR	NPR	NPR	NO
221	Flea market	NO	PB	NO	PB	PB
222	Funeral homes	PB	NO	NO	PB	NO
223	Helipad	NO	NO	PB	PB	NO
224	Hospital	NO	PB	NO	PB	NO
225	Hotel or motel, or similar transient accommodations	NO	PB	NO	PB	NO
226	Kennels	NO	NO	PB	PB	NO
227	Landscaping businesses	PB	PB	PB	PB	NO
228	Library	PB	NO	NO	PB	NO
229	Light manufacturing, fabrication, assembly	NO	PB	PB	PB	NO
230	Mechanical repair of small equipment	NO	PB	PB	PB	NO
231	Monument and stone works	NO	PB	NO	PB	NO
232	Museum	PB	NO	NO	PB	PB
233	Nurseries and greenhouses (commercial)	NO	PB	NO	PB	NO
234	Office buildings	PB	PB	PB	PB	PB
235	Outdoor displays / sales accessory to permitted uses	PB	PB	PB	PB	PB
236	Personal services	PB	PB	NO	PB	PB
237	Pet grooming services	PB	PB	PB	PB	NO
238	Post office	PB	PB	NO	NO	NO
239	Printing / publishing	PB	PB	PB	PB	PB
240	Private outdoor recreation facility	CEO	CEO	NO	CEO	CEO
241	Professional services	PB	PB	NO	PB	PB
242	Public utilities	PB	PB	PB	PB	PB
243	Restaurants	PB	PB	PB	PB	PB
244	Retail business	PB	PB	PB	PB	PB

No.	Retail, Light Commercial, Agricultural and Civic Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
245	Schools, commercial	PB	PB	PB	PB	PB
246	Schools, public and private; and day care centers	PB	NO	NO	PB	PB
247	Seasonal sale of plants and produce grown locally	NPR	NPR	NO	NPR	NPR
248	Service clubs and fraternal or veterans' organizations	PB	PB	NO	PB	PB
249	Sole source pharmacy including but not limited to methadone clinics	NO	PB	NO	NO	NO
250	Studio	PB	PB	NO	PB	PB
251	Theaters and other indoor places of assembly and entertainment	PB	PB	NO	PB	PB
252	Tradesmen's offices, shops, and showrooms	NO	PB	PB	PB	PB
253	Veterinaries	NO	PB	NO	PB	NO
254	Warehousing, processing, and distribution	NO	PB	PB	PB	NO
255	Wind Energy Facilities, including wind turbines, towers, and associated structures	PB (Note 1)	PB (Note 1)	PB (Note 1)	PB (Note 1)	NO
256	Wireless telecommunication services facility, including but not limited to cell and radio towers	PB	PB	PB	PB	NO
257	Yard sale	NPR	NPR	NO	NPR	NPR
258	Marijuana Cultivation Facility	NO	NO	NO	PB	NO
259	Solar Arrays	PB	PB	NO	PB	NO

No.	Industrial and Heavy Commercial Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
301	Airfield, airport	NO	PB	NO	PB	NO
302	Boat storage facilities	NO	PB	PB	PB	NO
303	Bulk storage plants	NO	NO	PB	NO	NO
304	Commercial mineral extraction	NO	NO	NO	PB	NO
305	Commercial storage facility	NO	NO	PB	NO	NO
306	Compartmentalized storage facilities	NO	PB	PB	PB	NO
307	Construction services, excluding processing of raw materials or storage of materials except for retail sale	NO	PB	PB	PB	NO
308	Distribution businesses	NO	PB	PB	NO	NO
309	Excavation, processing, and storage of soil, loam, sand, and gravel	NO	NO	PB	PB	NO
310	Junkyard, auto graveyard, auto recycling	NO	NO	PB	PB	NO
311	Lumber yard, sawmill, pulp mill	NO	NO	NO	PB	NO

312	Living quarters for watchman or custodian	NO	PB	PB	NO	NO
313	Manufacturing, assembly, compounding, processing, packing, treatment of products	NO	NO	PB	NO	NO

No.	Industrial and Heavy Commercial Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
314	Automobile/vehicle body shop and automobile repair services	NO	PB	PB	PB	NO
315	Municipal solid waste transfer	NO	NO	PB	PB	NO
316	Radioactive low-level waste disposal facility	NO	NO	NO	NO	NO
317	Retail sales accessory (incidental) to an allowed use	PB	PB	PB	PB	NO
318	Solid waste disposal and/or sewage treatment facility	NO	NO	NO	NO	NO
319	Tire storage	NO	NO	PB	PB	NO
320	Transportation facilities	NO	PB	PB	NO	NO
321	Warehouses	NO	PB	PB	NO	NO
322	Industrial Metallic Mineral Mining	NO	NO	PB (Note 3)	NO	NO

No.	Other Uses	Village District	Commercial District	Industrial District	Rural District	Community Center District
401	Accessory buildings	CEO	CEO	CEO	CEO	CEO
402	Driveways, entrances and access points to public roads, including curb cuts	CEO	CEO	CEO	CEO	CEO
403	Other uses similar in local impact to allowed uses	PB	PB	PB	PB	PB
404	Signs	CEO	CEO	CEO	CEO	CEO
405	Temporary structures	CEO	CEO	CEO	CEO	CEO

Key:

PB Application to be dispositioned by Planning Board
CEO Application to be dispositioned by Code Enforcement Officer
NPR No permit required
NO Not allowed

Note 1 Applications for one (1) fifty (50) ft. or less wind energy facilities complying with 1.10.3.30a may be dispositioned by the CEO.
Note 2 Land in different zones where cluster development is not allowed may be counted as open space at the rate of the zone with dwellings, as long as in single ownership and part of the overall plan.
Note 3 Industrial Metallic Mineral Mining uses within the Industrial District must comply with

and obtain all necessary permits and approvals required by the Maine Metallic Mineral Mining Ordinance.

1.10.2. Dimensional Requirements

1.10.2.1. Standard Dimensional Requirements

Standard dimensional requirements for lot size, lot coverage, frontage, setbacks, and building height shall be as listed in Table 1.10-2, unless otherwise specified for specific land uses in 1.10.3.

Table 1.10-2. Standard Dimensional Requirements by District

Dimension	Village	Commercial	Industrial	Rural	Community Center District
Minimum lot size (sq. ft.)	20,000	60,000	10A*	60,000	20,000
Minimum lot size for dwellings (sq. ft.)					
Single-family	20,000	60,000	N/A	60,000	N/A
Single-family w/ accessory apartment	20,000	60,000	N/A	60,000	N/A
Two-family	40,000	90,000	N/A	90,000	N/A
Multi-family					
first dwelling unit	20,000	N/A	N/A	60,000	0
each additional dwelling unit	20,000	N/A	N/A	30,000	0
Minimum lot size for cluster housing					
Overall lot size (sq. ft.)	20,000	N/A	N/A	60,000	N/A
Lot size per dwelling unit (sq. ft.)	20,000			20,000	N/A
Minimum street frontage (ft.)	100	150	500*	150	100
Minimum front yard from edge of right-of-way (ft.)**	25	30	200*	25	25
Minimum side and rear yard (ft.)**	20	20	200*	20	0
Maximum building height (ft.)					
Residential	35	35	N/A	35	50
Nonresidential	50	50	50	50	50
Maximum lot coverage by buildings	20%	20%	25%	10%***	80%

* Dimensional requirements for a lot in the Industrial District are defined for a single-lot district, such as an industrial park in single ownership. For more complex lot configurations, further refinements may be made by amendment in the process of establishing the district through the procedure specified in 1.5.8 and 1.8.1.3.

** The minimum front yard setback shall be required for each yard abutting a public right-of-way.

*** Maximum lot coverage in the Rural District shall be fifteen (15) percent for Town-owned properties used for municipal purposes. Maximum lot coverage in the High Elevation Overlay District (see 1.11.3) shall be five (5) percent.

1.10.2.2. Setback Exceptions

The Board of Appeals may grant limited variances from strict application of the front and side setback distances under circumstances established in 12.5.9.8.

1.10.2.3. Secondary Feature Exceptions

Features of buildings or structures not intended for human habitation, such as chimneys, ventilators, towers, and spires, may exceed these heights, but shall be set back from all lot lines a distance not less than the height of such feature or structure.

1.10.2.4. Road Frontage Exceptions

Up to two new "back lots" (without road frontage) may be created from any preexisting lot of record as of March 12, 1988, provided they:

1.10.2.4.1. conform to the minimum lot size required in the District;

1.10.2.4.2. are accessed by a minimum twelve (12) foot wide driveway containing eighteen (18) inches of gravel, with drainage ditches and with culverts at appropriate points, within a deeded right-of-way which is not less than fifty (50) feet wide, and provided the creation of said right-of-way does not leave the original lot nonconforming in terms of area or frontage; and

1.10.2.4.3. are at least as wide as the road frontage dimension normally required in the District.

1.10.3. Land Use Standards

1.10.3.1. Purpose

The standards contained in this section are intended to allow various uses to be accommodated without detriment to neighboring uses and properties.

1.10.3.2. Accessory Buildings

No garage or other accessory building shall be located in a required front yard. Accessory buildings not exceeding ten (10) feet in height may be located not less than ten (10) feet from side or rear lot lines. Accessory buildings exceeding ten (10) feet in height shall be located not less than one (1) foot from the side or rear lot lines for each foot of height.

1.10.3.3. Automobile Fueling Services

This use is allowed only on properties with frontage directly on Heald Highway that is not

less than the minimum road frontage required in the Rural District, and with vehicle access at least from Heald Highway.

1.10.3.4. Boarding House, Boarding Care Facility, Elderly Housing Facility, Assisted Living Facility

In the Village District and the Rural District, a facility of this type may not exceed a capacity of twelve (12) boarders.

1.10.3.5. Campgrounds

Campgrounds shall conform to the Shoreland Zoning provisions.

1.10.3.6. Commercial Complex

A commercial complex in the Village District shall not exceed a ground footprint of 12,000 sq. ft., and shall be allowed only in the following areas: along the north side of Burkett Road from Town House Road to 52 Burkett Road; along the south side of Common Road from Depot Street to 281 Common Road; and along the south side of Common Road from the St. George River to Fairgrounds Lane.

1.10.3.7. Convalescent Homes

Convalescent homes, including nursing homes, extended care facilities, and other facilities primarily for the elderly or those requiring nursing care shall conform to the following:

1.10.3.7.1. New buildings shall be no higher than one (1) story, twenty-five (25) feet in height;

1.10.3.7.2. Existing buildings shall not be used for human occupancy above the second story;

1.10.3.7.3. All convalescent homes shall meet State Fire Safety Regulations;

1.10.3.7.4. Lots shall meet all requirements for single-family dwellings;

1.10.3.7.5. No parking shall be located within the required yard areas.

1.10.3.8. Dwellings

1.10.3.8.1. Single-family Dwelling

A single-family dwelling shall comply with the dimensional requirements established in 1.10.2.

1.10.3.8.2. Two-family Dwelling

A two-family dwelling (duplex) shall comply with the dimensional requirements established in 1.10.2.

1.10.3.8.3. Multi-family Dwelling

A multi-family dwelling, other than a duplex or apartment conversion, shall conform to

the following:

1.10.3.8.3.1. Lots and multi-family dwellings shall meet all other dimensional requirements for the District in which they are located.

1.10.3.8.3.2. In the Village District and the Rural District, no building shall contain more than six dwelling units.

1.10.3.8.3.3. All units shall be connected to a common water supply and distribution system, either public or private.

1.10.3.8.3.4. All units shall be connected to a public sewer system, if available, or to a central collection and treatment system, in accordance with the Maine State Plumbing Code.

1.10.3.8.3.5. All multi-family dwelling structures shall install a lockbox based on recommendations provided by the Fire Chief.

1.10.3.8.3.6. All multi-family dwelling structures that are at least two stories tall shall install the internal elevator space size at least ten feet by six feet (10x6) unless directed otherwise by one of the heads of the emergency services.

1.10.3.8.3.7. For the Community Center District, the dimensions from the Standard Dimension Requirements (Section 1.10.2.1) shall apply to Multiple Family Dwelling Structures. In addition, the following minimum living areas shall also apply:

Each unit shall contain the following minimum living areas:

Efficiency or studio apartment	190 sq. ft.
1-bedroom apartment	250 sq. ft.
2-bedroom apartment	550 sq. ft.
3-bedroom apartment	700 sq. ft.
4-bedroom apartment	850 sq. ft.

1.10.3.8.3.8. Off-street parking shall be provided in accordance with 1.10.4.2, but may be adjusted or reduced by the Planning Board based on the demand of the residential use type.

1.10.3.8.3.9. No parking shall be located within the required yard areas.

1.10.3.8.4. Apartment Conversion

A single-family dwelling may be converted to a number of dwelling units appropriate to the structure and lot, provided:

1.10.3.8.4.1. All lot size requirements established in Table 1.10-2 for multi-family dwellings shall be met;

1.10.3.8.4.2. The street frontage requirement established in Table 1.10-2 for a single-family dwelling shall be met;

1.10.3.8.4.3. Alterations shall be limited to those required to comply with applicable health, building, and State fire safety regulations, and shall not substantially alter the single-family appearance of the residence;

1.10.3.8.4.4. If not connected to a public sewer system, the lot must contain sufficient area and suitable soil conditions for on-site disposal in accordance with the Maine State Plumbing Code, Part 2.

1.10.3.8.4.5. Each unit shall contain the following minimum living areas:

Efficiency or studio apartment	300 sq. ft.
1-bedroom apartment	400 sq. ft.
2-bedroom apartment	550 sq. ft.
3-bedroom apartment	700 sq. ft.
4-bedroom apartment	850 sq. ft.

1.10.3.8.4.6. Off-street parking shall be provided in accordance with 1.10.4.2.

1.10.3.8.4.7. No parking shall be located within the required yard areas.

1.10.3.8.4.8. All units shall remain in single ownership, and at least one unit shall be owner-occupied at all times.

1.10.3.8.5. Accessory Apartment (In-Law Apartment)

One accessory apartment may be developed within or attached to an existing single-family dwelling, subject to the regulations in this section. The accessory apartment may also be detached for an existing single-family dwelling if it can meet all set back requirement. The accessory apartment shall not be considered an additional dwelling unit for purposes of applying the dimensional standards specified in 1.10.2.

1.10.3.8.5.1. The principal unit and the accessory apartment shall remain under common ownership, and one of the units shall be owner-occupied at all times.

1.10.3.8.5.2. The accessory apartment shall not alter the basic character of the building as a single-family dwelling.

1.10.3.8.5.3. One driveway shall service both the principal and Accessory Dwelling Unit. No additional parking shall be required for the Accessory Dwelling Unit.

1.10.3.8.5.4. The accessory apartment shall include its own kitchen, three-fixture bath, and no more than one bedroom. The floor area of the apartment must be at least 190 square feet and cannot exceed eight hundred (800) square feet and 33% of the floor

area of the existing home.

1.10.3.8.5.5. The accessory apartment shall comply with all applicable codes and ordinances.

1.10.3.8.5.6. One (1) accessory apartment shall be exempt from the minimum lot size requirement under 1.10.2 (Dimensional Requirements) if it is located outside a Shoreland Zone identified by the Town of Union or the State of Maine. The accessory apartment shall still comply with all other standard dimensional requirements under 1.10.2 (Dimensional Requirements).

1.10.3.8.5.7. Accessory apartments shall be applicable to subdivision standards. For example, an individual who builds two separate single family dwelling units and one accessory apartment within a five-year period shall be required to seek subdivision approval prior to construction.

1.10.3.8.6. Affordable Housing Development

1.10.3.8.6.1. The proposal must be located in a Designated Growth Area that is cited in the most recent Comprehensive Plan that has been approved by the Town of Union.
1.10.3.8.6.2. The Proposal must be located in an area in which Multi-Family dwellings are a permitted use and shall comply with the standards listed under 1.10.3.8.3 (Multi-family Dwelling).

1.10.3.8.6.3. The applicant must execute a restrictive covenant, recorded in the Knox County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least thirty (30) years after completion of construction.

1.10.3.8.6.4. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

1.10.3.8.6.5. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

1.10.3.8.6.7. Density. The dwelling unit density shall be 2 ½ times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number. Example: In the Village District, 2.5 units will be permitted for every 5,000 square feet if the parcel is connected to centrally managed water and comparable sewer systems.

1.10.3.8.6.8. Parking. An Affordable Housing Development must provide two (2) off-street parking spaces for every three (3) proposed units.

1.10.3.9. Group Homes/Boarding Homes

Group Homes/Boarding Homes providing full-time staffing and residential facilities for short and long-term occupancy by those not requiring nursing care shall conform to the following:

1.10.3.9.1. New buildings shall be no higher than two (2) stories, thirty-five (35) feet in height, and no group home shall be used for human occupancy above the second story;

1.10.3.9.2. All Group Homes/Boarding Homes shall meet State Fire Safety Regulations.

1.10.3.10. Excavation, Processing, and Storage of Soil, Loam, Sand and Gravel

1.10.3.10.1. Applicability of Shoreland Zoning Ordinance

All operations shall be conducted in accordance with the shoreland provisions of 4.15.13 Mineral Exploration and Extraction and 4.15.20 Water Quality.

1.10.3.10.2. Setback from Lot Lines

No below-grade excavation shall occur within fifty (50) feet of any lot line. Natural vegetation shall, to the extent possible, not be removed or disturbed within the fifty (50) foot setback from all lot lines.

1.10.3.10.3. Finished Slopes

Finished slopes of excavations, except in rock, shall be no steeper than three (3) feet horizontally to one (1) foot vertically (3:1) and shall be loamed with not less than four (4) inches of topsoil and seeded and mulched to prevent erosion.

1.10.3.10.4. Topsoil Retention

Removal of sod, loam, or topsoil shall leave not less than four (4) inches of topsoil. Where sand, gravel, or other minerals are to be removed, sufficient topsoil shall be stockpiled to permit compliance with 1.10.3.10.3 above.

1.10.3.10.5. Setback from Shoreline

No excavation, filling, or storage of materials shall occur within seventy-five (75) feet of the bank of any waterbody as defined in this Ordinance. No excavation shall result in standing water unless in conformance with a final grading plan approved by the Planning Board.

1.10.3.11. Commercial Mineral Extraction

1.10.3.11.1. Planning Board Approval Required

The excavation, processing, and storage of commercial minerals shall be approved by the Planning Board prior to commencing any operation. The excavation, processing, and storage of topsoil, rock, minerals, sand, gravel, and similar earth materials shall be conducted only after a permit for such operations has been approved by the Planning Board and issued by the Code Enforcement Officer.

1.10.3.11.2. Application for Commercial Mineral Extraction

Application for approval by the Planning Board shall include:

1.10.3.11.2.1. A sketch plan which shows:

1.10.3.11.2.1.1. The name and address of the property owner involved.

1.10.3.11.2.1.2. The name and address of the operator who will undertake the earthmoving activity, if different from the property owner.

1.10.3.11.2.1.3. The location and boundaries of the lot or lots for which approval is requested.

1.10.3.11.2.1.4. The names and addresses of the owners of all parcels of land directly abutting or directly across any street adjoining the property for which approval is requested.

1.10.3.11.2.1.5. The location of all proposed access roads and temporary structures.

1.10.3.11.2.1.6. The location of all natural or man-made water bodies and wetlands within the proposed site or within one kilometer (3,281 feet) of the proposed site.

1.10.3.11.2.1.7. The topography and elevation of the proposed site shown with contour lines with a contour interval of not more than five (5) feet.

1.10.3.11.2.1.8. The specific location of the proposed earth movement with an indication of the degree to which earth movement activity will occur within specified time intervals.

1.10.3.11.2.2. Written statements and/or sketch plans which detail:

1.10.3.11.2.2.1. The location and nature of proposed fencing, buffer strips, signs, lighting, parking, and loading areas.

1.10.3.11.2.2.2. The proposed method of earth movement.

1.10.3.11.2.2.3. The estimated duration, regularity, and working hours of the proposed operation.

1.10.3.11.2.2.4. Plans to control erosion and sedimentation during the operation, including plans to prevent water runoff or other excess water discharge from polluting adjacent or neighboring natural waters and wetlands.

1.10.3.11.2.2.5. Plans to stabilize unstable slopes.

1.10.3.11.2.2.6. Plans to store and/or remove stripped vegetation, topsoil, or other surficial materials. Plans for the rehabilitation and restoration of the site upon completion of the operation, including the timing of such site restoration, the final grade, and methods to control erosion and sedimentation both during and after reclamation activities.

1.10.3.11.2.2.7. The effect of the proposed activity on existing and foreseeable traffic patterns in the town.

1.10.3.11.3. Performance Standards for Commercial Mineral Extraction

1.10.3.11.3.1. Planning Board to Specify Requirements

The Planning Board in granting approval shall specify such requirements as it deems necessary or desirable to ensure compliance with the following performance standards.

1.10.3.11.3.2. Setback from Lot Lines and Street Lines

No part of any extraction operation shall be permitted within one hundred fifty (150) feet of any property or street line, except that drainage ways to reduce runoff into or from the extraction area may be allowed up to within fifty (50) feet of such line. No excavation shall be extended below the grade of adjacent streets unless one hundred (100) feet from the street line or unless provision has been made for reconstruction of the street at a different level. No below-grade excavation, except for drainage ways, shall occur within fifty (50) feet of any other lot line except as allowed above. Natural vegetation shall be undisturbed and maintained in all setback and buffer areas.

1.10.3.11.3.3. Pile Heights and Slopes

No slope steeper than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted at any extraction site for any materials stored or stockpiled on the site. Maximum height of tailings or other materials piles shall not exceed fifty (50) feet (15.24 meters).

1.10.3.11.3.4. Screening from Surrounding Property

The operation shall be shielded from surrounding property with adequate screening.

1.10.3.11.3.5. Liability Insurance

Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation and the closure/reclamation phase.

1.10.3.11.3.6. Topsoil to Be Stockpiled

All topsoil and subsoil suitable for purposes of restoration and revegetation shall be stripped from the location of the extraction operations and stockpiled in reserve for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion.

1.10.3.11.3.7. Control of Runoff, Debris, and Effluents
No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials that run off, seep, percolate, or wash into surface or ground waters and are of such nature, quantity, obnoxiousness, toxicity, or temperature as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

1.10.3.11.3.8. Control of Sediment
Sediment shall be trapped by diversions, silting basins, terraces, and other measures designed by a professional engineer in order to protect surface water bodies from sedimentation.

1.10.3.11.3.9. Control of Erosion
Specific plans shall be established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon completion of operations, it shall be at a slope not steeper than three (3) feet horizontal to one (1) foot vertical (3:1) and shall be loamed with not less than four (4) inches of topsoil and seeded and mulched to prevent erosion. The sides and bottoms of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission Technical Guide Standards and Specifications.

1.10.3.11.3.10. Disturbance of a Water Source
The operation shall create no disturbance of a water source.

1.10.3.11.3.11. Hours of Operation
The hours of operation at any extraction and/or mineral processing site shall be limited to 7:00 a.m. to 6:00 p.m. during weekdays, unless otherwise specified by the Planning Board.

1.10.3.11.3.12. Covering of Loaded Vehicles
Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

1.10.3.11.3.13. Control of Road Dust and Mud
All access or egress roads leading to or from the extraction site to public ways shall be treated with suitable materials and with repeated frequency sufficient to reduce dust and mud for a distance of at least hundred (100) feet from such public ways.

1.10.3.11.3.14. Control of Emissions
Any processing of the extracted materials on site shall be accomplished within noise limiting, odor emitting, and air emission standards defined in 1.10.7 and 1.10.8 of this Ordinance.

1.10.3.11.3.15. Transport of Materials
Any transport to or from the extraction or processing site of dangerous, hazardous, or toxic materials shall be in approved containers/vehicles in accordance with I.C.C. specifications, driven by appropriately licensed personnel, and escorted as appropriate to avoid accidents or spillage.

1.10.3.11.3.16. Storage of Materials
Any dangerous, hazardous, or toxic materials that are necessary to the operation and are kept on the extraction or processing site, such as, but not limited to, explosives, detonators, acids, and toxic chemicals, shall be securely stored in approved facilities and adequately protected against theft, tampering, or vandalism. Facilities and methods of storage shall be in accordance with best professional standards, including Mine Safety Appliance Guidelines, National Association of Underwriters, and National Fire Protection Association Standards. Premises shall be open to inspection on demand by the Town Fire Chief and State Fire Marshall.

1.10.3.11.3.17. Extraneous Materials and Equipment
No equipment, debris, junk, or other extraneous material shall be allowed to accumulate on an extraction site, except that directly related to active extraction operations or processing operations, and any temporary shelters or buildings erected

for such operations and equipment used in connection therewith shall be removed within thirty (30) days following completion of active extraction operations.

1.10.3.11.3.18. Site Restoration
Within twelve (12) months following the completion of extraction operations at any extraction site or any of one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board so that:

1.10.3.11.3.18.1. All debris, stumps, boulders, and similar materials shall be removed and disposed of in an approved location or buried and covered with a minimum of two (2) feet of soil. Only materials generated on site may be buried or covered.

1.10.3.11.3.18.2. Storm drainage and water courses shall leave the location at the original natural drainage points, where practicable, and in a manner such that the amount of drainage at any point is not significantly increased.

1.10.3.11.3.18.3. The disturbed land shall be restored as nearly as possible with contours approaching the natural contours which pre-existed the extraction operation.

1.10.3.11.3.18.4. At least four (4) inches of topsoil or loam shall be retained or obtained to cover all disturbed land areas, which shall be reseeded and properly restored to a stable condition. Upon completion of each section, in accordance with

approved plans, all disturbed areas shall be loamed with not less than four (4) inches of topsoil, seeded, and mulched to prevent erosion. Suitable vegetation native to the area prior to the land-clearing activity shall be replanted upon completion of the reclamation phase.

1.10.3.11.3.18.5. The final grade slope shall not exceed a three to one (3:1) slope.

1.10.3.11.3.19. Surety and Terms of Approval
No approval shall be issued without adequate security to ensure compliance with such conditions as the Planning Board may impose. No approval shall be issued for a period to exceed five (5) years, although such approval may be renewed for additional periods in the same manner contained herein. A performance bond may be required in an amount sufficient to ensure the complete restoration of the site in the event of financial failure of the owner or operator. Choice of the bonding firm and determination of the bond amount shall be at the discretion of the Planning Board.

1.10.3.12. Home Occupations
Home Occupations shall include occupations or professions carried out in a dwelling unit or accessory building to the dwelling unit; carried on by a person or persons residing in the dwelling unit; and clearly incidental and secondary to the residential use of the dwelling unit. Home Occupations shall conform to the following:

1.10.3.12.1. Where located within three hundred (300) feet of an existing dwelling, the occupation or profession shall be carried on wholly within the dwelling unit or accessory building(s) on the premises.

