TOWN OF NOBLEBORO

LAND USE ORDINANCES

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Certified and Attested by:

Emerald Friend
Nobleboro Town Clerk

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CHAPTER I

GENERAL PROVISIONS

A. AUTHORITY

This Ordinance is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187.

Specific chapters of this Ordinance are also adopted under specific statutory provisions, including Mobile Home Parks, Chapter IX, under 30-A MRSA Section 4358; Subdivisions, Chapter VIII, under 30-A MRSA Section 4404; Shoreland Zone Standards, Chapter X, under 38 MRSA Sections 435449, Floodplain Management, Chapter XI, under PL. 90-488, the National Flood Insurance Act of 1968, and Timber Harvesting Chapter XII under 12 MRSA §8869, Photographic Record LD 1096 and Accessory Dwelling Unit(s), Chapter V, LD 2003 (1489) plus Clarifying Act LD 1706.

B. PURPOSE

The purpose of this Ordinance is to protect and promote the public health, safety and general welfare by directing and regulating development of the Town. The directions, controls and limitations established in this Ordinance are necessary to ensure orderly, beneficial and environmentally sound change while conserving the traditional character of the Town and appropriate uses within specific areas of the Town. After extensive review and consideration, this Ordinance is intended to fully implement the 2021 – 2022 Nobleboro Comprehensive Plan Update adopted October 4, 2022.

Specific chapters have additional specific purposes as set out therein.

C. EFFECTIVE DATE

Ordinance is effective on its adoption at the Town of Nobleboro's Annual Town Meeting held on March 16, 2024 except Chapter X, Shoreland Zoning which may only become effective on its approval as required by 38 MRSA Section 438-A.

D. APPLICATION

1. This Ordinance shall apply to each new use, structure or activity, or to an alteration or enlargement of a preexisting use, structure or activity, on or after its effective date.

2. This Ordinance shall also apply to any previously existing year-round use or activity which has been discontinued for more than one-hundred-eighty (180)

days, or any previously existing seasonal use or activity which has been discontinued for more than one (1) year.

3. If a permit or approval is required under this Ordinance for any structure or use, a person may not begin construction or earth-moving in preparation for construction or use prior to obtaining that permit or approval and before work is commenced photographs (digital images) have been taken and placed on file at the Nobleboro Town Office.

E. CERTIFICATE OF OCCUPANCY

1. The Code Enforcement Officer must issue a certificate of occupancy before any residential or non-residential structures, buildings, accessory outbuildings, rental units, accessory dwelling units or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given and/or for which the Code Enforcement Officer issued a building permit.

2. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding, rental units, accessory dwelling units or land, and the occupancy thereof, comply with the provisions of Nobleboro's Ordinances and with all provisions of any order by the Planning Board or Appeals Board.

3. The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a residential or non-residential building or structure, or for one or more nonresidential buildings or structures which are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy.

4. The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues.

5. Failure to obtain a Certificate of Occupancy shall constitute a violation of Nobleboro's Land Use Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time.

F. CONFORMITY OF USES AND BUILDINGS

1. A structure may not be erected, enlarged, exteriorly altered, rebuilt, moved or used, or an activity or use undertaken, unless in conformity with this ordinance.

2. A building permit shall not be required for a conforming building for accessory, non-habital use, not connected to any other building and not exceeding one-hundred fifty (150) square feet in floor area and twenty (20) feet in height.

3. A lawful structure or use existing on March 23, 1991, and made non-conforming by the provisions of this ordinance, or its predecessors, may be continued as a permitted use. Such non-conforming structure or use may be changed, altered or enlarged if it is a permitted or special exception use and all new construction complies with all requirements of this Ordinance, except for water and street frontages and minimum lot sizes. A non-conforming use may not be enlarged or expanded, except as expressly provided.

4. When a lot of record as of March 23, 1991 is divided by a Use District boundary line, the requirements applying to the larger section (by area) shall be deemed to govern the smaller section beyond such district boundary line, but to an extent not more than fifty (50) feet beyond said district boundary line.

5. In any Use District, single lots of records as of March 23, 1991 may be built upon or used notwithstanding area limitations imposed by ordinance requirements. Use or construction on such lots or appurtenant thereto shall comply with all other requirements of this ordinance. Such lots shall be in separate ownership and not adjacent to other lots in the same ownership.

6. Recorded lots in single ownership and adjacent to lots in the same ownership, shall comply with all the provisions of this ordinance, except those which are included in subdivisions approved by the Planning Board and properly recorded.

7. A lawful lot, structure or use existing prior to and made non-conforming by the adoption of this Ordinance, may be continued. However, if that lot, structure or use was illegal or non-conforming under the prior Ordinance, it may only be continued if made a lawful non-conforming lot, use or structure under that prior Ordinance.

8. When the Accessory Dwelling Unit(s) Ordinance, Chapter V is implemented on July 1, 2024, in compliance with LD 2003 and LD 1706, if a structure (AUD) was constructed in a non-conforming way the burden is on the property owner to correct the issue in order to legalize the physical structure.

9. Any change, alteration or enlargement or any new construction shall comply with this Ordinance.

10. Non-conforming lot mergers are no longer grandfathered.

11. Any non-conforming use continued as a permitted use shall be presumed extinguished if it is abandoned or not used for a period of one (1) year. The Board of Appeals may find this presumption does not apply because of extenuating circumstances beyond the control of the applicant or undue hardship. 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.

12. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

    a. 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 Chapter.

    b. 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 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.

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

        i. one-hundred (100) feet of shore frontage, if it has shore frontage; and
        ii. at least twenty-thousand (20,000) square feet of lot area.

H. PUBLIC UTILITY SERVICE

A public utility, water district, sanitary district or any utility company of any kind shall not install services to any new structure 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. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

I. CONSTRUCTION PROHIBITED

Utility installations, ditching, grading or construction of roads, grading of land, and construction or siting of structures shall not be begun until the application has been approved as provided, before work commences digital images have been taken and has been recorded in the Registry of Deeds, if required.

J. OTHER STATUTES AND ORDINANCES

Whenever the requirements of this ordinance are at variance with the requirements of other statutes, codes or ordinances, the most restrictive or more restrictive standard shall govern.

Approval under one chapter or provision of this ordinance does not exempt the applicant with complying with other applicable chapters, or local, state or federal requirements.

K. SEPARABILITY

In the event that any chapter, section, subsection or portion of this ordinance is declared to be invalid, such decision shall not be deemed to affect the validity of any other section, subsections or portions of this ordinance.

L. ADMINISTRATIVE AUTHORITY

Unless a specific provision states otherwise, the Nobleboro Planning Board (NPB) shall administer the provisions of this ordinance.

An appeal of any Code Enforcement Officer (CEO) or Planning Board decision shall be made to the Board of Appeals, and thereafter to the Superior Court, as provided by law.

M. FEES

Unless specifically provided, the members of the Nobleboro Select Board shall establish the amount of the application fee or other fees required by this ordinance, which amounts shall be sufficient to provide adequate funding to administer and enforce this ordinance. An application must include that application fee.

N. AMENDMENT

1. An amendment to this ordinance may be enacted by: majority vote on an Australian (secret) ballot at a regular or special town meeting called by the Select Board in response to a written petition addressed to them by the Planning Board or by a number of voters equal to at least 10% of the number of votes cast in the town in the most recent gubernatorial election.

2. All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board may hold a public hearing on any proposed amendment. Within thirty (30) days of receiving a proposed amendment, the Planning Board shall make known their recommendation to the Select Board and the Town of Nobleboro.

O. FILING

A copy of this Ordinance and any amendments hereto shall be filed with the Town Clerk. Copies shall be available to any member of the public for a fee. These monies shall go into a Planning Board administration account.

CHAPTER II

DEFINITIONS

Unless specifically defined below, words and phrases used in this ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary. In the event that a word defined in this chapter is defined in some other way in another specific chapter, the specific chapter definition shall apply only in that chapter, with the definition set forth in this chapter applying to all other chapters in this ordinance.

Acceptable Growing Stock: Live trees of commercially valuable species that are not culls, are capable of developing into trees suitable for producing merchantable products, and which:

a. Have survived at least two (2) full growing seasons (April 1 through October 1);
b. Do not lean more than 30degrees from vertical;
c. Do not have a broken, dead, or missing main stem;
d. For trees eight (8) inches DBH or larger, have not suffered scrapes from timber harvesting that penetrate the cambium on more than one half of the stump circumference at any point on the tree;
e. For trees less than eight (8) inches DBH, have not suffered scrapes from timber harvesting that penetrate the cambium on more than one third of the stem circumference at any point on the tree; and
f. Have not suffered visible severing, mutilation, or exposure from timber harvesting of more than one third of the root spread.

Accessory Building, Structure or Use: A detached, subordinate structure, the use of which is clearly incidental, subordinate and related to that of the principal structure or use of the land and which is located on the same lot as the principal structure building or use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or a 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. Any accessory building or structure that has plumbing shall not be used for human habitation.

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to or detached from a single family unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and limited to a maximum size of 450 square feet if attached or 750 square feet if detached. ADU's are year-round residences for residential housing not short-term rental units (Chapter VI) and must meet the same requirements as a single family residence.

Accessory Use: A use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use including outdoor sales or display on either a permanent or temporary basis provided that such outdoor sales or display is customarily incidental and subordinate to the principal use, does not create a hazard to the public health, safety, or welfare including pedestrian and vehicular traffic, and the ground area devoted to such outdoor sales or display does not exceed the lesser of twenty-five (25) per cent of the interior floor space of the principal building or five hundred (500) square feet.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Affordable Housing Development: Affordable Housing Developments are defined as being for:

1. Rental housing: A development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

2. For owned housing: A development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

3. For purposes of this definition, "housing costs" include, but are not limited to:
   a. For a rental unit, the cost of rent and any utilities (electricity, heat, water, sewer, and/or trash) that the household pays separately from the rent; and

   b. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowners association fees.

Age-friendly Community: A community where policies, services, settings and structures support and enable older people to actively age in place and that recognizes the capabilities, resources and needs of older adults, plans to meet the needs of older adults in flexible ways that support healthy and active aging, promotes the inclusion and contributions of older adults in all areas of community life, respects the self-

determination and independence of older adults and protects those older adults who are most vulnerable.

Agricultural Land Management Practices: Those methods and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. 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; Christmas trees, and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

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.

Alteration: A structural change, rearrangement, change of location, or addition to a building or structure, other than repairs and modification in building equipment, involving more than twenty-five (25) percent increase in the overall floor space or volume of the building or structure at any time or in total since March 21, 1992.

Animal Breeding or Care: The keeping or raising of five (5) or more animals of the same kind over 6 months old for breeding, hunting, show, training, field trials and exhibition purposes**.** The standards for this use shall also apply to the boarding of horses. Short term boarding of cats and dogs shall be in accordance with standards for kennels. The keeping of cows, sheep and other hoofed or domesticated animals shall be in accordance with standards for agriculture. The raising of one litter of kittens or puppies within a 12-month period alone does not constitute animal breeding or care.

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 base of the antenna support structure at grade 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 finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Apartment Building: Three or more dwelling units located in a single structure, with each arranged, intended, or designed to be occupied, by a family living independently of the others.

Applicant: An individual, firm, partnership, corporation, trust or other legal entity that files an application or makes a proposal under this Ordinance.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Arcade: A series of outdoor spaces located under a roof or overhang and supported by columns or arches.

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

Area of a Shallow Flooding: A designated AO and AH zone on community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Attached Dwelling Unit: Connected by a shared wall to the principal structure or having physically connected finished spaces

Basal Area: The area of cross-section of a tree stem at four and a half (4½) feet above ground level, including bark.

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in local land use or zoning ordinances.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Bay: As applied to large scale development. A spatial division element in a building defined by beams or ribs and their supports.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

Billboard: A structure, either free standing or attached to a building, the surface of which is available for hire as a sign.

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.

Broadband: The term “broadband” commonly refers to high-speed Internet access that is always on and faster than traditional dial-up access. Broadband includes several high-speed transmission technologies, such as fiber, wireless, satellite, digital subscriber line and cable.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Buffer: An open, vegetated, and unused area along the property lines of a parcel, adequately protecting or shielding abutting property from adverse effects. It may be occupied only by natural vegetation, a fence, wall and landscaping for screening purposes. It may occupy front, side or rear set-back space. An access road may cross a buffer.

Buffer: As applied to large scale development, an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesirable views, noise and glare, effectively providing greater privacy to neighboring land uses. Typical buffers include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.

Building: Refer to the definition of a Structure.

Bulk: A large mass or number, particularly more than an individual or retail establishment would consume or use for immediate purposes.

Bureau: The Bureau of Forestry, ~~Department of Conservation~~ a division of the Maine Department of Agriculture, Conservation and Forestry.

Campground: In addition to the generally accepted definitions, camping areas, recreational vehicle parks, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents, recreational vehicles, rental cabins and cottages are permitted on 5 or more sites for compensation or indirect compensation. "Campground" includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. "Campground" does not include parking lots or areas where camping is not authorized.

Camping Area: An area or tract of land arranged, intended, or designed to be occupied, by two (2) or more families in temporary, independent living quarters, including, but not limited to: tents, recreational vehicles or other shelters.

Canopy: A removable or retractable covering extending over an entry way or window or other space to protect it from weather.

Canopy: As applied to large scale development. A projection or supported roof over a niche or doorway, often decorative or decorated; or a roof over an accessory structure including but not limited to gasoline pumps and an ATM.

Canopy (forestry): The more or less continuous cover formed by tree crowns in a wooded area.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all the provisions of this Ordinance.

Certificate of Occupancy: The municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

Change of Land Use: Following timber harvesting the subsequent use for a particular area does not include growing forest products. Change of land use may include, but is not limited to, conversion to farm pasture, site for growing agricultural crops, residential dwelling unit, development site, or gravel pit. The division of forest land into smaller units does not by itself automatically constitute a change of land use.

Clear Cut: Any timber harvesting on a forested site greater than five (5) acres in size that results in a residual basal area of trees over 4 ½ inches in diameter measured at 4 ½ feet above the ground of less than thirty (30) square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of a least three (3) feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under section 8869, subsection 1.

Coastal Wetland: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Code Enforcement Officer (CEO): The person appointed to perform the inspection, permitting, and enforcement duties required by this Ordinance.

Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Column: A vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drums the full diameter of the shaft.

Commercial Fishing Activities: Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as sale of fuel; manufacture or sale of ice, bait and nets; and the sale, installation or repair of boats, engines and other equipment commonly used on boats. Only individuals and businesses providing these services to others for compensation shall be subject to the provisions of this Ordinance. The construction of boats as a principal occupation is a manufacturing use when determining where the use may be conducted, unless it conforms to the standards of home occupation, in which case it shall be treated as a home occupation in determining where the use may be conducted.

Commercial Use: The use of lands, buildings, or structures, other than a "home occupation", the intent and result of which activity is the production of income from the buying or selling of goods or services, including retail, service, **wholesale, and industrial** establishments, and excluding residential rental **properties**.

Commercially Valuable Species: Any tree species capable of growing as a tree in Maine, and which is not listed below:

Acer pensylvanicum	Striped maple, moosewood
Acer spicatum	Mountain maple
Salix spp.	Willow
Cornus florida	Flowering dogwood
Betula populifolia	Grey birch
Prunus ensylvanica	Pin cherry, fire cherry

Community Buildings: A publicly or quasi-publicly owned structure not operated for profit of its owners and dedicated to the public welfare, including, but not limited to, houses of worship, schools, libraries, museums and fraternal organizations.

Community Center: A building that provides a meeting place for local, non-profit community organizations on a regular basis, including accessory facilities for recreational or social activities.

Community Living Arrangement: A housing facility as defined by Title 30-A M.R.S. § 4357-A for eight (8) or fewer people with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement is deemed a one family use of property.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over two thousand (2,000) gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, 30 Subsurface Wastewater Disposal Rules.

Comprehensive Plan: A document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A, Chapter 187, Subchapter II.

Condominium: Three or more dwelling units located in a single structure, with each arranged, intended or designed to be occupied by a family, living independently of the others, where the individual units are separately owned.

Coniferous (Softwood) Type: A forest type of which pine, spruce, fir, hemlock, cedar, larch and other softwood species, singularly or in combination, comprise 75% or more of the stocking.

Construction: Any change caused by individuals or entities to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, the construction of additions or substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials, and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Conversion of Seasonal Dwelling: The conversion of a seasonal dwelling to one suitable for, and intended as, a principle year-round residence, generally accomplished through the installation of insulation, heating system, water supply, and/or sewage disposal system.

Cottage: A single structure where sleeping accommodations are furnished to the public as a business for a day, week or month, but not for longer than an entire season, for temporary occupancy for recreational purposes only and not for permanent residency.

Cord: A unit of measure of wood products 4 feet wide, 4 feet high and 8 feet long, or its equivalent, containing 128 cubic feet when the wood is ranked and well stacked. Any voids that will accommodate a stick, log or bolt of average dimensions to those in that pile shall be deducted from the measured volume.

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.

Cull: A tree where 50% or more by volume fails to meet pulpwood grades.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

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

Designated Agent: A person, company or other entity who is authorized by the landowner to act on the landowner's behalf for timber harvesting on the landowner's property.

Density Requirements - The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area: An area that is designated in the Town of Nobleboro's currant comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent.

Designated Scenic Resource: ignificant value because of its location, beauty, or natural state.

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.

Development Site: The ground area where any significant earth moving, grading, dredging, filling, building, construction, mining operation, or deposition of refuse, solid or liquid waste other than agricultural waste will occur. It does not include forest land areas where bioash or sludge are spread as a soil additive or fertilizer.

Diameter Breast Height (DBH):

~~**Dimensional Requirements** - Numerical standards relating to spatial relationships including but not limited to setback, lot area, lot coverage, shore frontage and height.~~

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

Disability: A disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect,

environmental conditions or illnesses, 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 shoreline integrity Talteration 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: A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Dwelling: A building arranged, intended or designed to contain one or more independent dwelling units used for human habitation.

Dwelling Place: A structure that is adapted for overnight accommodation of persons, or sections of any structure similarly adapted. A dwelling place does not include garages or other structures, whether adjacent or attached to the dwelling place, that are used solely for the storage of property or structures formerly used as dwelling places that are uninhabitable. It is immaterial whether a person is actually present.

Dwelling Unit: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. 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. An area configured for food preparation may be considered cooking facilities even if appliances are not present. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

Eave: The overhang at the lower edge of the roof, which usually projects out over the exterior walls of the structure.

Ecotourism: All nature-based forms of tourism in which the main motivation of the tourists is the observation and appreciation of nature as well as the traditional cultures prevailing in natural areas.

Elevated Building: A non-basement building (i) built, in the case of a building in Zone A1-30 AE A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or stilts;" and (ii) adequately anchored so as not to impair the structural integrity of the building

during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, or AH, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate: An official form (FEMA Form 81-31, 05/90, as amended) that (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and (ii) is required for purchasing flood insurance.