1.10.3.12.2. Off-street parking shall conform to the off-street parking and loading requirements of this Ordinance.

1.10.3.12.3. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, or glare shall be generated.

1.10.3.13. Industrial District Uses
All facilities in the Industrial District shall provide for vehicle access only from Heald Highway.

1.10.3.14. Junkyards/Automobile Graveyards/Automobile Recycling
Junkyards/Automobile Graveyards/Automobile Recycling shall conform to 30-A M.R.S.A. Sections 3751 through 3760.

1.10.3.15. Manufacturing, Warehousing, Transportation Facilities, Research Facilities
Where located adjacent to residential lots, Manufacturing, Warehousing, Transportation Facilities, and Research Facilities shall conform to the following:

1.10.3.15.1. Side and rear yard setbacks shall be not less than fifty (50) feet, of which not less than twenty (20) feet shall be maintained as yard space.

1.10.3.15.2. No parking or outdoor storage shall be located within the required twenty (20) foot yard area.

1.10.3.15.3. All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots, as required for off-street parking and loading spaces

1.10.3.16. Municipal Solid Waste Transfer Facility

This use is allowed only in the Rural and Industrial Districts, only on properties with frontage directly on Heald Highway that is not less than the minimum road frontage required in the district, and only with vehicle access at least from Heald Highway.

1.10.3.17. Nursing and Convalescent Homes

In the Village District and Rural District, such homes shall contain no more than twelve (12) units.

1.10.3.18. Office Buildings

Office buildings in the Village District shall not contain more than six (6) units.

1.10.3.19. On-Site Sale of Products

Agricultural or horticultural products, the major portion of which is grown or produced on the premises, may be sold from a stand not exceeding one hundred (100) square feet in area. A larger size building shall be considered a retail or wholesale business.

1.10.3.20. Printing/Publishing

Printing and/or publishing facilities in the Village and Rural Districts shall not exceed a ground footprint of one thousand five hundred (1,500) sq. ft.

1.10.3.21. Public Buildings

Public buildings shall conform to the applicable off-street parking and loading requirements and to the land use standards applicable to similar privately-operated facilities.

1.10.3.22. Public Utility Buildings

Public utility buildings shall conform to the applicable off-street parking and loading requirements. Offices shall conform to the land use standards for Retail and Wholesale Business, Services, Business and Professional Offices and Commercial Outdoor Recreation. Storage, manufacturing, and research uses shall conform to the land use standards for Manufacturing, Warehousing, and Research Facilities and/or Outdoor Sales and Storage, as applicable.

1.10.3.23. Refuse Disposal Facilities

Commercial and private refuse disposal facilities shall comply with the Town of Union Hazardous Waste Ordinance and with 30-A M.R.S.A. Sections 3751 through 3760.

1.10.3.24. Restaurants, Motels, Outdoor Sales and Storage

1.10.3.24.1. Restaurants

Restaurants shall conform to the following:

1.10.3.24.1.1. Lots shall meet all requirements for single-family dwellings.

1.10.3.24.1.2. No parking shall be located within ten (10) feet of any lot line.

1.10.3.24.1.3. Refuse containers not within a building shall be placed not less than thirty (30) feet from any lot line and shall be screened from view and maintained to prevent excess flies and vermin.

1.10.3.24.1.4. Restaurants serving "takeout" food or providing outdoor dining on the premises shall provide suitable waste receptacles for use by customers.

1.10.3.24.2. Motels

Motels shall conform to the following:

1.10.3.24.2.1. Lots shall meet all requirements for single-family dwellings and shall have an area of not less than five thousand (5,000) square feet per sleeping room.

1.10.3.24.2.2. New buildings shall be no higher than two (2) stories.

1.10.3.24.2.3. No parking shall be located within ten (10) feet of any lot line.

1.10.3.24.3. Outdoor Sales and Storage

Outdoor Sales and Storage shall conform to the following:

1.10.3.24.3.1. Lots shall meet all requirements for single-family dwellings.

1.10.3.24.3.2. No parking or storage shall be located within twenty (20) feet from any lot line.

1.10.3.24.3.3. All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots, as required for off-street parking and loading spaces.

1.10.3.25. Retail and Wholesale Businesses, Business and Professional Offices, and Commercial Outdoor Recreation

Where located adjacent to residential lots, the above uses shall conform to the following:

1.10.3.25.1. Side and rear yard setbacks shall be not less than thirty (30) feet, of which not less than ten (10) feet shall be maintained as yard space.

1.10.3.25.2. No parking or outdoor storage shall be located within ten (10) feet of any lot line.

1.10.3.25.3. All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots as required for off-street parking and loading areas.

1.10.3.25.4. Retail facilities in the Village District shall not exceed a ground footprint of

two thousand five hundred (2,500) sq. ft.

1.10.3.26. Schools, Public and Private; Semi-Public Buildings; Churches and other Religious Facilities; and Cemeteries

These uses shall conform to the following:

1.10.3.26.1. Side and rear yard setbacks shall be not less than thirty (30) feet, of which not less than ten (10) feet shall be maintained as yard space;

1.10.3.26.2. No parking or outdoor storage shall be located within the required ten (10) foot yard area;

1.10.3.26.3. Applicable off-street parking and loading requirements shall be met, except that no off-street parking shall be required for cemeteries.

1.10.3.27. Performance Standards for Marijuana Cultivation Facilities

Marijuana Cultivation Facilities shall conform to the following approval and performance standards, as applicable, in order to receive permit approval, and at all times during their operation.

1.10.3.27.1. Planning Board to Specify Requirements

The Planning Board in granting approval shall specific such requirements as it deems necessary or desirable to ensure compliance with the following performance standards.

1.10.3.27.2. Prohibitions

Caregiver Retail Stores as the term is defined in 22 MRS § 2422(1-F) operating pursuant to 22 MRS § 2421 et seq., Marijuana Store as defined by 28-B MRS § 102(34) operating pursuant to 28-B MRS § 101 et seq., Products Manufacturing Facilities operating pursuant to 22 MRS or 28-B MRS 101 et seq., and testing labs operating pursuant to 22 MRS § 2421 et seq. and 28-B MRS § 101 et seq. are prohibited.

1.10.3.27.3. Compliance with State Law

1. Marijuana Cultivation Facilities shall adhere to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) or Adult Use Marijuana Program Rule (18-691 CMR Chapter 1), as applicable, as the same may be amended from time to time.
2. No Marijuana Cultivation Facility shall operate without the applicable state license.
3. A Marijuana Cultivation Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine adopts in the future any stricter law or regulation governing Marijuana Cultivation Facilities, that stricter law or regulation shall control.

1.10.3.27.4. Security

1. Security measures at a Marijuana Cultivation Facility shall include the following at a minimum:
    a. Security surveillance cameras installed and operating twenty-four (24) hours per day, seven (7) days per week to monitor all entrances, along with the interior and exterior of the facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property. All security recordings shall be preserved for thirty (45) days by the management of the licensed Marijuana Cultivation Facility.
    b. Door and window intrusion alarm systems with both audible on-site system and off-site police notification components that are professionally monitored and maintained in good working condition.
    c. A safe or other secured area affixed to the building in which it is located that is suitable for the storage of all cash stored overnight in the Marijuana Cultivation Facility.
    d. Exterior lighting that illuminates all exterior walls of the licensed Marijuana Cultivation Facility, without causing undue light intrusion onto surrounding properties.
    e. A fence or wall around any exterior area in which marijuana is to be cultivated, of sufficient height and strength to prevent intrusion. Commercial grade locks on all exterior doors or gates to the exterior fenced area.
2. Marijuana Cultivation Facilities shall not be open to the general public.
3. No marijuana or paraphernalia shall be visible from outside the building. Any marijuana plants being cultivated outdoors shall be screened from view so as to prevent their being seen from any road, driveway, parking lot, sidewalk, entranceway or adjacent or abutting property.

1.10.3.27.5. Odor

1. Sufficient measures and means shall be utilized to prevent smoke, odors, debris, dust, fluids and other substances from exiting the property boundaries of a Marijuana Cultivation Facility.
2. All drying, curing, trimming, or packaging of marijuana for use or for sale occurring at a Marijuana Cultivation Facility shall occur indoors within a fully enclosed structure.
3. Any enclosed structure used for drying, curing, trimming, and/or packaging of marijuana shall be equipped with carbon filtration to mitigate odor.

1.10.3.27.6. Waste Disposal

A Marijuana Cultivation Facility shall provide adequate and lawful means to dispose of all wastes and byproducts generated by the facility.

1.10.3.28. Signs

1.10.3.28.1. Setback

Signs are not to be considered structures for setback purposes.

1.10.3.28.2. Content Restrictions

Except for directional signs permitted by the Maine Travelers Information Services Act, or signs on municipal property, all permanent signs shall relate to goods and services available on the premises on which the sign is located.

1.10.3.28.3. Size Restrictions

Maximum allowed size of signs shall be based on the posted speed limit on the street or road on which the sign is located, as follows:

Posted Speed Limit	Maximum Size Allowed
0 to 30 MPH, or not posted	32 sq. ft.
31 to 50 MPH	48 sq. ft.
51 MPH and above	90 sq. ft.

1.10.3.28.4. Safety Restrictions

No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with, any authorized sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

1.10.3.28.5. Temporary Signs

Temporary signs shall be allowed for special events only for a period not to exceed thirty (30) consecutive days in a twelve (12) month period and shall require no permit or fee.

1.10.3.28.6. Changeable Sign

See definition

1. Rapidly means more frequently than once per twenty (20) minutes.
1. Display means those portions of the surface area of a changeable sign that are capable of being periodically altered rapidly for the purpose of conveying the same or a different message.
2. A message is altered if the display changes color or appearance; rolls, flashes, scrolls, blends, phases or pulses or its words, numbers, symbols, and / or images change.

The message on the display of a changeable sign is prohibited from being altered more frequently than once every three (3) seconds, except a message may pause, pulse, roll, scroll, or blend provided that a full cycle of the message takes at least twenty-five (25) seconds to complete.

Changeable signs are allowed on property abutting Heald Highway only.

1.10.3.28.7. Existing Signs Grandfathered

Any permitted sign in existence as of the effective date of this Ordinance shall be grandfathered.

1.10.3.28.8. Exceptions to Sign Permit Requirements

Permits are not required for personal occupant signs of two (2) square feet or less of display area, historic designation signs, three (3) temporary real estate signs per lot totaling a maximum of fifty (50) square feet, signs indicating "No Trespassing" or "No Hunting" posted in accordance with State laws and regulations, traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, and other such temporary emergency or non-advertising signs.

1.10.3.29. Cluster Development

1.10.3.29.1 Purpose

The purpose of these performance standards is to encourage retention of the rural character of the Town by preserving undeveloped land, including farmland, forest land, and other undeveloped land, and to allow innovative development layout in the Village and Rural Districts where cluster developments are permitted. This is accomplished by allowing an innovative type of development that permits homes to be built on lots that are smaller than normally allowed but requires undeveloped land to be preserved. To this end, the requirements for overall lot size of the development and minimum lot size per dwelling unit may be altered without restriction, except as may be otherwise restricted in these Ordinance provisions.

1.10.3.29.2 Planning Board

This provision of the Land Use Ordinance relates to space and bulk. The Planning Board in reviewing and approving proposed residential subdivisions that are classified as cluster developments, located in Union Village District or Rural District, may modify the provisions relating to minimum overall lot size and minimum lot size per dwelling unit to permit innovative approaches to housing and environmental design as outlined in this Subsection. Any permit granted by the Planning Board shall not be construed as the granting of a variance.

1.10.3.29.3 Lot Size Minimums for Density Calculations

Minimum Overall Lot Size	Village District 20,000 sq. ft.	Rural District 60,000 sq. ft.
Minimum Lot Size per Dwelling Unit	determined by PB	

1.10.3.29.4. Other Bulk and Space and Subdivision Standards

Cluster developments shall meet all additional requirements beyond lot area requirements in the Land Use Ordinance and all the provisions and requirements under the Subdivision Ordinance, including applicable performance standards.

1.10.3.29.5. Undeveloped Area

The total area of undeveloped land within the development must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District in which the development is located. There should be no approval of any proposed development which exceeds the net residential density

established by the area of residual space available for the residential development after deduction of vehicular rights-of-way and land not buildable because of drainage subsurface conditions or other natural impediments.

1.10.3.29.6. No Further Subdivisions

After Planning Board approval of a proposed cluster subdivision, there shall be no further subdivision of land within the proposed development which will increase the allowable net density. This shall be guaranteed by restrictive covenants provided in the subdivision by the developer who shall furnish and file evidence of the same with the Town of Union in a form approved by the Planning Board at the final submission for approval. This undeveloped land may be used only for agriculture, forestry, conservation, or noncommercial recreation. Easements for public utilities or structures accessory for noncommercial recreation, agriculture, or conservation may be approved by the Planning Board.

1.10.3.29.7. Dedication of Open Space

Open space accumulated by modifying density limits shall be dedicated to the recreational amenity and environmental enhancement of the subdivision and shall be deed recorded as such. Such dedication may include private covenants or arrangements to preserve the integrity of agricultural open spaces for farming or conservation purposes.

1.10.3.29.8. Site Plan Required

Each lot and building must be an element of an overall plan for site development. The applicant shall specify the placement of buildings and the treatment of spaces, paths, roads, utility services, and parking, and in doing so, must consider and address all requirements of this Section and any other relevant Sections of this Ordinance and the Subdivision Ordinance. The undeveloped land must be shown on the site plan with appropriate notation on the face of the plan indicating that undeveloped land may not be used for future building lots and the proposed final disposition of the undeveloped land.

1.10.3.29.9. Landscape Program/Plan

Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, and service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

1.10.3.29.10. Adjacent Waterbodies

Where a cluster development abuts a waterbody, a usable portion of the shoreline, as well as reasonable access to it, shall be part of the undeveloped common land.

1.10.3.29.11. Soils/Sewers

Unless the development shall be served by a public sewer system, the location of subsurface wastewater disposal systems and an equivalent reserve area shall be restricted so as not to be built upon, and the report of a licensed site evaluator shall accompany the plan. No residential buildings shall be constructed on soil types

classified by the S.C.S. as being poorly or very poorly drained.

1.10.3.29.12. Water Supply
Unless the development shall be served by a public water supply, the applicant must demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require construction of storage ponds and dry hydrants or require homes with sprinkler systems. The location of all wells must be shown on the site plan.

1.10.3.29.13. Utilities
Utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters, must be located so as not to be unsightly or hazardous to the public and shall be screened.

1.10.3.29.14. Proof of Ownership Interest/Consent
The owner of property proposed for cluster development shall demonstrate sufficient interest in the property to support the application, i.e., by deed, purchase and sale agreement, or other evidence of ownership. Where there are multiple owners, all the owners must concur in the application.

1.10.3.29.15. Orientation
Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas, in accordance with overall plans for the site development and landscaping.

1.10.3.29.16. Slopes
No construction of buildings within a cluster development may be allowed on slopes that equal or exceed twenty-five percent (25%).

1.10.3.29.17. Street Access
Individual lots or dwelling units may not have direct vehicular access onto a public way that is in existence prior to the development.

1.10.3.29.18. Performance Guarantees
The developer shall file with the Town of Union at the time of submission of Final Plans a performance guarantee. This may be tendered in the form of a certified check payable to the Town of Union or other form of guarantee acceptable to the Planning Board. The conditions and amount of such check shall be determined by the Planning Board with the advice of the various town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all the street grading, paving, storm drainage, and utilities or other improvements specified in the Final Plan and shall be conditional on the satisfactory completion of all such specific improvements within a period agreed upon by the developer and the Planning Board.

1.10.3.29.19. Dedication and Maintenance of Undeveloped Land, Common

Facilities, Services, and Open Space

A. Land Reserved for Use by the Residents

If any or all of the undeveloped land is to be reserved for use by the residents, then:

(a) A formal organization must be formed, and its bylaws must specify maintenance responsibilities. The bylaws must be submitted to the Planning Board for its approval along with approval of the site plan.

(b) Covenants for mandatory membership in the association, setting forth the owners' rights, interest, and privileges in the association and the undeveloped land, must be reviewed by the Planning Board and included in the deed for each lot.

(c) The homeowners' association is responsible for maintaining the undeveloped land and any common facilities unless accepted by the Town.

(d) The association shall levy annual charges against all property owners to defray the expenses connected with maintenance of the undeveloped land, other common and recreational facilities, and Town assessments.

(e) The developer shall maintain control of the undeveloped land and be responsible for its maintenance until development sufficient to support the association has occurred. Such determination is made by the Planning Board upon request of the homeowners' association or the developer.

B. Land Retained by the Applicant/Developer

If the undeveloped land is retained by the applicant, then:

(a) The land may be used only for active agriculture or forestry. The conditions of this use shall be approved by the Planning Board and indicated on the site plan.

(b) The development rights of the undeveloped land shall be deeded to either the Town or another entity approved by the Planning Board and may not be deeded to any other person for development purposes.

(c) An area suitable for the noncommercial recreational use of the lot owners in the cluster development and of an appropriate size must be reserved. This area shall be either dedicated to the Town or reserved for a homeowners' association as in item A.

C. Conveyance to Land Trust

If the undeveloped land is deeded to a land trust, the Planning Board shall approve the

land trust and the conditions of the deed.

D. Conveyance to Town

If the undeveloped land is dedicated to the Town, the Planning Board shall review the language of the dedication and the uses allowed in the undeveloped land and make a recommendation as to their adequacy and whether the land should be accepted.

1.10.3.30. Tire Storage

1.10.3.30.1. Applicability
These requirements shall apply to facilities which are established and operated wholly or in part for the purpose of storing tires.

1.10.3.30.2. Tire Storage Facilities

1.10.3.30.2.1. Tire Storage Area Limit
The area designated for tire storage shall not exceed ten thousand (10,000) square feet.

1.10.3.30.2.2. Stored Materials Limits
These facilities shall accept only rubberized vehicle tires, exclusive of rims, and shall not store the tires for a period exceeding two (2) years.

1.10.3.30.2.3. Buffer Strip Requirements
There shall be a minimum of a two hundred fifty (250) foot buffer strip between the tire pile and all public roads, and between the tire pile and all property boundaries, wells and springs.

1.10.3.30.3. Storage of Tires

1.10.3.30.3.1. Storage Surface
Tires shall be placed on mineral soil.

1.10.3.30.3.2. Pile Height Limit
The height of the pile shall not exceed thirty (30) feet.

1.10.3.30.4. Surface Water Protection
The tire pile shall not lie closer than three hundred (300) feet to a body of classified water.

1.10.3.30.5. Ground Water Protection
No tire storage shall occur within three hundred (300) feet of the outwash plain, glaciomarine delta, kame, stratified moraine, or other deposits commonly consisting of sand or gravel.

1.10.3.30.6. Floodplains
Tires shall not be stored on a floodplain nor within one hundred (100) feet of the 100-year

flood level.

1.10.3.30.7. Access to Storage Area

The owner or operator of the tire storage facility shall control access to the storage area and prevent the storage or disposal of unapproved wastes in the following manner:

1.10.3.30.7.1. A non-combustible fence shall be constructed and maintained to the minimum height of eight (8) feet to enclose the tire storage area and the two hundred fifty (250) foot buffer strip surrounding the pile. Gate(s) shall be open only when an attendant or equipment operator is on duty. The gate(s) shall be closed and locked at all other times.

1.10.3.30.7.2. The owner or operator shall provide and maintain in good repair access roads at the facility site. Such access roads shall be designed and constructed so that traffic or emergency vehicles shall enter and exit the site safely and not be interrupted by inclement weather.

1.10.3.30.8. Fire Protection

The owner or operator shall provide for fire control as follows:

1.10.3.30.8.1. A strip one hundred (100) feet wide cleared to mineral soil must be constructed on all sides of the storage site. All grass, weeds, slash, brush, debris, and other flammable material shall be removed for a distance of one hundred (100) feet in all directions outside the cleared mineral soil strip. Trees need not be removed, except that green branches of conifers and dead branches of all trees shall be pruned to a height of ten (10) feet above the gravel. Dead snags of all trees shall be removed.

1.10.3.30.8.2. The owner or operator shall make arrangements for fire control with a local fire department and provide written proof of such. In lieu of such a statement, a written statement from the local fire department must be provided confirming that the owner or operator has available at the site at all times equipment sufficient to contain a fire at the site.

1.10.3.30.9. Operating Plan

The applicant shall submit an acceptable operating plan which shall include at a minimum:

1.10.3.30.9.1. A schedule for periodic removal or disposal of tires.

1.10.3.30.9.2. Procedures to be followed by an attendant in case of emergency.

1.10.3.30.9.3. In case of fire, procedures to be followed for cleanup and disposal of debris and contaminated soil.

1.10.3.30.10. Financial Surety

Escrow accounts or other financial sureties made by the property owner of the tire storage

facility and deemed suitable by the Planning Board shall be required to ensure the availability of adequate funds for cleanup operations or final closure of the facility as may be required.

1.10.3.30.11. Exemptions

The following tire facilities are exempt from the requirements of these rules:

1.10.3.30.11.1. Accumulations of tires at retail tire dealers where the tire stockpiles enclose an area that is less than twenty-five hundred (2,500) square feet and provided the tires are periodically removed from the site.

1.10.3.30.11.2. Accumulation of tires at commercial businesses which in the course of business remove tires from motor vehicles where the tire stockpiles enclose an area that

is less than twenty-five hundred (2,500) square feet and provided the tires are periodically removed from the site.

1.10.3.30.11.3. Accumulations of tires at tire retreading businesses where the tire stockpiles enclose an area that is less than five thousand (5,000) square feet and provided unusable tires are periodically removed from the site.

1.10.3.30.11.4. Accumulations of tires utilized in agricultural activities provided the tires are kept on the site of use.

1.10.3.30.11.5. Portable tire shredders located for thirty (30) days or less at a licensed solid waste facility for the purpose of shredding the facility's accumulation of stockpiled tires.

1.10.3.31. Wind Energy Facilities

1.10.3.31.1. A single wind energy facility, consisting of a single tower not over fifty (50) feet in height and a single wind energy generating unit mounted thereon, shall be an allowed use in any district.

1.10.3.31.2. Clusters of two (2) or more wind energy facilities on a single lot, and facilities exceeding fifty (50) feet in height, shall be permitted only in the Commercial and Rural Districts.

1.10.4. Off-Street Parking and Loading Standards

1.10.4.1. Applicability

Off-street parking and loading shall be provided for each use involving:

- The construction of a new building or structure.
- The construction of an addition of two hundred fifty (250) or more square feet of

floor area to an existing building or structure.
- The change of use, including the establishment of a Home Occupation, of a part or the whole of any existing building or parcel of land from one category of use to another (e.g., residential to retail, office to restaurant, etc.).
- The establishment of a mobile home park.

1.10.4.1.1. Exceptions: Off-Street Parking Requirements on the Union Common

The Planning Board may exempt the strict application of the off-street parking requirements in 1.10.4.3.2 and 1.10.4.3.6 for the lots in the Village District that front directly on the Union Common, from 6 Burkett Road to 52 Burkett Road and from 281 Common Road to 343 Common Road, provided that the applicant demonstrates that he/she has provided for as many off-street parking spaces as possible for employees and patrons.

1.10.4.2. Off-Street Parking Standards (Residential)

1.10.4.2.1. Single-Family and Two-Family Dwellings

Single-family and two-family dwellings shall be provided with two (2) off-street parking spaces per dwelling unit. This shall not apply to one (1) accessory apartment located outside the designated Shoreland Zone.

1.10.4.2.2. Multi-Family Dwellings

Multi-family dwellings shall meet the following standards:

Efficiency or studio apartments: 1.5 spaces/unit
One-bedroom units: 2.0 spaces/unit
Two or more bedroom units: 2.0 spaces/unit
Units restricted to the elderly: 1.0 space/unit
Affordable Housing Development: 2.0 spaces/3 units

1.10.4.3. Off-Street Parking Standards (Non-residential)

1.10.4.3.1. Parking Space Size

An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one (1) off-street parking space.

1.10.4.3.2. Single Use per Space

No required parking space shall, for the purposes of this Ordinance, serve more than one (1) use.

The Planning Board may grant a waiver from the strict application of this regulation under the circumstances specified in 1.10.4.1.1. The Appeals Board may grant a variance from the strict application of this regulation under the circumstances specified in 1.12.5.9.9.

1.10.4.3.3. Entrance and Exit Restrictions

See Access Management Standards 1.10.9.

1.10.4.3.4. Entrance and Exit Approvals
All driveway entrances and exits shall be approved by the Road Commissioner.

1.10.4.3.5. Maneuvering Space Requirements
Parking areas with more than two (2) parking spaces shall be so arranged that vehicles can be turned around within such areas without backing into the street.

1.10.4.3.6. Number of Spaces Required
The number of parking spaces required for various types of commercial and industrial establishments is as listed in Table 1.10-4. The Planning Board may grant a waiver from the strict application of this regulation under the circumstances specified in 1.10.4.1.1. The Appeals Board may grant a variance from the strict application of this regulation under the circumstances specified in 1.12.5.9.

1.10.4.4. Off-Street Loading Standards

10.4.4.1. Loading Facilities to Be On Site
In any district where permitted, commercial or industrial uses shall provide, if necessary, off-street loading facilities located entirely on the same lot as the building or use so that trucks, trailers, and containers shall not be located for loading or storage upon any public way.

1.10.4.4.2. Loading Bay Requirements
Retail, wholesale, and industrial operations with a gross floor area of more than two thousand (2,000) square feet shall provide one loading bay, with a minimum dimension of fourteen feet by fifty feet (14' x 50'), for each sixty thousand (60,000) square feet of floor area or fraction thereof. Any required bay or bays shall be in addition to the required off-street parking.

1.10.4.5. Landscaping of Parking Areas
In addition to the off-street parking spaces and loading bays required by this Ordinance, the following minimum standards for landscaping of parking areas shall apply:

1.10.4.5.1. Where a parking area abuts a public right-of-way, a continuous strip of landscaping of a minimum of eight (8) feet in width along the public right-of-way within the parking area shall be provided and properly maintained, except that driveways shall be kept open. For purposes of traffic safety, any landscaping shall not interfere with sight distances or other aspects of traffic safety.

1.10.4.5.2. In addition to the area required for parking spaces, loading bays, and the landscaping required in 1.10.4.5, parking lots containing twenty (20) or more spaces shall include within the parking lot no less than forty (40) square feet of vegetated permeable unpaved area per ten (10) spaces.

1.10.4.5.3. Parking areas must also be screened along lot lines bordering institutional or residential uses. Screening shall consist of a landscaped area at least six (6) feet wide,

densely planted with a mixture of deciduous and evergreen trees and shrubs and shall create an effective visual barrier.

Table 1.10-4 Minimum Required Off-Street Parking	
Activity	Minimum Required Parking
Affordable Housing Development	2 spaces / 3 units
Amusement Center	1 space / 3 amusement devices
Auto Service Station or Repair Garage	1 space / 1,000 sq. ft. lot area
Bank	1 space / l50 sq. ft. floor area
Barber/Beauty Shop	3 spaces / licensed operator
Boarding House	1 space / 2 beds
Building Material Storage & Sales Facility	2 spaces / employee
Child Care Facility	1 space / 4 children
Church	1 space / 3 seats
Commercial Recreation Facility	1 space / 100 sq. ft. floor area
Commercial School (dance, art, ceramics)	1 space / 50 sq. ft. floor area
Convalescent/Nursing Home	1 space / 2 beds
Flea Market	3 spaces / table
Funeral Parlor	1 space / 50 sq. ft. floor area
Hospitals	1 space / 2 beds
Hotel, Motel, Inn, Bed & Breakfast	1 space / sleeping room
Kennel	1 space / 200 sq. ft. floor area
Library, Museum, Art Gallery	1 space / 150 sq. ft. floor area
Manufacturing Plant	1 space / employee
Medical Offices (MDs, ODs, Dentists, etc.)	1 space / 100 sq. ft. net floor area
Membership Club	3 spaces / 100 sq. ft. floor area
Mixed Use	Total of individual uses
Nightclub, Disco, Bar, Tavern, Pub	1 space / 3 seating capacity
Other Professional Offices	1 space / 250 sq. ft. floor area
Photo/Testing Laboratory	1 space / 300 sq. ft. floor area
Repair Establishments (appliance, tool, small engine)	1 space / 150 sq. ft. floor area
Retail Store	1 space / 300 sq. ft. floor area
Restaurant	1 space / 3 seating capacity
School	1 space / l5 classroom seats
Theatre (indoor)	1 space / 3 seating capacity
Veterinarian Clinic, Animal Hospital	5 spaces / veterinarian
Warehouse	1 space / 500 sq. ft. floor area
All uses not specifically listed or able to be placed into one of the above categories.	Sufficient number of parking spaces to eliminate the necessity for on street parking, as determined by the Planning Board or by the Code Enforcement Officer as specified in 1.10.1.

Note: Where floor space is to be used in calculating the number of required parking spaces, gross floor space shall be used unless otherwise noted.

1.10.5. Traffic Visibility

1.10.5.1. Height Restrictions Within Required Setback

When essential for public traffic safety, property owners will be required to keep vegetation, signs, or other obstructions below three (3) feet from ground level in the required setback.

1.10.5.2. Height Restrictions Near Intersections

For purposes of traffic safety, no building, structure wall, berm, or fence may be erected and no vegetation other than shade trees may be maintained above the height of three (3) feet above street level within forty (40) feet of the intersection of the center line of intersecting streets.

1.10.6. Lighting

1.10.6.1. Permitted Lighting

Lighting may be installed which serves security, safety, or operational need.

1.10.6.2. Lighting Constraints

All lighting shall be installed so as to prevent direct or glaring lights on the public way(s) or abutting property.

1.10.7. Noise

1.10.7.1. Muffling of Excessive Noise

Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.

1.10.7.2. Maximum Sound Levels

The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

Sound from any source controlled by this Ordinance shall not exceed the following limits at the property line of said source:

	7 AM-7 PM	7 PM-7 AM
Industrial District	60	50

	7 AM-10 PM	10 PM-7 AM
Commercial District	60	40
Village District	50	40
Rural District	50	40

Sound pressure level limits measured in dB(A)s.

1.10.7.3. Noise Limits Across District Boundaries

Where the emitting and receiving premises are in different districts, the stricter district shall apply to any regulated noise entering that district. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute, ANSI S1.Z-1983 American Standard Meter for the Physical Measurements of Sound, or its current replacement. Meter shall be recently calibrated.

1.10.7.4. Construction Activities on Industrial Property

No construction activities shall take place on an industrial property between 7:00 p.m. and 7:00 a.m. which exceed limits set above.

1.10.7.5. Exempted Activities

The following activities shall be exempt from these regulations:

1.10.7.5.1. Sounds emanating from traffic on public roads.

1.10.7.5.2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and any other emergency activity.

1.10.7.5.3. Sounds emanating from agricultural or household equipment, including but not limited to lawnmowers, power tools, etc.

1.10.8. Dust, Fumes, Vapors, Gases, and Odors

1.10.8.1. Emissions Beyond Lot Lines

Emission of dust, dirt, fly ash, fumes, odors, vapors or gases which could be injurious to human health, animals, or vegetation or which could soil or stain persons or property at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

1.10.8.2. Reporting of Emissions Sources

The location and vertical height of all commercial or industrial exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke fumes, gases, vapors, odors, scents or aromas shall be shown on a plan with a description of the source materials.

1.10.9. Access Management Standards (Adopted June 18, 2012)

1.10.9.1. Purpose

The purposes of these access management standards are to regulate access onto municipal roadways within the Town of Union in order to protect the safety of motorists, passengers and pedestrians by reducing collisions, to protect the road system from the negative impacts of drainage, to preserve vehicular mobility and economic productivity related to roadway transportation, and to minimize the long-term cost of constructing new roadway capacity.

1.10.9.2. Applicability

These standards apply to all proposed public and private accesses (driveways and entrances) onto municipal roadways within the Town of Union.

These standards also apply to the alteration of existing entrances and driveways onto municipal roadways, and to changes in use on the property serviced by such entrances and driveways.
Note: Access onto non-municipal roadways, i.e., state and state-aid roads (outside of compact urban areas) is regulated by the Maine Department of Transportation (Maine DOT) through its Highway Driveway and Entrance Rules.

1.10.9.3. Administration
The Code Enforcement Officer administers these access management standards with assistance from the Road Commissioner or designee. The Code Enforcement Officer determines if a proposed development requires approval from the Planning Board.

1.10.9.4. Definitions
See Article 11. Definitions.

1.10.9.5. Nonconformance
Nothing in these access management standards shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways or entrances that were constructed prior to the adoption of these access management standards provided that such repairs, improvement or modernization is done consistent with the requirements of these access management standards.

1.10.9.6. Sight Distance Requirements
Sight Distance - The sight distance for access points must meet or exceed the distances listed in the Table of Sight Distance Minimums. Sight distance is measured in accordance with its definition. The municipality may require up to 50% greater sight distances when at least 30% of the traffic using the access point will be by larger vehicles, like trucks and buses, which are typically forty (40) feet in length or longer.

Table of Sight Distance Minimums	
Posted Speed (MPH)	Sight Distance Minimum (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570

1.10.9.7. Spacing Requirements
All new access points must be separated from other existing or proposed access points in accordance with the minimum spacing standards set forth in the Table of Minimum Access Point Spacing Standards.

Access point spacing is measured from the edge of a proposed access point to the closest edge of adjacent existing access points, excluding radii. Access points located directly

across the roadway (opposite side) from a proposed access point are not counted in applying the spacing standard.

Table of Minimum Access Point Spacing Standards	
Posted Speed (MPH)	Spacing Standards (Feet)
20	60
25	70
30	75
35	85
40	175
45	265
50	350
55	525

1.10.9.8. Corner Clearance

The minimum corner clearance for access points onto roadways must be seventy-five (75) feet for un-signalized intersections and one hundred twenty-five 125 feet for signalized intersections except that the municipality may require increased corner clearance if the municipality reasonably determines that the proposed access point will significantly impact public safety or cause a reduction in posted speed.

1.10.9.9. Access Point Width

If 30% or less of the traffic projected to use the proposed entrance will be larger vehicles (trucks or buses, typically forty (40) feet in length or longer), the width of a two-way driveway within the road right-of-way must be between twenty-two (22) and thirty (30) feet inclusive. If more than thirty (30) percent of the traffic projected to use the proposed driveway will be larger vehicles, the width of a two-way driveway within the road right-of-way must be between thirty (30) and forty-two (42) feet inclusive. Driveways must be designed in accordance with the Maine DOT Standard Details. The access width will be the minimum necessary to accommodate the design vehicle.

No single or two-family access shall have a width less than nine (9) feet or more than sixteen (16) feet at the public road right-of-way. The access opening, including flares, shall not be more than one and a half (1.5) times the width of the access at the right-of-way line.

1.10.9.10. Throat Length

There shall be a minimum of twenty (20) feet of throat length for entering and exiting vehicles at the intersection of an access point and pavement of the public road or service drive as measured from the pavement edge. For accesses that will serve between one hundred (100) and four hundred (400) vehicles in the peak hour (two-way traffic volume) the accesses shall provide at least sixty (60) feet of throat length. For accesses that will serve

over four hundred (400) vehicles per peak hour (two-way traffic volume) and for all accesses controlled by a traffic signal, adequate throat length shall be determined by a traffic impact study.

1.10.9.11. Separator Strips

Separator strips must be installed between the parking area and the roadway and along the throat. The separator strip must extend away from the roadway to the greater of 1) five (5) feet from the right-of-way limits, or 2) in areas where the right-of-way limits are defined by wrought portion, seven (7) feet from the edge of a clearly evident shoulder. The property owner must maintain any vegetation within the separator strip such that it does not interfere with the sight distance at the driveway. In areas where sidewalks exist, curbing or wheel stops must be provided to prevent parking vehicles from interfering with pedestrian flow.

1.10.9.12. Deceleration Lanes and Tapers

Where access point volumes are expected to exceed one hundred (100) peak hour directional trips per hour, a right-turn taper, deceleration lane and/or left-turn bypass lane may be required. Construction of access points along deceleration lanes and tapers is discouraged due to the potential for vehicular conflicts.

1.10.9.13. Access Points per Lot

Access points shall be determined by the appropriate authority with safety in mind.

1.10.9.14. One-Way Accesses

If a one-way system is proposed and the predominant traffic volume is truck traffic, the driveway will be configured on the minimum angle that permits the truck to enter or leave the roadway safely and smoothly. Otherwise, all driveways must be configured perpendicular to the roadway for at least the length of the design vehicle.

A physical separation of curbing, ditching, grass or other landscaping must be used for one-way driveways and must be designed and constructed to prevent adjacent one-way driveways from becoming one entrance in practice. Both portions of a one-way access on a single lot must be separated from another one-way access by at least twelve (12) feet. Both portions of a one-way driveway abutting a sidewalk must have a minimum separation of at least eighteen (18) feet and allow for seven (7) foot terminal ends and at least a four (4) foot header in between.

A one-way entrance abutting a curbed, non-sidewalk section must have a minimum separation of at least twelve (12) feet and allow for two four (4) foot terminal ends separated by at least a four (4) foot header.

1.10.9.15. Access Relationship to Lot Line

No part of an access shall be located closer than five (5) feet from a side or rear lot line unless it is a common or shared access. This separation is intended to help control stormwater runoff, permit snow storage on site, and provide adequate area for any necessary on-site landscaping.

1.10.9.16. Existing Accesses

Except for a shared access, existing accesses that do not comply with the requirements of the access management standards shall be closed when an application for a change of use requiring a land use/site plan review permit is submitted, and once approval of a new means of access under these access management standards is granted. A closed access shall be graded and landscaped to conform to adjacent land, and any curb cut shall be filled in with curb and gutter per the standards of the applicable road authority.

1.10.9.17. Access Intersection Angle/Radius of Edge

To the maximum extent practical, the access must be constructed perpendicular (ninety (90) degrees) to the roadway at the access point, but in no case less than seventy-five (75) degrees. Except where curbing exists or is proposed, the minimum radius on the edges of an access must be sufficient to allow the design vehicle to enter the driveway without encroaching into the path of exiting vehicles in accordance with the Maine DOT Standard Details. Driveways designed for right turns only must be designed to the greatest extent possible to prohibit illegal traffic movements.

1.10.9.18. Turnaround Area/Parking

Accesses will be designed such that all maneuvering and parking of any vehicles will take place outside of the roadway right-of-way and such that vehicles may exit the premises without backing onto the roadway or roadway shoulder. All accesses must have a turnaround area with a width of at least eight (8) feet and a length of at least fifteen (15) feet or the length of the design vehicle, whichever is greater.

1.10.9.19. Retrofits

When the owner of a property with an existing, nonconforming access point applies for a permit to upgrade or change the use of the property and/or the access point, the property owner may be required to establish a retrofit plan. The objectives of the retrofit plan will be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of accesses into conformance with the standards and requirements of these access management standards, to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:

- elimination of one or more access points if there are multiple access points onto a site
- realignment or relocation of access points
- provision of shared access points and/or cross parking lot connection
- access by means of a service drive or frontage road
- restriction of vehicle movements (e.g., elimination of left turns in and out)
- relocation of parking
- traffic demand management (e.g., a reduction in peak hour trips)
- signalization
- such other changes as may enhance traffic safety

1.10.9.20. Traffic Signals

Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the

applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with the applicable criteria of the jurisdictional authority, as set in statute or ordinance, including impact fee schedules.

1.10.9.21. Shared Access

Shared or joint use of an access is strongly encouraged. The shared access shall be constructed along the midpoint between the two properties unless a written easement is provided that allows traffic to travel across one parcel to access another, and/or access the municipal roadway.

Shared accesses shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements of shared accesses should be recorded with the deed.

1.10.9.22. Parking Lot Connections

Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Planning Board. For developments adjacent to vacant properties, the site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final approval by the Planning Board. The Planning Board may reduce by ten (10) percent the parking space requirements as set forth in 1.10.4.3.2 and Table 1.10-4 for parking lots that are connected if peak demand periods for proposed land uses do not occur at the same periods.

1.10.9.23. Joint and Cross Access

Adjacent commercial or office properties classified as major traffic generators (e.g., school, shopping center, or office park) shall provide a cross access for vehicles and pedestrians to allow circulation between sites unless environmental constraints are present. A system of joint use accesses and cross access easements shall be established wherever feasible and the building site shall incorporate the following:

1.10.9.23.1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.

1.10.9.23.2. A design speed of ten (10) mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.

1.10.9.23.3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

1.10.9.23.4. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

1.10.9.23.5. Pursuant to this section, property owners shall:

1.10.9.23.5.1. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.

1.10.9.23.5.2. Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the municipality, and pre-existing access points will be closed and eliminated after construction of the joint-use driveway.

1.10.9.23.5.3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

1.10.9.24. Phased Development

Development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate properties in relation to the access standards of this code. The number of connections permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations required under these access management standards shall be met. This shall also apply to phased development plans.

1.10.9.25. Transit Access

In commercial or office zones/districts where transit service is available or is planned to be available within five (5) years, provisions shall be made for adequate transit access, in the form of turnaround loops or turnout bays. At a minimum, in the case of a loop or cul-de-sac, entrance curves shall have a radius of thirty-five (35) feet, and the internal circle shall have an inside radius of thirty (30) feet and an outside radius of fifty-two and a half (52.5) feet. In the case of turnout bays, the curve radius shall be thirty-five (35) feet the distance from the roadside edge to the inside edge of the outside radius shall be fifty-two and a half (52.5) feet.

1.10.9.26. Waivers

Access standards may be relaxed or waived by the Planning Board only as provided in this section.

1.10.9.26.1. Standards That May Not Be Waived

The corner clearance standards and turnaround area/parking standards.

1.10.9.26.2. Standards That May Be Waived

All other standards may be waived in accordance with the provisions of this section.

1.10.9.26.3. Criteria for Granting Waivers

Waiver requests will be granted if the applicant demonstrates, to the satisfaction of the municipality, that: (i) the waiver will not significantly detract from public safety, (ii) the

proposed driveway meets the standards to the maximum extent practicable, and (iii) there is no feasible alternative.

1.10.9.26.3.1. In determining that the waiver will not significantly detract from public safety, the municipality must consider such factors as crash rates, traffic volumes, road geometries, types and frequency of traffic moving to and from existing uses within one thousand (1,000) feet of the proposed access point.

1.10.9.26.3.2. In determining practicability and feasibility, the municipality will consider the availability and cost of alternative access locations and designs in relation to the proposed use.

1.10.9.26.3.3. In cases involving alterations or changes of use of existing access(es), the municipality may grant waiver requests if it determines that the alterations to the access(es) will likely result in a net gain to public safety or will result in a reduction in non-conformity with these access management standards.

1.10.9.26.3.4. In cases involving double frontage lots, the municipality will consider the length of frontage on the regulated road, the intensity of traffic generated by the proposed use, the geography along the frontage of the other public way, and the distance to the other public way.

1.10.9.26.4. The spacing standards in the Table of Minimum Access Point Spacing Standards may be waived only to the extent that lots of record existing as of the adoption of these access management standards, that do not have access to another public way and do not have sufficient lot frontage to meet these spacing standards, may be allowed access if the applicant meets the following criteria, in addition to the above-referenced waiver criteria:

1.10.9.26.4.1. The applicant meets the criteria of granting waivers set forth in these access management standards.

1.10.9.26.4.2. The proposed access is located in an area designated for growth in the municipality's comprehensive plan.

1.10.9.26.4.3. The proposed access will not have an unreasonable adverse impact on the regulated road such that the speed limit must be reduced to accommodate new traffic expected to be generated.

1.10.9.26.4.4. Sharing an access with an adjacent lot is not practicable.

1.10.9.27. Variances

See 1.12.5.9 for Variances.

1.10.9.28. Appeals

See 1.12.7 for Appeals.

1.10.9.29. Violations and Penalties

See 1.12.8 Violations and Penalties.

1.11. ENVIRONMENTAL REGULATIONS

1.11.1. Suitability of Soils

1.11.1.1. Applicability of Maine State Plumbing Code Requirements

In all Districts, the approval of building permit applications shall be subject to written evidence of satisfactory subsurface soil conditions. The Maine State Plumbing Code requirements shall be met.

1.11.1.2. Applicability of Maine DEP Requirements

The requirements and standards of the State of Maine Department of Environmental Protection shall be met.

1.11.2. Land Not Suitable for Development

1.11.2.1. Below High-Water Mark

Land which is situated below the normal high-water mark of any water body.

1.11.2.2. Within 100-Year Flood Plain

Land which is located within the 100-year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the application shows written proof through materials prepared by a Registered Land Surveyor that the property in question lies at least one (1) foot above the 100-year flood level. The elevation of fill or made land shall not be considered.

1.11.2.3. Part of Right-of-Way or Easement

Land which is part of a right-of-way or easement, including utility easements.

1.11.2.4. Deficient Under Maine State Plumbing Code

Land which does not meet the requirements of the Maine State Plumbing Code.

1.11.3. High Elevation Areas Overlay District

1.11.3.1. Boundaries

All areas within the four hundred (400) ft. or higher elevation contours as depicted in the United States Geodetic Survey (USGS) 7.5-minute (1:24,000 scale) quadrangle map covering the Town of Union, or in the equivalent elevation layer of the State of Maine Geographic Information System Data Base.

1.11.3.2. Purpose

To protect sensitive high-elevation areas from high-density or other high-impact

development, and to protect the rural character of the Town as reflected in the views of the hills from lower-lying regions.

1.11.3.3. Special Standards

1.11.3.3.1. Allowed Uses
Land uses shall be limited to residential, agricultural, communications structures, home occupations, and forest management activities.

1.11.3.3.2. Minimum Lot Size
The minimum lot size shall be three (3) acres, and residential densities shall not exceed one (1) dwelling unit per three (3) acres.

1.11.3.3.3. Maximum Lot Coverage
Maximum lot coverage by structures shall be five (5) percent.

1.11.4. Control of Erosion

No person shall perform any act or use the land in a manner which would cause significant erosion.

1.11.5. Water Quality

1.11.5.1. Discharge into Body of Water Prohibited

No building, structure, activity, or use shall discharge untreated or treated liquid, gaseous, or solid materials directly into a body of water.

1.11.5.2. Storage of Contaminating Materials Prohibited

There shall be no storage of liquid, gaseous, or solid materials which by their volume, toxicity, temperature, or location will run off from or percolate into surrounding soil and groundwater.

1.11.5.3. Storage of Fuel, Chemicals, or Industrial Waste

All outdoor storage facilities for fuel, chemicals, or industrial waste shall be located on impervious pavement and shall be enclosed by an impervious dike high enough to contain the total volume of material kept within the storage area and prevent spillage onto or leakage into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding two hundred seventy-five (275) gallons in size, are exempted from this requirement in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

1.11.5.4. Surface Water Drainage

Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, or a public storm drain system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five (25) year storm

frequency.

1.11.6. Clearcutting

1.11.6.1. Clearcutting Near Public Right-of-Way
There shall be no clearcutting of trees in an area of over five (5) acres within twenty (20) feet of any public right-of-way, except for clearing for approved construction or with written approval of the Planning Board for agricultural purposes.

1.11.6.2. Clearcutting Within Shoreland Areas
Clearcutting of trees within shoreland areas shall be governed by the standards set forth in the Shoreland Zoning provisions in this Ordinance.

1.11.6.3. Special Clearcutting Variance
Timber harvesting operations not in strict conformance with the stated provisions of this section may be authorized by the Board of Appeals under the circumstances specified in 1.12.5.9.

1.12. ADMINISTRATION

1.12.1. General
The responsibility for regulating the use of land and buildings and for approving proposals for development or construction within the Town of Union is divided among the Planning Board, the Zoning Board of Appeals (ZBA), and the Code Enforcement Office. Each of these three entities plays a distinct role, and the following Sections describe in more detail the respective roles.

1.12.2. Applicability
These administrative provisions shall apply to all land use and building related Codes now in affect or as may subsequently be adopted within the Town of Union. This includes, but is not limited to, this Land Use Ordinance, the Shoreland Zoning Ordinance Provisions, the Subdivision Ordinance, the Site Plan Review Ordinance Provisions, the Sludge Ordinance, and the Metallic Mining Ordinance, as well as applicable Building and Construction Codes.

1.12.3. Role of the Code Enforcement Officer
The Code Enforcement Officer (CEO) is responsible for the day-to-day administration of all Land Use and Building Ordinances in the Town of Union. The CEO shall be responsible for compliance with the terms and conditions of all land use-related Ordinances and Building Codes, to see that approvals required by any applicable Ordinance are obtained, and that any conditions attached to those approvals are carried out, and that appropriate enforcement action is taken with regard to violation of any Ordinance provisions or conditions of approval.

The CEO shall serve as the coordinator of all applications submitted to the Town for consideration by the Planning Board or the Zoning Board of Appeals, and shall work with the

applicant to provide necessary information and submissions that appropriately address the approval standards of that particular application.

The CEO shall be appointed by the Board of Selectmen to a specific term in accordance with the provisions of 30-A M.R.S.A. § 2601-A and the CEO shall be certified within twelve (12) months of beginning employment as required by 30-A M.R.S.A. § 4451(1).

1.12.4. Planning Board

1.12.4.1. Planning Board Established

Pursuant to Home Rule authority granted to municipalities in the State of Maine under the Maine Constitution, Article VIII, and 30-A M.R.S.A. § 3001 et. seq., the Planning Board of the Town of Union is hereby created and established.

1.12.4.2. Composition, Appointment and Term

The Planning Board shall consist of seven (7) full members who shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths. The term of office for each Planning Board member shall be five (5) years and those terms in place at the time of the adoption of this amendment shall continue for the remainder of each appointed term.

1.12.4.3. Vacancies and Removal

When there is a permanent vacancy on the Union Planning Board, the Municipal Officers should within sixty (60) days of vacancy occurring, appoint a person to serve for the unexpired term. A vacancy shall occur when a Union Planning Board member resigns, ceases to be a legal resident of the Town of Union, passes away or fails, without good cause, to attend seventy-five (75) percent of the regularly scheduled Planning Board meetings during the preceding twelve (12) months. The Union Selectmen may remove members of the Planning Board by unanimous vote, for cause, after due process including notice and hearing.

1.12.4.4. Qualifications

All members of the Planning Board must be residents of the State of Maine, a U.S. Citizen, 18 years of age and not a member of the Board of Selectmen or Zoning Board of Appeals.

1.12.4.5. Officers

1.12.4.5.1. The officers of the Planning Board shall be a chairman, vice chairman, and such other officers as the Board may choose from its membership.

1.12.4.5.2. Officers shall be elected at the first regularly scheduled Planning Board meeting following the Annual Town Meeting.

1.12.4.5.3. The term of office for officers is one (1) year; officers may succeed themselves in office if so elected.

1.12.4.5.4. The chairman is responsible for calling the meetings of the Planning Board, working with the Code Enforcement Officer to establish agendas for the meetings, presiding at meetings, and representing the Planning Board before the Board of Selectmen and other Town groups.

1.12.4.5.5. The vice chairman is responsible for carrying out the duties of the chairman in his/her absence or incapacity.

1.12.4.6. Meetings of the Board

The chairman may schedule meetings as necessary. The chairman shall call a meeting of the Planning Board within seven (7) days upon written request of any three (3) members of the Planning Board.

All meetings of the Planning Board must be announced to the public at least seventy-two (72) hours prior to the start of the meeting by either posting, advertising, or mailing notices. A notice of the Planning Board agenda must be disseminated in a manner reasonably calculated to notify the general public. If the meeting is a public hearing of the Board, then a notice of hearing shall be mailed, at least ten (10) days in advance of the hearing, to the applicant, to all abutters, and to all property owners within two hundred fifty feet (250 ft.) of any property line of the property which is the subject matter of the hearing. All meetings of the Planning Board are open to the public, except that the Planning Board may go into executive session as permitted under the Maine Freedom of Information Act.

1.12.4.7. Quorum, Rules of Procedure

No official business shall be conducted at a Union Planning Board meeting without a quorum, which shall consist of four (4) Planning Board members; if there is fewer than a quorum in attendance, those in attendance may decide to adjourn the meeting to another date certain. The Planning Board may establish rules and procedures that will govern the conduct of meetings and other business.

1.12.4.8. Conflict of Interest

A member of the Planning Board may not vote or participate in any matter in which he/she has a direct or indirect financial or any other interest that might be interpreted as affecting the member's ability to fairly and impartially consider and vote on the pending matter. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon must be decided by a majority vote of the members, except the member who is being challenged. A member of the Planning Board may not represent any third party in matters coming before the Planning Board.

1.12.4.9. Powers and Duties

1.12.4.9.1. To advise the Board of Selectmen on matters relating to land use and development within the Town.

1.12.4.9.2. When required, review a Comprehensive Plan and periodic revisions for the

growth and development of the Town, and to submit them to the Town Meeting with the Planning Board's recommendation.

1.12.4.9.3. To advise the Board of Selectmen on matters relating to land-use regulations and to review or initiate requests for changes in the Land Use Ordinance.

1.12.4.9.4. To act on request for subdivision approval for the subdivision of land in accordance with the Subdivision Ordinance and 30-A M.R.S.A. § 4401 et. seq.

1.12.4.9.5. To act on requests for Site Plan Approval in accordance with the Site Plan Review provisions.

1.12.4.9.6. To act on requests for Mineral Extraction Operations Permits in accordance with the Mining Activity Ordinance.

1.12.4.9.7. To act on requests for land use approvals as required under Union Ordinances.

1.12.4.9.8. To perform such other duties and exercise such other powers as may be provided in Union Ordinances or under the laws of the State of Maine.