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

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.

Essential Wildlife Habitat: Areas identified by the Commissioner, Maine Department of Inland Fisheries and Wildlife in accordance with the provisions of 12 MRSA §7754 (2,3) and/or §7755-A(1,2,3).

Existing Dwelling Unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.

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

Expansion: The addition of antennas, towers, or other devices to an existing structure.

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

Explosive material Materials designed or used to cause explosions.

FAA: The Federal Aviation Administration, or its lawful successor.

FCC: The Federal Communications Commission, or its lawful successor.

Façade: The portion of any exterior elevation of the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Family: One or more persons, whether or not related by blood or marriage, occupying a premise and living as a single housekeeping unit.

Farmers Market: A Farmers Market is a collection of independent, local growers, and harvesters who collaborate to offer farm products for sale in a convenient single location. Farmers markets offers a wide variety of products fresh from area farms including; shrubs, plants, landscape items, vegetables, flowers, various seedlings, baked goods, honey, soaps, hand cream, extracts, and other farm items.

Farm Stand: A roadside stand at which locally grown produce is offered for direct sale to the public and that is operated by a farmer or by a person who purchases the majority of the produce sold at the stand from farmers. "Produce" means fresh fruits or vegetables.

Fast Food Restaurant: A restaurant serving quickly prepared food, usually cooked in bulk in advance or reheated when ordered, both for on-premise and take-out consumption, which is also identified by limited service. Commonly it is a franchise or chain restaurant, with a standardized menu and food provided in bulk from a central location. However, it may also include local kiosks or stands with limited menus and rapid service.

Flood or Flooding:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    1. The overflow of inland or tidal waters;
    2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: See Flood Elevation Study.

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the One Hundred (100) Year Flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floodway Encroachment Lines: The lines marking the limits of floodways on federal, state and local floodplain maps.

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.

Footcandle: A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away.

Forest Land: Land used primarily to grow trees to be harvested for commercial use, but does not include marsh, open swamp, bog, water and similar areas, which are unsuitable for growing a forest product or for harvesting for commercial use even though these areas may exist within forest lands.

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, 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 Management Plan: “Forest Management Plan” means a site specific document signed by a professional forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to this ordinance.

Forest Plantation: See Plantation.

Forest Products: Logs, pulpwood, veneer, boltwood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood or other products commonly known as forest products. It does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops.

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.

Forest Type: A stand of trees characterized by the predominance of one or more groups of key species which make up 75 percent or more of the sawlog volume of sawlog stands, or cordwood in pole timber stands, or of the number of trees in seedling and sapling stands.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Formula restaurant: An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

A. It has the same or similar name, tradename, or trademark as others in the chain or group;

B. It offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group:

    1. exterior design or architecture; or
    2. uniforms, except that a personal identification or simple logo will not render the clothing a uniform;
    3. It is a fast food restaurant.

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

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

A. Of ten 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

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

C. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Glamping: A luxury type of outdoor camping that includes facilities and accommodation considered far more comfortable than traditional camping with amenities and

comforts (such as beds, electricity, and access to indoor plumbing) not usually used when camping.

Grade Elevation: The average elevation (height above sea level) of the original finished grade at the sides of the structure.

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

Great Pond Classified GPA: Any great pond classified GPA, pursuant to Title 38 MRSA 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.

Growth Permit: A permit to allow the establishment of a principle year-round residence in a new or existing dwelling unit.

Hardwood Type: A forest type in which maple, birch, beech, oak, elm, basswood, poplar, ash or other broadleaf species of trees, singularly or in combination, comprise 75% or more of the stocking.

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

Harvest Plan: A site specific document signed by a Licensed Professional Forester outlining proposed activities to ensure compliance with performance standards and regeneration requirements of 12 MRSA Ch. 805, sub-chapter 111-A and this rule.

Harvester: A person, company, or other entity who harvests, or contracts to harvest, a forest product.

Height of a structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Historic or Archaeological Resources: Resources that are:

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 prepared by the Maine Historic Preservation Commission.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission.

5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission or in the municipality's comprehensive plan as having significant value as an historic or archaeological resource.

6. 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.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual 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 which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;

5. By an approved state program as determined by the Secretary of the Interior, or

6. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or profession which is customarily conducted in a dwelling or accessory building and is clearly incidental to and compatible with the residential use of the property and surrounding residential uses. (See General Standards of Performance, Chapter 12.)

Home Sharing Pilot: A statewide web-based home share pilot program primarily aimed at assisting older persons to reduce living expenses, including housing costs, by matching older persons who own homes with spare rooms to compatible adults in need of affordable housing.

Home Workshop, Workroom or Studio: A workshop, located within a principal structure or within an accessory building, which is used primarily by the occupants of the dwelling unit for personal use and not a commercial use.

Ice-fishing structure: A temporary structure placed on the ice intended to be used or used for fishing.

Increase in non-conformity of a structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity 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 non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite: An area of land which is not associated with a camping area but which is developed for repeated camping by only one group not to exceed ten (10) individuals, and which involves site improvements which may include, but not limited to: gravel pads, parking areas, fire places, or tent platforms.

Industrial Use: The assembling, fabrication, finishing, manufacturing, storing, packaging or processing of goods, or the extraction of minerals; including light, medium and heavy industrial.

Industrial, Heavy: An industrial use which creates significant exterior or off-premise indications of the use. Heavy Industrial includes, but is not limited to:

1. Asphalt preparation;
2. Cement or concrete manufacturing or processing;
3. Reprocessing or bulk material storage;
4. Tanning and rendering;
5. Bulk fuel wholesale storage or distribution;
6. Energy generation as a primary use;
7. Chemical processing

Industrial, Medium: An Industrial or manufacturing use which creates significant exterior indications of use, but has a less significant environmental effect than heavy Industrial and has been traditionally located within the Town. Medium Industrial includes, but is not limited to:

1. Sand, gravel and mineral extraction;
2. Rock crushing or processing;
3. Lumber and sawmills.

Industrial, Light: An Industrial or manufacturing use which by its nature does not require extensive heavy equipment or bulk on-site raw materials to operate. Light Industrial includes, but is not limited to:

1. Laboratory research facilities;
2. Printing or publishing;
3. Warehousing;
4. Wholesale sales or storage;
5. Multiple retail storage units
6. Building materials storage;
7. General contractors offices and associated equipment storage;
8. Retail fuel distribution facilities, including retail stores with such facilities;
9. Sales of bulk building or construction materials;
10. Trade shops, including:
    - Cabinetry;
    - Carpentry;
    - Plumbing;
    - Electrical;
    - Finish Work; and
    - Related exterior equipment storage for those uses;
11. Assembly or production of goods or products;

12. **“**Small scale motor vehicle repair and sales**;**
13. It shall not include uses defined as “Heavy or Medium Industrial Uses”.

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

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

Land Use Ordinance: An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Landing: See “Yard”.

Landowner: A person, company, or other entity which holds title to land, including joint ownership or tenants in common. Where the ownership of the timber located on a parcel is different than the fee ownership of the land, the owners of the timber are deemed to be a landowner and are jointly and severally responsible with the fee landowner to comply with this rule. Where a corporate landowner is a wholly owned subsidiary of another corporation, both parent and subsidiary are deemed to be the same landowner.

Landscaping: The combination of natural elements such as trees, shrubs, groundcovers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, reducing environmental impacts, and filtering matter from air.

Large Scale Development: Any one of the following:

1. A retail and service establishment that exceeds 2,500 square feet of floor area;

2. A commercial use that exceeds 10,000 square feet of floor area;

3. A retail and service establishment of any size that includes or incorporates a drive-thru facility or outside fuel dispensers; or

4. A formula restaurant.

Large scale development does not include agricultural buildings or commercial greenhouses and nurseries accessory to a retail or wholesale sales establishment.

Licensed Professional Forester: A forester licensed under 32 MRSA §75.

Line of Sight: The direct view of the object from the designated scenic resource.

Locally Established Datum: For purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean Sea Level data is too far from a specific site to be practically used.

Lodging place: A fixed structure or any part of a structure, used, maintained or advertised as a place where sleeping accommodations are furnished that offers stays that are temporary in nature and consist of fewer than 183 days in the aggregate per year. "Lodging place" includes accommodations in the entertainment, hospitality, recreation and tourism industries, including, but not limited to, hotels, motels, bed and breakfasts, inns and properties under common management at the same location where 4 or more rooms, cottages or condominium units are available. "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated with educational institutions, permanent residences, or rental properties with tenant and landlord relationships as described under Title 14, chapters 709 to 710-D, nursing facilities as defined in section 1812-A, assisted living programs as defined in section 7852, subsection 4 or residential care facilities as defined in section 7852, subsection 14.

Lot : A single parcel of developed or undeveloped land described in a deed or other legal instrument. A lot is also viewed as a parcel or tract of land minus any development meant to be owned by one or more owners. The word "lot" includes the words "plot", "property", and "parcel."

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

Low Income: Family income which is between fifty percent (50%) and eighty percent (80%) of median family income as established by the Maine State Housing Authority. (Revised effective June 8, 2022)

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclose is not built so as to render the structure in violation of the applicable non-elevation design requirements Article VI of this ordinance.

Management Plan: See "Harvest Plan".

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Housing: 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. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. Newer mobile homes constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are eight hundred and forty (840) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure which meets all requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2. Modular homes, which the manufacturer certifies are constructed in compliance with 10 MRSA, Chapter 957, and rules adopted under that chapter, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Marina: A commercial use having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats. It may also provide accessory services such as boat and related sales, boat repair and

construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops or 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.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Data (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

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

Mineral Extraction: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports 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 lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mixedwood Type: A forest type in which neither hardwoods nor softwood comprise 75% or more of the stocking.

Mobile Eating Place: A mobile vehicle designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

Mobile Home: A manufactured housing unit built on a permanent chassis and containing all necessary utilities and facilities for a dwelling, which is transported in one (1) or two (2) sections to the site where it is to be occupied. It shall not include a unit which is used as a temporary traveling dwelling in other locations, such as a recreational vehicle.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Mobile Home Subdivision or Development: A parcel of land approved for the placement of manufactured houses on individually owned lots.

Moderate Income: Family income which is between eighty percent (80%) and one hundred twenty percent (120%) of median family income as established by the Maine State Housing Authority. (Revised eff. 06-08-2022)

Multifamily dwelling: A building containing 2 or more dwelling units (excepting accessory dwelling units), or a mixed use building containing 1 or more dwelling units. Development that may be considered multifamily includes but is not limited to duplexes, triplexes, quadriplexes, multiplexes, townhouses, mansion apartments, garden apartments, and other dwelling units that share a common wall, floor or roof.

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

Nadir: The angle pointing directly downward (0°) from the lighting fixture. 75° nadir, for example, is the angle pointing 75° above nadir.

Native: indigenous to the local forests.

Natural Landscaping: Landscaping composed primarily of organic materials or vegetation indigenous to the area.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Non-Conforming Lot: A single lot of record which, as of March 22, 1996, does not meet the dimensional requirements of the district in which it is located. For the purposes of Chapter VI Shoreland Zoning the applicable date shall be July 26,1974.

Non-Conforming Structure: A structure which does not meet dimensional requirements, but which was in lawful existence as of March 22, 1996. For the purposes of Chapter VI, Shoreland Zoning , the applicable date shall be July 26, 1974.

Non-Conforming Use: A use of buildings, structures, premises, or land which is not permitted in the district in which it is situated, but which was in lawful existence before March 22, 1996. For the purposes of Chapter VI, Shoreland Zoning, the applicable date shall be July 26, 1974.

Non-dwelling structure: Any structure used or intended to be used for the shelter or enclosure of any animal or property of any kind.

Normal High-Water Line: The line which is apparent from visible marking, 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. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

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

One-Hundred Year Flood: See Base Flood

Organizational Charter: A document that creates an autonomous legal entity which the landowners control and which undertakes the common obligations of providing services to a subdivision.

Overstory Removal: A timber harvest that is not a clear-cut, that removes the overstory component of a stand, leaving a stand of advanced regeneration that is stocked with at least 450 trees per acre, well distributed on the harvest area, that meet the acceptable growing stock standards, as defined in these rules, and which are at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees.

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.

Parapet: The portion of a wall that extends above the roofline.

Parcel: A contiguous tract or plot of forest land owned by a landowner. Multiple contiguous tracts, plots or parcels of forest land owned by the same landowner are considered a single parcel for the purposes of this subchapter.

Pedestrian Walkway: A surfaced walkway, separate from the traveled portion of a public or private right-of-way, parking lot or driving aisle.

Performance Guarantee: A performance bond as defined under the Site Review Ordinance.

Permanent Foundation: (1) for newer mobile homes," a foundation that conforms to the installation standards established by the Manufactured Housing Board; or (2) for "modular homes," a foundation that conforms to the municipal building code,

or, in the absence of a municipal building code, a foundation that conforms to the 2009 Maine Uniform Building and Energy Code (MUBEC).

Permanent Residence: The primary location where a person lives 183 days or more in a year in the aggregate, as determined in accordance with Department of Health and Human Services rule.

Person: Includes a firm, company, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity, as well as an individual.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pests, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Piers, Docks, Wharves, or Bridges; Permanent or Temporary: 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 more than seven (7) months in any period of twelve (12) consecutive months.

Pitch: The slope of a roof commonly expressed in terms of inches of vertical rise per foot of horizontal run.

Pitched, Shingled Roof: A roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

Plantation: A stand of commercially valuable tree species predominately artificially seeded or planted. It does not include supplemental or “fill” plantings within an otherwise natural stand unless the artificially established trees total 50% or more of the stand.

Poletimber: A live tree of commercially valuable species meeting regional specifications of soundness and form and at least 4.5 inches DBH, but smaller than a sawtimber tree.

Potable: Water safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six (6) different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To

Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

Portico: A porch or walkway with a roof supported by columns, often leading to the entrance to a building.

Precommercial Silvicultural Activities: Chemical or mechanical thinning treatments, planting, stand conversion or timber stand improvement activities provided that no forest products are removed.

Principal Structure: A building or structure in which the main or primary use of the structure is conducted.

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

Private Way, Road or Right of Way: Any way or road, not a public way, providing access to two or more lots or dwelling units, or serving a single lot or dwelling unit with a length greater than 500 feet.

Professional Forester: A person licensed pursuant to Title 32, chapter 75.

Professional Office: A place of business where professional services are provided to the public, including: medical, legal, dental, architectural, business consulting (including insurance, real estate, and accounting), engineering, and other generally recognized service professions.

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 Road or Roadway: Any roadway that is owned or leased by a governmental unit or public entity, and maintained by public funds.

Public Utilities: Intermediary structures or uses required directly in the delivery of utility services to the general public. It may include pipes, wires, transformers, and pumping stations, but shall not include power generation plants, final treatment sites, transmission or receiving facilities, or office, service, repair, or storage facilities.

Raw Materials: Unprocessed natural products used in construction or manufacturing.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

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

Recreational Camp or Sporting Camp: A building or group of buildings devoted primarily to the offering of eating and lodging facilities to guests only, with 4 or more rooms or cottages for rent, for a fee to persons seeking recreation, including snowmobiling, hunting, fishing and similar activities, not including programs overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

Regeneration: The renewal of a tree crop of acceptable growing stock, whether by natural or artificial means.

Regulatory Floodway:

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

2. In Zone A is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Replacement System: A subsurface wastewater disposal 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.

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.

Restrictive Covenant: A provision in a deed restricting the use of the land.

Retail Floor Area: The interior selling or service floor area open to the general public, and excluding storage and processing space.

Retail and Service Establishment: "A commercial use where goods are sold to the public, services are performed for the public or entertainment is provided for the public. It shall not include light, medium or heavy Industrial. It may include establishments that prepare food for direct sale to the public, such as restaurants, bakeries, **cafes**, **event barns, food trucks** or mobile vendors".

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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, et cetera.

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.

Roadbed: 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.

Sapling: A live tree of commercially valuable specifies between 1.0 and 4.4 inches DBH.

Salt Marsh: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water.

Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas.

Sawtimber: A live tree of commercially valuable specifies, suitable in size and quality for yielding sawlogs under current mill specifications.

Scale: The size or proportion of a building element or space relative to the structural or functional dimension of the human body.

Screen: A buffer whose sole purpose is to block views. A screen should be constructed of opaque materials and be high enough to effectively block or obstruct unwanted views.

Seasonal Dwelling: A dwelling unit which is not adapted to year-round habitation due to the nature of its construction such as the absence of sufficient insulation, heating system, water supply or sewage disposal system.

Seasonal Rental: A dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property that is rented for vacation, leisure or recreation purposes for a day, a week or a month, and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.

Seedling: A live tree of commercially valuable species less than 1.0 inch DBH and at least 6 inches tall.

Separation Zone: An area that surrounds a clear-cut and separates it from any other clear-cut. A separation zone must consist of forest land. The separation zone may include forested wetlands, and skid roads or skid trails, provided these skid roads or skid trails are not immediately adjacent to a clearcut. A separation zone does not include other non-forest areas such as non-forested wetlands, public and private roads, land management roads, winter haul roads, driveways, utility lines, development sites, pipelines or railroad rights-of-way.

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

1. In the case of electric service:
   a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. The total length of the 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.

Setback: The nearest horizontal distance from the normal high-water line of a water body or tributary stream, , to the nearest part of a structure, road, parking space or

Setback Requirements: The minimum horizontal distance from a lot line, shoreline, upland edge of a wetland, road to the nearest part of a structure other regulated object or area.

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

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline: The normal high-water line, or upland edge of a freshwater or coastal wetland.

Short-Term Rental: A residential property which may be used as a rental unit for a period between one (1) day and thirty (30) days with no intent to renew an agreement for extending a continuous stay.

Sign: A structure, display, logo, device, or representation which is designed or used to display, advertise, or call attention to any thing, person, business, activity, or place, and is visible from a public way. It includes any model, banner, flag, pennant, insignia, device or representation designed or used for such purposes. The word “sign” does not include flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like temporary campaign, drive, movement or event.

Significant River Segments: See Title 38 MRSA Section 437.

Significant Wildlife Habitat: Defined by Title 38 Ch. 3 Article 5-A.

Single-family Dwelling Unit: A building containing one (1) dwelling unit except that in a mixed use building, a single dwelling unit may be considered a multifamily dwelling unit

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: Timber harvesting residue, including branches, limbs, tops, bark, culls or trees felled or uprooted by that harvesting. It includes associated debris including paper, metallic or plastic litter.

Softwood Type: A forest type in which pine, spruce, fir hemlock, cedar and larch, singly or in combination, comprise 75% or more of the stocking.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active: 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.

Solar Energy System, Ground-Mounted: An Active 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, Large-Scale: An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet}, and that generates a nameplate capacity of 1 mgw or greater.