1.12.4.10. Support Services

The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriations made for those purposes.

1.12.4.11. Misrepresentation

The Planning Board retains the right to rescind any approval if further information or additional investigation reveals a misrepresentation of the information presented to the Planning Board.

1.12.5. Zoning Board of Appeals

1.12.5.1. Zoning Board of Appeals Established

Pursuant to Home Rule authority granted to municipalities in the State of Maine under the Maine Constitution, Article VIII, and 30-A M.R.S.A. § 3001 et. seq., the Zoning Board of Appeals of the Town of Union is hereby created and established.

1.12.5.2. Composition, Appointment and Term

The Zoning Board of Appeals shall consist of seven (7) full members who shall be appointed by the Municipal Officers and sworn into office by the Town Clerk or other person authorized to administer oaths. The term of office for each Zoning Board of Appeals member shall be five (5) years and those terms in place at the time of the adoption of this amendment shall continue for the remainder of each appointed term.

1.12.5.3. Vacancies and Removal

When there is a permanent vacancy on the Union Zoning Board of Appeals, the Municipal Officers should within sixty (60) days of vacancy occurring, appoint a person to serve for the unexpired term. A vacancy shall occur when a Zoning Board of Appeals member resigns,

ceases to be a legal resident of the Town of Union, passes away or fails, without good cause, to attend seventy-five (75) percent of the regularly scheduled Zoning Board of Appeals meetings during the preceding twelve (12) months. The Union Selectmen may remove members of the Zoning Board of Appeals by unanimous vote, for cause, after due process including notice and hearing.

1.12.5.4. Qualifications

All members of the Zoning Board of Appeals must be residents of the State of Maine, a U.S. Citizen, and 18 years of age. A member of the Board of Selectmen, Planning Board member, or the spouse of a member of the Board of Selectmen or a Zoning Board of Appeals member may not be a member of the Zoning Board of Appeals.

1.12.5.4.1. The officers of the Zoning Board of Appeals shall be a chairman, vice chairman, and such other officers as the Board may choose from its membership.

1.12.5.4.2. Officers shall be elected at the first regularly scheduled Zoning Board of Appeals meeting following the Annual Town Meeting.

1.12.5.4.3. The term of office for officers is one (1) year; officers may succeed themselves in office if so elected.

1.12.5.4.4. The chairman is responsible for calling the meetings of the Zoning Board of Appeals, working with the Code Enforcement Officer to establish Agendas for the meetings, presiding at meetings, and representing the Zoning Board of Appeals before the Board of Selectmen and other Town groups.

1.12.5.4.5. The vice chairman is responsible for carrying out the duties of the chairman in his/her absence or incapacity.

1.12.5.5. Meetings of the Board

The chairman may schedule meetings as necessary. The chairman shall call a meeting of the Zoning Board of Appeals within seven (7) days upon written request of any three (3) members of the Zoning Board of Appeals.

All meetings of the Zoning Board of Appeals must be announced to the public at least seventy-two (72) hours prior to the start of the meeting by either posting, advertising, or mailing notices. A notice of the Zoning Board of Appeals agenda must be disseminated in a manner reasonably calculated to notify the general public. If the meeting is a public hearing of the Board, then a notice of hearing shall be mailed, at1east ten (10) days in advance of the hearing, to the applicant, to all abutters, and to all property owners within two hundred fifty (250') ft. of any property line of the property which is the subject matter of the hearing.

All meetings of the Zoning Board of Appeals are open to the public, except that the Zoning Board of Appeals may go into executive session as permitted under the Maine Freedom of Information Act.

1.12.5.6. Quorum, Rules of Procedure

No official business shall be conducted at a Union Zoning Board of Appeals meeting without a quorum, which shall consist of four (4) Zoning Board of Appeal members; if there is fewer than a quorum in attendance, those in attendance may decide to adjourn the meeting to another date certain. The Board may establish rules and procedures that will govern the conduct of its meetings and other business.

1.12.5.7. Conflict of Interest

A member of the Zoning Board of Appeals may not vote or participate in any matter in which he/she has a direct or indirect financial or any other interest that might be interpreted as affecting the member's ability to fairly and impartially consider and vote on the pending matter. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon must be decided by a majority vote of the members, except the member who is being challenged. A member of the Zoning Board of Appeals may not represent any third party in matters coming before the Zoning Board of Appeals.

1.12.5.8. Powers and Duties

1.12.5.8.1. Administrative Appeals

To hear and decide appeals where it has been alleged that there is an error in any interpretation, determination, order, requirement or decision made by the Code Enforcement Officer or a failure to act by the Code Enforcement Officer or in any other administrative matter involving the Code Enforcement Officer in the administration of any applicable Land Use or Building related Ordinances of the Town of Union. Administrative appeals shall not include enforcement decisions by the Code Enforcement Officer or the failure to provide for enforcement. In acting on administrative appeals, the Zoning Board of Appeals may sustain the action or inaction of the Code Enforcement Officer or may modify or reverse his or her action if the Zoning Board of Appeals decides that the Code Enforcement Officer was in error.

1.12.5.8.2. Planning Board Appeals

To hear and decide appeals from any final decision of the Planning Board, filed within thirty (30) days of the date of the decision, by any aggrieved party. The appeal shall be on the basis of the record compiled by the Planning Board and additional submissions provided by the appellant and other aggrieved parties, and the decision shall be made on the basis of this record and material and shall not be a hearing de novo. The burden of proof shall be on the appellant to demonstrate that the Planning Board has made an error of law, of application of the particular Ordinance, or of fact or interpretation of fact. The hearing on the appeal shall be considered a public hearing and subject to the notice requirements of 1.12.6.5. The Zoning Board of Appeals shall have the power to affirm, reverse, or modify, with or without conditions, the decision of the Planning Board or, if the record is not sufficient or further information needs to be provided, to remand the matter back to the Planning Board for further proceedings.

1.12.5.8.3. Variance Appeals
To hear and decide requests for variances from the strict enforcement of the provisions of the Land Use Ordinance of the Town of Union in accordance with the standards set forth in 1.12.5.9.

1.12.5.8.4. Sign Requirement Appeals
To act upon applications for variances from the sign requirements of 1.10.3.21.

1.12.5.9. Variance Appeals
Variances may be permitted only under the following conditions:

1.12.5.9.1. Variances may be granted only from dimensional requirements, including but not limited to lot width, structure height, percent of lot coverage, and setback requirements; from off-street parking requirements; and from clearcutting requirements.

1.12.5.9.2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

1.12.5.9.3. The Board shall not grant a variance unless it finds that:

1.12.5.9.3.1. The proposed structure or use would meet all other bulk and space requirements except for the specific provision which has created the nonconformity and from which relief is sought; and

1.12.5.9.3.2. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

1.12.5.9.3.2.1. That the land in question cannot yield a reasonable return unless a variance is granted;

1.12.5.9.3.2.2. That the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;

1.12.5.9.3.2.3. That the granting of a variance will not alter the essential character of the locality; and

1.12.5.9.3.2.4. That the hardship is not the result of action taken by the applicant or a prior owner.

1.12.5.9.4. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the Ordinance purposes and provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

1.12.5.9.5. A copy of each variance request within the Shoreline Zoning District, including the application and all supporting information supplied by the applicant, shall be forwarded by the Municipal Officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

1.12.5.9.6. A copy of all variances granted within the Shoreline Zoning District by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

1.12.5.9.7. Conditions of Approval

The Board of Appeals is empowered to impose conditions on the property owner if it finds that such conditions are necessary to protect abutting property owners or the community as a whole from adverse impacts resulting from the granting of a variance.

1.12.5.9.8. Setback Variances

1.12.5.9.8.1. Single-Family Dwellings

The ZBA may, in accordance with 30-A M.R.S.A. § 4353 (4-B), grant a variance to the setback requirement of the space and bulk regulations for a single-family dwelling provided all of the following criteria are met:

1.12.5.9.8.1.1. The single-family dwelling is the primary year-round residence of the person seeking the variance.

1.12.5.9.8.1.2. The granting of the variance will not cause the area of the dwelling to exceed the maximum permissible lot coverage according to the space and bulk regulations.

1.12.5.9.8.1.3. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

1.12.5.9.8.1.4. The granting of a variance will not alter the essential character of the locality.

1.12.5.9.8.1.5. The hardship is not the result of action taken by the applicant or a prior owner.

1.12.5.9.8.1.6. The granting of a variance will not substantially reduce or impair the use of abutting property.

1.12.5.9.8.1.7. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance granted under this sub-section may not exceed twenty (20) percent of the setback requirement.

1.12.5.9.8.2. Other Setback Variances

1.12.5.9.8.2.1. Front Setback

When a proposed structure is abutted on both sides by structures whose front setback is less than that required, the Board of Appeals may reduce the front setback to that of the structures on the abutting properties.

1.12.5.9.8.2.2. Side Setback

When a proposed structure is abutted on both sides by structures whose side setback is less than that required, the Board of Appeals may reduce the side setback to that of structures on the abutting properties, but in no case to less than two (2) ft.

1.12.5.9.9. Special Variance from Single-Use Off-Street Parking Requirement

With regard to the requirements in 1.10.4.3.2, the Board of Appeals may approve the joint use of a parking space by two (2) or more principal buildings or uses when it is clearly demonstrated that the parking space will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments, and when a written agreement covering the joint use is provided between the two parties.

1.12.5.9.10. Clearcutting Variances

Timber harvesting operations not in strict conformance with the provisions of 1.11.6 may be authorized by the Board of Appeals after the timber operator has received written approval by a State service forester or a private professional forester registered in the State of Maine that such operations are necessary for proper timber management.

1.12.5.9.11. Limits on Variances

A variance granted by the ZBA expires if the work or change involved has not commenced within six (6) months of the date on which the variance was granted or if the work or change has not been substantially completed within one (1) year of the date of approval, unless otherwise extended by the ZBA.

1.12.5.9.12. Reapplication

If the ZBA denies a variance, a second request of a similar nature cannot be brought before the ZBA within one (1) year of the date of the first request unless, in the opinion of the majority of the ZBA, substantial new evidence can be brought forward or unless the ZBA finds, in its sole and exclusive judgment, that an error of law or misunderstanding of facts has been made.

1.12.5.9.13. Misrepresentation

The ZBA retains the right to rescind any approval of a variance if further information or additional investigation reveals a misrepresentation of the information presented to the ZBA.

1.12.5.9.14. Prior Work

Any construction activity commenced prior to the granting of a required variance is a violation of this Ordinance.

1.12.6. Permits

1.12.6.1. Permit Required

No use may be established nor may any building or structure or any part thereof be constructed, structurally altered, enlarged, moved, or demolished, nor shall other activity be engaged in, until all required permits or approvals from a Town approval authority or any renewal of a discontinued, non-conforming use are issued. No permit or approval may be issued until the proposed use, construction, alteration, or renewal has been determined to comply with all applicable provisions of the Land Use and Building Ordinances of the Town of Union or a decision by the Zoning Board of Appeals has been rendered. Where the activity involves a building or structure, in addition to any other permits or approvals that may be required, a building permit from the Code Enforcement Officer will be required. In addition, if the building or structure is for occupancy, sewage disposal facilities and a permit for same will be required from the local Plumbing Inspector.

Exempt from this building permit requirement shall be any building not greater than one (1) story in height and with a footprint no larger than one hundred (100) sq. ft. An addition which then makes a building exceed one hundred (100) sq. ft. triggers a permit for the entire building. Once a building exceeds one hundred (100) sq. ft. any addition requires a permit. **Note: This exemption applies only to the permit. All other requirements of the Ordinance, including setbacks, apply.**

1.12.6.2. Occupancy Permit

A certificate of occupancy shall be required and obtained from the CEO/BI prior to the occupancy or use of any building, structure or any portion thereof which has been erected, structurally altered or changed in its use or structure, or with regard to the creation of a new use or change in use of any parcel of land or portion thereof currently existing or hereinafter created. Before the issuance of the certificate of occupancy, the CEO/BI shall determine that the proposed use of the building or land conforms to the requirements of all applicable Land Use and Building Ordinances. A change of occupancy that maintains the same land use classification shall not require a certificate of occupancy. Where a building permit or other land use permit is required, an application for a certificate of occupancy shall be filed concurrently with that application and shall clearly state the intended use or uses of the property. The certificate of occupancy may only be issued after a determination that all work on the site and/or structure is in conformance with Code requirements, any approved site plan or subdivision plan, any other applicable Town Ordinances and any conditions of approval imposed on the project. Occupancy without the required certificate shall be deemed to be a violation of this Code and subject to enforcement action as provided in 1.12.8.

The CEO/BI may issue a temporary certificate of occupancy for a period of time not to

exceed six (6) months where it has been determined that adequate safeguards are in place to assure the timely completion of the work and the safety of the occupants and/or the general public. The CEO/BI may require the posting of a bond or other financial security or guarantee to assure completion of the project in accordance with its permitting. This shall not apply to any project use or activity that has received site plan approval.

1.12.6.3. Applications

Each applicant for a permit or approval shall submit a written application to the Code Enforcement Officer which shall include a scaled site plan, on a form provided by the Town. All applications shall be signed by the owner or owners of property or other person authorizing work certifying that the information on the application is complete and correct.

If the person signing the application is not the owner or lessee of the property, then the person shall submit a letter of authorization from the owner or lessee. All applications shall be dated upon submission to the Code Enforcement Officer noting upon each application the time and date of its receipt.

1.12.6.4. Processing Applications

The Code Enforcement Officer will determine whether or not an application is complete and if it is a permit under the jurisdiction of the Code Enforcement Officer, he will make a determination on the application within ten (10) business days. If the application is for an approval or permit from the Planning Board or the Zoning Board of Appeals, eight (8) copies of the completed application will be required to be submitted at least two (2) weeks prior to the meeting at which the application will be considered by the appropriate Board. At that initial meeting, the Board will determine whether the Code Enforcement Officer's determination as to completeness is accurate, and if found to be incomplete, the applicant will be advised what additional material may be required to complete the application.

1.12.6.5. Public Hearing

If a public hearing is required or if the Board in its discretion determines that a public hearing is appropriate, then it shall be scheduled within thirty (30) days of a determination by the Board that the application is complete.

1.12.6.6. General Permit Standards

In addition to any other standards or conditions applicable to an application for a permit or approval under the Land Use Codes and Building Codes of the Town of Union, each applicant shall demonstrate that he/she conforms to the following standards and the issuing Board or officer shall determine before any approval that these standards have been met:

1.12.6.6.1. Will maintain safe and healthful conditions.

1.12.6.6.2. Will not result in water pollution, erosion, or sedimentation to surface waters.

1.12.6.6.3. Will adequately provide for the disposal of all wastewater.

1.12.6.6.4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird,

or other wildlife habitat.

1.12.6.6.5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

1.12.6.6.6. Will protect archaeological and historic resources as designated in the Comprehensive Plan.

1.12.6.6.7. Will avoid problems associated with flood plain development and use.

1.12.6.6.8. Is in conformance with the provisions of 1.15, Land Use Standards and/or 4.3 of the Shoreland Zoning provisions.

1.12.6.7. Expiration

If no substantial start is made in construction or if the use of the property has not been established within one (1) year of the date of the issuance of the permit or approval, the permit or approval shall lapse and become null and void. In addition, the permit or approval shall expire within twenty-four (24) months after issuance if substantial completion of the project has not been achieved. Either of these time frames may be extended by the Board or Officer issuing the permit or approval for good cause shown.

1.12.6.8. Permanent Records

All applications for permits with accompanying submissions and plans and all minutes of meetings and all approvals, shall be maintained as a permanent record in the Code Enforcement Office.

1.12.6.9. Revisions

If substantial changes are made in the size, use, structure, location, or other significant parameter involved in the issuance of a permit or approval, then a revised permit or approval, with new submissions evidencing the change, shall be required.

1.12.6.10. Conditions of Approval

The granting authority may issue permits or approvals with conditions which are designed to ensure compliance with all applicable Ordinance provisions and to mitigate the impact of the development upon surrounding property, neighborhoods, public infrastructure, or any other property or use that may be affected by the development.

1.12.6.11. Multiple Approvals

Where a plan of development requires multiple approvals, those approvals may be coordinated through the Code Enforcement Office, and a consolidation of applications and submission requirements may be allowed and, where a Board approval is required, the applicable Board may consider application for multiple approvals simultaneously.

1.12.6.12. Fees

The determination of fees for submission of applications under the Town's Land Use Ordinance shall be determined on a yearly basis by the Board of Selectmen and may be

adjusted from time to time as may be determined to be in the best interests of the Town.

Should the Board of Selectmen fail to act on the fee schedule in any particular year, then the fee schedule for the prior year shall be carried forward and be in full force and effect.

1.12.7. Appeals

Appeals from decisions of the Code Enforcement Officer and the Planning Board, except as they relate to code enforcement matters, shall be determined by the Zoning Board of Appeals in accordance with the provisions of 1.12.5.8 above. Appeals of the granting of approvals, denial of approvals, or granting of approvals with conditions, by the Zoning Board of Appeals or the Planning Board, shall be appealed directly to the Superior Court in accordance with the provisions and time frames contained in Rule 80B of the Maine Rules of Civil Procedure.

1.12.8. Enforcement

1.12.8.1. Code Enforcement Officer Acts

The Code Enforcement Officer shall be the primary municipal official responsible for the provisions of Land Use and Building Ordinances of the Town of Union. If the officer shall determine that any provision of any such Ordinances is being violated, he shall notify in writing the person responsible for the violation and the owner of the property if different. The written notice shall contain the nature of the violation and the action that must be taken to bring the property into compliance and any remediation action that must be taken. In order to achieve compliance, the Code Enforcement Officer may order discontinuation of an illegal use of the property, discontinuation of any unpermitted or illegal work that is being done on the property, removal of any unpermitted or illegal buildings, structures, additions, alterations or structural changes, revoke an occupancy permit, or prohibit occupancy of any structure where in the CEO's judgment such occupancy would represent a danger or hazard to the occupant, order repair, renovations or demolition of a structure where the nature of the violation or danger to the occupant requires, or order such other remedial action as may be required under the circumstances. Copies of such notices shall be maintained as a permanent record in the Code Enforcement Office and, when issued, a copy shall be submitted to the Board of Selectmen and the Town Manager.

1.12.8.2. Legal Action

Where the action of the Code Enforcement Officer does not result in the correction, abatement or discontinuance of the violation, the Municipal Officers may authorize any and all additional actions or proceedings, including code violation actions under Rule 80K of the Maine Rules of Civil Procedure, and Section 4452 of Title 30-A, in order to enforce the provisions of Land Use and Building Ordinances of the Town of Union and any conditions of approval. In addition, the Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of Ordinances and to recover applicable fines without Court action.

1.12.8.3. Penalties

Any firm, person, corporation, or other entity who is responsible for violation of any of the provisions of these Ordinances or any conditions of approval for permits or approvals issued

under these Ordinances, or any owner of any property where a violation occurs, shall be penalized in accordance with the provisions of 30-A M.R.S.A. § 4522. Any fines or penalties resulting from proceedings under enforcement actions taken under the provisions of this Section, together with costs and expenses as allowed under 30-A M.R.S.A. § 4452(3)(d) shall be paid to the order of the Town of Union.

ARTICLE 2: SITE PLAN REVIEW PROVISIONS

2.1. PURPOSE

Substantial development or major changes in land use can have a major impact on the cost and efficiency of municipal services and on the environment of the Town. Such development can have impacts on schools, waste disposal, water supply, recreational facilities; solid waste disposal; fire protection; open space; road systems and circulation; traffic congestion; placement of buildings and structures; water quality; the visual characteristics of the neighborhood and Town; and the general health, safety, and welfare of the community. It is the purpose of these site plan review Ordinance provisions to minimize the impacts caused by development, and to accomplish the following objectives with the least possible regulation;

2.1.1. To establish a fair and reasonable set of standards for evaluating each development proposal,

2.1.2. To provide local protection from those particular nuisances which are not governed by State law or regulations,

2.1.3. To suggest ways in which development proposals may be modified so that potential problems and nuisances would be minimized or prevented.

2.1.4. To balance the right of land owners to use their land for the purposes stated above, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water run-off and the degradation of ground or surface water resources,

2.1.5. To provide a public hearing process through which town residents may raise questions and receive answers about how new development proposals would affect them and,

2.1.6. To reduce the off-site problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities.

2.2. AUTHORITY AND ADMINISTRATION

2.2.1. These site plan review Ordinance provisions are adopted pursuant to the Home Rule Power of Article VIII, Part 2, of the Maine Constitution and 30-A M.R.S.A., Section 3001.

2.2.2. The Union Planning Board shall administer this Ordinance.

2.3. APPLICABILITY

These site plan review Ordinance provisions shall apply to:

2.3.1. Proposals for new construction of nonresidential buildings or structures and of multi-family dwellings of three or more units, including accessory buildings and structures, having a total area for all floors of more than one thousand five hundred (1,500) square feet.

2.3.2. Resumption of conforming and non-conforming uses which have been discontinued for at least one (1) year.

2.3.3. Existing uses (conforming and non-conforming) which seek to expand by one thousand five hundred (1,500) square feet within any five (5) year period, with regard to floor-space, parking area, seating capacity, or outdoor storage area, and the addition of weeks or months to a business's operating seasons which exceeds twenty (20) percent.

2.3.4. Existing uses (conforming and non-conforming) which seek to expand by the addition of hours to a workday which does create a negative impact on the surrounding area.

2.3.5. Proposals to pave, strip, grade, fill or remove earth materials from areas of more than ten thousand (10,000) square feet within a five (5) year period.

This section does not apply to single-family or two-family dwellings and/or accessory buildings, home occupations or agricultural and forest management practices.

2.4. REVIEW PROCEDURE

2.4.1. Informal Pre-application Procedure

2.4.1.1. All applicants seeking Site Plan Approval must ask to be placed on the Planning Board Agenda eight (8) days before a regularly scheduled Planning Board meeting. At this preliminary meeting the applicant shall make a preliminary presentation to the Planning Board, including a sketch plan of the proposed project.

2.4.1.2. Planning Board may offer suggestions toward the drafting of formal plans and review with the applicant the appropriate information required for the project.

2.4.1.3. The sketch plan should be drawn, and the lot number and appropriate tax map should be indicated for reference.

2.4.2. Application Procedures

2.4.2.1. Within six (6) months of the pre-application meeting, the applicant shall submit the following materials to the Code Officer at least eight (8) days prior to a regular monthly meeting accompanied by an application fee.

2.4.2.1.1. Eight (8) copies of the Site Plan Review application. Application forms are available at the Town Office.

2.4.2.1.2. Eight (8) copies of a site plan showing the following information and drawn to a scale of not more than one hundred (100) feet to the inch and not less than forty (40) feet to the inch on standard twenty-four (24) inch by thirty-six (36) inch paper.

2.4.2.2. Information provided on this drawing should include:

2.4.2.2.1. Name and address of applicant and development,

2.4.2.2.2. Scale and true north or magnetic indicator,

2.4.2.2.3. Total land area of the site,

2.4.2.2.4. Location of development on the site,

2.4.2.2.5. Location of water courses, marshes or bedrock on the site,

2.4.2.2.6. Existing soil conditions as described by either a soil scientist, geologist, engineer, or Soil Conservation Service medium intensity soil survey,

2.4.2.2.7. Location of proposed public utilities, culverts, wells, and leach fields,

2.4.2.2.8. Location of fencing, screening or landscape work,

2.4.2.2.9. Contour lines may be required and specified by the Planning Board showing elevations in relation to national geographic vertical datum,

2.4.2.2.10. Municipal tax map, lot numbers, names and addresses of all landowners within five hundred (500) feet,

2.4.2.2.11. The Planning Board may also require an updated survey completed by a licensed Maine surveyor or engineer,

2.4.2.2.12. Exact dimensions and acreage of parcel,

2.4.2.2.13. Location of all buildings within three hundred (300) feet of the property boundaries,

2.4.2.2.14. Location of all other structures, wells, sewer systems, waterbodies, easements, drainage ways, public and private water ways and roads within three hundred (300) feet of the boundary lines.

2.4.2.2.15. The size, shape, and location of existing and proposed buildings on the parcel, as well as elevations of proposed buildings,

2.4.2.2.16. Location and dimensions of on-site pedestrian and vehicular access ways,

parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets, and curb and sidewalk lines,

2.4.2.2.17. A signature block on the site plan, including space to record a reference to the order by which the plan is approved.

2.4.2.3. The applicant shall attend a meeting of the Planning Board to discuss his application and all supporting data requested.

2.4.2.4. Upon determining that a complete application has been submitted for review and appropriate fees have been paid, the Planning Board shall issue a dated receipt of a completed application.

2.4.2.5. The Planning Board will hold a public hearing on all applications within forty-five (45) days of submitted application.

2.4.2.6. The Planning Board shall notify all landowners within five hundred (500) feet from applicants' property lines.

2.4.2.7. The Planning Board may require applicant to solicit written comments from the road commissioner, fire chief, school superintendent and utilities on the impact of the proposed development on the services they provide.

2.4.2.8. Before the Planning Board gives final approval, the applicant must meet one of the performance guarantees contained in 2.5.13.

2.4.2.9. Forty-five (45) days after submission of a completed application (date receipt), the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. In respect to all review criteria the burden of proof rests with the applicant.

2.5. REVIEW CRITERIA AND PERFORMANCE STANDARDS

Before granting approval of any Site Plan Review application, the Planning Board shall consider the following criteria and shall determine that the proposed activity is in accordance with the provisions of this Ordinance.

2.5.1. Air and Water Pollution

Will not result in undue water or air pollution either on or off the site. In making this determination, the Planning Board shall consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal and the slope of the land and its effect on effluents. Adequate provision shall be made for surface drainage so that removal of surface waste will not adversely affect neighboring properties.

Has sufficient water available for reasonably foreseeable needs of the development including

but not limited to potable water and fire control water, and will not alone or in conjunction with other activities adversely affect the quality or quantity of the ground water. Will not cause an unreasonable burden on existing water supplies including private ground water.

2.5.2. Dust, Fumes, Vapors and Gases
Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point, beyond the lot lines of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

2.5.3. Odor
No land use or establishment shall be permitted to produce harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

2.5.4. Soil Erosion
Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result both on and off site. Until a disturbed area is stabilized, sediments in run-off water shall be trapped by the use of debris basins, sediment basin, silt traps, or other acceptable methods as determined by the Planning Board. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sand pits, rock quarries, etc.) shall not be permitted within one hundred (100) feet of any property line, except as provided for in the Zoning Ordinance provisions.

2.5.5. Vehicular Access, Parking and Circulation
The proposed site layout shall provide for safe access to and from public and private roads and shall meet the following standards.