Solar Energy System, Medium-Scale: An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet but less than 4 acres (174,240 square feet), and that generates a nameplate capacity of about 125 kwto 1 mgw.

Solar Energy System, Panel Area: The total area of solar panels based on total airspace projected over the ground.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small, medium, or large-scale).

Solar Energy System. Small-Scale: An Active Solar Energy System whose physical size based on total airspace projected over the ground is less than 20,000

square feet and that generates a nameplate capacity of about 125 kw or less. A small-scale system typically is an accessory use to a principal use on the property.

Solar Farm: A large active solar energy system collection of photovoltaic (PV) solar panels that collects and absorbs energy from the sun, convert it into electricity and send that electricity to the power grid for distribution and consumption by consumers.

Speculative Dwelling: A dwelling unit built or placed to sell to the general public and not as part of a contractual arrangement with a known buyer prior to construction of said dwelling unit.

Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basements, footings, piers, or foundations or the erection of temporary forms; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Storefront: The traditional “main street” façade bound by a structural pier on either side, the sidewalk on the bottom and the lower edge of the upper façade at the top.

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 seven point five (7.5) minute series topographic map, or if not available, a fifteen (15) minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Street: A public road.

Structure: 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, stone walls, retaining walls, and roof over hangs not exceeding two (2) feet from the vertical face of the structure siding, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors as defined in 38 M.R.S. § 436-A(12).The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

Substantial Enlargement: An expansion of the land area of the development site, or the volume of activity or the size of a structure by more than twenty five (25) percent, at any time or in total since March 22, 1996.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

Substantial Start: 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.

Subsurface Wastewater Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or

wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste, as defined in 38 MRSA Chapter 14, Subchapter 1.

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 this proposed telecommunications facility.

Temporary Storage: A trailer or other structure, used for storage and capable of being moved to another location as a self-contained unit facility without substantial modification.

Texture: The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in the exterior façade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed.

Tidal Waters: All waters affected by tidal action during the maximum spring tide.

Timber Harvest or Harvesting: The cutting and removal of trees from their growing site, for the primary purpose of selling or processing forest products, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction, or the cutting of agricultural products, including Christmas trees. It is presumed that if approved construction is not begun within twelve (12) months of the end of cutting, that the clearing is timber harvesting.

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

Timber Harvesting and Related Activities: Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tiny Homes Type One: A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters. For the purposes of this section, "tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C. A

municipality shall permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

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

Tiny Home Type Two: A structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 square feet.

Transient Lodging: A structure used as a hotel, motel, inn, or bed-and-breakfast facility where customers stay no more than two weeks.

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.

Unoccupied Space: An open area which, with the exception of an access driveway or parking area, is not covered by an impervious surface or a structure or used for storage of materials, equipment or vehicles.

Upland Edge: The boundary between upland and wetland.

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

Utilities: Services provided to a structure to allow its use, including electricity, sewage or septic disposal, water, heat, telephone or other utilities.

Variance: A grant of relief by a regulatory body from application of the terms, conditions or requirements imposed by some provision in this Ordinance.

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

Velocity Zone: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Viewpoint: That location which is identified either in the comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Violation: A failure to comply with some provision of this Ordinance.

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

Waste Collection and Disposal Facility: A facility designed or used to collect, store, process or dispose of waste materials.

Water Body: Any great pond, river or stream.

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

Wetland: A freshwater or coastal wetland, or other land submerged, partially or occasionally water-logged or water-covered, characterized by predominantly wetland soils or vegetation, including salt water or fresh water swamps, bogs, marshes, flats, or similar areas.

Wetlands Associated with Great Pond and Rivers: Wetland contiguous with or adjacent to a great pond or river, and which, during normal high water, is 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.

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

Winter Haul Road: A route or track across frozen ground or compacted snow and ice used primarily for access to a yard or landing. It does not include a road with a gravel surface.

Wireless Telecommunications Facility or Facility: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services unlicensed wireless services, cellular phone services, specialized mobile radio communication (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. It shall include any and all technology relating to sending and receiving equipment. It shall be considered a retail and service establishment.

Wood: The severed but unprocessed fibrous derivative of trees, or the chipped fibrous derivative of trees, regardless of quality or grade.

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

Yard: An unoccupied space, on the same lot with a building or structure.

Yard, Front: A yard space between the front line of the building and the front line of the lot, and extending the full width of the lot.

Yard, Log Yard, Landing: The area where forest products are hauled by forwarding machinery or animals for deposition or storage before transfer to trucks or other means of conveyance.

Yard, Rear: A yard space between the rear lines of the building and the rear line of the lot, and extending the full width of the lot.

Yard, Side: A yard space situated between the building and the side line of the lot, and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

Youth camp: A combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children with social, recreational, spiritual and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year. "Youth camp" includes day camps, residential camps and trip and travel camps. "Youth camp" does not include programs

overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

Zoning Ordinance: A type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district

CHAPTER III

SITE PLAN REVIEW

A. PURPOSE

The purpose of this Site Plan Ordinance is to promote the public health, safety, and general welfare by requiring plans to be submitted to, reviewed, and approved by the Planning Board. The purpose of such review shall be to ensure orderly, beneficial, and environmentally sound development and the most appropriate use of land in keeping with the purposes of the general area in which a development is proposed.

B. APPLICABILITY

1. This chapter shall apply to all new uses, or structures or substantial enlargement to existing uses or structures for commercial use, and public facilities. This chapter does not apply to detached single and two-family dwellings, multi-unit residential structures, along with accessory structures or uses, agricultural land management practices, forest management activities, or home occupations.

2. This chapter shall also apply to any commercial use which commenced prior to the adoption of this chapter and is discontinued for more than ninety (90) days.

3. This chapter also applies to any seasonal commercial use which commenced prior to the adoption of this chapter and is discontinued for more than one (1) year.

C. SITE PLAN CONTENT

The applicant shall submit a site plan for review by the Planning Board.

1. The final plan shall be drawn to a scale of not less than one inch (1") equals fifty feet (50'), and shall contain the following.

   a. Name and address of owner and applicant.

   b. Scale and north arrow.

   c. Location, dimensions, and acreage of parcel to be built upon.

   d. Existing contours at intervals of not more than ten (10) feet (10') and proposed contours at intervals of not more than five feet (5'). The Board may require closer contour intervals depending on the nature of the project.

   e. The size, shape, and location of existing and proposed structures.

f. The location and dimensions of parking areas, loading and unloading facilities, and points of ingress and egress of vehicles to and from the site to public streets.

g. Location of all existing and proposed easements and right-of-way.

h. Location and dimension of pedestrian access ways.

i. Location and size of existing and proposal water and sewer mains, culverts and storm drains.

j. Location of outdoor lighting.

k. Location of natural features such as water courses, marshes, rock outcroppings, and stands of trees.

l. Landscape Plan showing location and type of plantings and screenings.

m. Location and size of signs and advertising features.

n. Any other provisions contained in Chapter V, Subdivision, whenever applicable.

o. Each application shall be accompanied by a filing fee, as set by the Selectmen.

2. A narrative, with supporting data, shall be required to address the environmental suitability of the chosen site to support the proposed development. This may require the use of appropriate qualified professionals. This narrative shall address the standards as listed in Section B.

D. PERFORMANCE STANDARDS

An application shall be approved, unless the Planning Board makes a written finding that the applicant is not able to meet one or more of the general standards of performance of Chapter XI.

E. PERMITS

1. A person shall not engage in any use or construct, alter, or substantially enlarge any structure to which this Ordinance applies without first obtaining a permit. If no substantial start is made in construction or in the use of the property within one year of the date of permit, the permit shall lapse and become void.

2. Permits expire for uses or structures that are discontinued for more than ninety (90) days, unless the permit holder can demonstrate that the discontinuance was for factors beyond their control.

3. Permits expire for seasonal uses or structures that are discontinued for more than one (1) year, unless the permit holder can demonstrate the discontinuance was for factors beyond their control.

F. GENERAL PROVISIONS

1. The Planning Board shall require proof of ownership of the site or written authority from the owner verifying the applicant's right, title, and interest to develop the site.

2. The Planning Board may require the filing of a Performance Guarantee.

3. All construction performed must be in conformance with the approved site Plan.

G. ADMINISTRATION

1. The Planning Board shall administer this Chapter.

2. A building permit or plumbing permit shall not be issued by the Municipal Officers or Code Enforcement Officer for any use or development within the scope of the ordinance until a Site Plan has been approved by the Planning Board.

CHAPTER IV

LAND USE

A. PERMITS REQUIRED

A structure shall not be erected, changed to another use, enlarged or moved without a Building Permit issued under this Chapter. A permit under Article I may be issued by the Code Enforcement Officer and under Articles II and III by the Planning Board.

A Building Permit shall not be required for a non-habitable accessory building which has less than 150 square feet of floor space, is less than twenty (20) feet high, is unattached to any other building, is used for non-commercial purposes only, and conforms to all applicable standards and setback requirements.

Applicants must provide pre-construction and post-construction photographs (digital images) of vegetation, the site to be developed and the developed site as part of the permitting process. Pre-construction photographs must be submitted to the Nobleboro Town office and Code Enforcement officer with the building permit application. Post-construction photographs (digital images) must be submitted no later than 20 days after completion of the project and/or site development.

Article I: SINGLE FAMILY DWELLINGS

A. STANDARDS AND SETBACK REQUIREMENTS

1. Single Family Dwellings. The following standards apply to single family dwellings:

    a. The minimum lot size shall be one (1) acre per single family dwelling, except as otherwise provided.

    b. The minimum frontage on any public or private way shall be two-hundred (200) feet.

    c. On any water body, the minimum frontage shall be two-hundred (200) feet.

    d. All structures shall be set back at least fifty (50) feet from the edge of the right-of-way of any public or private way, twenty-five (25) feet from any lot line and one-hundred (100) feet from the highwater mark of any water body.

    e. No more than two-hundred (200) feet of road frontage may be clear cut.

2. Lot Calculation. Land within the bounds of a right-of-way or road shall not be counted as part of a lot, and land located on opposite sides of a public road or private way, or right of way or easement shall be considered separate tracts of land.

B. PRIVATE WAYS

Any private way or right of way or easement serving a single family dwelling, and which is proposed, created or recorded after the effective date of this Ordinance shall be at least 40 feet wide.

Article II: OTHER USES

A. APPLICATION

This article applies to new uses and structures, new construction, or any alteration or expansion of an existing use or structure, that is expanded, altered or begun on or after March 22, 1996, except for a single family dwelling.

B. USES

1. Permitted Uses. A permit may be issued for the following uses if the use or structure meets the standards of this Article:

    a. Apartment building, up to a maximum of six (6) dwelling units in a single structure.

    b. Retail and Service Establishments;

    c. Agriculture:

    d. Industrial, Light; or

    e. Community Buildings

2. Permitted Uses - Route 1 Corridor. In that part of Town located within 1,000 feet of either edge of the right-of-way of U.S. Route One, in addition to the other standards of this ordinance, uses must comply with these standards

    a. Four-hundred minimum Route 1 frontage;

    b. Two-hundred foot minimum set back from the center line of Route 1.

    c. Not more than a single access road to Route 1; and

d. Parking located at side or rear of structure, not between the structure and Route One.

3. Measurement. Where the distance between U.S. Route 1 and Old Route 1 is less than 2,000 feet, the corridor width boundary between them shall be at one-half (1/2) of the distance between them, as measured at the edge of right-of-way.

4. Prohibited Uses. A permit may not be issued for any commercial or industrial use or structure not specifically permitted.

5. Multiple Uses. A permit is required for each use on a lot. A permit may not allow prohibited uses in conjunction with or as part of permitted uses.

6. Floor Area Limit. The total floor area structures on a lot may not exceed twenty (20%) percent of the lot area.

   a. Notwithstanding any other provision of this Ordinance, a single retail and service establishment, whether located in a single structure, or an aggregate of structures, may not exceed 45,000 square feet of floor area. Adjacent retail and service establishments which share a common check stand, management, controlling ownership or storage areas shall be considered as one retail and service establishment. This maximum floor area restriction shall apply to all new retail and service establishments and to all expansions of existing retail and service establishments. (Applicable date: Notwithstanding 1 M.R.S.A. §302, upon becoming effective, this amendment is applicable retroactive to March 19, 2006.)

7. Strict Construction. In applying the definitions of permitted and prohibited uses, the scope of "permitted uses" shall be strictly construed and "prohibited uses" broadly construed. The applicant shall have the burden to prove that the proposed use is permitted.

8. Issuance. Prior to issuing a permit, the Code Enforcement Officer (CEO) may require whatever information or assurances deemed necessary to assure compliance with this ordinance.

9. Nonconforming Uses. A lawful use existing on the date of the amendment of this Article and made non-conforming by this amendment may continue as a permitted use. Such a non-conforming use may not be enlarged, expanded or altered to another non-conforming use, unless it complies with this ordinance as amended at the time of that action.

C. STANDARDS

The following minimum standards shall apply to any use other than as a single family dwelling:

1. Acreage and frontage

   a. There shall be at least two (2) acres (87,120 square feet) minimum lot size, except for:

      (1) A home occupation, where the standards and setback requirements for single family dwellings shall apply; or

      (2) An apartment, where there shall be a minimum lot size of one (1) acre (44,000 square feet) for each dwelling unit.

   b. There shall be at least two hundred feet of frontage on the principal public or private way, except for an apartment, where there shall be at least one hundred feet of frontage for each dwelling unit.

   c. Land within the bounds of a right of way or public road shall not be counted as part of a lot.

   d. Land located on opposite sides of a public or private way or right of way or easement shall be considered separate tracts of land.

   e. Concentrated housing, including, but not limited to, apartments, multi-family dwellings, duplexes and cluster housing, shall provide total acreage and frontage sufficient to meet the lot size, frontage and setback requirements for each dwelling or dwelling unit.

2. Setbacks and screening

   a. All structures, including storage facilities and areas, shall be set back 75 feet from any public or private way and 50 feet from any abutting property line.

   b. Exposed storage areas, exposed machinery installations, sand and gravel operations, salvage areas, parking areas, etc., shall be screened from view from any road and abutting property lines by dense evergreen planting of at least six (6) feet in height.

   c. Potential safety hazards, including, but not limited to, toxic, caustic, explosive and flammable substances, shall also be secured with a chain link fence at least six (6) feet high and maintained in good condition.

d. All structures other than single family dwellings, structures normally incidental to single family dwellings and structures associated with normal non-commercial recreational use of water shall be set back at least 600 feet horizontal distance from the normal high water mark of any lake, pond, river, stream or salt water body.

3. Building size and height

a. The total area of all structures combined shall not exceed 20% of the area of any lot.

b. The height of any structure shall not exceed 2 1/2 stories or 35 feet as measured from grade elevation.

c. Exempt from this height requirement are structures associated with normal agricultural practices, public schools and other municipal facilities.

d. An antenna is governed by height restrictions of Article III.

e. Notwithstanding any other provision of this Ordinance, a single retail and service establishment, whether located in a single structure, or an aggregate of structures, may not exceed 45,000 square feet of floor area. Adjacent retail and service establishments which share a common check stand, management, controlling ownership or storage areas shall be considered as one retail and service establishment. This maximum floor area restriction shall apply to all new retail and service establishments and to all expansions of existing retail and service establishments. (Applicable date: Notwithstanding 1 M.R.S.A. §302, upon becoming effective, this amendment is applicable retroactive to March 19, 2006.)

4. General Standards:

Compliance with the general standards of performance of Chapter XI.

5. Sewage Disposal:

No septic system shall serve more than two single dwelling units or a 600 gallon per day estimated flow of waste water. Exempt from this requirement are public schools and other municipal facilities.

6. Cluster Development:

Allowable density under this ordinance for single family dwellings or apartments may be based on net residential density.

a. Net residential density is calculated in the following manner:

(1) Determine the net residential acreage of the parcel;

(2) For single family cluster developments, divide the net residential acreage by the minimum lot size to obtain the net residential density.

(3) For apartment cluster developments, divide the net residential acreage by the minimum land area per dwelling unit to obtain the net residential density.

b. If individual lots are reduced to less than the minimum lot size, the residual open space accumulated by that reduction and the areas which are subtracted from gross area to calculate net residential area shall be designated as open space.

c. A buffer strip of at least fifty (50) feet shall be required along the existing road frontage and shall include the required setback.

d. The following space standards apply:

(1) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback.

(2) Front, side and rear setbacks for the perimeter of the multi-family cluster development shall not be reduced below the minimum front, side and rear setbacks.

(3) The total area open space within the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required.

(4) Further subdivision of open space or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited and that prohibition shall be stated by deed restriction. Structures accessory to non-commercial recreation or conservation uses may be erected on open space. Open space shall not be available for use by private membership clubs open to persons who are not residents of property located within the development.

e. The following open space requirements apply:

(1) Open space areas, except for the required buffer strip of fifty feet (50') on existing roads, shall be contiguous, wherever possible.

(2) Open space shall be shown on the plan with appropriate notation that it shall not be further subdivided for any other use.

(3) When reviewing the location and type of open space designated in the subdivision, the Board shall consider the following criteria:

(a) Individual lots, buildings, streets and park areas shall be designed and situated:

(i) To minimize alterations of the natural site;
(ii) To avoid the adverse effects of shadows, noise and traffic on the residents of the site; and

(iii) To relate to surrounding properties, to improve the view from and of buildings.

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

(c) Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).

(d) Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.

f. The following ownership and maintenance requirements apply, unless deeded to the Town or a conservation trust or association

(1) Common open space shall be owned in common by the owners of the lots or units in the development.

(2) Maintenance shall be the responsibility of all owners of lots and/or units. A homeowners' association shall be organized, one of whose purposes shall be the maintenance of common open space.

g. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development and shall be compatible in terms of physical size, visual impact, intensity of use, and proximity to other structures.

Article III - WIRELESS TELECOMMUNICATIONS FACILITIES.

A. APPLICABILITY

This paragraph applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers, except as provided in sub-paragraph 2.

B. EXEMPTIONS

The following are exempt from the provisions of this Ordinance:

1. Amateur (ham) radio stations licensed by the Federal Telecommunications Commission (FCC).

2. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

3. Maintenance, repair or reconstruction of a facility and related equipment, provided that there is no permanent change in the height or any other dimension of the facility.

4. A temporary facility, in operation for a maximum period of one hundred eight (180) days.

5. An antenna that is an accessory and incidental use to a residential dwelling unit.

C. SITE PLAN REVIEW APPLICATION

Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of the Site Review Ordinance, and shall also include the following additional information.

1. A Copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

2. A USCG 7.5 minute topographic map showing the current location of all structures greater than one-hundred-fifty (150) feet in height above ground level, except antennas 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 i.e., within thirty (30) days of the date the application is filed from the FCC Tower Registration Database. It shall include documentation of longitude and latitude.

3. A site plan 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) and other applicable technical codes.

4. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

5. A landscaping plan indicating the proposed placement of the facility on the site: locations 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, and the proposed lighting method.