2.5.5.1. Entrance ways shall be designed to provide the following minimum sight distance measured in each direction, from the point at which the entrance way meets the public or private right-of-way:

[FROM *1.10.9.6*] Table of Sight Distance Minimums	
Posted Speed (MPH)	Sight Distance Minimum (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570

2.5.5.2. The roads serving the site shall be adequate to carry the anticipated traffic, and the site

plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.
2.5.5.3. Pedestrian ways shall be safely separated from vehicular traffic.

2.5.6. Solid Waste and Sewage Waste Disposal
The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

2.5.7. Historic Sites
Will not have an undue adverse effect on historic sites.

2.5.8. Comprehensive Plan and Ordinance
Is in conformance with Comprehensive Plan and all Ordinances and regulations of the Town of Union.

2.5.9. 100-Year Flood Elevation
All principal structures within the development, located within designated Flood Hazard Areas, shall be constructed with the lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation.

2.5.10. Relationship of Structure to the Environment
Proposed structures shall relate harmoniously to the land and existing buildings. Special attention shall be paid to the bulk, location and height of buildings. In historical areas the Planning Board shall require new construction to harmonize with surrounding properties to be designed so as not to be architecturally incompatible. Exposed storage areas, service areas, utility buildings and similar structures shall be screened. Such screening shall establish a buffer zone appropriate for the activity of commercial uses, exposed storage areas, and utility buildings the year round. Industrial uses shall have minimum 100-foot buffer zone.

2.5.11. Glare
No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

2.5.12. Noise
Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial or industrial activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound Pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit		
	7 a.m. - 8 p.m.	8 p.m. - 7 a.m.

Village Residential	50 dB(A)	45 dB(A)
Rural	55 dB(A)	45 dB(A)
Commercial	65 dB(A)	55 dB(A)
Industrial	70 dB(A)	60 dB(A)

The following uses and activities shall be exempt from the sound pressure level regulations: temporary noises created by construction, timbering or agriculture.

2.5.13. Performance Guarantees

The final plan shall be accompanied by a performance guarantee or, at the discretion of the Planning Board, a conditional agreement. The performance guarantee shall be for an amount adequate to cover the total construction costs of all required improvements for roads, utilities, sewage collection and other improvements for all infrastructure to be used publicly or privately maintained and used in common.

Type of Guarantees:

2.5.13.1. A certified check payable to the Town of Union;

2.5.13.2. A savings account passbook issued in the name of the Town of Union;

2.5.13.3. An irrevocable letter of credit from a financial institution acceptable to the Planning Board;

2.5.13.4. A faithful performance bond running to the Town of Union and issued by a surety company licensed to do business in the Sate of Maine.

2.5.14. General Conditions

2.5.14.1. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that, because of special circumstances of the site or size of the project, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

2.5.14.2. Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire after a period of twelve (12) months if construction has not been substantially commenced.

2.5.14.3. Conditions:

The Planning Board may, in order to carry out the purposes of this section, require additional conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhood. The Planning Board may impose such reasonable conditions on approvals granted under this Ordinance as it may deem necessary or appropriate to further the applicant's compliance with the review criteria or other provisions

of this Ordinance. Such conditions may include, but are not limited to, specifications for: increased setbacks and yards; specified water supplies for sewage disposal facilities; type of vegetation; landscaping and planting screens; periods and methods of operation; routing of traffic; professional operation, maintenance, and inspection of sanitary facilities; and performance guarantees. Such conditions imposed, and the reasons therefore, shall be written as part of this approval issued by the Planning Board which involves additional conditions.

2.6. VALIDITY, SEVERABILITY AND CONFLICTS WITH OTHER ORDINANCES

2.6.1. Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

2.6.2. Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants the most restrictive or that imposing the higher standards shall govern.

2.7. APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance have been misconstrued or wrongfully interpreted, the applicant, and abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within thirty (30) days of the Planning Board's decision. The Board of Appeals may reverse the Planning Board's decision only upon the findings that there has been an error of law or that the facts leading to the decision or the interpretation of these facts by the Planning Board were erroneous. The appeal shall be consistent with 1.12.7 Appeals. In making its review, the Board of Appeals shall conduct a public hearing in accordance with Title 30, M.R.S.A. Section 2411.

2.8. INCORPORATION OF THE UNION LAND USE

All provisions of the Union Land Use Ordinance, including but not limited to performance standards, definitions and enforcement provisions are hereby incorporated into these Site Plan Review provisions by reference.

ARTICLE 3: WIRELESS TELECOMMUNICATIONS FACILITY PROVISIONS
(Adopted November 6, 2007)

3.1. AUTHORITY
These ordinance provisions are adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 et. seq.

3.2. PURPOSE AND INTENT
The purpose of these Ordinance provisions is to provide a process and a set of standards for the construction of wireless telecommunications facilities and to establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities. Additional objectives of these provisions are as follows:

- Allow competition in telecommunications service;
- Permit and manage reasonable access to the public rights of way of the Town of Union for telecommunications purposes on a competitively neutral basis;
- Ensure that all telecommunications carriers providing facilities or services within the Town of Union comply with the Ordinances of the Town of Union;
- Ensure that the Town of Union can continue to fairly and responsibly protect the public health, safety and welfare;
- Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;
- Further the goals and policies of the Comprehensive Plan, while promoting orderly development of the town with minimal impacts on existing uses;
- Protect the scenic and rural character of the community.

3.3. APPLICABILITY
These Ordinance provisions apply to all construction, expansion and colocation of wireless telecommunications facilities, except the following:

3.3.1. Wireless telecommunications facilities for communication by public officials, including specifically emergency communications.

3.3.2. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

3.3.3. Parabolic antennae less than seven (7) feet in diameter.

3.3.4. Maintenance or repair of a wireless telecommunications facility and related equipment, provided that there is no change in the height, other dimension, or other external characteristic of the facility.

3.3.5. An antenna that is an accessory use to a residential dwelling unit.

3.3.6. A temporary wireless telecommunications facility, in operation for a maximum period of 180 consecutive days and as close as practical to the site of an approved permanent facility, while an approved permanent facility is under construction. (This applies to so-called cellular-on-wheels facilities (COW's.)

3.3.7. Short-term facilities for media or events for a maximum period of fourteen (14) consecutive days.

In addition to complying with these Ordinance provisions, all wireless telecommunications facilities must comply with the Town of Union Land Use Ordinance, as from time to time amended, which also includes all provisions of the Site Plan Review Ordinance, as from time to time amended, that are dispositioned by the Planning Board in accordance with 3.4.2 of this ordinance. These provisions shall apply regardless of applicability limitations expressed in 2.3 of the Site Plan Review Ordinance.

3.4. REVIEW AND APPROVAL AUTHORITY

No person shall construct or expand a wireless telecommunications facility without approval of the Planning Board or the Code Enforcement Officer (CEO), as set forth below.

3.4.1. Expansion of an existing facility

3.4.1.1. Approval by the CEO is required for any expansion of a previously approved wireless telecommunications facility:

3.4.1.1.1. that increases the height of the facility's building or structure by no more than twenty (20) feet from the height approved by the Planning Board in the original site plan review, for facilities originally approved under this ordinance; or by no more than twenty (20) feet from its original height for a facility that predates this Ordinance;

3.4.1.1.2. for colocation of the equipment of an additional wireless telecommunications service provider in or on a previously approved facility.

3.4.1.2. For any expansion, the maximum height restriction imposed by 3.7.2 applies.

3.4.1.3. The CEO shall review applications for such wireless telecommunications facilities, and make written findings supporting the issuance or denial of approvals for such facilities. Those written findings shall state whether the proposed facility complies with this Ordinance.

3.4.2. New construction

Approval of the Planning Board is required for construction of a new wireless telecommunications facility, and for any expansion of a previously approved wireless telecommunications facility that increases the height of the facility by more than twenty (20) feet.

The Planning Board shall review applications for such wireless telecommunications facilities, and make written findings supporting the issuance or denial of approvals for such facilities. Those written findings shall state whether the proposed facility complies with this ordinance.

3.5. APPROVAL PROCESS

3.5.1. Application

Applicants shall meet with the CEO no less than thirty (30) days prior to filing an application to the Planning Board. The purpose of this meeting shall be for the CEO to explain the Ordinance requirements as well as application forms and required submissions. The application procedure shall be in accordance with the Town of Union Land Use Ordinance. No tower owner or manager shall be permitted to submit an application if the tower owner or manager does not have a signed agreement committing a commercial service provider to occupy space on the tower.

3.5.2. Submission requirements for CEO approval

Applications for approval by the CEO shall include the following materials and information:

3.5.2.1. Documentation of the applicant's right, title, and interest in the lot where the facility will be sited, including the name and address of the landowner and the applicant.

3.5.2.2. A copy of the FCC license for the facility.

3.5.2.3. Location map and elevation drawings of the proposed facility, including any proposed structures, showing color, and identifying structural materials.

3.5.2.4. For proposed expansion of a facility, a signed statement that commits the owner of the facility and successors in interest to:

3.5.2.4.1. respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

3.5.2.4.2. negotiate in good faith for shared use by third parties;

3.5.2.4.3. allow shared use if a party proposing colocation agrees in writing to pay reasonable charges for colocation, and such colocation will not jeopardize the existing facility;

3.5.2.4.4. require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

3.5.2.5. A form of surety or other performance guaranty in an amount to pay for the costs of removing the applicant's facility if it is abandoned, which may include the following performance guaranties:

3.5.2.5.1. a certified check payable to the Town of Union;

3.5.2.5.2. a savings account passbook issued in the name of the Town of Union;

3.5.2.5.3. an irrevocable letter of credit from a financial institution; or

3.5.2.5.4. a performance bond running to the Town of Union and issued by a surety company or insurance company licensed to do business in the State of Maine.

3.5.3. Submission requirements for Planning Board approval

Applications for approval by the Planning Board shall include the following materials and information:

3.5.3.1. Documentation of the applicant's right, title, and interest in the lot where the facility will be sited, including the name and address of the landowner and the applicant.

3.5.3.2. A copy of the FCC license for the facility, or a signed affidavit from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

3.5.3.3. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800) and that are within one thousand (1000) feet of the proposed site.

3.5.3.4. A USGS 7.5-minute topographic map showing the current location of all structures and wireless telecommunications facilities above one hundred twenty (120) feet in height from ground level, except antennae located on roof tops, within a five (5) mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database, including latitude and longitude.

3.5.3.5. A site plan:

3.5.3.5.1. prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, and setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) codes;

3.5.3.5.2. certification by the applicant that the proposed facility complies with all FCC standards for radio emissions; and

3.5.3.5.3. a boundary survey for the project performed by a land surveyor licensed by the State of Maine;

3.5.3.5.4. all other requirements specified in the Town of Union Site Plan Review Ordinance, unless expressly waived by the Planning Board in accordance with provisions of the Ordinance.

3.5.3.6. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level and facility configuration (shape, etc.).

3.5.3.7. A visual impact mitigation plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure; additional concealment or other proposed visual impact mitigation measures; and the proposed lighting method.

3.5.3.8. A visual impact assessment by a qualified professional which shall include photo simulations (actual photos, with simulated images of the proposed facility inserted into the photos) of the proposed facility taken from perspectives determined by the Planning Board during the site plan review pre-application meeting pursuant to the Site Plan Review Ordinance. Each photo simulation must be labeled with the line of sight, elevation, and the date taken imprinted on the photograph. The photo must show the color of the facility and method of screening.

3.5.3.9. A narrative discussing:

3.5.3.9.1. the extent to which the proposed facility would be visible from or within a designated scenic resource;

3.5.3.9.2. the tree line elevation of vegetation within one hundred (100) feet of the facility; and

3.5.3.9.3. the distance to the proposed facility from the designated scenic resource's noted viewpoints.

3.5.3.10. A written description of how the proposed facility fits into the applicant's telecommunications network. (The purpose of this requirement is to support verification of the applicant’s business and technical need for the facility.)

3.5.3.11. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility for any of the following reasons:

3.5.3.11.1. no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements;

3.5.3.11.2. existing facilities do not have sufficient height and cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements;

3.5.3.11.3. existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment; specifically, that:

3.5.3.11.3.1. necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and the existing facilities cannot be reinforced to accommodate the new equipment;

3.5.3.11.3.2. the applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna;

3.5.3.11.3.3. existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively;

3.5.3.11.4. for facilities existing prior to the effective date of this Ordinance, evidence that the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable.

3.5.3.12. A signed statement stating that the owner of the wireless telecommunications facility and successors and assigns agree to:

3.5.3.12.1. respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

3.5.3.12.2. negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

3.5.3.12.3. allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation, and such colocation will not jeopardize the existing facility;

3.5.3.12.4. require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful lifespan of the facility.

3.5.3.13. In addition, prior to the issuance of a permit, the applicant shall provide a form of surety or other performance guaranty approved by the Planning Board in an amount

sufficient to pay for the costs of removing the facility if it is abandoned, which may take any of the following forms:

3.5.3.13.1. a certified check payable to the Town of Union;

3.5.3.13.2. a savings account passbook issued in the name of the Town of Union;

3.5.3.13.3. an irrevocable letter of credit from a financial institution acceptable to the Planning Board; or

3.5.3.13.4. a performance bond running to the Town of Union and issued by a surety company or insurance company licensed to do business in the State of Maine.

3.5.4. Submission waiver

The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that due to special circumstances of the application, the submission is not required to determine compliance with the standards of this Ordinance.

3.5.5. Fees

3.5.5.1. CEO Application Fee

An application for CEO approval shall include payment of an application fee as set annually by the Board of Selectmen. The fee is intended to cover the cost of the Town's administrative processing of the application and related costs. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn, less all expenses incurred by the Town to review the application up to the time of withdrawal.

3.5.5.2. Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee as set annually by the Board of Selectmen. The application shall not be considered complete until this fee is paid. The fee is intended to cover the cost of the Town's administrative processing of the application, including notification, and related costs. This fee shall not be refundable.

3.5.5.3. Planning Board Review Escrow Account

3.5.5.3.1. The Planning Board may hire any consultant and/or expert necessary to assist the Town in reviewing, analyzing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

3.5.5.3.2. An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of a consultant and any expert evaluation and consultation

to the Planning Board in connection with the review of any application, and the construction and modification of the site once permitted. The initial deposit shall be $5,000, which deposit is not a fee. The placement of the $5,000 with the Town shall precede the pre-application meeting. The Town will maintain a separate escrow account for all such funds. Consultants shall invoice the Town for services in reviewing the application, including the construction and modification of the site, once permitted, and the Town shall use this escrow to pay the consultants.

3.5.5.3.3. If at any time during the process the escrow account has a balance less than $2,500, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least $5,000. Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

3.5.5.3.4. The total amount of the funds needed as set forth in 3.5.5.3.2 may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.

3.5.6. Public hearing

For applications requiring Planning Board approval under 3.4.2, a public hearing shall be held within thirty (30) days of the notice of a complete application.

3.5.7. Approval

3.5.7.1. CEO Approval
Within thirty (30) days of receiving a complete application for approval under 3.4.1, the CEO shall approve, approve with conditions, or deny the application in writing, and shall provide written findings on which the approval or denial is based. The time period may be extended upon agreement between the applicant and the CEO.

3.5.7.2. Planning Board Approval
Within ninety (90) days of receiving a complete application under 3.4.2, the Planning Board shall approve, approve with conditions, or deny the application in writing, and shall provide written findings on which the approval or denial is based.

3. 6. SITE RESTRICTIONS

3.6.1. A new wireless telecommunications facility is an allowed use only in the following areas, unless such facility is sited as set forth in 3.6.2 below:

3.6.1.1. the Rural District as defined in the Town of Union Land Use Ordinance provisions; and

3.6.1.2. at least six hundred (600) feet from the edge of the roadway along Heald Highway, Depot Street, South Union Road, North Union Road, Sennebec Road, and Appleton Road, unless the Planning Board makes a positive finding that, because of the local topography, a shorter setback from the road would result in a less pronounced visual impact.

3.6.2. In addition to the areas set forth above, a new wireless telecommunications facility is an allowed use in all other areas under the following circumstances:

3.6.2.1. colocation of equipment in or on a previously approved wireless telecommunications facility, subject to approval by the CEO as set forth in 3.4.1 above; or

3.6.2.2. location of an antenna in an existing structure, such as (for purposes of illustration) a church steeple, silo, or multi-story building, with no indication or display of equipment outside that existing structure.

3.7. STANDARDS OF REVIEW

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

3.7.1 CEO Approval Standards

An application for approval by the CEO under 3.4.1 must meet the following standards:

3.7.1.1. The proposed facility is an expansion that increases the height of the previously approved structure by no more than twenty (20) feet, under the conditions specified in 3.4.1.

3.7.1.2. The applicant has sufficient right, title, or interest in the previously approved structure or the existing structure to make the application for approval from the CEO.

3.7.1.3. The proposed structure for the addition to the previously approved facility or structure shall be constructed of materials and colors that match or blend with the existing or previously approved structure.

3.7.1.4. The proposal set forth in the application meets the requirements set forth in 3.5.2 (4) and (5) of this Ordinance.

3.7.1.5. The CEO makes a positive finding that the configuration of the facility, with the exception of the height as specified in 3.7.1.1 above, will not be substantially different from the configuration approved in the original site plan review.

3.7.2 Planning Board Approval Standards

An application for approval by the Planning Board under 3.4.2 shall meet the following standards:

3.7.2.1. Preference for Colocation and Location of an Antenna in an Existing Structure
To the extent practical, as determined by the Planning Board, new wireless telecommunications facilities shall be located or configured in the following manner in each zoning district of the Town of Union where such use is allowed. The applicant shall demonstrate that the preferences below cannot reasonably accommodate the applicant's proposed facility before a new facility can be approved:

3.7.2.1.1. colocation of such a facility in connection with or as part of an existing wireless telecommunications facility; and

3.7.2.1.2. an antenna located in an existing structure such as (for purposes of illustration) a church steeple, silo or multi-story building, with minimal indication or display of equipment outside that existing structure.

3.7.2.2. Siting on Municipal Property
If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility, on municipal property, the applicant shall show the following:

3.7.2.2.1. the proposed location complies with applicable municipal policies and Ordinances;

3.7.2.2.2. the proposed facility will not interfere with the intended purpose of the property;

3.7.2.2.3. the applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

3.7.2.3. Design for Colocation
A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least two (2) additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the height limit effectively prevents future colocation.

3.7.2.4. Height
The maximum height of a structure for a wireless telecommunications facility shall be no more than one hundred ninety (190) feet, including the height of the antenna.

3.7.2.5. Setbacks
A structure or building for a new or expanded wireless telecommunications facility shall comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including areas outside the property boundaries if these areas are secured by easements acceptable to the Planning Board. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

3.7.2.6. Landscaping
A new wireless telecommunications facility and related equipment shall be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural landforms on the site shall also be preserved to the maximum extent practicable.

3.7.2.7. Fencing
A new wireless telecommunications facility shall be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Such fencing shall include a gate on the access road when deemed appropriate by the Planning Board.

3.7.2.8. Lighting
A new wireless telecommunications facility shall be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be downcast to retain light within the boundaries of the site, to the maximum extent practicable.

3.7.2.9. Color and Materials
A new wireless telecommunications facility shall be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required by the Planning Board, muted colors, earth tones and subdued hues shall be used.

3.7.2.10. Structural Standards
A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EWTIA) 222 Revision Standard entitled "Structural Standards for Steel and Antenna Towers and Antenna Supporting Structures."

3.7.2.11. Visual impact
A new wireless telecommunications facility must be designed to mitigate visual impact to the greatest extent practical, considering the engineering requirements of the applicant and the availability of reasonable visual impact mitigation measures, including consideration of reasonable alternatives.

3.7.2.12. Visual impact on Designated Scenic Resources
The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the Town's Comprehensive Plan, as that Comprehensive Plan may be amended from time to time, or identified in 3.14 and incorporated by reference herein. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, or resource, the Planning Board shall consider the following factors:

3.7.2.12.1. View Above Tree line
The extent to which the proposed wireless telecommunications facility is visible above the tree line, from the viewpoint(s) of the impacted designated scenic resource as viewed from the public road, public land or public waterway;

3.7.2.12.2. Extent of Background Features
The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

3.7.2.12.3. General Visibility
The extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s) set forth in (3.7.2.12.1) above;

3.7.2.12.4. Vegetative Screening
The amount of vegetative screening;

3.7.2.12.5. Distance
The distance of the proposed facility from the viewpoint of the designated scenic resource and the facility's location within the designated scenic resource;

3.7.2.12.6. Overall Visual Impact
The evidence set forth in the visual impact assessment submitted with the application pursuant to 3.5.3.7 above, and any conclusions based upon that visual impact assessment;

3.7.2.12.7. Alternatives
The presence of reasonable alternatives, including proactive concealment measures and alternative siting that allow the facility to function consistent with its purpose.

3.7.2.13. Access Roadways
All access roadways shall be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation. The design shall take all practical steps possible to prevent a visible scar up or across a ridgeline visible from public streets, roads, or water bodies.

3.7.2.14. Historic, Cultural, & Archaeological Properties
The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, businesses, buildings, structures, or objects that are significant in local history, architecture, archaeology, engineering or culture.

3.7.3. Standard Conditions of Approval
The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the intent of this Ordinance, the Planning Board may impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan and shall include:

3.7.3.1. The owner of the wireless telecommunications facility and successors and assigns agree to:

3.7.3.1.1. respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

3.7.3.1.2. negotiate in good faith for shared use by third parties;

3.7.3.1.3. allow shared use if an applicant agrees in writing to pay reasonable charges for colocation, and such colocation will not jeopardize the existing facility;

3.7.3.1.4. require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

3.7.3.2. Upon request by the Planning Board, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

3.8. AMENDMENT TO AN APPROVED APPLICATION

Any changes to an approved application shall be reviewed and dispositioned by either the CEO or the Planning Board, as specified in 3.4, in full compliance with the regulations in this ordinance.

3.9. DAMAGE

In the event that a wireless telecommunications facility is substantially damaged by a storm or other Force Majeure, the owner shall restore the facility to its most recently approved configuration, or remove it, within one hundred eighty (180) days.

3.10. ABANDONMENT

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing, certified mail return receipt requested, ordering the removal of the facility within ninety (90) days of the date of receipt of the notice. The owner of the facility shall have thirty (30) days from receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the owner fails to establish that the facility has not been abandoned, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality shall remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

If a surety has been given to the Town to ensure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board, and all costs have been paid. Any balance

of funds remaining after the land has been returned to the pre-construction condition shall be returned to the owner.

If a surety has been given to the Town and the costs of removal exceed the surety, the owner of the facility shall be responsible for payment of the additional costs to the Town, such payment to be made within fourteen (14) days of the request by the Town for payment.

3.11. APPEALS

Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Zoning Board of Appeals, as an administrative appeal under the Town of Union Land Use Ordinance. Written notice of the appeal shall be filed within thirty (30) days of the date of a written decision by the Planning Board or CEO. The notice of appeal shall clearly state the reasons for the appeal. The review by the Board of Appeals of a Planning Board or CEO decision shall be based exclusively on the written record of the decision, and the Board of Appeals shall reverse the decision only of it makes a positive finding that the decision was clearly contrary to the requirements or standards of this Ordinance. If the Appeals Board finds that the written record is insufficient to support adjudication of the appeal, it shall remand the decision to the decision-making body for clarification.

3.12. ENFORCEMENT

This Ordinance shall be enforced pursuant to the provisions of the Town of Union Land Use Ordinance.

3.13. CONFLICT WITH OTHER ORDINANCES

Whenever a provision of this Ordinance is found to be in conflict with or inconsistent with another provision of this Ordinance or with any other Ordinance, regulation, or statute, the more restrictive provision shall apply. The invalidation of any part of this Ordinance shall not invalidate any other part of this Ordinance.

3.14. DESIGNATED SCENIC RESOURCES

The following are established as Designated Scenic Resources. The resources are specified by an observation position on a public way, and by two angular directions defining a viewing angle. All angular directions are magnetic (compass) directions.

3.14.1. Millay Lane.

Viewpoint: Millay Lane, from Clarry Hill Road along a span of 200 feet to Utility Pole No. 501-481.
Angular bounds: 0 to 60 deg. and 100 to 360 deg.
Description: Panoramic views across downward sloping terrain toward Seven Tree Pond to the southeast and toward rolling hills in the distance.

3.14.2. Seven Tree Pond from Depot Street.

Viewpoint: Depot Street, 600 feet north of the intersection with Western Road.
Angular bounds: 20 to 120 deg.
Description: Views across blueberry fields to Seven Tree Pond.

3.14.3. North from Depot Street.

Viewpoint: Depot Street, from the intersection with Come Spring Lane south to Telephone Pole 57-46.
Angular bounds: 40 to 130 deg. and 300 to 360 deg.
Description: Views across farms and hayfields toward Seven Tree Pond and views of Barrett Hill, Ragged Mountain, Overlock Hill, and Coggins Hill.

3.14.4. Seven Tree Pond from Ayer Hill and the Common Cemetery.
Viewpoint: Along Cemetery Drive, from Ayer Hill to the rear boundary of the cemetery.
Angular bounds: 50 to 240 deg.
Description: Views of Seven Tree Pond, Spruce Mountain, Pleasant Mountain, Barrett Hill and part of Union Village area.

3.14.5. Seven Tree Pond from Ayer Park.
Viewpoint: Ayer Park boat ramp at the edge of the pond.
Angular bounds: 40 to 240 deg.
Description: Views across the pond toward rising terrain on the opposite shore.

3.14.6. Seven Tree Pond from South Union Road.
Viewpoint: South Union Road at 487 South Union Road.
Angular bounds: 250 to 280 deg.
Description: Across Seven Tree Pond to the hills in the background.

3.14.7. Clarry Hill.
Viewpoint: Top of Clarry Hill (State has scenic easement).
Angular bounds: 0 to 360 deg.
Description: Spectacular views in all directions; a Town landmark.

3.14.8. Southeast from Pound Hill Road.
Viewpoint: Pound Hill Road, 300 feet west of the intersection with Overlock Hill Road.
Angular bounds: 150 to 180 deg.
Description: Overlooks fields and pastures toward Round Pond with Ayer Hill in the background, plus the eastern slope of Clarry Hill.

3.14.9. West from Upper Shepard Hill Road.
Viewpoint: Shepard Hill Road, 300 feet north of the crest of the hill.
Angular bounds: 240 to 300 deg.
Description: West side of Clarry Hill and rolling hills beyond.

3.14.10. Coggins Hill Road.
Viewpoint: North of Heald Highway, from 150 to 200 feet beyond the red barn at Whataview Farm.
Angular bounds: 70 to 180 deg.
Description: Views across an apple orchard and pasture toward Hatchet Mountain, Megunticook Mountain, Bald Mountain, Ragged Mountain, and Pleasant Mountain, with Barrett Hill and Seven Tree Pond in the foreground.

3.14.11. East from Butler Road.
Viewpoint: Butler Road, 1.25 miles north of the intersection with Appleton Road.
Angular bounds: 30 to 120 deg.
Description: Views across Sennebec Pond with Barrett Hill in the background.

3.14.12. Hills Looking East from Heald Highway.
Viewpoint: Heald Highway, 1000 feet west of the intersection with Cole Road.
Angular bounds: 45 to 145 deg.
Description: The Gateway to the Midcoast; the point where the rolling hills that characterize the Midcoast area first become visible to a traveler heading east on Route 17.

3.14.13. Lower Barrett Hill Road.
Viewpoint: Barrett Hill Road, 0.7 miles north of Heald Highway at Utility Pole No. 23-34.
Angular bounds: 230 to 350 deg.
Description: Across the western slope of Barrett Hill.

ARTICLE 4: SHORELAND ZONING PROVISIONS

(Adopted June 15, 2009)

4.1. PURPOSES

The purposes of these shoreland ordinance provisions are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

4.2. AUTHORITY

These shoreland ordinance provisions have been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

4.3. APPLICABILITY

These shoreland ordinance provisions apply to all land areas within two hundred fifty (250) feet, horizontal distance, of the

- normal high-water line of any great pond or river, or
- upland edge of a freshwater wetland,

and all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

These shoreland ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4.4. EFFECTIVE DATE

4.4.1. Effective Date of Ordinance and Ordinance Amendments

These shoreland ordinance provisions, which were adopted by the municipal legislative body on June 15, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

4.4.2. Repeal of Municipal Timber Harvesting Regulation

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A (5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-A (5), the following provisions of this Ordinance are repealed:

- 4.14. Table 4-14: Land Uses in the Shoreland Zone, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- 4.15.15. Timber Harvesting in its entirety; and
- 11. Definitions, the definitions of "forest management activities" and "residual basal area."

4.5. AVAILABILITY

A certified copy of these ordinance provisions shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of these ordinance provisions shall be posted.

4.6. SEVERABILITY

Should any section or provision of these ordinance provisions be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

4.7. CONFLICTS WITH OTHER ORDINANCES

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

4.8. AMENDMENTS

These ordinance provisions may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the

municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

4.9. DISTRICTS AND ZONING MAP

4.9.1. Official Shoreland Zoning Map Description

The areas to which these ordinance provisions are applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

4.9.1.1. Resource Protection
4.9.1.2. Limited Residential
4.9.1.3. Limited Commercial
4.9.1.4. Stream Protection

4.9.2. Scale of Map

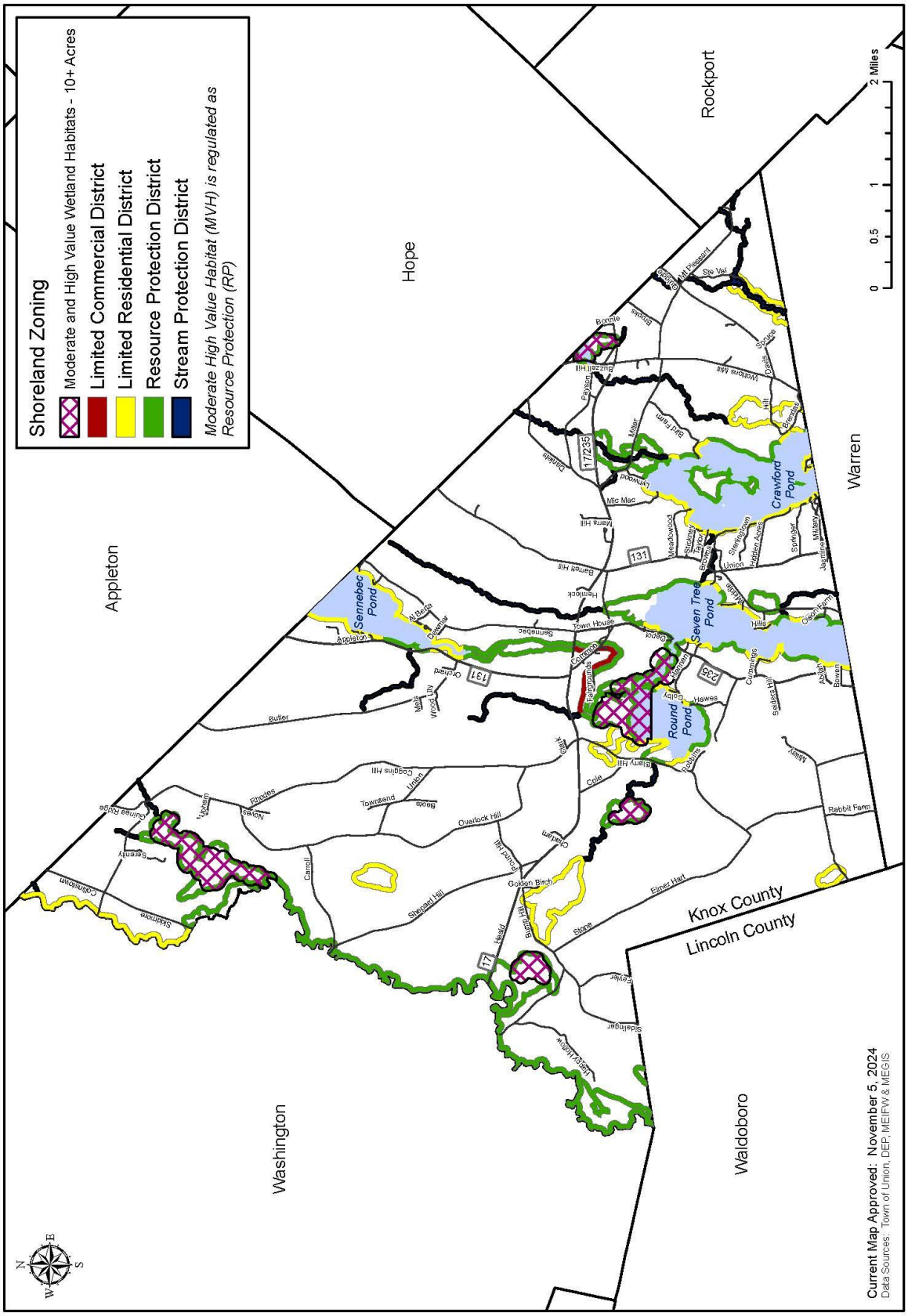
The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

4.9.3. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

4.9.4. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with 4.8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.



Union Shoreland Zoning with State-Identified Moderate and High Value Habitats

4.10 INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

4.11. LAND USE 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 of the regulations herein specified for the district in which it is located, unless a variance is granted.

4.12. NONCONFORMANCE

4.12.1. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in 4.12. Except as otherwise provided in this Ordinance, a nonconforming condition shall not be permitted to become more nonconforming.

4.12.2. General

4.12.2.1. Transfer of Ownership

Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

4.12.2.2. Repair and Maintenance

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming 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.

4.12.3. Nonconforming Structures

Expansions. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs 4.12.3.1.and 4.12.3.1.2. below.

4.12.3.1. Special expansion allowance

Existing principal and accessory structures that exceed the floor area or height limits set in 4.12.3. above, may not be expanded, except that the limits may be exceeded by not more than five hundred (500) square feet provided that all of the following requirements are met.

4.12.3.1.1. The principal structure is set back at least fifty (50) feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

4.12.3.1.2. A well-distributed stand of trees and other natural vegetation as defined in 4.15.15.2.2, extends at least fifty (50) feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property. If a well-distributed stand of trees and other vegetation meeting the requirements of 4.15.15.2.2 is not present, the five hundred (500) square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within fifty (50) feet, horizontal distance, of the shoreline or tributary stream.

4.12.3.1.3. Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA, except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within fifty (50) feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of storm water.

4.12.3.1.4. A written plan by the property owner, including a scaled site drawing, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.

4.12.3.1.4.1. Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams, and wetlands.

4.12.3.1.4.2. Roofs and associated drainage systems, driveways, parking areas, and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

4.12.3.2. Planting requirements

Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the ration scores contained in 4.12.3.1.2 and the ground cover requirements of 4.12.3.1.3 when the vegetation matures within the fifty (50) foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per eighty (80) square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three (3) native tree species found growing in

adjacent areas, with no one species making up more than fifty percent (50%) of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

4.12.3.3. Filing and reporting requirements

Written plans required pursuant to 4.12.3.1.4 must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality in the department within fourteen (14) days of the issuance of the permit.

4.12.3.4. Relocation

A nonconforming 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 Wastewater 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 nonconforming.

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 removed 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:

4.12.3.4.1. 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 (5) trees are planted, no one species of tree shall make up more than fifty percent (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.

4.12.3.4.2. Where 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.

4.12.3.5. Reconstruction or Replacement

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (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 body, tributary stream or wetland 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 nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to 4.12.3 above, as determined by the nonconforming floor area and volume of the reconstructed 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 remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with 4.12.3.1.3 above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty percent (50%) or less of the market value, or damaged or destroyed by fifty percent (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 (1) 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 or its designee shall consider, in addition to the criteria in 4.12.3.4 Relocation above, the physical condition and type of foundation present, if any.

4.12.3.6. Change of Use of a Nonconforming Structure

The use of a nonconforming 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, 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, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

4.12.4. Nonconforming Uses

4.12.4.1. Expansions

Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in 4.12.3.1 above.

4.12.4.2. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

4.12.4.3. Change of Use

An existing nonconforming use may be changed to another nonconforming 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 in 4.12.3.6 above.

4.12.5. Nonconforming Lots

4.12.5.1. Nonconforming Lots:

A nonconforming 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, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

4.12.5.2. Contiguous Built Lots:

If two (2) 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 nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two (2) 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.

4.12.5.3. Contiguous Lots - Vacant or Partially Built:
If two (2) 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 (1) 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.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is nonconforming, 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

4.12.5.3.1. Each lot contains at least one hundred (100) feet of shore frontage and at least twenty thousand (20,000) square feet of lot area; or

4.12.5.3.2. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least one hundred (100) feet of shore frontage and twenty thousand (20,000) square feet of lot area.

4.13. ESTABLISHMENT OF DISTRICTS

4.13.1. Resource Protection District

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 and areas which meet the criteria for the Limited Commercial need not be included within the Resource Protection District.

4.13.1.1. ~~.~~Areas within two hundred fifty (250) feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers. For the purposes of this paragraph "wetlands associated with great ponds and rivers" 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 rivers" are considered to be part of that great pond or river.

4.13.1.2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain 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.

4.13.1.3. Areas of two or more contiguous acres with sustained slopes of twenty percent (20%) or greater.

4.13.1.4. 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.

4.13.1.5. Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement.

4.13.1.5.1. Other important wildlife habitat;

4.13.1.5.2. Natural sites of significant scenic or esthetic value;

4.13.1.5.3. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

4.13.1.5.4. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

4.13.2. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District.

4.13.3. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

4.13.3. Stream Protection District

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 fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two hundred 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.

4.14. TABLE OF LAND USES:

All land use activities, as indicated in Table 4-14, Land Uses in the Shoreland Zone, shall conform with all the applicable land use standards in 4.15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 4-14:

Yes Allowed (no permit required but the use must comply with all applicable land use standards)
No Prohibited
PB Allowed with permit issued by the Planning Board
CEO Allowed with permit issued by the Code Enforcement Officer
LPI Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP Resource Protection
LC Limited Commercial
LR Limited Residential
SP Stream Protection

TABLE 4-14. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	SP	RP	LR	LC
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES
3. Forest management activities except for timber harvesting	YES	YES	YES	YES
4. Timber harvesting	YES	CEO	YES	YES
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	YES	YES
6. Fire prevention activities	YES	YES	YES	YES
7. Wildlife management practices	YES	YES	YES	YES
8. Soil and water conservation practices	YES	YES	YES	YES
9. Mineral exploration	NO	YES[2]	YES	YES[2]
10. Mineral extraction including sand and gravel extraction	NO	PB[3]	PB	PB
11. Surveying and resource analysis	YES	YES	YES	YES
12. Emergency operations	YES	YES	YES	YES
13. Agriculture	YES	PB	YES	YES
14. Aquaculture	PB	PB	PB	YES
15. Principal structures and uses				
A. One and two family residential, including driveways	PB[4]	PB[9]	CEO	CEO
B. Multi-unit residential	NO	NO	PB	PB
C. Commercial	NO	NO[10]	NO[10]	PB
D. Industrial, including industrial metallic mineral mining	NO	NO	NO	NO
E. Governmental and institutional	NO	NO	PB	PB

LAND USES	DISTRICT			
	SP	RP	LR	LC
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO
16. Structures accessory to allowed uses	PB[4]	PB	CEO	CEO
17. Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO[11]	CEO[11]	CEO[11]	CEO[11]
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	YES
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
21. Essential services	PB6	PB[6]	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	YES[12]	YES[12]
B. Non-roadside or cross-country distribution lines involving ten (10) poles or less in the shoreland zone	PB[6]	PB[6]	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven (11) or more poles in the shoreland zone	PB[6]	PB[6]	PB	PB
D. Other essential services	PB[6]	PB[6]	PB	PB
22. Service drops, as defined, to allowed uses	YES	YES	YES	YES
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	NO	NO[7]	PB	PB
26. Road construction	PB	NO[8]	PB	PB
27. Parking facilities	NO	NO[7]	PB	PB
28. Marinas	PB	NO	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	YES	YES
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO
31. Signs	YES	YES	YES	YES
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB

Table Footnotes:
[1]In RP not allowed within seventy-five (75) feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
[2]Requires permit from the Code Enforcement Officer if more than one hundred (100) square feet of surface area, in total, is disturbed.
[3]In RP not allowed in areas so designated because of wildlife value.
[4]Provided that a variance from the setback requirement is obtained from the Board of Appeals.
Note: No [5] footnote.
[6]See further restrictions in 4.15.12 Essential Services.
[7]Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

[8]Except as provided in 4.15.8 Roads and Driveways.
[9]Single family residential structures may be allowed by special exception only according to the provisions of 4.16.5, Special Exceptions. Two-family residential structures are prohibited.
[10]Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
[11]Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
[12]Permit not required, but must file a written "notice of intent to construct" with CEO.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland."

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

4.15. LAND USE STANDARDS

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

4.15.1. Minimum Lot Standards

4.15.1.1. Table of Minimum Lot Area and Minimum Shore Frontage

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
Residential per dwelling unit	60,000	200
Governmental, Institutional, Commercial or Industrial per principal structure	60,000	200
Public and Private Recreational Facilities	40,000	200

4.15.1.2. 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.

4.15.1.3. 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.

4.15.1.4. 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 requirement for a lot with the proposed use.

4.15.1.5. If more than one (1) 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 shall be met for each additional dwelling unit, principal structure, or use.

4.15.2. Principal and Accessory Structures

4.15.2.1. All new principal and accessory structures shall be set back at least one hundred (100) feet, 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 two hundred fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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

4.15.2.1.2. On a nonconforming lot of record on 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, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area or 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.

4.15.2.2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

4.15.2.3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one (1) foot above the elevation of the one hundred (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. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4.15.2.4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.

4.15.2.5. 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 the following conditions are met:

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

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

4.15.2.5.3. 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;

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

4.15.2.5.5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, 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 flood plain soils.

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

4.15.2.5.7. A vegetated buffer area is established within twenty-five (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:

4.15.2.5.7.1. 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 bark mulch;

4.15.2.5.7.2. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

4.15.2.5.7.3. Only native species may be used to establish the buffer area;

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

4.15.2.5.7.5. A footpath not to exceed the standards in 4.15.16.2.1, may traverse the buffer;

4.15.2.6. Notwithstanding 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 steep 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, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

4.15.3. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

4.15.3.1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

4.15.3.2. The location shall not interfere with existing developed or natural beach areas.

4.15.3.3. The facility shall be located so as to minimize adverse effects on fisheries.

4.15.3.4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.

4.15.3.5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

4.15.3.6. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

4.15.3.7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

4.15.3.8. Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

4.15.4. Campgrounds

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

4.15.4.1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, 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.

4.15.4.2. 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, horizontal distance, 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, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

4.15.5. Individual Private Campsite

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

4.15.5.1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

4.15.5.2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond 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.

4.15.5.3. Only one (1) recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4.15.5.4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

4.15.5.5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

4.15.5.6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

4.15.6. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

4.15.6.1. Auto washing facilities

4.15.6.2. Auto or other vehicle service and/or repair operations, including body shops

4.15.6.3. Chemical and bacteriological laboratories

4.15.6.4. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

4.15.6.5. Commercial painting, wood preserving, and furniture stripping

4.15.6.6. Dry cleaning establishments

4.15.6.7. Electronic circuit assembly

4.15.6.8. Laundromats, unless connected to a sanitary sewer

4.15.6.9. Metal plating, finishing, or polishing

4.15.6.10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

4.15.6.11. Photographic processing

4.15.6.12. Printing

4.15.7. Parking Areas

4.15.7.1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I 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.

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

4.15.7.3. In determining the appropriate size of proposed parking facilities, the following shall apply:

4.15.7.3.1. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

4.15.7.3.2. Internal travel aisles: Approximately twenty (20) feet wide.

4.15.8. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

4.15.8.1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond 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 unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Note: 4.15.8.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply

fully with the requirements of 4.15.8.1 except for that portion of the road or driveway necessary for direct access to the structure.

4.15.8.2. Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

4.15.8.3. New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

4.15.8.3.1. To provide access to structures or facilities within the zone; or

4.15.8.3.2. When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

4.15.8.4. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4.15.8.5. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in 4.15.17.

4.15.8.6. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

4.15.8.7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

4.15.8.7.1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

4.15.8.7.2. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

4.15.8.7.3. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

4.15.8.7.4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.

4.15.8.8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

4.15.9. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

4.15.9.1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

4.15.9.2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

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

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

4.15.9.5. Signs relating to public safety shall be allowed without restriction.

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

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

4.15.10. Storm Water Runoff

4.15.10.1. 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 stormwaters.

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

4.15.11. Septic Waste Disposal

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

4.15.11.1.1. 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

4.15.11.1.2. Holding tank is not allowed for a first-time residential use in the shoreland zone.

4.15.12. Essential Services

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

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

4.15.12.3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

4.15.13. Mineral Exploration and Extraction

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 as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

4.15.13.1. 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 4.15.13.4 below.

4.15.13.2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, 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, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

4.15.13.3. 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:

4.15.13.3.1. 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.

4.15.13.3.2. The final graded slope shall be two and one-half to one (2½:1) slope or flatter.

4.15.13.3.3. Topsoil 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.

4.15.13.4. 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.

4.15.14. Agriculture

4.15.14.1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

4.15.14.2. 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.

4.15.14.3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

4.15.14.4. There shall be no new tilling of soil within onehundred (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 twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

4.15.14.5. 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 freshwater 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 Conservation Plan.

4.15.15. **Timber Harvesting**

4.15.15.1. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

4.15.15.1.1. Within the strip of land extending 75 feet, horizontal distance, and inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

4.15.15.1.1.1. The ground is frozen;

4.15.15.1.1.2. There is no resultant soil disturbance;

4.15.15.1.1.3. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the seventy-five (75) foot strip of land;

4.15.15.1.1.4. There is no cutting of trees less than six (6) inches in diameter; no more than thirty percent (30%) of the trees six (6) inches or more in diameter, measured at four and one-half (4-½) feet above ground level, are cut in any ten (10) year period; and a well-distributed stand of trees and other natural vegetation remains; and

4.15.15.1.1.5. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

4.15.15.1.2. Beyond the seventy-five (75) foot strip referred to in 4.15.15.1.1 above, timber harvesting is permitted in accordance with 4.15.15.2 below except that in no case shall the average residual basal area of trees over four and one-half (4-½) inches in diameter at four and one-half (4-½) feet above ground level be reduced to less than thirty (30) square feet per acre.

4.15.15.2. Except in areas as described in 4.15.15.1 above, timber harvesting shall conform with the following provisions:

4.15.15.2.1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4-½) feet above ground level on any lot in any ten (10) year period is permitted. In addition:

4.15.15.2.1.1. Within one hundred (100) feet, horizontal distance, 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, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

4.15.15.2.1.2. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

4.15.15.2.2. Timber harvesting operations exceeding the forty percent (40%) limitation in 4.15.15.2.1 above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out

in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

4.15.15.2.3. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

4.15.15.2.4. Timber harvesting equipment shall not use stream channels as travel routes except when:

4.15.15.2.4.1. Surface waters are frozen; and

4.15.15.2.4.2. The activity will not result in any ground disturbance.

4.15.15.2.5. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

4.15.15.2.6. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

4.15.15.2.7. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

4.15.16. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

4.15.16.1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

4.15.16.2. Except in areas as described in 4.15.16.1., above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland 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, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

4.15.16.2.1. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

4.15.16.2.2. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of 4.15.16.2.2, a "well-distributed stand of trees adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each twenty-five (25) foot by fifty (50) foot rectangular (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above	
Ground Level (inches)	Points
2 - < 4 in.	1
4 – < 8 in.	2
8- < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25 foot by 50foot rectangular area.

The following shall govern in applying this point system:

4.15.16.2.2.1. The 25 foot by 50 foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

4.15.16.2.2.2. Each successive plot must be adjacent to but not overlap a previous plot;

4.15.16.2.2.3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

4.15.16.2.2.4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

4.15.16.2.2.5. Where conditions permit, no more than fifty percent (50%) of the points on any 25 foot by 50 foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

For the purposes of 4.15.16.2.2 "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4-½) feet above ground level for each 25 foot by 50 foot rectangle area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one half (4-½) feet above ground level may be removed in any ten (10) year period.

4.15.16.2.3. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, forest shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in 4.15.16.2.and 4.15.16.2.1. above.

4.15.16.2.4. Pruning of tree branches, on the bottom one third (1/3) of the tree is allowed.

4.15.16.2.5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Note: 4.15.16.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

4.15.16.3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured four and one half (4-½) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40%) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, twenty-five percent (25%) of the lot area within the Shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

4.15.16.4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

4.15.16.5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions in 4.15.16.

4.15.17. Erosion and Sedimentation Control

4.15.17.1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

4.15.17.1.1. Mulching and revegetation of disturbed soil.

4.15.17.1.2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

4.15.17.1.3. Permanent stabilization structures such as retaining walls or riprap.

4.15.17.2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

4.15.17.3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4.15.17.4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

4.15.17.4.1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

4.15.17.4.2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

4.15.17.4.3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

4.15.17.5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with riprap.

4.15.18. Soils

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 state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

4.15.19. Water Quality

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 impair designated uses or the water classification of the water body, tributary stream or wetland.

4.15.20. Archaeological Site

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.

4.16. ADMINISTRATION

4.16.1. Administering Bodies and Agents

4.16.1.1. Code Enforcement Officer

A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

4.16.1.2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

4.16.1.3. Planning Board

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

4.16.2. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

4.16.2.1. A permit is not required for the replacement of an existing road culvert as long as:

4.16.2.1.1. The replacement culvert is not more than twenty-five percent (25%) longer than the culvert being replaced;

4.16.2.1.2. The replacement culvert is not longer than seventy-five (75) feet; and

4.16.2.1.3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

4.16.2.2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved lists, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

4.16.2.3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

4.16.3. Permit Application

4.16.3.1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in 4.14.

4.16.3.2. All applications shall be signed by an owner or individual who can show evidence of the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

4.16.3.3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4.16.3.4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

4.16.4. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in 4.14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

4.16.4.1. Will maintain safe and healthful conditions;

4.16.4.2. Will not result in water pollution, erosion, or sedimentation to surface waters;

4.16.4.3. Will adequately provide for the disposal of all wastewater;

4.16.4.4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

4.16.4.5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

4.16.4.6. Will protect archaeological and historic resources as designated in the comprehensive plan;

4.16.4.7. Will avoid problems associated with floodplain development and use; and

4.16.4.8. Is in conformance with the provisions of 4.15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.

4.16.5. Special Exceptions

In addition to the criteria specified in 4.16.4 above, accepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

4.16.5.1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

4.16.5.2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

4.16.5.3. All proposed buildings, sewage disposal systems and other improvements are:

4.16.5.3.1. Located on natural ground slopes of less than twenty percent (20%); and

4.16.5.3.2. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one half (½) the width of the 100-year flood-plain.

4.16.5.4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of one thousand five hundred (1,500) square feet. This limitation shall not be altered by variance.

4.16.5.5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

4.16.6. Expiration of Permit

Permits shall expire one (1) year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one (1) additional year to complete the project, at which time the permit shall expire.

4.16.7. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

4.16.8. Appeals

4.16.8.1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

4.16.8.1.1. Administrative Appeals

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

4.16.8.1.2. Planning Board Appeals

To hear and decide appeals from any final decision of the Planning Board, within thirty (30) days of the date of the decision, by any aggrieved party. The appeal shall be on the basis of the record compiled by the Planning Board and additional submissions provided by the appellant and other aggrieved parties and the decision shall be made on the basis of this record and material and shall not be a hearing de novo. The burden of proof shall be on the appellant to demonstrate that the Planning Board has made an error of law, of application of the particular Ordinance, or of fact or interpretation of fact. The hearing on the appeal shall be considered a public hearing and subject to the notice requirements of 1.12.6.5. The Zoning Board of Appeals shall have the power to affirm, reverse, or modify, with or without conditions, the decision of the Planning Board or, if the record is not sufficient or further information needs to be provided, to remand the matter back to the Planning Board for further proceedings.

4.16.8.1.3. Variance Appeals

To authorize variances upon appeal, within the limitations set forth in this Ordinance.

4.16.8.2. Variance Appeals

Variances may be granted only under the following conditions:

4.16.8.2.1. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

4.16.8.2.2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

4.16.8.2.3. The Board shall not grant a variance unless it finds that:

4.16.8.2.3.1. The proposed structure or use would meet the provisions of 4.15 except for the specific provision which has created the nonconformity and from which relief is sought; and

4.16.8.2.3.2. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

4.16.8.2.3.2.1. That the land in question cannot yield a reasonable return unless a variance is granted;

4.16.8.2.3.2.2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

4.16.8.2.3.2.3. That the granting of a variance will not alter the essential character of the locality; and

4.16.8.2.3.2.4. That the hardship is not the result of action taken by the applicant or a prior owner.

4.16.8.2.4. Notwithstanding 4.16.8.2.3.2 above, The Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

4.16.8.2.5. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

4.16.8.2.6. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

4.16.8.2.7. A copy of all variances granted within the Shoreland Zoning district by the Board of Appeals shall be submitted to the Department of Environmental Protection

within fourteen (14) days of the decision.

4.16.8.3. Conditions of Approval

The ZBA is empowered to impose conditions on the property owner if it finds that such conditions are necessary to protect abutting property owners or the community as a whole from adverse impacts resulting from the granting of a variance.

4.16.8.4. Appeal Procedure

4.16.8.4.1. Making an Appeal

4.16.8.4.1.1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in 4.16.8.1.1 above. Such an appeal shall be taken within thirty (30) days of the date of the official written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

4.16.8.4.1.2. Applications for appeals shall be made filing with the Board of Appeals a written notice of appeal which includes:

4.16.8.4.1.2.1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

4.16.8.4.1.2.2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

4.16.8.4.1.3. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals papers constituting the record of the decision appealed from.