6. Photo simulation of the proposed facility taken from perspectives determined by the Planning Board, during the pre-application review. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photo must show the color of the facility and method of screening.

7. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

8. Evidence demonstrating that no existing structure can accommodate the applicant's proposed facility, which may consist of any one or more of the following.

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

b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

(1) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of this facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

(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) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d. Evidence that the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable.

9. A signed statement stating that the owner of the facility and his or her successors and assigns agree to:

a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b. Negotiate in good faith for shared use of the facility by third parties;

c. Allow shared use of the facility if an applicant agrees in writing to pay reasonable charges for co-location;

d. 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 life span of the facility.

e. The form and amount of a performance guarantee to pay for the costs of removing the facility if it is abandoned.

D. STANDARDS

1. Location. A facility may be permitted only within three-hundred (300) yards of Route 1.

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

a. The proposed location complies with applicable municipal policies and ordinances.

b. The proposed facility will not interfere with the intended purpose of the property.

c. 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. Design for Co-location. A facility and related equipment shall be designed and constructed to accommodate future co-location of at least three (3) additional facilities or providers. Co-location shall not be considered an expansion.

4. Height. The maximum height of any structure shall be one-hundred ninety-five (195) feet. The facility shall be designed to collapse in a manner that would not harm other property.

5. Setbacks. A facility must comply with the setback requirements, or be set back one-hundred-ten percent (110%) of its height from all property lines, whichever is greater.

6. Landscaping. The base of a new or expanded facility must be screened with vegetation from view by abutting properties, to the maximum extent practicable. Existing vegetation and natural land forms on the site shall also be preserved to the maximum extent practicable.

7. Fencing. A facility must be fenced with a secured perimeter fence of a height no less than eight (8) feet and to discourage trespass on the facility and to discourage climbing on any structures by trespassers and including three (3) strands of razor wire.

8. Lighting. A facility must be illuminated as necessary to comply with FAA or other applicable state, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

9. Color and Materials. A facility must be constructed with materials and colors that match or blend with the surrounding natural or developed environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

10. Structural Standards. A facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA)222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".

11. Noise. Except during construction, repair, or replacement, the operations of a back-up power generator at any time during a power failure, and testing of a back-up

generator between 8:00 a.m. and 9:00 p.m., are exempt from existing municipal noise standards.

12. Adverse Impact. A facility may not have an unreasonable adverse impact, or produce an end result which is:

a. Excessively out-of-character with the designated scenic resources or historic of archaeological resources affected, including existing buildings, structures and features within the designated resource; and

b. Would significantly diminish the scenic value of the designated scenic resource or the historic or archaeological value of the historic or archaeological resource.

E. GENERAL STANDARDS

The general standards of performance of Chapter I apply.

F. STANDARD CONDITIONS OF APPROVAL

The following standard conditions of approval shall be clearly noted on the final approved site plan, and shall include:

1. The owner of the facility and his or her successors and assigns agree to:

a. Respond in a timely comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.

b. Negotiate in good faith for shared use of the facility by third parties.

c. Allowed shared use of the facility if an applicant agrees in writing to pay reasonable charges for co-location.

d. Require no more than a fair and reasonable charge for shared use of the facility, 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 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 life span of the useful life of the facility.

e. Provide all financial data and information to the Town that is necessary to determine the reasonableness of any proposed charges.

2. The form and amount of the performance guarantee, and its existence.

G. TECHNICAL REVIEW FEE

The applicant must also pay a technical review fee as provided under Chapter XII, to defray the municipality's legal and technical costs of the application review or determination of co-location "reasonable charge".

H. ABANDONMENT

A facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety days (90) days or receipt of a written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show 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 may 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 performance guarantee has been given to the municipality 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.

CHAPTER V:
ACCESSORY DWELLING UNIT(S)

A. Accessory Dwelling Units (ADUs) are permitted in the Town of Nobleboro in order to:

- Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- Provide additional privacy to multi-generational households;
- Provide housing units for persons with disabilities;
- Protect stability, property values, and the residential character of a neighborhood.

In addition to all other requirements of Nobleboro's Land Use Ordinances, Accessory Dwelling Units are subject to the following standards:

B. General Requirements for Accessory Dwelling Units

1. A self-contained, independent living space, dwelling unit, located within, attached to or detached from an existing single family unit located on the same parcel of land.

2. One accessory dwelling unit shall be permitted per parcel which has a single- family dwelling or two-family dwelling, in the primary building or as a detached accessory dwelling. An accessory dwelling unit must be clearly an accessory to the principle dwelling unit(s) on the parcel.

3. ADU's are year-round residences for residential housing. ADU's are not short-term rental units (properties) and must meet the same requirements as a single family residence.

4. ADU's are not allowed on a vacant lot.

5. ADUs shall not be intended for sale and shall remain in common ownership with the primary dwelling unit.

6. The size of an accessory dwelling unit must meet the minimum size for a dwelling unit as set by the Town's adopted building code standards. An accessory dwelling unit must be a minimum of 190 square feet (unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies).and limited to a maximum size of 450 square feet if attached or 750 square feet if detached.

7. The accessory dwelling unit cannot exceed the square footage of the principal dwelling unit. This restriction includes space within the walls of the building, porches and decks, and basement space used for living purposes. If a building features, such as a porch, serves more than one dwelling unit, the floor area is divided between/among the dwelling units it serves.

8. An accessory dwelling unit may have no more than two bedrooms.

9. The unit will be a complete, separate living space and housekeeping unit containing both a kitchen and bath.

10. Accessory dwelling units must meet one or more of the following
    conditions:

    a. Be fully constructed within the existing footprint of any legal primary residence or accessory building; or

    b. Share a common wall with the principal residence, providing yard setbacks; or

    c. Be constructed as a new accessory building (detached) containing an accessory dwelling unit, providing yard area and lot setback requirements can be met for the location.

    d. When an ADU is significantly visible from one or more public ways, the building design shall:

1) Be clearly subordinate to the principal structure(s) in scale and position in relationship with the street/road and principal structure(s), including locating the entrance to the ADU in a primary structure in such a subordinate position through locating it farther from the street/road, inside a common foyer, or on the side or rear of the primary building.

2) Not include outside stairways or fire escapes above the ground floor unless required by life and safety codes.

11. The primary exterior materials of an attached ADU shall be similar in appearance to the primary exterior materials of the principal structure to the extent reasonable.

12. Accessory dwelling units shall comply with all dimensional requirements of the underlying land use overlays and growth districts as defined in Nobleboro's Comprehensive Plan. ADU's located entirely outside of the Shoreland Zone are not required to meet minimum lot area per dwelling unit requirement.

13. A detached ADU shall share the existing access drive of the primary residential dwelling unit.

14. An accessory dwelling unit is not subject to any additional on-site parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

15. An accessory dwelling unit may be located within a preexisting non- conforming primary or accessory structure provided that the structure meets the requirements in Article 11 of this code and all other dimensional requirements (set back, coverage) are meet.

16. The design of an accessory dwelling unit located in a non-conforming primary or accessory structure shall take into consideration to the extent practicable the privacy of adjacent properties as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.

17. The height of a detached accessory dwelling unit shall not exceed the height of the primary structure.

18. A detached ADU must be designed and constructed to be visually compatible with and complementary to the principal residence.

19. In order to encourage the development of housing units for disabled and handicapped individuals, persons with limited mobility and older adults, the Code Enforcement Office may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

20. An accessory dwelling unit must comply with Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning provisions of Nobleboro's Land Use Code.

21. Shoreland Zoning requirements apply to ADU's (Chapter IX)

22. Additionally the construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.

23. With respect to accessory dwelling units, the following condition applies notwithstanding any other provision of the Town's Land Use Ordinances (other than Shoreland Zoning provisions):

a. Accessory dwelling units are exempted from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

C. Building, Health, Fire and Safety Requirements:

All ADU's must meet the minimum requirements for a dwelling in relation to other codes (building, fire, plumbing etc.) not specific to ADU's and must provide for basic facilities for living sleeping, cooking and sanitation.

1. Accessory dwelling units must comply with the Town of Nobleboro's Life Safety Ordinance (Chapter VI).

2. The owner of a housing accessory dwelling unit must provide written verification that the accessory dwelling

unit is connected to adequate water and wastewater services before the accessory dwelling unit may be certified for occupancy. Written verification under this subsection must include:

a. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;

b. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under Title 30-A, section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42 and.

c. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use as verified as adequate by a local plumbing inspector.

3. Creating an ADU in, or by adding on to an existing single- family house requires the dwelling unit comply with the requirements of the State's Fire Marshall's office NFPA101.

4. The new ADU must have its own electrical panel.

5. The wiring in the ADU can only serve the electrical loads in the ADU. Common loads such as a heating plant that serves the whole building, or lighting in common areas such as halls, stairways, the basement, etc.) cannot be served from the ADU's panel.

D. Procedural Requirements and ADU Review Procedures

1. An accessory dwelling unit requires a permit from the Town's Code Enforcement Officer. If the creation of an accessory dwelling unit creates a subdivision, the project will require subdivision approval by the planning board before a building permit can be issued.

2. Prior to obtaining a building permit from the Code Enforcement Office the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to an adequate water and wastewater supply or services.

3. Application: Prior to consideration of the project by Nobleboro's Code Enforcement Officer the ADU Application must be completed and submitted to the Town Office.

4. Application Fee Required: In addition to all applicable building, electrical, plumbing and other permit fees, ADU applications and amendments shall cost a nonrefundable fee set by the Select Board..

5. The Code Enforcement Office shall conduct the administrative review of all applications for an ADU. All findings and decisions of the Code Enforcement Office shall be final except where subject to appeal to the Board of Appeals as provided in Chapter 15, Section R of the Nobleboro Land Use Ordinances.

6. It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this ordinance.

7. No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has approved the ADU as meeting occupancy requirements of the town.

8. Noncompliant ADUs built prior to LD 2003 implementation will need to be found compliant by the Town of Nobleboro's Code Enforcement Officer. Fees and fines as determined by the Nobleboro Select Board may apply.

9. An affordable housing development approved on or after July 1, 2024 shall conform to Section C of the ADU ordinance

E. Development Standards for Accessory Dwelling Units.

1. Accessory dwelling units shall comply with the setbacks described in Article II, Section 2.5

2. An accessory dwelling unit shall be exempt from density and minimum lot area requirements.

3. An accessory dwelling unit shall be constructed only:

    a. Within an existing dwelling unit on the lot;

    b. Attached to a single-family dwelling unit; or

    c. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

5 An accessory dwelling unit shall not be subject to any additional off street parking requirements beyond the off-street parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

6. An accessory dwelling unit shall be a minimum of 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

7. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the accessory dwelling unit shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:

    a. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to supply any additional flow created by the unit and proof of payment for the connection to the sewer system.

    b. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.

    c. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;

d. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

e. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well shall indicate that the water supply is potable and acceptable for domestic use.

8. Accessory dwelling units must comply with shoreland zoning and subdivision ordinances..

9. This ordinance should also not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

10. A property owner may construct an accessory dwelling unit under this Section or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advantage of the allowances of both Section 9 and Section 10.

F. Affordable Housing Development - Density Bonus

1. In accordance with 30-A MRSA §4364, an automatic density bonus for certain affordable housing developments approved on or after July 1, 2024, shall apply to lots in zoning districts that have adopted density requirements, as described herein. For purposes of this section, the Planning Board shall verify that the development:

   a. Is an affordable housing development as defined in this ordinance and by 30-A M.R.S. §4364(1);

   b. Is in a designated growth area pursuant to 30-A MRSA §4349- A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

c. Is located in an area in which multifamily dwellings are allowed per this ordinance;

d. Complies with minimum lot size requirements; and

e. Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

1) If a housing unit is connected to public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2) If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

3) If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.

4) If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability: Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the

municipality; and record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction.

3. For rental housing, occupancy of all 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.

4. For owned housing, occupancy of all 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.

5. Density Bonus: If the requirements of Sections 1 and 2 are met, the affordable housing development shall be granted:

    a. A dwelling unit density of 2.5 times the base density that is otherwise allowed in that area. If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.

    b. A reduction in parking requirements to no more than two (2) off-street parking spaces for every three (3) dwelling units of the affordable housing development. If fractional results occur when calculating the density bonus in this subsection, the number of parking spaces is rounded up to the nearest whole number.

G. Standards for Dwelling Unit Allowances – Affordable Housing

Beginning July 1, 2024, multiple dwelling units may be constructed on lots where housing is allowed, subject to the following requirements.

1. If a lot does not contain an existing dwelling unit, up to four (4) units shall be allowed per lot if the lot is located in an area in which housing is allowed and is located within a designated growth area identified in the current Nobleboro Comprehensive Plan. The four (4) dwelling units must be contained within one structure.

2. If a lot does not contain an existing dwelling unit and does not meet 1above, up to two (2) dwelling units per lot located in an area in which housing is allowed. The two (2) dwelling units must be within one structure.

3. If a lot contains an existing dwelling unit, up to two (2) additional dwelling units may be allowed in the following configurations:

    a. One within the existing structure or attached to the existing structure;

    b. One detached from the existing structure; or

    c. One of each.

4. If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot.

5. If more than one dwelling unit has been constructed on a lot as are result of this Section, the lot is not eligible for any additional units or increases in density using this provision or the provisions established under Article VI, Section 9.

6. If a lot with a dwelling unit in existence prior to July 1, 2024 is torn down and an empty lot results, for the purposes of this Section, the lot shall still be considered developed and Section 10.3 would be applicable. Dimensional, lot area, and setback requirements established under Chapter 5 of this ordinance shall apply to each dwelling unit on the lot.

7. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:

    a. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

    b. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R.Ch. 241, Subsurface Wastewater Disposal Rules;

    c. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate

service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

d. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

8. Regulations established in Article VI, Section 10 shall not supersede private, state or local standards which may be more restrictive, including but not limited to, homeowners' association regulations, deed restrictions, septic requirements, Shoreland Zoning, and Subdivision law.

9. Housing structures developed under this Section must comply with Shoreland Zoning and Subdivision Ordinances. This ordinance should also not be construed to interface with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Refer to Chapter V, Section D for Development Standards for Accessory Dwelling Units.

A property owner may construct an accessory dwelling unit under Chapter V, Section A or utilize the dwelling unit allowance under Chapter V , Section E They shall not be allowed to take advance of the allowances of both Section A and Section E

CHAPTER VI: LIFE SAFETY

A. Authority

1. This Ordinance is enacted pursuant to authority granted under the Maine Constitution and 30-A M.R.S.A., Section 3001.

B. Purpose

1. The purpose of this Ordinance is to establish a licensing method to guarantee the health, safety, and welfare of the inhabitants of any structure in Town that are renting property.

2. This Ordinance will also assist with safeguarding water bodies as the Ordinance will observe potential contamination as a result of malfunctioning septic systems or soil erosion.

C. Definitions

1. As used in this Ordinance, the terms shall be defined as indicated below. All non-defined terms shall have the same definition as set forth in the Town of Nobleboro Land Use Ordinance.
   a. **License Premise:** A location specified in the application for a license pursuant to this Ordinance or within a license issued pursuant to this Ordinance.
   b. **Rental Unit:** Any structure that is rented, leased, traded, condo-minimized, home-shared or bartered for use, or value of any kind for a time period. These shall not include outdoor units such as, but are not limited to, tents, yurts, or any type of camper, which falls under the definition of Campgrounds in the Nobleboro Land Use Ordinance.
      1) Rental units cannot be sublet by the tenant/renter unless they are the designated representative or agent for the property owner.
      2) Rental permits are not transferable when ownership of property changes.
   c. **Rental - Long-Term:** A rental unit to be used for a period up to 364 days with the option to renew an agreement for extending a continuous stay.
   d. **Rental - Short-Term:** A residential property which may be used as a rental unit for a period between one (1) day and thirty (30) days with no intent to renew an agreement for extending a continuous stay.
   e. **Rental – Seasonal:** A dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence

property that is rented for vacation, leisure or recreation purposes for a day, a week or a month, and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.

f. **Home Sharing Pilot:** Matching older persons who own homes with spare rooms to adults in need of affordable housing.

D. Registration Requirement

1. Effective **April 1, 2024,** all Rental Units located within the Town of Nobleboro shall not begin, or continue operations, unless it has received, and is in possession of, a Rental Permit pursuant to this Ordinance.
2. The requirements of this Ordinance shall not be construed or applied to prohibit Rental Units from continuously operating with municipal approval since before the issuance of this Ordinance. However, within 6 months after the ordinance is passed all such Units must comply with the requirements set in this Ordinance.

E. Submission, Review, Renewal, Appeals, Violations and Fees

1. Applicant Submission and Initial Review:

a. Each applicant for a Rental Permit shall complete and file an application on the form provided by the Code Enforcement Officer, together with the applicable nonrefundable license fee, as well as the following supporting documents:

b. A copy of the Nobleboro Application for Rental Units document outlining the information relating to the property and owner, contact information in the event of an emergency, and information on the scope of the rental units.

c. Evidence of all applicable local and State approvals or conditional approvals required to allow units to be rented out. This includes, but is not limited to, required variances and approvals by the Planning Board.

d. Evidence of ownership for the site that is under review. A valid form may include a copy of the deed or a signed form of interest.

e. If the applicant is not the owner of the property, the owner of the property must provide a written consent form stating they are aware of the intended use to rent the site and demonstrate that the ability for sub-renting/sub-leasing is a permitted use in the lease agreement (designated representative or agent for the property owner).

f. The Applicant will provide a floor plan of each building levels, including—but not limited to—basement spaces and enclosed additions. The floor plan must provide the following information:

1) A smoke detector in each bedroom, kitchen area, and rooms with a wood or coal burning device.

2) A minimum of one (1) carbon dioxide detector or gas detector if there is a gas or propane appliance on site.

3) An egress route for each unit in the event of an emergency.

4) The size and intended use for each room.

5) Location of at least one (1) inspected five (5) pound fire extinguisher that is accessible to the tenants.

g. An applicant must provide a copy of septic design for the site or a recent (up to one (1) year) septic inspection report on the size and function of the system.
h. An applicant must provide evidence of compliance with the requirements of this Ordinance and all applicable standards listed in the Nobleboro Land Use Ordinance.
i. If the Code Enforcement Officer determines that a submitted application is not complete, the Town shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the request, the application may be denied.

2. Renewal:

a. Each license is valid for a period of one (1) year. Owners are required to comply with the most recent standards listed in this Ordinance, unless proven to be unfeasible as determined by the Code Enforcement Officer. The owner must verify any changes that have occurred over the one (1) year period.
b. After two consecutive rental permit renewals reinspection of the rental unit by the Town of Nobleboro's Code Enforcement Officer or designee required.
c. If a rental permit is not renewed within 45 days of the renewal date the rental permit is suspended until a new application is submitted.
d. Licensee will be notified of suspension.