4.16.8.4.1.4. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

4.16.8.4.2. Decision by Board of Appeals

A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.

The Board of Appeals shall state the reasons and basis for its decision, including statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand delivered to the applicant and to the Department

of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Municipal Officers.

4.16.8.5. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

4.16.8.6. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

4.16.9. Enforcement

4.16.9.1. Nuisances

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

4.16.9.2. Code Enforcement Officer

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

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

4.16.9.2.3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied,

variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

4.16.9.3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4.16.9.4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452.

4.17. DESCRIPTIONS FOR THE OFFICIAL ZONING MAP

Sennebec Pond

Beginning on the eastern shore at the Appleton town line heading south from the northern corner of Map 9 Lot 43-2 south to the southern corner of Map 9 Lot 34-1 Limited Residential.

From the southern corner of Map 12, Lot 34, north on the western shore to the northern corner of Map 12, Lot 34 (including Map 12, Lot 34-1), Resource Protection. The eastern borders of Map 12, Lots 33-1 and 33-2 are Resource Protection.

From the southerly corner of Map 31 Lot 34 north to the Appleton town line, Limited Residential.

St. George River

All flood plains associated with the St. George River are Resource Protection.

Beginning on the eastern bank of the river, Map 9 Lot 32-2 south to the Hills Mills Dam. Limited Residential.

From the Hills Mills Dam south to Route 17, Resource Protection.

From Route 17 south along easterly side of river to the inlet into Round Pond, Resource Protection.
Beginning again on the western bank of the river at the outlet of Sennebec Pond at Map 9 Lot 66, south to the Hills Mills Dam, Limited Residential.

From Hills Mills Dam south to Route 17, Resource Protection.

From Route 17 on the western bank, Limited Commercial.

Past the bridge at Sunk Haze and around the point to a location on Map 26, Lot 2, 725' south of the road bridge to the Fairgrounds at the wetlands area, Limited Commercial.

From this location to the road bridge, Resource Protection.

From the bridge to the westerly corner of Map 8, Lot 40, Limited Commercial.

From the westerly corner of Map 8, Lot 40, to the entrance of the St. George River into Round Pond, Resource Protection.

Round Pond

From the bridge at Route 235 at the inlet of the St. George River into Seven Tree Pond, Map 21, Lot 12, west upriver around point to south to the northern corner of Map 8, Lot 59, Resource Protection, including island off said lot.

From northern corner Map 8, Lot 59, south to southern corner of Map 8, Lot 65, Limited Residential.

From northern corner of Map 8, Lot 66, south around pond to Map 8 Lot 6-002, Resource Protection.

From the southern corner of Map 8 Lot 6-002 to the northern corner of Map 8 Lot 7, Limited Residential.

From the northern corner of Map 89 lot 7 to Cole's Brook (Muddy Brook), Resource Protection.

From east side of Cole's Brook (Muddy Brook) easterly approximately six hundred (600) feet to the end of the marsh, Resource Protection.

From there around the point to the inlet of the stream on Map 8, Lot 12, Limited Residential.

From intersection of said brook easterly to the entrance of the St. George River into the pond, Resource Protection.

From the entrance of the river to the pond easterly to the outlet of the river from the pond, Resource Protection.

From there down the river to the bridge at Route 235, Resource Protection, along Map 8, Lot 56.

Seven Tree Pond

On the southern west side of the pond on the Warren line, Map 4, Lot 25-2, to the southern corner of Map 30, Lot 37, Limited Residential.

From the Southerly Corner of Map 30, Lot 37, to a point two hundred fifty (250) feet beyond the Southerly corner of Map 30, Lot 36-1, Resource Protection. From that point of Map 30, Lot 36-1 to a point three hundred fifty (350) feet south of the North line of Map 5 Lot 4, Limited Residential.

From that point on, two hundred ten (210) feet north of the south line of Map 5, Lot 9, Resource Protection; from that point to the south line of Map 5, Lot 11, Limited Residential.

From the southern corner of Map 21, Lot 10, to the northern corner of Map 21, Lot6, Limited Residential.

From the southeast corner of Map 21, Lot 5 (6-1), to the bridge at Route 235, Resource Protection.

Beginning at said bridge north to the northern corner of Map 21, Lot 1-B (1-2), Resource Protection.

From the southern corner of Map 21, Lot 1, north to northern corner of Map 22, Lot 7, Limited Residential.

From the southern corner of Map 22, Lot 6, north and eastward around pond to Crawford Stream inlet, Resource Protection.

From the Crawford Stream outlet south to the southerly corner of Map 19, Lot 13, Limited Residential.

From the southerly property line of Map 19, Lot 13, as it exists on April 1, 1999, southerly to subdivision line of Lots 2 & 3 of the Grover Subdivision, Resource Protection.

From the eastern corner of Map 19, Lot 9-3, around point south to southern corner of Map 30, Lot 6, Limited Residential.

From the northern corner of Map 30 Lot 5-6, south to the northern corner of Map 30, Lot 4, Resource Protection.

From the northern corner of Map 30, Lot 4, south to southern corner of Map 30, Lot 2, Limited Residential.

From the northern corner of Map 30, Lot 1, south to the Warren town line, Resource Protection.

Seven Tree Island is entirely Resource Protection.

Crawford Pond

Beginning at the Warren town line, Map 28, Lot 7, heading north on the west shore to a location five hundred (500) feet north of southern corner of Map 29, Lot 5, Limited Residential.

Beginning at said location around cove to a point two hundred twenty-five (225) feet east of the western corner of Map 29, Lot 6, Resource Protection.

From said location to a location which is six hundred (600) feet into Map 6, Lot 5, Limited Residential.

Beginning from said location east and then south around end of pond to the northern corner of Map 3, Lot 12-1, Resource Protection. Then south to the north line of Map 3 Lot 12 Limited Residential. From the southern line of Map 3 Lot 12 to Map 29 Lot 15 Resource Protection.

Beginning at northern corner of Map 29, Lot 15, around point and through cove to the southern corner of Map 29, Lot 18, Limited Residential.

From the southern corner of Map 29, Lot 18, south along the eastern shore around point to the southern corner of Map 3, Lot 4, Resource Protection.

From the northern corner of Map 3, Lot 3-5 to a point one hundred fifty (150) feet to the westerly of a granite post on the Union/Warren line, Limited Residential. From that point to the Town line, Resource Protection.

From the Warren town line in the cove at Map 28, Lot 1, around point to the intersection again with the Warren town line at Map 28, Lot 5-11, Limited Residential.

All islands, including Spruce Island and One Hundred Acre Island, Resource Protection.

Crawford River

Beginning at a location two hundred fifty (250) feet from Crawford Pond on both sides of the river all the way to the inlet at the east bank of Seven Tree Pond for the length of the river, Stream Protection District.

Lermond Pond

The entire shoreline of Lermond Pond within the confines of Union is Resource Protection except Map 18, Lot 19 is Limited Residential. The mill pond associated with Lermond Pond beginning at the bridge at Route 235 (Buzzell Hill Road) around to Old Route 17 and back to Route 235, Limited Residential.

Medomak River

All flood plains associated with the Medomak River are Resource Protection.

Beginning at the Appleton line south to the intersection of Skidmore Road with the Medomak River, Limited Residential.

From there south to the Waldoboro town line, Resource Protection.

STREAM PROTECTION DISTRICT

Any section of the following streams running through a state-designated wetland is in the Limited Residential District.

Pettingill Stream

From the Appleton town line south to the Medomak River on both sides of the stream, Resource Protection.

Quiggle Brook

Beginning at the Rockport town line heading in a southerly direction to the junction of a stream just west of the CMP transmission line on Map 1, Lot 5, Stream Protection.

From there to the edge of state-designated wetland #193, Stream Protection.

Through the wetland to the Warren town line, Stream Protection.

Beginning at the Hope town line at a point north of Quiggle Road running southerly to Quiggle Road and continuing to state designated wetland #193, Stream Protection.

Mill Stream

Beginning at Payson Road at the outlet of the Mill Pond, Stream Protection to Crawford Pond.

Millers Brook

Beginning at the Hope town line running to the inlet at Crawford Pond, Stream Protection.

Cole's Brook (Muddy Brook)
Beginning at Mud Pond all the way to Round Pond, Stream Protection.

Seven Tree Brook

The Appleton townline at Map 9 lot 41 to Seven Tree Pond, Stream Protection.
Bowker Brook

From the St. George River upstream to the confluence of two streams on Map 9, Lot 15, Stream Protection.

4.18. SIGNIFICANT RIVER SEGMENTS IDENTIFIED (TITLE 38 M.R.S.A. §437.)

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;
2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
3. **East Machias River.** The East Machias River from one quarter (¼) of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;
4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;
5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;
6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;
7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;
8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;
10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and
12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 Bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

ARTICLE 5. SOLAR ARRAYS

(Adopted June 8, 2021)

5.1. PURPOSE

The purpose of this section is to accomplish the following objectives with the least possible regulations:

1. To encourage the development of on-site energy production and consumption.
2. To protect the public health and safety.
3. To promote the general welfare of the community.
4. To meet the goals of the Comprehensive Plan.
5. To conserve the environment, wildlife habitat, fisheries, and unique natural areas.
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.

5.2. AUTHORITY

The Union Planning Board is vested with the authority to review and approve, approve with conditions, or reject any application for arrays as defined in this Ordinance.

1. The Union Planning Board reserves the right to hire independent third-party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice, or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.
4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.
5. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to

a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.

6. The applicant shall request the hearing within 10 days of the receipt of the notice establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant.
7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting Site Plan Approval for any land-use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

5.3. EXEMPT ARRAYS

The following arrays are exempt from this Article provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally permitted residential or residential accessory structure or small commercial building or accessory structure.
2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.
3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
4. Repair or replacement of array components that do not enlarge the area of the existing array.
5. Arrays regulated by the Union Wireless Telecommunication Facility Provisions.
6. Single wind energy conversion units for private use no more than 50 feet high.

5.4. LOCATION AND SIZE

Arrays may be permitted in all districts subject to all requirements of securing site plan approval and a building permit and the following size restrictions:

1. Shoreland Resource Protection (RP) and Limited Residential (LR) Districts: less than or equal to one-half (1/2) acre.
2. Rural & Commercial Districts: No limit.
3. Village (V) District: less than or equal to one-half (1/2) acre.

5.5. SITE PLAN REVIEW

All non-exempt arrays must be approved by the Union Planning Board through the Town of Union Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the Site Plan.

1. A Site Plan stamped and certified by a Maine registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.

3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 6 below. Such plan must be filed in the Knox County Registry of Deeds prior to the first operation of the array.
4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site (s) of such waste, Information on the amount of material that is being recycled shall be included in the WSMP.

5.6. GUARANTEE FOR REMOVAL

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Union, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.
3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.
4. Types and Contents of Guarantee
   One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.
   a. Interest-Bearing Escrow Account
      A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.
         i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.
         ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.
   b. Performance Bond
      A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference

the array facility for which approval is sought.

c. Irrevocable Letter of credit
An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

5.7. DECOMMISSIONING AND ABANDONMENT

1. The lessee of the Facility, or the owner of the parcel if there is no lessee, will do the following as a minimum to decommission the project.
   a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four (4) feet below grade.
   b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
   c. Restore the land to a condition reasonably similar to its condition before development, including replacement of topsoil remove or eroded.
   d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.
2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
   a. The land lease ends; or
   b. The system does not function for 12 months; or
   c. The system is damaged and will not be repaired or replaced.

   A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal. If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or Parties) responsible by certified mail or by hand delivery

with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.

a. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days of notice by the Code Enforcement Officer.
b. In the event the landowner fails to remove the facility as stated above, the Town of Union shall have the facility removed at the expense of the landowner.
c. Any unpaid costs associated with the removal after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

5.8. GENERAL STANDARDS FOR ALL ARRAYS

1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.
2. Unless otherwise specified through a written contract or agreement, a copy of which is on file with the Union Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.
3. Approval under this Article is conditional upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act. Site Law, Stormwater Management Law, or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired during which no appeal has been filed.
5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
6. All on-site electrical wires or piping associated with the system shall be installed underground except for “tie-ins” from above-ground mounted installations and to public-utility company transmission poles, towers, and/or lines. This standard may be waived by the Planning board if the project terrain is determined to be unsuitable for underground installation.
7. The array site shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation of any kind except appropriate manufacturers or installer’s identification and warning signs.
8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports, or roadways.

9. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
10. Any point of potential contact of people or animals with generated electric current must be secured.
11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border additionally to any fence that may be erected, and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of the overall project at the discretion of the Planning Board.
13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Union and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.
14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.
15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

5.9. SOLAR ENERGY CONVERSION ARRAYS (SECA)

1. Setbacks:
   All parts of the SECA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collectors surface area.
2. Height:
   A ground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural and Commercial districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.
3. Roof Load:
   The weight of any SECA proposed to be roof mounted on any non-exempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.
4. Lot Coverage:
   The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
5. Design Standards:

a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.
b. SECA installations shall not obstruct solar access to neighboring properties.
c. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

5.10. WIND ENERGY CONVERSION ARRAYS (WECA)

1. Setbacks:
   All parts of the WECA shall be setback from all property lines a distance equal to the height of the wind-system structure measured from the ground to the system's highest point plus the required minimum setback of the district in which it is located.
2. Height:
   Each WECA unit shall have a maximum height of 50 feet in all districts as measured from the ground level to the system's highest point except for the Rural and Commercial districts where the maximum height shall be 140 feet as measured from the ground level to the system's highest point.
3. Noise:
   The WECA shall not exceed 45 dBA in the Rural and Commercial districts and 55 dBA in all other districts during short-term events such as severe windstorms.
4. Shadow Flicker and Blade Reflection:
   The WECA shall be designed and sited so that alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object (shadow flicker), and/or blade reflection will not fall on any occupied building on a non-participating landowner's property plus an additional 100 foot boundary surrounding the exterior of the occupied building, the entire outdoor public area surrounding schools, churches and public buildings, and public roads with a posted speed limit greater than 25 MPH (shadow flicker receptor).
5. Avian and Bat Protection:
   All WECA site plan applications shall include an Avian and Bat Protection Plan to be approved by the Planning Board.
6. Design Standards:
   a. The minimum distance between the ground and any wind-turbine blades of a WECA unit shall be 25 feet as measured at the lowest arc of the blades.
   b. All units in a WECA shall be equipped with both manual and automatic over-speed controls.
   c. The WECA shall be designed and installed such that public access via step bolts, or a ladder is prevented on each unit for a minimum of 12 feet above the ground.

d. The WECA units shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.
e. No WECA unit shall be lighted unless required by the FAA.
f. No WECA unit shall be roof mounted.

5.11. DEFINITIONS

Electrical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box. That transfers the energy from the solar energy system to the intended location.

Electricity generation (production, output): The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).

Height of buildings: The vertical measurement from grade to the highest point of the building, except that utility structures such as chimneys, TV antennae, HVAC systems, and roof-mounted solar energy systems shall not be included in this measurement, nor shall any construction whose sole function is to house or conceal such structures.

Mounting: The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, or ground mount).

Power: The rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), Kilowatts (kW), Megawatts (MW), etc. in Alternative Current (AC).

Solar Array: Multiple solar panels combined to create one system.

Solar Collector: A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be of any size as follows:

1. Small-scale Solar energy System is one whose physical size based on total airspace projected over roof or the ground is less than 15,000 square feet (approximately one-third of an acre).
2. Medium-scale Solar Energy System is one whose physical size based on total airspace projected over a roof or the ground is equal to or greater than 15,000 square feet but less than 87,120 square feet (two acres); and

3. Large-scale Solar Energy System is one whose physical size based on total airspace over a roof, or the ground is equal to or greater than 87,120 square feet (two acres).

Solar energy System, Ground-Mounted: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Roof-Mounted: A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Tilt: The angle of the solar panels and/or solar collector relative to horizontal. Tilt is often between 5 and 40 degrees. Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

ARTICLE 6: RESERVED FOR FUTURE USE

ARTICLE 7: RESERVED FOR FUTURE USE

ARTICLE 8: RESERVED FOR FUTURE USE

ARTICLE 9: RESERVED FOR FUTURE USE

ARTICLE 10: RESERVED FOR FUTURE USE

ARTICLE 11: DEFINITIONS

Except as defined below, all words and terms used in this Ordinance shall have their customary dictionary meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "shall" is used to indicate the mandatory, and the word "may" is used to indicate the permissive.

ABUTTING PROPERTY: Any lot that is physically contiguous with the lot in question, even if only at a point, and any lot which is located directly across a public street, road, or way from the lot in question.

ACCESS: A public or private roadway used to enter or leave a public highway from adjacent land using an on-road motor vehicle. An access may be a driveway or an entrance depending upon the type of land use and volume of traffic generated by that use. A public or private point of entry or exit (driveway or entrance) from land adjacent to a public road used by motor vehicles as defined in Title 29-A M.R.S.A., Chapter 1, Section 101.

ACCESS POINT: The intersection of an existing or proposed access (driveway or entrance) with the public right-of-way.

ACCESS WIDTH: The distance across the access (driveway or entrance), excluding radii, measured parallel to the highway.

ACCESSORY APARTMENT (IN-LAW APARTMENT or ACCESSORY DWELLING UNIT): A second dwelling unit within or attached to an existing single-family residence. The unit may also be detached from the existing single-family residence if it meets the setback requirements. The accessory apartment shall be substantially smaller in floor area than the existing dwelling unit, and its use shall be clearly incidental to the primary use of the property as a single-family residence.

ACCESSORY BUILDING or STRUCTURE or USE: A structure or use clearly incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. An accessory building or structure is a structure detached from the principal building and containing the accessory use. A dwelling unit shall not be considered an accessory use.

ACCESSORY STRUCTURE or USE (in shoreland zone): 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 or FARMING ACTIVITIES: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock dairy and other similar or related activities, but not the construction, creation or maintenance of land management roads.

AGRICULTURE (in shoreland zone): 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.

AGRICULTURAL HEAVY EQUIPMENT: Tractors and other agricultural vehicles with a gross vehicle weight exceeding one thousand (1,000) pounds, tractor attachments and similar accessories including trailers, and large motorized farm equipment such as hay conveyors and commercial milking equipment; but not lawn tractors, fencing, and other relatively light-weight and non-motorized farming accessories.

AIRFIELD or AIRPORT: An area used or intended to be used for the landing and take-off of aircraft, including general aviation, private, non-commercial service, and commercial service, in accordance with FAA regulations, and may include onsite fueling services.

ALTERATION (of a structure): Any change or modification in the layout or structure of a building, including, by way of example, changes in walls, staircases, dormers, or roofs of a building.

ALTERATION (of an access): A significant physical change to an access existing on or after the effective date of these access management standards, including significant changes to location, width, cross section, grade, or drainage characteristics of the access. Paving a gravel access will not be considered an "alteration" unless accompanied by other such changes.

ALTERNATE CEO: A person appointed by the Municipal Officers to act, when specifically authorized by the Town Manager or, in the Manager's absence, by the Chair of the Board of Selectmen, in the temporary absence of the CEO.

AMUSEMENT CENTER: Any private or commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public containing an aggregate of four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games whether activated by coins, tokens, or discs or whether activated through remote control by the management.

ANTENNA: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

ANTENNA HEIGHT: The vertical distance measured from the average original grade of the ground adjoining the foundation or base of the structure to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna,

base pad, and other appurtenances and shall be measured from the average original grade of the facility site.

APARTMENT: A dwelling unit that is not owner-occupied, other than an accessory apartment, that is located in a two-family or multifamily dwelling or in a building that is partially nonresidential in use.

APARTMENT BUILDING: A building in which are located apartments.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

ART GALLERY: A building providing space for the display and sale of graphic art, paintings, sculpture, textiles, and photographs to the public.

ASSISTED LIVING FACILITY (ELDERLY HOUSING FACILITY): A type of multifamily dwelling, including multiple individual rooms or dwelling units, to be occupied by persons who require assisted living services. Assisted living services means the provision by a single entity of housing and of assistance with activities of daily living and instrumental activities of daily living. Assisted living services may include personal supervision, protection from environmental hazards, diet care, supervision and assistance in the administration of medications, diversional or motivational activities, assistance in activities of daily living or physical exercise and nursing services. Assisted living services must be provided by the provider of housing either directly by that provider or indirectly through contracts with persons, entities or agencies.

AUTOMOBILE/VEHICLE BODY SHOP (AUTOMOBILE REPAIR SERVICES): Any premises where motor vehicle repair activities such as motor vehicle painting and body and fender work is conducted.

AUTOMOBILE FUELING SERVICES: Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

AUTOMOBILE REPAIR: Any premises where motor vehicle maintenance, repair or servicing activities such as engine tune-ups, lubrication, carburetor cleaning and activities such as engine and mechanical overhauls are conducted. Motor vehicle repair shall not include activities such as motor vehicle painting and body or fender work.

AUTOMOBILE GRAVEYARD: A place where three or more unregistered, unserviceable, discarded, worn-out, or junked automotive vehicles are gathered together. Ref 30-A M.R.S.A. Sections 3751- 3760.

BACK LOT: A lot created by dividing a conforming lot so that the frontmost parcel (meeting the road frontage requirement in the district where it is located) remains conforming, and the

rearmost parcel is conforming in all respects except for the absence of frontage on the pre-existing road.

BANK (of river, stream, pond or lake): The normal high-water level of a water body.

BANK and FINANCIAL INSTITUTION: A service listed under U.S. Standard Industrial Classification Codes 60 through 67 inclusive and including accounting and bookkeeping, banking, bank processing functions, other credit agencies, security and commodity brokers and service, insurance, real estate and investment services.

BASAL AREA: The area of cross-section of a tree stem at four and one-half (4-½) feet above ground level and inclusive of bark.

BASEMENT: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty percent (50%) of its volume below the existing ground level.

BED-AND-BREAKFAST ESTABLISHMENT: An owner-occupied residential structure in which sleeping rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal. Such establishments do not provide guests with independent living quarters and eating facilities as are normally associated with a hotel or motel. If located in a Residential District, they must in addition comply with all conditions of a home occupation.

BOARDING HOUSE: A house in which boarders are provided, under contract, rooms and meals for a certain period of time, usually by the week or month.

BOARDING CARE FACILITY: A facility licensed by the State of Maine to provide residence for persons who have physical infirmities such that they are in need of custodial care but not to such a degree as to require nursing home facilities.

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.

BOAT STORAGE FACILITY: A facility, whether open or enclosed, providing one or more of the following services to the public: Boat/ship repair, boat/ship construction, boat/ship storage.

BOTTLE CLUB: An establishment where no alcoholic beverages are sold but where members, guests, or customers provide their own alcoholic beverages, paying a fee or other consideration for admission or membership to the bottle club and/or for "set-ups."

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

BUREAU (in shoreland zoning): State of Maine Department of Conservation’s Bureau of Forestry.

BUSINESS SERVICES and PROCESSING SERVICES: A service listed under U.S. Standard Industrial Classification Code 73, including by way of example: advertising, credit reporting and collection, mailing and reproduction services, services to buildings, personnel supply services, computer and data processing services, management, public relations, and similar services to businesses, and the business offices of corporations or firms.

CAMPGROUND: A parcel of land used for overnight accommodations for limited duration, excluding the erection of permanent sleeping structures.

CAMPGROUND (in shoreland zone): 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.

CAMPSITE: An area or tract of land providing temporary living quarters, including but not limited to tents, recreational vehicles, or other shelters for private, not commercial, use.

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area. 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.

CEMETERY: Land or lots used, or intended to be used, for the burial of the dead and dedicated to cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHANGE IN USE: A change in activity occurring on the property accessed by the driveway that will result in the conversion of a building(s) or parcel of land from a single-family or two-family dwelling to a three or more family dwelling use, from a residential use to nonresidential use, or from one type of nonresidential use to any other type of nonresidential use or residential use.

CHURCHES (RELIGIOUS ORGANIZATIONS): A building or structure, or group of buildings or structures, designed and primarily intended and used for the conduct of religious services and accessory services associated therewith, but excluding schools.

CLEAR CUT: The harvesting of a stand of trees within a forested area of five (5) or more acres such that more than sixty percent (60%) of the crown closure has been removed.

CLUSTER SUBDIVISION: see SUBDIVISION, CLUSTER HOUSING

CLINIC, MEDICAL: An establishment primarily engaged in the provision of personal health services on an outpatient basis including: prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health personnel, as well as the provision of medical testing and analysis-services, but excluding a sole source pharmacy.

CODE ENFORCEMENT OFFICER: The official responsible for enforcement of this Ordinance and for other duties set forth by State statutes and other ordinances.

COLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMERCIAL USE: Any activity carried on for pecuniary gain.

COMMERCIAL COMPLEX: Any concentration of retail stores or service establishments occupying a single premise which are designed, operated, or utilized as a single development. This term also includes a single department store or a single grocery store.

COMMERCIAL OUTDOOR RECREATION FACILITY: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including, but not limited to: standard golf courses, ice skating rinks, tennis courts, cross country ski trails, and alpine ski trails, but excluding games and activities common to amusement parks.

COMMERCIAL STRUCTURE: A structure primarily used for the buying and selling of goods, natural or manufactured.

COMMON OPEN SPACE: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development 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.

COMMUNITY (CIVIC) BUILDING: A private building used by a fraternal, philanthropic, or other civic organization and which may be made available from time to time for community functions.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to State statutes. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration. Title 33 M.R.S.A., Section 1601, as amended.

CONSERVATION EASEMENT: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CORNER CLEARANCE: The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of an access point excluding its radii.

CORNER LOT: Lot located at the intersection of two streets with frontage on each street. Corner lots shall conform with the front yard setback on each street and the side yard setback between any structures and the adjoining property on each street. A corner lot has no back or rear setback requirement.

CRAFTSMAN'S OFFICES, SHOPS, AND SHOWROOMS: The facilities of a person in a skilled craft involving artistic or related content and providing any combination of products for sale based on the craft, teaching of the craft, or opportunities to observe the practice of the craft. Such shops, offices and showrooms might include artistic painting, sculpting, artistic forge work, jewelry making, and similar artistic activities.

CROSS ACCESS: A service drive providing vehicular access between two (2) or more contiguous sites so the driver need not enter the public street system.

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 on 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.

CURB CUT: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

DAY CARE CENTER: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

1. DAY CARE CENTER: A Day Care Facility as defined in State statutes for thirteen (13) or more children on a regular basis; and
2. DAY CARE HOME: A Day Care Facility as defined in State statutes for three (3) to twelve (12) children on a regular basis.

DBH: The diameter of a standing tree measured four and one half (4.5) feet from ground level.

DESIGNATED SCENIC RESOURCE: That specific location, view or corridor, which is identified as a scenic resource in the Town's Comprehensive Plan, as that Comprehensive Plan may be amended from time to time, or as set forth in 3.14 and incorporated by reference herein; such scenic resource shall consist of:

1. A three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a hill or lake, or a group of objects, resulting in a panoramic view corridor; or
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

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.

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

DISRUPTION OF THE 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 compacted, 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: An access serving one of the following land uses: residential uses up to two (2) dwelling units, home occupations, forest management activities, farming, low volume and low impact industrial uses such as utility substations, or other similar uses. An access serving fifty (50) or fewer vehicle trips per day on average as determined by the latest edition of the Institute of Traffic Engineers Trip Generation Manual.

DRIVEWAY (in shoreland zone): A vehicular accessway less than five hundred (500) feet in length serving two (2) single-family dwellings or one (1) two-family dwelling, or less.

DWELLING: A building used as the living quarters for one or more families containing a minimum of three hundred (300) square feet of floor area, exclusive of garages and similar unheated storage spaces, and equipped with a heating system and plumbing. The term includes manufactured housing as defined by 30-A M.R.S.A., Section 4358.

DWELLING, ATTACHED: A single-family dwelling which has two (2) or more fire separation walls, or one (1) fire separation wall in the case of a dwelling unit at the end of a group of attached dwellings, which has no dwelling unit above or below it, and which has no common hallway with any other dwelling unit.

DWELLING, TWO-FAMILY (DUPLEX): A building used for residential occupancy by two (2) families living independently of each other.

DWELLING, MULTI-FAMILY: A building, or portion thereof, used for residential occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A room or group of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and sanitation.

ELDERLY HOUSING (ASSISTED LIVING, CONGREGATE HOUSING): A type of multi-family dwelling, including multiple individual rooms or dwelling units to be occupied by elderly persons as a residential shared living environment. Such construction will normally include small individual apartments, combined with shared community space, shared dining facilities, housekeeping services, personal care and assistance, transportation assistance and specialized shared services such as medical support services and physical therapy.

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 and livestock from the threat of destruction or injury.

ENLARGEMENT OR EXPANSION OF STRUCTURE: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases, which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code, are not considered to be enlargements or expansions of use.

ENTRANCE: An access serving one of the following land uses: residential uses or developments serving three (3) or more dwelling units, retail, office, or service business uses including department stores, strip malls, convenience stores, gas stations, auto repair shops, restaurants, or similar uses. An access serving more than fifty (50) vehicle trips per day on average as determined by the latest edition of the Institute of Traffic Engineers Trip Generation Manual.

ESSENTIAL SERVICES: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables 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 (in shoreland zone): 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 (in shoreland zone): The addition of one (1) or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

EXPANSION OF A WIRELESS TELECOMMUNICATIONS FACILITY: The addition of towers, increased height and/or increased footprint of any buildings or structures of the existing facility.

EROSION: A soil loss of five (5) tons per acre or more.

FAMILY: One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding home, rooming house, or hotel.

FAMILY (in shoreland zone): One (1) or more persons occupying a premises and living as a single housekeeping unit.

FARM: A parcel of land used for agricultural purposes, including the sale of agricultural produce.

FAA: Federal Aviation Administration or its lawful successor.

FCC: Federal Communications Commission, or its lawful successor.

FLAG LOT: A lot created by dividing a conforming lot to create a rear parcel similar to a back lot but including a narrow segment connecting the bulk of the rear parcel to the roadway without meeting the road frontage requirement in the District where it is located.

FLEA MARKETS: An outdoor market selling antiques, used household goods, curios, and the like on a seasonal or permanent basis, limited to twelve (12) sales a year, in which each sales event lasts no more than three (3) days.

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 (1) 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.

FOREST STAND: A contiguous group of trees sufficiently uniform in age class distribution, composition and structure and growing on a site of sufficiently uniform quality to be a distinguishable unit.

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

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, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or ground water at a frequency and for 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.

FRONTAGE, ROAD: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage may be measured:

a. A way accepted by or established as belonging to the Town of Union, Knox County, or the State of Maine, provided access is not specifically prohibited;
b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
c. A private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a Registry of Deeds or otherwise legally established by adverse possession or adverse use, or which may provide access to a lot after abandonment or discontinuance.

In the case of a lot situated on a curve of a way or on a corner of two (2) ways, the measurement of frontage may include the entire length of the property line along such way or ways.

FRONTAGE ROAD: A public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the public street.

FRONTAGE, SHORE: The straight-line distance between the points of intersection of the side lot lines with the shoreline at normal high-water elevation.

FUNCTIONALLY WATER-DEPENDENT USES (in shoreland zone): Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or

location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, 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 aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

FUNERAL HOME: A building or structure used for arranging and managing funerals, for the preparation of the deceased for display, burial or cremation and may contain space and facilities for embalming and the performance of other services used in the preparation of the dead.

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

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten (10) 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 38 M.R.S.A. 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 the under harvested areas greater than ten (10) acres within the area affected by the harvest.

HEADER: A piece of curbing between two (2) terminal ends.

HEIGHT OF BUILDING: Vertical measurement from a point on the ground at the mean finished grade adjoining the foundation as calculated by averaging the highest and lowest points around the building or structure to the highest point of the building or structure, excluding incidental protrusions.

HEIGHT OF STRUCTURES FOR A WIRELESS TELECOMMUNICATIONS FACILITY: The vertical measurement from a point on the ground at the average original grade adjoining the foundation.

HEIGHT OF A STRUCTURE (in shoreland zone): The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

HELIPAD: An area used or intended to be used for the landing and takeoff of helicopters for private, emergency or noncommercial service only.

HISTORIC OR ARCHEOLOGICAL RESOURCES:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

HISTORIC DISTRICT: Lots identified as historic and so identified on the Historic Areas Overlay Map in the Code Enforcement Office.

HISTORIC LANDMARK: Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

HOME OCCUPATION: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of the building and property. There may be two (2) on-site employees from outside of the immediate family-in-residence. Clients may come to the home for face-to-face interaction; however, only incidental sales shall be allowed. One sign not exceeding two (2) square feet shall be allowed.

HOME OCCUPATION (in shoreland zone): 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.

HOSPITAL: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL: See MOTEL.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas which have been or will be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, which have been or will be compacted through design or use to reduce their permeability. Common impervious surfaces include but are not limited to roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of storm water. The footprint of buildings, pavement, gravel, or other low permeability or compacted surfaces.

INCREASE IN NONCONFORMITY OF A STRUCTURE (in shoreland zone): Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in 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 infill 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 (1) group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

INDUSTRIAL (in shoreland zone): The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INDUSTRIAL METALLIC MINERAL MINING: The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land are of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not

limited to: bulk sampling; preparation of washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre, or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, "bulk sampling" means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches; and "mine waste" means all overburden, Rock, ore, tailings, and other mining-related materials that are exposed or removed from the earth as part of any metallic mineral mining exploration or extraction operation.

INDUSTRIAL STRUCTURE: A structure primarily used for the manufacturing, processing, and/or storage of goods.

INDUSTRIAL USES, LIGHT: Industrial activity involving the manufacturing, packaging, assembly or distribution of finished products from previously prepared material, including, by way of example only, the following: bakeries, bottling, printing and publishing, pharmaceutical, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops and the packaging of foods. For the purpose of this Ordinance, light industrial uses shall include research and development facilities, warehousing and distribution facilities. Light industrial uses do not include the processing of raw materials or salvaging operations.

INSTITUTIONAL: A nonprofit 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 used for public purposes.

JUNKYARD: A yard, field, or other area used to store:

a. discarded, worn out or junked plumbing supplies, heating supplies, household appliances or furniture,
b. discarded scrap or junked lumber,
c. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, or other ferrous materials, and,
d. garbage dumps, waste dumps and sanitary fills.

The term is further defined in 30-A M.R.S.A., Sections 3751-3760.

KENNEL: Any place, building, tract of land, abode, enclosure, or vehicle where three (3) or more dogs or three (3) or more cats are kept for any purpose for a fee.

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.

LANDSCAPING BUSINESSES: Business engaged in lawn care, landscaping, planting and groundskeeping services. Outdoor storage areas of landscaping materials and equipment shall be allowed only if vegetative buffers, screening, fencing, or some combination of these, is used where the storage area abuts a residential lot. Parking for all vehicles associated with the business must be provided on-site.

LICENSED FORESTER: A forester licensed under 32 MRSA Chapter 76.

LINE OF SIGHT: The direct view of the object from the designated scenic resource.

LOT: A parcel of land in single ownership occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open space as is required by the Ordinance and having frontage upon an approved street or private right-of-way. Land within the street or road right-of-way shall not be considered as part of a lot for the purpose of meeting the area requirements of this Ordinance, even though the owner may have title to such land.

LOT AREA (in shoreland zone): 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 (2) lots.

LOT(S) OF RECORD: A lot or lots for which the deed was legally recorded on or before the effective date of this Ordinance or which was created by a plan legally recorded in the County Registry of Deeds on or before the adoption of this Ordinance.

LOT OR GROUND COVERAGE: The percentage of lot area covered or occupied by principal and accessory structures.

MAJOR TRAFFIC GENERATOR: A land use or combination of uses on a site that will generate a high traffic volume to and from the site. For purposes of these access management standards, high traffic volume shall mean at least four hundred (400) vehicle trips per day, such as generated by a school, shopping center or office park, and shall be calculated using the latest edition of Trip Generation, published by the Institute of Transportation Engineers.

MANUFACTURED HOUSING, MOBILE HOME: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis or an independent chassis to a building site. Manufactured housing shall be subject to the statutory definition contained in Title 30-A M.R.S.A Section 4358. State law defines two (2) types of manufactured housing:

a. Those units manufactured after June 15, 1976, commonly called ”newer mobile homes,” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards meaning structures transportable in one (1) or more sections which are fourteen (14) feet in width and seven

hundred fifty (750) sq. ft. or more which are built on a permanent chassis and designed to be used as dwellings with or without permanent foundations. These units shall be certified by the manufacturer that they have met the National Manufactured Housing Construction and Safety Standards established in 42 U.S.C.A., Section 5401 and seq.

b. Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10 M.R.S.A., Sections 9001 et seq. and regulations, meaning structures transportable in one (1) or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations.

MANUFACTURING, LIGHT: Industrial activity involved with the manufacturing of finished products from previously prepared material, including, by way of example only, machinery, precision instruments, watches, musical instruments, toys, sporting goods, electrical or electronic components and tools and dies. Light manufacturing does not include the processing of raw materials or salvaging operations.

MARIJUANA: Marijuana means the leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. "Marijuana" does not include hemp as defined in 7 MRS § 2231, or a marijuana product.

MARIJUANA CULTIVATION FACILITY: Marijuana Cultivation Facility means a registered caregiver operating pursuant to 22 MRS § 2423-A(2) that is not being operated as a home occupation or a "cultivation facility" as that term is defined in 28-B M.R.S. § 102(2), as may be amended.

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.

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 a willing buyer, both conversant with the property and with prevailing general price levels.

METALLIC MINERALS: Any mineral containing any metal, including but not limited to minerals containing gold, silver, iron, manganese, copper, lead, zinc, tin, chromium, cobalt, nickel, molybdenum, platinum group elements, aluminum, antimony, and/or bismuth as their valuable constituent(s). Metallic minerals do not include common rock-forming minerals, such as quartz, feldspar, pyroxenes, amphiboles, zeolites, clays, or micas, irrespective of their content of metallic elements. For the purpose of this Ordinance, metallic minerals do not include thorium or uranium.

MINERALS: All naturally occurring mineral deposits, including hydrocarbons and peat, but excluding sand, gravel, and water.

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the

nature or extent of mineral resources, other than methods associated with industrial metallic mineral mining, which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXPLORATION (in shoreland zone): Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, other than methods associated with industrial metallic mineral mining, which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION: Any operation, other than methods associated with industrial metallic mineral mining, 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, including processing, washing and storage, and to transport the product removed, away from the extraction site.

MINERAL EXTRACTION (in shoreland zone): Any operation, other than industrial metallic mineral mining, 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.

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

MOBILE HOME PARK: Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two (2) or more mobile homes. Title 10 M.R.S.A., Section 9091, as amended.

MOTEL and HOTEL: A building or group of buildings designed, intended or used primarily for providing temporary living quarters which may include provisions for living space, cooking, bathing, and eating.

MULTI-UNIT RESIDENTIAL: A residential structure containing three (3) or more residential dwelling units.

MUSEUM: An institution for the acquisition, preservation, study, and exhibition of works of artistic, historic, or scientific value.

NATIVE: Indigenous to the local forests.

NET RESIDENTIAL ACREAGE: The total available acreage, less the area required for streets, access, and portions of the site which are not suitable for development as outlined in 1.11.2 of this Ordinance.

NET RESIDENTIAL DENSITY: The number of dwelling units per net residential acre.

NONCONFORMING CONDITION: Nonconforming lot, structure or use of which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the minimum lot area, lot area per dwelling unit, lot coverage, or frontage requirements of the District in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NONCONFORMING LOT (in shoreland zone): A single lot of record 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.

NONCONFORMING STRUCTURE: A structure that does not meet the setback or height standards of the District in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NONCONFORMING STRUCTURE (in shoreland zone): 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.

NONCONFORMING USE: A use of premises that is not permitted in the District in which it is located but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NONCONFORMING USE (in shoreland zone): 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: 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.

NORMAL HIGH-WATER MARK - INLAND: That line on the shores and the banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. It is the line where the vegetation changes from predominantly aquatic to predominantly terrestrial.

NURSERY, COMMERCIAL and GREENHOUSES, COMMERCIAL: An area, building, structure for the storage of live trees, shrubs or plants, offered for retail sale on the premises.

NURSING or CONVALESCENT HOME: A facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the

State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a 24-hour basis, nursing care and related medical services.

OFFICE BUILDING: A building used for the providing of business services, financial services, human health services, professional services or social services.

OPEN SPACE: Undeveloped land suitable for agricultural uses, recreational uses, scenic uses, or wildlife habitat.

PARABOLIC ANTENNA (also known as a satellite dish antenna): An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

PARKING SPACE: An area not less than ten (10) feet wide and twenty (20) feet long, not including the access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto may be construed to be usable area. A parking space to accommodate the handicapped shall be an area not less than twelve (12) feet wide and twenty (20) feet long.

PEAK FLOW: The greatest rate of flow in a drainage way, measured as volume per unit of time, resulting from storms of up a to 50-year event.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

PERSONAL SERVICES: An establishment furnishing services including by way of example: laundry and cleaning services, photography studios, shoe repair shops, barbershops and beauty salons, pet grooming services, health and fitness facilities, and similar services to the general public.

PHARMACY, SOLE SOURCE: A facility where the primary purpose is to dispense or sell a single source of medication that has been recommended by a physician. These facilities have no retail sales component associated with the use and are not engaged in selling multiple goods or merchandise to the general public for personal or household consumption. Typical uses include methadone clinics and other similar 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.

POND or LAKE: An open body of water, generally equal to or greater than six (6) feet deep, that persists throughout the year and occurs in a depression of land or expanded part of a stream and has less than thirty (30) percent aerial coverage by trees, shrubs, or persistent emergent vegetation. These terms do not include farm ponds and similar bodies of water, either naturally occurring or man-made, that are smaller than a great pond and are contained entirely within a single property.

POSTED SPEED: The speed limit set and maintained by the Maine Department of Transportation or limited by statute as defined in Title 29 M.R.S.A., Chapter 19, Section 2024.

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.

PRIVATE OUTDOOR RECREATION FACILITY: Outdoor recreation facility serving exclusively a residential use.

PRIVATE ROAD: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

PROFESSIONAL SERVICES: An establishment furnishing services other than health care requiring a professional degree such as engineering, architectural, and surveying services; non-commercial educational, scientific, and research organizations; accounting, auditing, and bookkeeping services; and similar services.

PUBLIC HEARING: A formal session conducted by the Planning Board, Board of Appeals, or Board of Selectmen during a public meeting of such Board for the specific purpose of soliciting public comment or public feedback, or of informing the public and providing an opportunity for questions and clarification, regarding a land use application, ordinance amendment or group of amendments, new ordinance, or any issue associated therewith. A public hearing is distinguished from a normal business meeting of such Board, at which comments from the public or other interaction with the public may or may not be allowed at the Board's discretion, and is incidental to the Board's conduct of its business.

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.

PUBLIC UTILITY: Includes facilities such as but not limited to substations, pumping stations, water treatment facilities, studios, transmitters, receivers, signal towers, and other buildings, structures or uses necessary or accessory to the operation, or conduct of activities regulated by

the Public Utilities Board and businesses or activities which are not so regulated but which provide a public service to the Town of Union, including voice, image or data transmission, radio, television and cable television that are available for use by the general public.

RECENT FLOODPLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
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 (1) or more persons, and which may include a pickup 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.

REGULATED ROAD: Every road or road segment that is regulated by access management standards.

RENOVATION: The renewal, repair, replacement, or refurbishment of all or parts of structures that are old, worn-out, nonfunctional, or antiquated.

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 designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) 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 timeperiod rented. Recreational vehicles are not residential dwelling units.

RESIDUAL BASAL AREA: The average 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.

RESTAURANT: A place for the serving of prepared food and beverages to the public. "Restaurant" shall include "fast food" restaurants. A fast food restaurant is the sale of prepared

food which is:

a. primarily intended for immediate consumption;
b. available upon a short waiting time;
c. served over the counter or at a drive-up window rather than a table; and
d. prepackaged or presented in such a manner that it can be readily eaten off the premises where sold.

For purposes of this definition, a neighborhood store that sells prepared food for takeout but whose space is devoted principally to the sale of groceries shall not be considered a fast food restaurant.

RETAIL BUSINESS: The sale of goods and services to ultimate consumers. For the purpose of this Ordinance, retail use shall not include restaurants.

RIGHT-OF-WAY: A defined strip of land, usually with exact dimensions, used in common and designed or intended for the passage of persons, vehicles, and/or animals, created by prescription or easement and memorialized in a deed or subdivision plan, of sufficient width to accommodate the traveled way and any necessary grading, drainage, and other structures associated with the traveled way.

RIPRAP: Rocks, irregularly shaped, and at 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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

SCHOOL, COMMERCIAL: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, or business.

SCHOOL, PUBLIC and PRIVATE: A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with State compulsory education requirements. A public school, as differentiated from a private school, is operated by a municipal corporation or school administrative district or, for the purposes of this Ordinance, by a recognized religious organization.

SEPARATOR STRIP: A strip of land that separates the roadway from the throat or parking area of a driveway.

SERVICE DROP (in shoreland zone): 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 extension is 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 wires to existing utility poles, or
b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SERVICE ROAD: A public or private street or road, auxiliary to and normally located parallel to a public roadway that maintains local road continuity and provides access to parcels adjacent to the public roadway.

SETBACK (in the shoreland): 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.

SETBACK - BACK: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back or rear setback and back or rear yard are synonymous.

SETBACK - FRONT: The distance between the street, right-of-way, or easement line extending the width of the frontage and the nearest part of any principal or accessory structure. Front setback and front yard are synonymous.

SETBACK - SIDE: The distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

SEWERED: Refers to a structure whose wastewater facilities consist of a pipe or system of pipes that collects and carries sewage and other wastewater to an approved waste treatment facility, not including an individual septic system or other private underground system that relies on the soils for dispersion of wastewater prior to discharge to open waters.

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 AREA: The land area within two hundred fifty (250) feet, horizontal distance, of the normal high-water marks of great ponds, rivers, and lakes located within the Town of Union.

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 freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

SHORELINE: The normal high-water line, or upland edge, of a freshwater wetland.

SIGHT DISTANCE: The sight distance required to allow a vehicle entering the roadway to reach eighty-five (85) percent of the posted speed without being overtaken by a vehicle traveling at the posted speed and approaching the entering vehicle from behind. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the roadway (both left and right), (2) traveling on the roadway viewing a vehicle sitting in an access, and (3) traveling on the roadway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located ten (10) feet from the edge of the travel way. The height of the hypothetical person's view is considered to be three (3) feet above the pavement and the height of the object being viewed is considered to be four (4) feet above the pavement.

SIGN: Structure, device, letter, word, model, banner, insignia, or other representation which is used as or is in the nature of an advertisement, announcement, or direction. The area of a sign is the area of the smallest simple geometric shape such as a square, rectangle, triangle, circle, etc. encompassing all lettering, wording, design, symbols, together with any background which is not the same color as the building. Freestanding signs may be lettered on both sides, which constitutes one (1) sign. An inconspicuous support such as a slim post is not part of a sign area.

SIGN, CHANGEABLE: A sign, whether permanent or temporary, which has the capability to alter its message rapidly, but excludes a sign operated by the Town of Union or the State of Maine. State or Town of Union signs are allowed without restriction.

SIGN, ILLUMINATED: A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign and/or whose illumination is derived from an external artificial source.

SIGN, OFF-PREMISE: A sign which is not located upon the same real property as the business, facility, or point of interest which it serves.

SIGN, ON BUILDING: A sign which is attached to the building wall and which extends not more than six (6) inches from the face of the wall.

SIGN, ON-PREMISE: A sign which is located upon the same real property as the business, facility, or point of interest which it serves.

SIGN, TEMPORARY: A sign of a temporary nature, erected less than thirty (30) days, within any twelve (12) month period, exemplified by the following: political signs, charitable signs; fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business premises on which the written or printed message changes while the structure of the sign remains unchanged will not be

considered a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs if in place for thirty (30) days or more within any twelve (12) month period.

SIGNIFICANT RIVER SEGMENTS: See 4.18 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.

SOLID WASTE: Useless, unwanted, or discarded solid material with insufficient liquid or gaseous content to be free flowing, including by way of example and not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse; but not including septic tank sludge, other liquid waste treatment sludge, or agricultural waste.

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

STREET or ROAD: An existing state, county or town way dedicated for public use and shown upon a plan approved by the Planning Board and recorded at the Knox County Registry of Deeds. The term shall also include private, undedicated roads which are described in a recorded document. The term shall not include those ways that have been discontinued or abandoned, unless the discontinuance or abandonment results in the discontinued or abandoned way becoming a private way.

STRUCTURE: Any constructed or erected material or combination of materials in or upon the ground, including but not limited to buildings, mobile homes, radio towers, sheds, signs, decks, and storage bins but excluding fences, sidewalks, and wells and paving in the following items: street, driveways, parking areas or patios.

STRUCTURE (in shoreland zone): Anything built for the support, shelter or enclosure of persons, animals, goods or property of 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 and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

STRUCTURE, TEMPORARY: Any constructed or erected material or combination of materials in or upon the ground, including but not limited to buildings, sheds, decks, storage bins or similar configurations established for seven (7) months or less within any twelve (12) month period.

STUDIO: A facility for the manufacture and sale of artifacts, works of art, and products by hand

or with table-mounted or electric hand tools, such as pottery, ceramics, and hand-blown glass objects; a facility for training and small-scale performance of artistic forms of expression, such as music and dance.

SUBDIVISION: A subdivision is the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, building, or otherwise, provided that a division accomplished by device, condemnation, order of court, given to a person related to the donor by blood or marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one (1) of such lots for his own use as a single-family residence for a period of at least five (5) years prior to such second dividing. Lots of forty (40) or more acres shall not be counted as lots.

For the purpose of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands 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.

Reference, see Title 30-A M.R.S.A. Section 4401, et seq., as amended.

SUBDIVISION, CLUSTER HOUSING (CONSERVATION OR OPEN SPACE SUBDIVISION): A subdivision in which for the provision of dedicated permanent open space, the lot sizes are reduced below those normally required in the land use district but at or above state minimum lot size requirements.

SUBSTANTIAL START (in shoreland zone): Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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. section 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.

TARGETED MARKET COVERAGE AREA: The area which is targeted to be served by

a proposed telecommunications facility.

TERMINAL END: The end section of a run of curb that is sloped to aid the design vehicle in turning into the driveway or to meet the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 1213 et seq.

THROAT: The portion of a driveway or entrance used to store vehicles waiting to exit from the driveway or entrance.

TIMBER HARVESTING: The harvesting of timber and wood products for commercial purposes.

TIMBER HARVESTING (in shoreland zone): 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 4.15.16, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

TIMBER HARVESTING AND RELATED ACTIVITIES (in shoreland zone): Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

TIRE STORAGE AREA: An area designated for the purpose of storing tires.

TRADESMAN'S OFFICES, SHOPS, AND SHOWROOMS: The shop of a person in a skilled trade, including by way of example: plumbing, heating, and air conditioning contractors; painting, paper hanging, and decorating contractors; electrical contractors; masonry, stonework, tile setting, and plastering contractors; carpeting and flooring contractors; roofing and sheet metal contractors; drilling, and miscellaneous special trade contractors. Does not include auto repair services.

TRANSPORTATION FACILITY: An installation in a fixed location serving public transportation such as tracks, piers, stations, or storage facilities.

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 of 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 shoreland zone.

UNREASONABLE ADVERSE IMPACT: That the proposed project would produce an end result, which is:

1. excessively out-of-character with the designated scenic resources or historic or archeological resources or properties affected, including existing buildings, structures, and features within the designated scenic resource, and
2. would significantly diminish the scenic value of the designated scenic resource.

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. 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. NOTE: Water setback requirements apply to tributary streams within shoreland zone.

USABLE OPEN SPACE: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding ten (10) percent.

VARIANCE: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in undue hardship. Variances can only be issued by the Board of Appeals. The words "undue hardship" as used in this subsection mean:

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

In general, the amount of variance granted should be only sufficient to relieve the undue hardship.

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4-½) feet above ground level.

VEHICLE SALES: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

VIEWPOINT: That location which is identified either in the municipally adopted Comprehensive Plan, as that Comprehensive Plan may be amended from time to time, or set forth in Exhibit A attached to this Ordinance and incorporated by reference herein, and

which serves as the basis for the location and determination of a particular designated scenic resource in the Town of Union.

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.

WAREHOUSE and STORAGE FACILITY: A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

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 wetland.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS: Wetlands, contiguous with or adjacent to a great pond or river and which, during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

WETLAND, INLAND: Land which, under normal conditions, has saturated soil conditions resulting from permanent or periodic inundation by ground water or surface water and a prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation).

WHOLESALE BUSINESS ESTABLISHMENT: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

WIND ENERGY FACILITY: A wind tower, tower-mounted electric power generating equipment, and related control and support equipment, but not windmills under fifty (50) ft. high coupled directly to a pump for pumping water from below ground or from a surface water body.

WIRELESS TELECOMMUNICATIONS SERVICES FACILITY: Any equipment including but not limited to cell and radio towers used in connection with the commercial operation of wireless telecommunications services, and as the term "personal wireless service facility" is defined in the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. Section 332(c)(7)(C), or as hereafter amended, to transmit and/or receive frequencies, including but not limited to antennae, monopoles, towers and related appurtenances.

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.

YARD SALES or GARAGE SALES: A sale of used household goods, curios, and the like, limited to four (4) sales a year, in which each sales event lasts no more than three (3) days.