3. Violations and Penalties:

a. Property owners are responsible for informing renters of any violations that are occurring on the site.
b. If a property owner has received a minimum of three (3) complaints of any combination of violations of this ordinance, there will be a suspension of the Rental Permit for a four (4) week period.

c. If the Code Enforcement Officer provides sufficient evidence that the violations have not been addressed, the suspension period may be extended beyond the four (4) week period until the issue has been resolved.
d. Violations of Nobleboro's Life Safety Ordinance will be met with a financial penalty in addition to the suspension listed under Section _____.
    1) A first time offender will receive a minimum of a $1,000 fine for a recorded violation on their property.
    2) Repeat offenders will receive a minimum of a $2,500 fine for each recorded violation on their property.

4. Appeals:

a. An appeal from any final decision of the Code Enforcement Officer under this Ordinance may be taken by any party to the Board of Appeals within thirty (30) days of the decision, pursuant to Article 5 (Appeals) of the Nobleboro Land Use Ordinance.

5. License Fees:

a. The fees shall be set by the Town of Nobleboro Select Board as part of the Town's licensing and permit fee schedule.

F. Severability

1. If any Section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not impact the validity of the remaining portions thereof.

CHAPTER VII

PROPERTY MAINTENANCE ORDINANCE

SECTION 1

AUTHORITY

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

SECTION 2

SHORT TITLE

This ordinance shall be known and cited as the “Property Maintenance Ordinance” of the Town of Nobleboro.

SECTION 3

PURPOSE

The purpose of this ordinance is to set a minimum standard for the maintenance of the grounds of property, as seen from the public way, in order to protect Nobleboro residents from unsanitary, unsafe, and/or nuisance conditions (according to the nuisance definition found in MRSA Title 17, Section 2802 and as shown in Section 15) that threaten public health, public safety, or property values.

SECTION 4

REQUIRED MAINTENANCE

All grounds or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in MRSA Title 17, Section 2802 and as shown in Section 15) and to avoid adverse effect on the value of adjoining properties.

SECTION 5

MAINTENANCE STANDARDS

The grounds of any property shall be kept in good repair and free of unsafe or unsanitary conditions including combustible, non-combustible, or organic waste materials deemed to be unsafe, unsanitary, or contributing to nuisance conditions. Such materials may include but are not limited to: refuse, household trash, junk,

discarded plumbing, heating supplies, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber, waste and all scrap iron, steel, other scrap ferrous or nonferrous material, debris, scrap lumber, inoperable machinery or parts thereof, glass, unused and inoperable appliances, discarded furniture, and more than two junked and/or unserviceable vehicle (s). Materials cited in this list that are deemed safe and sanitary and are intended for the private use of the property owner are considered to be screen-able items (see Section 15). Such items may be stored on the property as long as they are screened from the public way with appropriate screening and are not in violation with State Laws. (See Section 16 Screening)

CHAPTER VIII

SUBDIVISION

A. APPLICATION

A subdivision shall mean a division of a tract or parcel of land or its equivalent, as defined in 30-A MRSA §4401. The term subdivision for the purposes of this ordinance, refers both to the creation of lots and the building of structures.

B. PROCEDURE

1. A person seeking subdivision approval shall submit the application and Plat Plan to the Planning Board.

2. An application for subdivision approval is not complete until a Final Plat Plan, based on a survey, has been submitted to and accepted as complete. A Final Plat Plan and related materials may be submitted without prior contact, but an Applicant is advised to use the Preapplication Procedure.

3. Prior to submitting an application for subdivision approval and the Plat Plan, the Applicant may appear informally at a regular meeting of the Board to discuss the proposed subdivision.

   a. The Applicant may present to the Board, for informal review and comment, a sketch plan of the proposed sub-division. The sketch plan shall consist of a rough outline of the proposed subdivision, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in making its determinations.

   b. No binding commitments may be made between the Applicant and the Board on a pre-application or sketch plan. The purpose of the pre-application meeting is to informally discuss the proposal and the provisions of Town ordinances.

4. As part of an informal sketch plan review, the Board members may view the site. The Applicant must arrange an inspection of the site with the Board after submission and acceptance of the Plat Plan.

5. When submitting the Plat Plan, the Applicant shall pay to the Town a non-refundable application fee. The following fee schedule shall apply:

6 lots or less: $100.00 plus $50.00 per lot
7 to 12 lots: $200.00 plus $50.00 per lot
Over 12 lots: $500.00 plus $100.00 per lot

6. The Plat Plan shall not be less than eight and one-half inches (8½") by eleven inches (11"), and shall be drawn to a scale of not greater than one inch (1") equals one-hundred feet (100'): Contour lines at ten (10) foot intervals are advisable but not mandatory. The Board may allow plans on a scale of one-inch (1") equals two-hundred feet (200') for subdivisions greater than one-hundred (100) acres, if all details are clearly depicted. At least seven (7) copies shall be provided.

C. APPLICATION CONTENTS

The following shall be required on all applications.

1. The Applicant

   a. Name of Owner

   b. Name of Applicant (if other than owner)

   c. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.

   d. Name of Applicants authorized representative.

   e. Name, address, and number of Registered Professional Engineer, Land Surveyor, or Planner.

   f. Address to which all correspondence from the Board should be sent.

   g. The Interest the Applicant has in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)

   h. The interest the Applicant has in any property abutting the parcel to be subdivided.

   i. State whether Plat Plan covers entire, continuous holdings of Applicant or not.

   j. A copy of the organization charter of the subdivision.

   k. Adequate evidence of applicant's financial ability to meet the expenses of subdivision development

l. Statement of applicant's responsibility for maintenance of common areas prior to the assumption of this obligation by a future lot owner association.

2. Information on Parcel to be subdivided

a. Location of property: book and page (from Registry of Deeds) and Map and lot (from Assessors office).

b. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attach to application).

c. Current zoning of property.

d. Acreage of parcel to subdivided.

e. A soils report, identifying soil types and location soil test areas. Based on soil test results, certain modifications of the Plat Plan may be required (attach a copy of soils report to application). There shall be at least one satisfactory soil test per lot.

f. Names of property owners abutting parcel to be subdivided, and on opposite side of any road from parcel to be subdivided (show on plat),

g. Indicate the nature of any restrictive covenants to be placed on deeds.

3. Subdivision

a. Proposed area of subdivision.

b. Number of lots

c. Date, North point, graphic map scale (show on plat).

d. Proposed lot lines with approximate dimensions and suggested locations of building,
subsurface sewage disposal systems, and wells (show on plat).

e. Proposed location of all roads, with typical profiles as follows: horizontal – five (5) feet to one (1) inch; vertical – one (1) foot to one (1) inch

f. Location of temporary markers adequately located to enable the Board to locate lots readily and appraise basic lot layout in the field (show on plat).

g. Location of parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat).

h. A location map, consisting of a Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show (10) ten foot contours, and all the area within two-thousand (2000) feet of any property line of the proposed subdivision (attach to application).

i. A soil erosion and sedimentation control plan (attach to application).

D. ACTION ON THE PLAT PLAN

1. On determination that the application is complete, the Board shall schedule a public hearing,

2. Within six (6) months of approval of the Plat Plan, the Applicant shall submit the Final Plat Plan. Failure to submit within the designated period shall end the application.

3. The Final Plat Plan shall consist of one original transparency and three copies of each plan, map or drawing. In addition to the items required on the preliminary plan, the following items shall be required on a Final Plat Plan and application:

a. The name, registration number, and seal of the registered land surveyor who prepared the Final Plat (on Plat).

b. The names and location of all rights-of-way, streets or roads, including, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (on Plat).

c. The designation of all easements, areas reserved for or dedicated to public use and areas reserved by the Applicant (on Plat).

d. The location, bearings, and length of every line, with all lots to be numbered (on Plat).

e. The location of permanent markers set at all lot corners (on Plat).

f. A performance guarantee to secure completion of all required public improvements and written evidence that the selectmen are satisfied with the legal sufficiency of the guarantee.

g. Copies of any restrictive covenants or similar documents and written evidence that the Selectmen are satisfied with the legal sufficiency of those documents.

h. If owners are to share commonly owned land within the subdivision or share in the use and maintenance of common water supply, sewage treatment system or road, organization documents of the organization authorized to conduct these functions, and documents specifying owner's responsibilities and liabilities.

i. Suitable space to record on the approved plat the date and conditions of approval, if any. This space shall be similar to the following example:

Approved Town of Nobleboro Planning Board

Signed Date _____

Chairperson: _____

Member: _____

Member: _____

Member: _____

Conditions: _____

E. GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS

1. In determining if the proposed subdivision may be approved, the Planning Board must find that it meets the general standards of performance of Chapter XI.

2. If the subdivision meets the definition of subdivision as defined in the Site Location Act, 38 M.R.S.A §482, the Applicant must secure the approval of the Board of Environmental Protection and the Planning Board.

When a subdivision requires approval of the Planning Board and the Board of Environmental Protection, each review may be conducted simultaneously. However, each review is independent, and the Planning Board may deny approval even though the Board of Environmental Protection has granted an approval.

3. Plans for road construction, grading and ditching shall be reviewed by the Road Commissioner for his recommendations prior to Board approval. In addition, there shall be at least one (1) on-site inspection by the Road Commissioner during construction,

with the assistance of the Applicant's engineer. The Applicant's engineer shall certify completion and compliance with road standards for road construction to the Road Commissioner. The Board may appoint a qualified inspector to inspect the road during and after completion. The fee for that inspection shall be paid by the applicant.

4. The Applicant shall provide for the installation of ditches, catch basins, piping systems or other appurtenances for the conveyance, control or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion.

5. Lots and Density shall be as follows:

   a. Each lot shall be a minimum of two (2) acres (87,120 square feet).

   b. The width, depth, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated. The depth of a lot with a front line of less than two-hundred (200) feet, shall not exceed the front line length by a ratio of more than three (3) to one (1). A lot of five (5) acres or less may not be odd or flag shaped, in which a narrow strip is used to join or add to a parcel to meet minimum lot size.

   c. For cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-clustered lots. Density shall be calculated by dividing the net residential acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units.

6. The following open space provisions apply:

   a. Wetlands and areas of ledge should be preserved, and may be designated as common areas.

   b. The Board shall require that a proposed subdivision design preserve existing trees to the greatest extent possible.

   c. Where the proposed subdivision abuts a water body, the Board may require the Applicant reserve an area of land abutting the water body as an open space or recreational area. The instruments of conveyance (deed) shall provide for an access right of way to this reserved land. The cost of maintenance and development of the reserved land shall be borne by the property owners. The manner of providing for the cost of development and maintenance of the reserved open space shall be included in the instrument of conveyance to each property owner of the subdivision.

7. The Board shall require that the Applicant file at the time of submission of the Final Plat Plan a performance guarantee as provided in Chapter XII.

8. For lots within a subdivision that are located with two-hundred-fifty (250) feet of an Outstanding River Segment, as identified under 30-A MRSA §4401 (the Damariscotta River from the U.S. Route One bridge to the dam at Damariscotta Mills), a principle structure must be set-back from the normal high-water mark a distance that would make the combined set-back and length of the lot's shore frontage at least a total of five-hundred (500) feet.

9. **Photographic Record in the Shoreland Zone:** Applicants developing/building within the shoreland zone must provide pre-construction and post-construction photographs (digital images) of the shoreline vegetation and the developed site as part of the permitting process in accordance with 38 M.R.S. § 439-A(10) Photographic record required. A municipal ordinance adopted pursuant to this article must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

10. The Nobleboro Select Board will establish a fee schedule for shoreland zone permits and fines. The fee schedule will be posted on the Town's website.

CHAPTER IX:

MOBILE HOME PARKS

Section 1. **Purpose**. The purpose of this Chapter is to promote the orderly development of mobile home parks to ensure the health, safety, and general welfare of the residents of the park and of the Town.

Section 2. **Authority**. This ordinance is adopted pursuant to Home Rule Provision of Article VIII-A of the Maine Constitution and the authority pertaining to mobile home parks set forth in Title 30-A Section 4358.

Section 3. **Applicability**. This Chapter applies to any development proposal for new construction of a mobile home park and to any expansion of an existing mobile home park.

Section 4. **Mobile Home Park Review**

A. APPLICATION. The applicant shall submit a mobile home park plan for review by the Planning Board. The plan, and other plans and elevations as necessary to describe the proposed project, drawn to scale, containing the following information, where applicable:

1. Scale of the drawings submitted with compass rose and overview.

2. Name and address of applicant.

3. Name and address of owner of property, if different from applicant.

4. What interest does the applicant have in the property (option, land purchase contract, lease, record ownership, et cetera).

5. Boundaries of the tract of land, including a survey by a licensed surveyor.

6. Names and addresses of abutting property owners.

7. Location of existing and proposed mobile homes and other structures.

8. Location of buildings on abutting properties within three-hundred (300) feet of the property line of the proposed park.

9. Location of existing public or private roads.

10. Location of the two required proposed access roads to the lot from public roads.

11. Location and arrangement of proposed off-street parking and loading areas and their drives and maneuvering areas.

12. Location of existing and proposed pedestrian walkways.

13. Location of existing and proposed utilities and easements, including sanitary sewerage, water supply, telephone and electricity.

14. Location of existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, et cetera.

15. Location, intensity, type, size and direction of all outdoor lighting.

16. Location and proposed uses of areas proposed for outdoor recreation.

17. Location and type of existing and proposed fences, hedges, and trees of six-inch (6') diameter and over at a point four (4) to five (5) feet above ground level.

18. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated and filled.

19. Location and size of signs and all permanent outdoor fixtures.

20. Information about soils conditions on site.

21. An assessment of the impact of park development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

    (a) a map showing the basic soil types;
    (b) the depth to the water table at representatives points throughout the park;
    (c) drainage conditions throughout the park;
    (d) data on existing ground water quality either from test wells in the park or from existing wells on neighboring properties;
    (e) an analysis and evaluation of the effect of the park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the park boundaries and at a distance of 1000 feet from the potential contamination sources, which ever is a shorter distance. For parks within the watershed of a lake, projections of the

development's impact on ground water phosphate concentrations shall also be provided; and

(f) a map showing the location of any subsurface wastewater disposal systems and drinking water wells within the park and within two-hundred (200) feet of the park boundaries.

22. A performance guarantee.

23. Any other information required by the Planning Board to assist in evaluating the application compliance with the performance standards.

B. A narrative with supporting data, shall be required to address the standards of this chapter. This may require the use of appropriate qualified professionals.

C. Submission. Applications for mobile home park permits shall be submitted to the Planning Board.

Section 5. Performance Standards

A. BUFFER STRIPS

A fifty foot (50') wide buffer strip shall be provided along all property boundaries that:

1. abut residential land which has a gross density of less than half of that proposed in the park; or

2. abut residential land that is zoned at a density of less than half of that proposed in the park.

Structures, roads or utilities may not be placed in the buffer except to cross to provide services to the park.

B. CONVERSION OF PARK

A lot may not be sold or conveyed without the prior approval of the Planning Board. A lot sold or conveyed shall meet the subdivision minimum lot size requirement.

C. FIRE PROTECTION

1. Each lot shall be legibly marked for identification, and easily accessible to emergency vehicles, (permitting fire apparatus to approach within one-hundred (100) feet)

2. The plan shall provide an on-site, year-round water supply, excluding wells, of 20,000 gallons minimum for ten (10) units or less and with 1,000 additional gallons for each additional unit.

a. A separate water supply is required for each ten (10) acres.

b. It is the responsibility of the park owner to maintain the supply year round.

c. The water supply is subject to approval by the Nobleboro Fire Department.

D. GROUND WATER

1. Standard

a. Projections of ground water quality shall be based on the assumptions of drought conditions (assuming 60% of annual average precipitation).

b. No park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards, or to more than the Secondary Drinking Water Standards.

c. If ground water contains contaminants in excess of the primary standards, and the park is to be served by on-site ground water supplies, applicant shall demonstrate how water quality will be improved or treated.

d. If ground water contains contaminants in excess of the secondary standards, the park shall not cause the concentration of the parameters in question to exceed one-hundred-fifty percent (150%) of the ambient concentration.

2. Development

Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the groundwater assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

E. SUBSURFACE WASTEWATER DISPOSAL

Each lot must have its own separate, individual subsurface wastewater disposal system that will be designed and installed without variance. However, one system may serve

two mobile home units or not over six-hundred (600) gallons per day of estimated wastewater.

A permit to install each necessary subsurface wastewater disposal system, with the permit label attached, must be submitted to the Planning Board with the original application.

F. LIGHTING

Outdoor lighting shall be provided to adequately illuminate entrances to the park from the public road. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

G. LOT SIZE, WIDTH, AND DENSITY

1. Each lot shall have at least 20,000 square feet and be located on the plan.

2. Where a lot fronts on a curved right-of-way or is served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the mobile home.

3. The overall density of the park shall be the combined area of its mobile home lots plus:

   a. the area required for private roads; and
   b. the area required for buffer strips.

4. Minimum lot width: one-hundred (100) feet.

H. LOT SETBACKS

1. The following lot setbacks apply to all structures:

   Front setback: 20 feet
   Side setback: 20 feet
   Rear setback: 10 feet

2. Each mobile home must be set back at least seventy-five (75) feet from the right-of-way of any public road and at least fifty (50) feet from the property line of abutting land owners.

3. Outer perimeters of a mobile home park shall not come within six-hundred (600) feet of the normal high-water mark of any water body.

4. So as to avoid monotony, the Planning Board may allow the front setback on a private road within a mobile home park to be varied provided that no

home may be closer than ten (10) feet from the right-of-way and the average distance is at least twenty (20) feet for all units.

5. Carports made of non-combustible materials are not subject to side setback requirements.

I LOT COVERAGE

A mobile home and all permitted structures shall not occupy more than twenty (20) percent of its individual lot.

J. PARK ADMINISTRATION

The owner or operator of the park shall be responsible for ensuring the maintenance of all structures and their sites.

K. PARKING REQUIREMENTS

For each mobile home lot there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of two-hundred (200) square feet with minimum dimensions of ten (10) feet by twenty (20) feet. This requirement may be waived if a parking lane is provided.

In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) space for each four (4) mobile home lots. Such parking shall be hard surfaced.

L. REFUSE DISPOSAL

The storage, collection and disposal of refuse in the mobile home park shall be conducted so as not to create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Failure to do so would be creating a public nuisance and would be subject to fine.

M. ROAD STANDARDS

1. Road Design Standards

    a. Private Roads. Privately owned roads within the mobile home park shall be designed by a Professional Engineer registered in the State of Maine, and shall be built according to accepted engineering standards. For identification purposes, roads within the mobile home park shall be named and marked to conform with street and road signs in the Town.

b. Intersection with Public Roads. A mobile home park road which intersects with a public road shall meet the following standards:

(1) Angle of Intersection. The desired angle of intersection shall be ninety (90) degrees. The minimum angle of intersection shall be seventy-five (75) degrees.

(2) Grade. The maximum permissible grade within seventy-five (75) feet of the intersection shall be two percent (2%).

(3) Minimum sight distance. The minimum sight distance shall be ten (10) times the posted speed limit on the existing public road. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4¼ feet.

(4) Where necessary, the park bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

2. Access and Circulation

a. The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public roads shall be subject to approval by the Planning Board.

b. A traffic impact analysis shall be required if the park will generate more than five-hundred (500) trips per day.

c. There shall be at least two entrances from public roads.

d. On-street parking shall be prohibited unless an eight (8) foot parking lane is provided, in which case on-street parking may be permitted in the parking lane.

e. Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than four-hundred (400) feet without a curve or bend.

f. No mobile home lot may have vehicular access directly into a public road.

3. Right-of-way and pavement width

   a. Two-way park roads shall have a minimum right-of-way of twenty-three (23) feet and a minimum paved (impervious material i.e., asphalt, tar or concrete) surface of twenty (20) feet. On-street parking shall be prohibited.

   b. One-way streets shall have a minimum right-of-way of eighteen (18) feet and a minimum paved (impervious materials i.e., asphalt, tar or concrete) surface of fourteen (14) feet. On-street parking shall be prohibited.

   c. Parking lanes shall be a minimum of eight (eight) feet in width, if provided.

   d. Cul-de-sac turnarounds shall have a minimum radii of one-hundred (100) feet at the outer edge of the pavement, exclusive of any parking areas.

4. In addition, the road standards of the General Standards of Performance, Chapter XI, shall apply.

N. SIGNS

Signs and advertising devices shall be prohibited in a mobile home park except:

1. One required identifying sign at each entrance of the mobile home park no larger than fifty (50) square feet which may be indirectly lit, but not flashing.

2. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, et cetera.

3. Mobile home address signs.

4. The styles and location of the signs shall not interfere with vehicle sight distance and shall be constructed in accordance with Chapter IV, Article B, Section 3.F.

5. In addition, the sign standards of the General Standards of Performance, Chapter XI, shall apply.

O. STORM DRAINAGE

A storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.

P. STORAGE

At least three-hundred (300) cubic feet of enclosed tenant storage facilities shall be conveniently provided on each mobile home lot for the storage of materials and equipment.

Q. UTILITY REQUIREMENTS

A mobile home park shall provide permanent electrical, telephone, water and sewerage disposal connections for each mobile home.

R. GENERAL STANDARDS

In addition, each park shall meet the provisions of Chapter XI, General Standards of Performance.

CHAPTER X

SHORELAND ZONE STANDARDS

1. **Purposes.** The purposes of this Chapter 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 commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. **Authority.** This Chapter has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. **Applicability.** This Chapter applies to all land areas within two-hundred-fifty (250) feet, horizontal distance, of the

   - normal high-water line of any great pond or river,
   - upland edge of a coastal wetland, including all areas affected by tidal action, or
   - upland edge of a freshwater wetland,

   and all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream.

   This Chapter also applies 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. **Effective Date.** This Chapter, which was adopted by the municipal legislative body on March 19, 2011, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Chapter, or Chapter Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Chapter or Chapter Amendment, within forty-five (45) days of his/her receipt of the Chapter, or Chapter 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 Chapter, or Chapter Amendment, if the Chapter, or Chapter Amendment, is approved by the Commissioner.

5. **Availability.** A certified copy of this Chapter 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 this Chapter shall be posted.

6. **Severability.** Should any section or provision of this Chapter be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Chapter.

7. **Conflicts with Other Chapters.** Whenever a provision of this Chapter conflicts with or is inconsistent with another provision of this Chapter or of any other Chapter, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Chapter 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.

9. **Districts and Zoning Map**

   A. **Official Shoreland Zoning Map.** The areas to which this Chapter is 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 Chapter:

      (1) Resource Protection
      (2) Limited Residential
      (3) Limited Commercial
      (4) General Development I
      (5) General Development II
      (6) Commercial Fisheries/Maritime Activities
      (7) Stream Protection

   B. **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.

   C. **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.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 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.

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.

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.

12. Non-conformance.

A. **Purpose.** It is the intent of this Chapter to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Chapter or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Chapter, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

(1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Chapter.

(2) Repair and Maintenance. This Chapter 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 non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, is in accordance with subparagraphs (a-d) below.

a) No portion of a structure located within 25 feet of the shoreline can be expanded

b) Expansion of an accessory structure that is located closer to the shoreline than the principal structure is prohibited.

c) For structures located less than 75 feet from the shoreline, the maximum combined total floor area of all structures is 1000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.

d) For structures located less than 100 feet from a great pond or river flowing to a great pond, the combined maximum total floor are for all structures is 1500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the shoreline must meet the floor area and height limits of criterion 3 above.

For the purposes of the alternative expansion limitation, an existing basement is not calculated toward the floor area. (See diagram A for a visual display of the basic alternative method of limited expansions.)

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located, 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 non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, CEO 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 CEO 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:

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

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

(b) 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.

(3) Reconstruction or Replacement. Any non-conforming 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 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 CEO with the purposes of this Chapter. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. 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 Section 12(C)(1) above, as determined by the non-conforming 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 to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may

be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

(4) Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, 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 commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the CEO, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

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

(3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, 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 Section 12(C)(4) above.

E. Non-conforming Lots

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Chapter 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

Chapter 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.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (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 or more principal uses or structures existed on a single lot of record on the effective date of this Chapter, 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 Chapter.

(3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Chapter, if any of these lots do not individually meet the dimensional requirements of this Chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on March 22,1992 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

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

(b) 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 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

A. 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, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the 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.

(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. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

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

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

(6). This district shall also include the following Inland Wetlands:

(a) The Heath 154 acres. Shallow marsh east of the railroad extending south. from the foot of Muscongus Bay.

(b) Wooded Swamp 1.6 N.W. of the junction of East Neck Road and Vannah Road, except that section parallel to East Neck Road which is classified Limited Residential.
(c) Shrub Glendon Swamp 22.4 acres. At Glendon from Old Route 1 to the shore of Duck Puddle Pond.
(d) Shallow Fresh Marsh 22.2 acres. Bordering the north shore of Duck Puddle Pond.
(e) Shallow Fresh Marsh 23.2 acres. North of Route 1 from the head of Pemaquid Lake.
(f) Shrub Swamp 155.7 acres. Along creek from Duck Puddle Pond to Pemaquid Lake.
(g) Wetland 83.8 acres. North and northwest of Cooks Pond.
(h) Wetland 37.8 acres. Northeast corner of Nobleboro bordering Jefferson and Waldoboro.
(i) Wetland 13.5 acres. Immediately south of Eugley Hill Road and East Pond Road.
(j) Wetland 16.1 acres. Approximately one mile south of Eugley Hill and East Pond Road.
(k) Wetland 19.8 acres. Surrounding Tobias Pond except the area parallel to Eugley Hill Road which is classified Limited Residential.
(l) Wetland 21.1 acres. East of Upper Pond Road towards Waldoboro town line.
(m) Wetland 15.7 acres. North of Route 1, south of Maine Central Railroad and east of East Pond Road,
(n) Wetland 17.9 acres. East of Route 1 and north of the Damariscotta town line.

7. Uses Permitted in the Resource Protection District

(a) Recreation such as hunting, fishing, hiking, or boating.
(b) Wildlife management.
(c) Soil and water conservation practices.
(d) surveying and resource analysis.
(e) Scientific or nature study.
(f) Parks and recreation areas.
(g) Foot trails for recreation, scientific study, conservation, etc.
(h) Timber harvesting- selective cutting only as marked by a state certified forester.
(i) Signs not exceeding three (3) square feet in size, relating to permitted uses, trespass or hunting.
(j) Other possible uses which would not destroy wildlife habitat, create water
pollution or mar scenic beauty, only with Planning Board approval.
(k) Fisheries management and harvesting under state standards.

8. Uses prohibited in the Resource Protection District

(a) Building of any permanent structures for residential, recreational or commercial purposes, except as provided elsewhere in this chapter.
(b) Construction of vehicular roads or trails.
(c) Campgrounds
(d) Clear cutting of timber.
(e) Commercial harvesting of wild crops.
(f) Bulldozing, filling, dredging or beach construction.
(g) Piers, docks and bridges only if permitted by the Department of Environmental Protection.

B. 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, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.

1. 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, the General Development District, or the Commercial Fisheries/Maritime Activities District.

The Limited Residential District includes all islands and land within 250 feet of the normal high-water mark of the following lakes, ponds, rivers, salt water bodies as shown on the official Shoreland Zoning Map:

(a) Damariscotta Lake
(b) Pemaquid Pond
(c) Duck Puddle Pond
(d) Cook's Pond
(e) Tobias Pond
(f) Alewife Stream and Mill Pond
(g) Great Salt Bay
(h) That section of the wooded area northwest of the junction of East Neck Road and Vannah Road that runs parallel to East Neck Road

2. Uses permitted in the Limited Residential District include all uses permitted in the Resource Protection District plus the following:

(a) Private single-family dwellings and usual accessory buildings such as garages and sheds, subject to a Code Enforcement Officer permit.

(b) Any building or structure erected, placed, moved or otherwise established on any lot or parcel of land shall be set back in accordance with the following minimum standards:

(1) Setback from Public Way: fifty (50) feet from the nearer edge of the right-of-way of any public road.

(2) Setback from the water: one-hundred (100) feet from the normal high-water mark of any navigable pond, lake, river or saltwater body.

(3) Setback from Side Line: twenty-five (25) feet from the nearest property line of any adjoining lot or parcel now existing or hereafter created.

(c) Residential subdivisions approved in accordance with State subdivision laws and Planning Board regulations.

(d) Campgrounds only for State licensed facilities and with Planning Board approval.

(e) Private camps for children, adults or families only with Planning Board approval.

(f) Non-profit educational or scientific institutions with Planning Board approval.

(g) Small private business or water related business only with Planning Board approval.

(h) Beach construction on any great pond or coastal wetland with required permit from the Department of Environmental Protection. Beach construction on any river or brook capable of floating watercraft shall require the approval of the Commissioner of the Department of Inland Fisheries and Wildlife as required by law.

(i) Snowmobiling on authorized trails.

(j) Placement of temporary piers or docks.

(k) Construction of permanent piers, docks, breakwaters, riprap, boathouses, causeways, marinas or bridges only with permit from

DEP in accordance with state and federal law with the following additions:

(1) Access from the shore shall be developed on soils appropriate for such use and constructed as to control soil erosion.

(2) The location shall not interfere with developed beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no longer than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.

(l) Cutting and thinning of trees on developed lots within the strip extending one hundred (100) feet inland from normal high-water mark only as necessary for construction and landscaping and in such a manner as to preserve the majority of tree growth.No more than 40% of the total volume of trees four (4) inches or more in diameter, measures at four and one-half feet (4½) above the ground level may be removed in any ten (10) year period.

(m) Road construction as necessary to service residences or approved developments. Roads shall be located, constructed and maintained in a manner that minimizes erosion, and provides adequate passage for public protection services such as fire trucks, school buses, police, et cetera. Bridges and culverts of adequate size shall be stream-bed level. All cut or fill banks and areas of exposed mineral soil shall be re-seeded or otherwise stabilized within one grading season.

(n) Other possible uses compatible with the environmental protective intent for this district only with Planning Board approval.

C. 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 as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and professional and retail, and light Industrial uses. Medium and heavy Industrial uses are prohibited.

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Chapter. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/ Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

(1) Shelter from prevailing winds and waves;

(2) Slope of the land within 250 feet, horizontal distance, of the shoreline;

(3) Depth of the water within 150 feet, horizontal distance, of the shoreline;

(4) Available support facilities including utilities and transportation facilities; and

(5) Compatibility with adjacent upland uses.

G. Stream Protection District. The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

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	GD General Development I and General Development II
LR - Limited Residential	CFMA - Commercial Fisheries/Maritime Activities
LC - Limited Commercial	SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

NOTE: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks. Communities are encouraged to define the functionally water-dependent uses which are to be allowed and which are prohibited in each CFMA district, based on considerations of prevailing existing uses, desired future uses, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of allowed

uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

NOTE: Recreational water-dependent uses such as marinas and excursion vessels may, in some communities, displace or threaten to displace traditional commercial fisheries and maritime activities. Therefore communities may wish to preclude or further limit these types of uses in this district in order to protect berthing space and onshore staging areas for commercial fishing enterprises.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	***DISTRICT***					
	SP	RP	LR	LC	GD	
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes[2]	yes[2]	yes[2]	yes[2]	yes[2]
10. Mineral extraction including sand and gravel extraction	no	PB[3]	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB[4]	PB[9]	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no[10]	no[10]	PB	PB	PB[5]
D. Industrial	no	no	no	no	PB	PB[5]
E. Governmental and institutional	no	no	PB	PB	PB	PB[5]
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO	PB[5]
16. Structures accessory to allowed uses	PB[4]	PB	CEO	CEO	yes	yes
17. Piers, docks, wharfs, 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]	CEO[11]	CEO[11]
b. Permanent	PB	PB	PB	PB	PB	PB[5]
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB[6]	PB[6]	PB	PB	PB	PB

A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	yes[1,2]	yes[12]	yes[1,2]	yes[12]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB[6]	PB[6]	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB[6]	PB[6]	PB	PB	PB	PB
D. Other essential services	PB[6]	PB[6]	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO 5
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no[7]	PB	PB	PB	no
26. Road construction	PB	no[8]	PB	PB	PB	PB[5]
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no[7]	PB	PB	PB	PB[5]
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

[1]In RP not allowed within 100 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 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.

[5]Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

[6]See further restrictions in Section 15(L)(2).

[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 Section 15(H)(4).

[9]Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), 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.

12Permit not required, but must file a written "notice of intent to construct" with *CEO.*

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 or coastal 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.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	43,560	200
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	43,560	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone		

Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	43,560	200

(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.

(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) 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) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(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 one hundred (100) feet, horizontal distance, from the normal high-water line of

other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 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:

(a) 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.

(b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

(c) On a non-conforming 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 nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(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.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. 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 Chapter, accessory structures may be placed in accordance with the standards of that Chapter and need not meet the elevation requirements of this paragraph.

(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, except in the General Development District adjacent to tidal waters and rivers that do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

(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 of the following conditions are met:

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

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

(b) 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;

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

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

(f) 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

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

(i) 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;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

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

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

(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.

C. 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.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(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 in non-tidal waters shall not be wider than six feet for non-commercial uses.

(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.

(6) New permanent piers and docks on non-tidal waters 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.

(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.

(8) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, 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.

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

(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.

(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.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Chapter, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(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.

(3) Only one 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) 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 (1000) square feet.

(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 land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and 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.

F. 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:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(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

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities 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.

(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.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) 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.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(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 one hundred (100) 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.

Section 15 (H)(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 Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(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.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) 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) 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.

(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 Section 15(Q).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) 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 (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.

(8) 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:

(a) 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

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) 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.

(d) 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.

(9) 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.

I Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(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.

(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.

(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) 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.

(5) Signs relating to public safety shall be allowed without restriction.

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

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

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

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

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

(2) The installation of essential services, other than road-side 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.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. 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 to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(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 Section 15 (M)(4) below.

(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.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) 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:

(a) 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.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

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

(5) In keeping with the purposes of this Chapter, 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.

N. Agriculture

(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).

(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 one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. 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.

(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. Non-conformance with the provisions of said plan shall be considered to be a violation of this Chapter.

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

(5) 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 and coastal wetlands, 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.

O. Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.

(b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) 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 one hundred (100) 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 clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) 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 clearcut 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 clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) 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 Chapter. 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.

(c) 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.

(d) Timber harvesting equipment shall not use stream channels as travel routes except when:

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(e) 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.

(f) 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.

(g) 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.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 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.

(2) Except in areas as described in Section P(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:

(a) There shall be no cleared opening greater than 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.

(b) 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 this Section 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 12 or more in any 25-foot by 25-foot square (625 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 –12 in.	2
12 in. or greater	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

(c) As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three (3) trees between 4 and 12 inches in diameter, and three (3) trees over 12 inches in diameter, the rating score is:

(3x1) + (3x12) + (3x4) = 21 points

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21-12 = 9) may be removed from the plot provided that no cleared openings are created.

(d) For the purposes of Section 15(P)(2)(b), “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

(e) Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(f) 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, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(g) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(h) 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.

Section 15(P)(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.

(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 4 1/2 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, 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 or Commercial Fisheries/Maritime Activities Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Chapter.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

The provisions of the general standards of performance in Chapter XI shall apply.

R. Soils. The provisions of the general standards of performance in Chapter XI shall apply.

S. 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.

T. 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.

U. General Standards. All construction and development shall meet the general standards of performance set out in Chapter !.

CHAPTER XI

FLOODPLAIN MANAGEMENT

A. PURPOSE

Certain areas of Nobleboro are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this chapter on Floodplain Management.

It is the intent of the Town to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

B. FLOOD HAZARD ZONES ESTABLISHED

The areas of special flood hazard, Zones A, AE, AH, AO, A99, V, VE, X, D, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study of Nobleboro, Maine, Lincoln County, dated November 15, 1989 (revised) with accompanying "Flood Insurance Rate Map' dated November 15, 1989 (revised) and "Flood Boundary and Floodway Map", dated November 15, 1989 (revised) is hereby adopted by reference and declared to be a part of this chapter.

C. PERMIT REQUIRED

For construction, development or any other activity or use in a special flood hazard zone, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer (CEO). This permit is in addition to any other building permits which may be required.

D. APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Town Clerk and shall include:

1. The same information required for a site plan under Chapter III, Site Plan Review, and in addition, the following information:

2. A statement of the intended use of the structure;

3. A statement as to the type of sewage system proposed;

4. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum of the:

a. Base Flood at the proposed site of all new or substantial improved structures, which is determined. In Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed structure.

b. Highest and lowest grades at the site adjacent to the walls of the proposed structure;

c. Lowest floor, including basement; and whether or not such structures contain a basement; and,

d. Level, in the case of non-residential structures only, to which the structure will be floodproofed;

5. A description of a Base Flood elevation reference point established on the site of all new or substantially improved structures;

6. A written certification by a registered land surveyor that the elevations shown on the application are accurate;

7. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of this chapter.

8. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

9. A statement of construction plans describing in detail how each applicable development standard in sub-chapter G will be met.

E. APPLICATION FEE AND EXPERT'S FEE

1. A non-refundable application fee shall be paid to the Town Clerk.

2. A technical review fee may be charged if the Town needs the assistance of a professional engineer to review an application. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to

such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Planning Board may appeal that decision to the Board of Appeals.

F. REVIEW OF APPLICATIONS

The CEO shall:

1. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of sub-chapter G (Development Standards) have, or will be met;

2. Utilize, in the review of all applications, the Base Flood data contained in the "Flood Insurance Study - Nobleboro of Lincoln County, Maine". In special flood hazard areas where Base Flood elevation data are not provided, the CEO shall obtain, review and reasonably utilize any Base Flood elevation and floodway data from Federal, State, or other sources.

3. Make interpretations of the location of boundaries of special flood hazard areas shown on the flood insurance and boundary maps.

4. Determine that all necessary permits have been obtained from those Federal, State, and local government agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334;

5. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

6. Issue a two part Flood Hazard Development Permit for elevation structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the Base Flood level. At that time, the applicant shall provide the CEO with an application for Part II of the permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of subchapter G, paragraphs 6, 7, 8 and 11. Following review of the application, which review shall take place within 72 hours of receipt, the CEO shall issue or deny Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,

7. Maintain, as a permanent record, copies of all permits issued and data relevant thereto, including reports of the Board of Appeals on variances, and copies of Elevation Certificates and Certificates of Compliance.

G. DEVELOPMENT STANDARDS

All construction in areas of special flood hazard must meet the following standards:

1. New construction or substantial improvement of any structure shall:

   a. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

   b. Use construction materials that are resistant to flood damage,

   c. Use construction methods and practices that will minimize flood damage; and,

   d. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

3. New and replacement subsurface sewage disposal systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

4. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

5. Development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

6. New construction or substantial improvement of any residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the Base Flood elevation utilizing information obtained pursuant to sub-chapter D, paragraph 4.a (2); subchapter F, paragraph 2 or sub-chapter I, paragraph 4.

7. New construction or substantial improvement of any non-residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the Base Flood elevation utilizing information obtained pursuant to sub-chapter D, paragraph 4.a(2); subchapter F, paragraph 2 or sub-chapter I, paragraph 4. Together with attendant utilities and subsurface sewage disposal systems be floodproofed to meet the elevation requirements of this section and floodproofing standards of sub-chapter G, paragraph 7.A.

a. Be floodproofed to at least one (1) foot above the Base Flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a permit, and shall include a record of the elevation above mean sea level of the lowest floor including basement.

8. New or substantially improved mobile homes shall:

a. Be elevated on a permanent foundation such that the lowest floor is at least one (1) foot above the Base Flood elevation; and,

b. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) Over-the-top ties anchored to the ground at the four corners of the mobile home, plus two additional ties per side at intermediate points (mobile homes less than fifty (50) feet long require one additional tie per side); or by,

(2) Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (mobile homes less than fifty (50) feet long require four (4) additional ties per side).

(3) All components of the anchoring system must be capable of carrying a force of forty-eight-hundred (4,800) pounds.

9. In floodways and encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway, which in Zone A riverine areas, is the channel of the river or other water course and the adjacent land areas to a distance of one-half (½) the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. Will not increase the water surface elevation of the Base Flood more than one foot at any point within the community; and,

b. Is consistent with the technical criteria contained in Section 2-7 entitled "Hydraulic Analyses", Flood Insurance Study - Guidelines and Specifications for Study Contractors, FEMA 37/March 1993, as amended).

10. New construction or substantial improvement of any structure in Zone A that meets the development standards of subchapter G, including the elevation requirements of paragraphs 6, 7, or 8, and is elevated on posts, columns, piers, piles, "stilts", or crawl spaces less than three (3) feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded.

a. Walls, with the exception of crawl spaces less than three (3) feet in height, shall not be part of the structural support of the building; and,

b. Enclosed areas are not "basements".

c. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

(1) Be certified by a registered professional engineer or architect; or,

(2) Meet or exceed the following minimum criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of the enclosed area:

(b) The bottom of all openings shall be no higher than one foot above the lowest grade; and,

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

(3) The enclosed area shall not be used for human habitation; and,

(4) The enclosed area may be used for structure maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the structure.

H. CERTIFICATE OF COMPLIANCE.

Land in a special flood hazard area may not be occupied or used and a structure which is constructed or substantially improved may not be occupied until a Certificate of Compliance is issued by the CEO subject to the following provisions:

1. The applicant shall submit an Elevation Certificate completed by:

    a. A registered Maine surveyor for compliance with subchapter G, paragraphs 6, 7, 8, or 11; and,

    b. A registered professional engineer or architect, in the case of:

        (1) Floodproofed non-residential structures, for compliance with subchapter G, paragraph 7.

        (2) Construction of structures in the coastal floodplains for compliance with subchapter G, paragraph 11.

2. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the CEO.

3. The CEO shall review the application within ten (10) working days of receipt of the application and shall issue or deny a Certificate of Compliance.

I. GENERAL FLOOD ISSUES

When reviewing subdivisions and other proposed developments that require review under other Federal law, State law or local ordinances or regulations or projects on five (5) or more acres, the Planning Board shall also make these determinations:

1. These proposals are consistent with the need to minimize flood damage.

2. Public utilities and essential services are located and constructed to minimize or eliminate flood damages.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals include Base Flood elevation and, in a riverine floodplain, floodway data.

5. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with this chapter and that such requirements will be included in any deed, lease, purchase and

sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the planning board or local reviewing authority as part of the approval process.

J. VARIANCES

The Board of Appeals may, upon written application, grant a variance from the requirements of this chapter consistent with State law and the following criteria:

1. A variance may not be granted within any designated regulatory floodway if any increase in flood levels during the Base Flood discharge would result.

2. A variance shall be granted only upon:

   a. A showing of good and sufficient cause;

   b. A determination that should a flood comparable to the Base Flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;

   c. A showing that the existence of the variance will not cause a conflict with other State, Federal or local laws or ordinances;

   d. A determination that failure to grant the variance would result in "undue hardship", which in this subsection means:

      (1) that the land in question cannot yield a reasonable return unless a variance is granted; and,

      (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; and,

      (3) that the granting of a variance will not alter the essential character of the locality; and,

      (4) that the hardship is not the result of action taken by the applicant or a prior owner.

3. A variance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. A variance may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

   a. other criteria of this chapter and chapter G, paragraph 9 are met; and,

   b. the structure or other development is protected by methods that minimize flood damages during the Base Flood and create no additional threats to public safety.

5. A variance may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the limits set forth in paragraphs 1 through 5.

6. Any applicant who meets the criteria shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

   a. The issuance of a variance to construct a structure below the Base Flood level will result in greatly increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) per one-hundred dollars ($100.00) of insurance coverage;

   b. Such construction below the Base Flood level increases risks to life and property; and,

   c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

K. VIOLATION

In addition to any other actions or penalties, the CEO, upon determination that a violation exists, shall submit a statement to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The statement shall consist of;

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. A clear and unequivocal statement that the property is in violation of a cited State or local law, regulation, or ordinance;

3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

CHAPTER XII

TIMBER HARVESTING

A. INTENT. The intent of this ordinance is to prevent unsightly conditions along roadsides after logging operations and to protect abutting properties from accumulated slash on their boundaries.

B. APPLICATION. This ordinance applies to any timber harvesting, but not to other forest management activities.

C. REQUIREMENTS. Within fifty (50) feet of a public road, timber harvesting is limited to selective cutting or to harvesting as established by an accepted forest management plan. Selective cutting shall be as limited under Chapter XI, Shoreland Standards, Section 1, subsection 15, paragraph b.

1. Slash shall not remain on the ground within the right-of-way or within a distance of fifty (50) feet from the edge of the right-of-way of a public road for more than fifteen (15) days after accumulation.

2. Slash shall not remain on the ground within twenty-five (25) feet of the lot boundary for more than seventy-two hours after accumulation.

3. Where yarding and loading operations are conducted within the right-of-way or within fifty (50) feet of the edge of the right-of-way of a public road, all slash shall be removed, the ground restored to its original contour and any exposed mineral soil seeded with standard conservation mix at a rate of 30 to 35 pounds per acre immediately after completion of said operations or by the end of the permit period, whichever is earlier. If snow, wetness, mud or other adverse conditions prevent compliance with this provision, a one-time cost-free extension of the permit may be granted until weather conditions will allow compliance.

4. Harvested logs, cordwood or equipment shall not be placed within ten (10) feet of the pavement of any public road.

D. PERMIT. Timber harvesting shall not be undertaken without a permit from the Code Enforcement Officer.

1. Prior to issuing a permit, the applicant must sign a statement acknowledging that he has read this chapter.

2. The CEO shall provide the applicant, land owner and harvester with a copy of the permit and of this chapter.

3. The permit fee is ten-dollars ($10.00).

4. The permit is effective for six (6) months. It may be renewed for an additional six (6) months without fee.

E. EXEMPTION. An owner is not required to obtain a permit for timber harvesting on his own lot for non-commercial purposes, provided that he complies with all other provisions of this chapter.

F. APPEALS. An appeal may be allowed as provided under Chapter XII, Administration.

G. PENALTY. A violation of this ordinance shall have a penalty of up to one-hundred dollars ($100.00) plus costs.

CHAPTER XIII

ICE FISHING

A. IDENTIFICATION

An ice-fishing structure placed on tidal waters must display the owner's name, address and phone number in at least two (2) inch letters on the exterior in a contrasting color.

B. REMOVAL

An ice-fishing structure must be removed from the ice by March 15 of each year.

C. VIOLATION

A violation of this ordinance shall be subject to a fine of up to $100.00 plus costs and fees.

CHAPTER XIV

SOLAR ENERGY SYSTEMS

A. PURPOSE

The purpose of this Ordinance is to establish a municipal review procedure and performance standards for Solar Energy Systems (SES). Including those typically characterized as Solar Farms (SF). These standards are intended to:

1. Establish clear guidelines and standards for The Town of Nobleboro in order to regulate the size, location and development standards for certain solar energy systems within the Town.

2. Permit the Town to fairly and responsibly protect public health, safety and welfare.

3. Minimize any potential adverse effect(s) of solar development on surrounding land use.

4. Support the goals, policies and strategies of the Town's Comprehensive Plan including orderly development, efficient use of infrastructure, and protection of habitat, natural, scenic, water, forest and agricultural resources.

5. Identify who is responsible for, and provide for, the decommissioning/removal of panels, associated utility structures and equipment that are no longer used for energy generation and transmission.

B. AUTHORITY

This Ordinance is enacted pursuant to the authority given the Town of Nobleboro in MRSA Title 30-A, Section 3001 (Ordinance Power)
Title 35-A Section 3209-B (Commercial and Institutional Net Energy Billing) shall apply when the facility intends to participate in Net energy Billing and the nameplate capacity is less than 5 megawatts (MW). Title 25-A MRSA c. 34-D (Solar Energy Development Decommissioning) applies to the energy plan, the State Growth Management Law, Title 30-A MRSA Section 4311, et. Seq., and the Mandatory Shoreland Zoning Act, title 38, MRSA section 435 et. Seq.
This ordinance shall be administered by the Town's Planning Board and enforced by the Town's Code Enforcement Officer (CEO) and Select Board. Violation of this ordinance shall be subject to the enforcement and penality provisions of 30-A, MRSA section 4452.

C. APPLICABILITY

1. A Solar Farm or Solar Energy System approved for construction prior to the effective date of this ordinance shall not be required to meet the terms and conditions of the Ordinance.

2. Any physical modification to any existing solar farm or approved for construction, whether or not existing prior to the effective date of this ordinance, that expands or relocates the footprint of the solar farm shall require a new application.

3. This Ordinance shall apply to proposals to construct ground-mounted solar energy systems that exceed 1 acre in panel area. The following solar energy systems are not subject to this Ordinance except as noted or as set forth in Section G of this Ordinance.

    a. Solar energy systems serving one single-family or one two-family residence.

    b. Roof-mounted solar energy systems.

    c. Ground-mounted solar energy systems that are less than 5,000 square feet.

    d. Ground-mounted solar energy systems between 5,000 square feet and 1 acre in panel area except that such systems shall comply with the dimensional requirements of Section E and the buffer requirements of Section H.

    e. Ground-mounted solar energy systems that exceed 1 acre in panel area for which at least 50% of the energy generated is consumed by a principal use on the same parcel of land except that such systems shall comply with the dimensional requirements of Section E and the buffer requirements of Sections G and H.

    f. All residential solar installations require a building permit application and approval by the Code Enforcement Officer.

    g. ‘In addition to the completing site plan application review process, adhering to the standards and requirements in the Town’s Land Use Ordinances, the standards detailed in the Solar Energy Systems Ordinance must be met prior to a permit being issued.

4. Ground-mounted solar energy systems that reach or exceed 5,000 square feet in panel area or result in the stripping, grading, removal or filling of earth materials of more than 20,000 square feet in area in the aggregate are subject to site plan review and approval as detailed in Nobleboro's Land Use Ordinances.

5. If a permit or approval is required under this Ordinance for any solar installation, structure or use, a person or entity may not begin construction or earth moving work on the site in preparation for construction or any use prior to obtaining that permit or approval.

6. Before work is commenced photographs (digital images) have been taken and placed on file at the Nobleboro Town Office.

7. Upon completion of the project photographs (digital images) must be taken and placed on file at the Nobleboro Town Office.

D. DEFINITIONS

1. Refer to the Definitions listing found in Chapter Two of Nobleboro's Land Use Ordinances.

E. DIMENSIONAL REQUIREMENTS

1. Ground-mounted solar energy systems shall not exceed 10 acres in panel area.

2. Ground-mounted solar energy systems shall not exceed 20 feet in height at maximum tilt when measured from the ground level.

3. Minimum front setback shall be 100 feet, minimum side setback shall be 100 feet and minimum back setback shall be 100 feet.

F. PERMITTED LOCATIONS

1. Unless exempted by Section C solar energy systems that exceed 1 acre in panel area are limited to the Town's Rural and Growth areas.

2. A building permit approved by the Town's CEO are required for small scale Solar Energy Systems under 5,000 square feet.

3. A site plan application reviewed and approved by the Town's Planning Board shall be required for all medium and large Solar Energy Systems, of 5,000 square feet and larger.

4. Routine maintenance or replacements do not require a permit.

G. SOLAR ENERGY SYSTEMS – SHORELAND ZONE

1. A request to install a solar energy system in any Shoreland District must comply with standards identified in Chapter X, Shoreland Standards, Chapter IV Land Use, Supplementary District Regulations for Solar Energy Systems, and the Shoreland standards in this District.

2. Minimum setback requirements for a solar energy system located in a Shoreland Zoning District.

   a. A roof-mounted solar energy system, regardless if the structure on which the system is located is a conforming or nonconforming structure with respect to minimum structure setback requirements does not need to comply with minimum structure setback requirements.

   b. A roof-mounted solar energy system shall be a permitted use in both the Resource Protection and Stream Protection Districts, if an existing structure is considered a legally established nonconforming use, or in the case of the Resource Protection District, if the use is permitted pursuant to Special Exception, Resource Protection District.

   c. A ground-mounted solar energy system that is a permitted use in a designated Shoreland Zoning District, subject to the exception identified in (4) below, shall comply with the minimum structure setback requirement identified for the respective Shoreland Zoning District, and Land Use District.

   d. A ground-mounted small solar energy system for a permitted residential use in a designated Shoreland Zoning District may be granted an exception to locate a ground mounted solar energy system within the structure setback area provided all of the following standards are satisfied:

      1.) The area in which the ground-mounted system is proposed is a legally existing cleared area (such as a cleared lawn), and any additional vegetation removal that is necessary to locate the system shall comply with vegetation cutting standards in the Shoreland Zone,

3. The size of the solar energy system that is installed shall be limited in its design to the energy needs of the use on the property, and any sale of energy to the power grid must be limited to the incidental excess power generation of the installed system. The applicant for the exception identified in this Section must demonstrate to the satisfaction of the Code Enforcement Officer that the existing cleared area is the most practical area on the property to install a small ground-mounted solar energy system.

4. No portion of the solar energy system shall be located in an area that is designated as a V, VE, AE or AO zone pursuant to the Official Flood Maps for the State of Maine and the Town of Nobleboro's Floodplain Management, Chapter XI.

5. Maximum Lot Coverage standards for solar energy systems in a Shoreland Zoning District must be met.

6. A ground-mounted solar energy system shall comply with the maximum lot coverage (impervious surface ratio) standards identified in Nobleboro's Use Ordinances. Only the paved, mounting block, or otherwise impervious areas of sites on which a ground-mounted solar energy system is installed shall be counted in the lot coverage calculation.

7. Vegetation cutting standards for solar energy systems in a Shoreland Zoning District.
   a. The installation of any ground-mounted solar energy system shall comply with the vegetation cutting and clearing standards identified in the Shoreland Zone ordinance.

8. Height of a solar energy system.
   a. A roof-mounted solar energy system shall not be considered in determining the maximum height of a structure.
   b. A ground-mounted solar energy system shall not exceed twenty (20) feet in height when the system is at maximum tilt when measured from the ground level.

H. SCREENING, SECURITY, MAINTENANCE AND REGULATORY COMPLIANCE

1. Ground-mounted solar energy systems that exceed 20,000 square feet in panel area shall be buffered from public and private roads, adjacent properties and residences by plantings, berms, and natural topographical features. The screen shall consist of a vegetative barrier which provides a visual screen.

2. Ground mounted solar energy systems that exceed 2 acres in panel area shall be further buffered such that they are not visible year round from public roads, residences and/or scenic view points.

3. Vegetation control shall be by mechanical means only. Chemical vegetation control is prohibited.

4. Lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence not to exceed eight (8) feet unless the Planning Board determines pursuant to Site Plan Review that such fencing is not necessary to protect the facility or the public.

5. Fencing will be located within any screening buffer and shall allow for small wildlife passage and movement.

6. All Solar Farms and Solar Energy Systems shall be situated to eliminate concentrated glare onto nearby structures and/or roadways.

7. No noise generated by the Solar Farms and Solar Energy Systems shall be 10 decibels (dB) greater than the pre-construction/existing background level. The background noise limit will be based on background noise during the quietest period of the night.

8. Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference from abutting properties.

9. Lighting of Solar Farms and Solar Energy Systems shall be downward directed and shall incorporate full cutoff features to reduce light pollution.

10. Reasonable efforts, as determined by the Town's Planning Board, shall be made to place all utility connections from solar photovoltaic installations underground.

11. One or more signs shall be affixed to the fencing identifying the owner of the facility and provide 24-hour emergency contact information.

    a. For purposes of emergency services, the owner or operator of a ground-mounted solar energy system shall provide a copy of the project summary, electrical schematic, and site plan to the Nobleboro Fire Chief.

    b. Upon request, the owner or operator shall cooperate with the Fire Department, local and County Emergency Management Services in developing an Emergency Response Plan.

c. All means of shutting down the system shall be clearly marked on the plan.

d. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation.

12. The owner or operator of a ground-mounted solar energy system shall maintain the facility in good condition.

    a. Maintenance shall include but not be limited to, painting, structural repairs, vegetation screening, vegetation control, fences, landscaping, plantings and integrity of security measures.

    b. The Solar Farm or Solar Energy System must be properly maintained and kept free from all hazards, debris or being in an unsafe condition detrimental to public health, safety or general welfare.

    c. Site access shall be maintained to a level acceptable to the Nobleboro Fire Chief and EMS for emergency responses.

    d. The owner or operator shall be responsible for the cost of maintaining the access road(s), driveway(s) including plowing and sanding unless the road(s) is accepted as a public way.

    e. When any portion of a ground mounted Solar Farm or Solar Energy System is removed or modified any earth disturbance must be graded and re-seeded, unless authorized for another developed use.

13. All reasonable efforts, as determined by the Town's Planning Board, shall be made to ensure any Solar Farm or Solar Energy System is consistent with the character of the town via visual consistency with local neighborhood areas, maintenance of scenic views and preservation of open space land and farms.

14. The owner or operator of a ground-mounted solar energy system shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances.

I. PERFORMANCE GUARANTEE

1. After a ground-mounted solar energy system that is subject to this Ordinance is approved but before a building permit is issued, the applicant shall submit to the Town of Nobleboro a performance guarantee in the amount of 150% of the applicant's estimated demolition cost of the system, subject to a review of such cost by the Code Enforcement Officer.

2. The applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures, and such completed removal is found to be satisfactory by the Code Enforcement Officer.

J. OWNERSHIP

1. If in the event of a sale of the property and/or the Solar Farm or Solar Energy System, the owner/operator shall notify the Town's Planning Board by certified mail, at least 30 days prior to the transactions.

2. Within 30 business days of a change in ownership, the new owner(s) or designated representative shall submit a letter to the Town of Nobleboro stating that they have reviewed the Town's Solar Energy Systems Ordinance, the application for the Solar Farm acquired with all of its related documentation and will abide by the requirements stipulated in the document.

K. DECOMMISSIONING AND REMOVAL

1. A ground-mounted solar energy system that is subject to this Ordinance and that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Nobleboro Planning Board during the application process.

3. The owner or operator shall remove physically the installation no more than 180 days after the date of discontinued operations.

4. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.

5. Decommissioning shall consist of:

    a. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site:

b. Disposal of all solid and hazardous waste in accordance with Local, State and Federal waste disposal regulations; and

c. Stabilize or re-vegetation of the site as necessary to minimize erosion.

d. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.

6. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, ground-mounted solar energy systems shall be considered abandoned when it fails to generate electricity for more than one year without having first obtained the written consent of the Nobleboro Planning Board.

7. Determination of abandonment shall be made by the Nobleboro Planning Board in consultation with the Code Enforcement Officer.

8. If the owner or operator of a ground-mounted solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Nobleboro retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

K. ENFORCEMENT

1. The Code Enforcement Officer and Nobleboro Planning Board shall be responsible for administering the provisions of this Ordinance, including interpreting the provisions hereof.

L. SEVERABILITY

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 the Ordinance.

M. CONFLICTS WITH OTHER ORDINANCES

1. Whenever the requirements or a specific provision within this Ordinance conflicts with or is inconsistent with another specific provision within this Ordinance or a specific provision of any other Ordinance, lawfully adopted rule, regulation, ordinance or statute, the more restrictive specific provision shall prevail.

N. AMENDMENTS

1. All changes and amendments to this Ordinance must be made at a regular or special Town Meeting of Nobleboro, by a majority of the governing body.

2. Conflict with other Ordinances. This ordinance shall not be construed to repeal any existing ordinances or to impair the provisions of private restrictions placed upon property provided however, that where this ordinance imposes greater restrictions its provisions shall prevail.

O. ADMINISTRATION

1. The Nobleboro Planning Board is authorized to review and act on all applications for ground-mounted solar energy systems subject to this Ordinance.

2. In considering applications and plans under this provision, the Board may act to approve, disapprove, or approve with conditions as authorized by these provisions.

3. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance until the application has been approved by the Nobleboro Planning Board.

4. All work shall be carried out in accordance with the documentation submitted and approved by the Nobleboro Planning Board.

5. Solar Farms or Solar Energy Systems shall not be installed until satisfactory evidence has been given to the Nobleboro Planning Board that the applicant has an executed agreement with a utility provider to accept the power.

6. The Nobleboro Planning Board must find that the applicant has the capacity to finance, safely operate and decommission the Solar Farm or Solar Energy System.

P. APPLICATION AND PERMIT FEES

1. The Nobleboro Select Board will set square foot solar power fees for residential and commercial installations.

   a. The minimum fee for Solar Energy Systems under 5,000 square foot solar power shall be $0.25

b. The minimum fee for Solar Energy Systems of at least or greater than 5,000 square foot solar power shall be $0.25

2. The Nobleboro Select Board will set the administrative fees for solar energy system applications and installations. The Minimum fee shall be $30.00.

3. Application fees for modifications shall be consistent with the overall size of SF or SES, not solely the modification and shall be at least 50% of the initial fee.

Q. APPEALS

1. The Nobleboro Board of Appeals shall have jurisdiction to hear and decide appeals brought pursuant to the enforcement of this Ordinance.

2. Any person or persons aggrieved by the action of the CEO, the Nobleboro Planning Board or any other municipal official in their administration of this Ordinance shall have the right of appeal to the Board of Appeals.

3. Such appeal shall be taken pursuant to the procedures set forth in the Board of Appeals Ordinance.

4. The Board of Appeals shall sit in its capacity as an appellate board, utilizing and applying its procedures in the Board of Appeals Ordinance and such other rules and procedures of the Board as they may apply.

5. Any person or persons aggrieved by the decision of the Board of Appeals shall have the right to appeal to Superior Court. The person or persons filing the appeal shall have the burden of proof.

R. EFFECTIVE DATE AND DURATION:

1. This ordinance shall take effect March 15, 2025 upon enactment by the Town of Nobleboro, unless otherwise provided, and shall remain in effect until it is amended or repealed.

CHAPTER XV

GENERAL STANDARDS OF PERFORMANCE

A. APPLICATION

The following general standards of performance shall be applied in considering the granting of a permit as provided under the provisions of the following chapters:

1. **Chapter III Site Plan Review**
2. **Chapter IV Land use**
3. **Chapter V Accessory Dwelling Unit**
4. **Chapter VIII Subdivision**
5. **Chapter IX Mobile Home Parks**
6. **Chapter X Shoreland Standards**

B. GENERAL STANDARDS

1. An application shall meet these general standards as well as the additional specific standards of this Chapter.

    a. That it is in conformance with this Ordinance, the comprehensive plan, and state and federal laws, and regulations

    b. That the soil on individual lots is suitable for building and meets the State Subsurface Wastewater Disposal Rules. If it is in an area served by a municipal sewage treatment plant, that it will not cause an unreasonable burden on the capacity of such plant.

    c. That it will not result in undue soil erosion, air or water pollution.

    d. That the land has sufficient water available.

    e. That it will not cause an unreasonable burden on the municipality for solid waste disposal.

    f. That it will not cause undue traffic congestion on adjoining roads and that the intersection of any private road and the public road will not create a traffic hazard.

    g. That the interior roads are designed for safety and that these roads are built so as not to block drainage of any watershed.

h. That it will not have any undue adverse effect on the scenic beauty of the area or destroy rare and unusual natural features or historic sites.

i. That the applicant has the financial and technical ability to carry out the plan.

j. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety.

k. The location or height of proposed structures or uses will not be detrimental to other public or private development in the neighborhood.

l. The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the proposed use.

m. The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, septic systems, water, solid waste, fire protection, or other public facilities.

n. Storm water will be adequately drained from the site with no adverse impact on other property or publicly owned drainage systems.

o. Soil erosion and all other adverse impacts on the soil or ground water shall be prevented. Ground water shall not be adversely impacted in quality or quantity.

p. The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants and users of the site and such provisions will not damage the value and diminish the usability of adjacent properties.

q. The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all structures on the site.

r. The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause.

C. SPECIFIC STANDARDS

1. Signs

a. A total sign area not exceeding one-hundred (100) square feet, attached, detached or projecting, single or double faced, may be displayed, but on the premises only.

b. A free standing sign shall not extend to an elevation greater than ten (10) feet above ground level.

c. A sign shall not be permitted within twenty-five (25) feet of any way nor within fifty (50) feet of any abutting property line.

d. An attached sign or supporting structure shall not extend above the level of a flat roof or the level of the eaved on other types of roofs.

e. Illumination shall be only by non-flashing lights and shall be designed so as to prevent direct or obtrusive lighting of public ways or nearby premises.

f. Billboards shall not be permitted. Offsite business directional signs as permitted by the Maine Department of Transportation shall not exceed twelve (12) inches by forty-eight (48) inches each and shall be allowed only for businesses located within the town of Nobleboro and only with a permit from the Code Enforcement Officer.

g. These standards shall apply to portable as well as stationary signs.

h. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises and shall not exceed three (3) square feet in single sided surface area.

i. Residential users may display a single sign not over three (3) square feet in single sided surface area relating to the sale, rental, or lease of the premises.

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

k. Signs relating to public safety shall be permitted without restriction.

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

m Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in single sided surface area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Noise

a. To minimize excess noise at unreasonable hours, the maximum permissible sound pressure level of any sound produced by any continuous, regular or frequent activity shall be in accordance with the following:

7 a.m. to 8 p.m.: 70 decibels
8 p.m. to 7 a.m.: 55 decibels

b. Sound pressure levels shall be measured with a sound level meter at least four (4) feet above ground no less than fifty (50) feet from any abutting property line and seventy-five (75) feet from a public or private way.

c. Exempt from these requirements are:

(1) construction and maintenance activities and agricultural activities between 5 a.m. and 9 p.m.;
(2) activities of an emergency nature;
(3) safety signals, warning devices, emergency pressure relief valves and any other emergency devices;
(4) traffic on public roads, aircraft and railroads; and
(5) Aircraft, railroads, and vehicles on public roads.

3. Dust, Fumes, Vapors and Gases

a. Generation of any substances including, but not limited to, dust, dirt, fly ash, fumes, vapors, or gases injurious to humans, animals, vegetation or property, or which could soil or stain persons or property at any point beyond the perimeter of the lot involved shall be prohibited.
b. Normal agricultural practices are exempt from this paragraph.

4. Odor

a. A use or structure shall not produce offensive odors perceptible at any point beyond the perimeter of the lot involved.
b. Normal agricultural practices are exempt from this paragraph.

5. Glare

A use or structure shall not produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties or onto any public or private way.

6. Storm water run-off

All new structures or uses shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions.

a. 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 stormwater.

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

c. Provision shall be made for disposition of surface water run-off in accordance with standards recommended in the latest revision of United States Department of Agriculture, Soil Conservation Service Technical Release 55 of June, 1986, entitled Urban Hydrology for Small Watersheds.

d. The natural state of watercourses, swales and floodways shall be maintained unless otherwise approved by the State of Maine Department of Environmental Protection.

7. Explosive Materials

Highly flammable or explosive materials shall not be stored in bulk above the ground or under ground unless they are located at least one-hundred (100) feet from any abutting lot line, public road or private way.

8. Water quality

A use shall not deposit on or into the ground or discharge to the waters 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.

a. Outdoor storage facilities for fuel and raw materials and waste collection and disposal facilities shall be located on impervious pavement and shall be completely enclosed by a chain link fence, or its equivalent, at least six (6) feet in height.

b. The fence shall be set on top of an impervious dike which shall be high enough to contain the total volume of all liquid kept within the storage area during a storm of twenty-five (25) year record, so that such liquid shall not

be able to spill onto or seep into the ground surrounding the paved storage area.

9. Soils

All 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 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, 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.

10. Erosion

A. Erosion and sedimentation control shall be as follows:

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall meet the recommendations in the latest revision of the Environmental Quality Handbook prepared by the Maine Soil and Water Conservation Commission, June 1974, revised March 1986. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches or other methods recommended in the Environmental Quality Handbook.

(c) Permanent stabilization structures such as retaining walls or riprap, in accordance with standards recommended in the Environmental Quality Handbook specified above..

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. The top of a cut or bottom of a fill section shall not be closer than fifty (50) feet from any abutting property line.

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. 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:

   (a) 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.

   (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

   (c) 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.

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.

6. Mineral extraction shall not be permitted within one-hundred (100) feet of any abutting property line or public road or private way.

B. Projects Over 100 Square Feet

All projects over one-hundred (100) square feet of disturbed ground that require a permit under this Ordinance shall conform to the requirements of Section I or 2, below, as applicable.

Section I projects are classified as a project where there is ground disturbance of more than one-hundred (100) square feet and less than or equal to forty-thousand (40,000) square feet of cumulative disturbed ground including where soil is stored. Section 2 projects are greater than 40,000 square feet.

The applicant shall submit an Erosion and Sedimentation Control Plan

1. Section 1 Projects. The Erosion and Sedimentation Control Plan for Section 1 projects shall include graphic and written plans and shall conform to the development standards in Section I.C, below.

A. The graphic plan shall include the following:

(1) Grades or direction of slope on the site; slopes over 25% shall be identified
(2) Areas that will be regraded or where vegetation will be removed or disturbed
(3) Locations of temporary erosion control measures such as silt fence, sediment basins, check dams or diversion ditches
(4) Locations of permanent erosion control measures such as grassed or riprapped ditches, plunge pools, ponds, berms or subsurface drainage structures
(5) Areas that will be mulched and reseeded
(6) Locations where topsoil will be stockpiled
(7) Locations and composition of buffer strips to water bodies
(8) Existing and proposed culverts and sizes

B. The written plan shall include the following:

(1) Description of plans for temporary seeding in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
(2) Description of plans for permanent seeding in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
(3) Description of plans for temporary mulching in conformance with U.S.D.A. standards, or recommendations from a certified professional in erosion and sediment control.
(4) Description of plans for temporary runoff control such as silt fencing or diversion ditches in conformance with U.S.D.A. standards or recommendations from a certified professional in erosion and sediment control.

C. The Erosion and Sedimentation Control Plan shall meet the following development standards:

(1) A site shall be developed in such a way as to minimize erosion.
(2) Areas to be stripped or regraded shall be protected by temporary erosion control measures.
(3) Temporary seeding and mulching shall be applied as soon as possible to exposed areas being developed but in no case more than 1 week from the time they were last actively worked.
(4) Until a disturbed area is stabilized, sediment in water shall be trapped in a sediment basin or similar erosion control structure.
(5) Within 15 days of reaching final site grades, permanent seeding and erosion control shall be completed for all areas to be revegetated.
(6) On slopes greater than 25%, there shall be no grading or filling within 1 00 feet of the normal high-water mark except to protect the shoreline and prevent erosion.
(7) The applicant is responsible for maintenance of all aspects of temporary and permanent erosion control.
(8) Topsoil and fill stockpiles shall be at least 100 feet from all water bodies and protected by suitable erosion control measures.

2. Section 2 Projects. Section 2 project is a project where there is ground disturbance of greater than 40,000 square feet of cumulative disturbed ground including where soil is stored.

A. An Erosion and Sedimentation Control Plan as required for a Section 1 project.

B. An erosion and sedimentation control plan shall be prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:

(1) The name, address, and telephone number of the applicant.

(2) The name, address, and telephone number of the person responsible for implementing the plan.

(3) A vicinity map showing the location of waterbodies that may be affected by erosion and sedimentation from the project.

(4) Existing and proposed drainage patterns, including drainage channels that drain to surrounding waterbodies.

(5) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.

(6) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.

(7) Description of temporary and permanent erosion control practices that will be used.

(8) Identification of the locations of the temporary and permanent erosion control practices.

(9) Identification of how, where and when collected sediment will be disposed.

(10) Dust control measures.

(11) Inspection and maintenance procedures, including schedule and frequency by the person responsible for implementing the plan.

(12) Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District at the applicant's expense.

11. Traffic Control

A use shall meet the following requirements:

a. Safe access shall be provided to and from public and/or private ways.

b. A negative impact (including, but not limited to, traffic congestion, road surface disintegration due to heavy loads or leaking chemicals, and obstructed view) on the town road system shall not be caused.

c. Safe traffic circulation shall be assured within the property lines.

d. Parking spaces according to the following standards shall be provided:

(1) concentrated housing: two (2) per dwelling unit
(2) home occupation: two (2) for occupant of single family dwelling unit plus one (1) for each employee not a family member and two (2) for home business
(3) manufacturing: one (1) for each three-hundred (300) square feet of floor area
(4) nursing home: one (1) for each two (2) beds
(5) professional office: one (1) for each two-hundred-fifty (250) square feet of floor area
(6) retail and service establishment: one (1) for each two-hundred (200) square feet of floor area
(7) eating establishment: one (1) for each two (2) of seating capacity or in case of take out, one (1) for each thirty (30) square feet of floor area
(8) service station: two (2) for each bay plus two (2) for each service vehicle
(9) transient lodging: one (1) for each room available plus one (1) for each employee not a resident family member plus two (2) for any permanent resident
(10) antique shop: one (1) for each two-hundred (200) square feet of floor area
(11) hair stylist or barber shop: three (3) for each chair plus one (1) for each employee or operator

(12) funeral home: one (1) for each twenty-five (25) square feet of floor area of public rooms
(13) all other: one (1) for each two-hundred (200) square feet of floor area unless applicant can prove such a number is not required

e. 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, and where feasible, to retain all runoff on-site. In determining the appropriate size of proposed parking facilities, the following shall apply:

(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.

(2) Internal travel aisles: Approximately twenty (20) feet wide.

f. Any private way or right of way or easement proposed, created or recorded after March 22, 1996 and serving other than a single family dwelling shall be at least fifty (50) feet wide.

g. Where the proliferation of access points to U.S. Route One would tend to cause traffic hazards, congestion and other manifestations of strip development, the Planning Board may require that a developer dedicate a fifty (50) foot strip adjacent to and running the length of the U.S. Route One frontage to the use of controlled public access and landscaping. Such strip shall not be considered as part of the required setback. If required, such an access roadway shall be constructed in accordance with minimum Town road standards and shall connect in a proper fashion with the roadways of adjoining development.

(1) An applicant shall file with the Town a performance guarantee in an amount sufficient to defray the costs of improving the fifty (50) foot strip for marginal landscaping or vehicle access. The conditions and amount of such performance bond shall be determined by the Planning Board.

(2) The Town reserves the right to select areas within the fifty (50) foot marginal access strip for the grouping or placement of signs and traffic directions;

(3) The Town reserves the right to designate all ingress and egress points to the public or private ways from the fifty (50) foot marginal access strip as may be needed to meet current and future traffic control needs.

12. Roads, Roadways and Driveways

All persons, firms or corporations in the Town of Nobleboro prior to construction of a private road or driveway leading from a public way to private property, shall be required to first obtain a road and driveway permit from the Town of Nobleboro The permit will be signed and issued by the by the Code Enforcement Officer and Road Commissioner after determining construction specifications reasonable intended to prevent drainage problems or other interference with public ways or neighboring private property and the written agreement of the applicant to build in accordance with those specifications detailed below. If deemed necessary due to conflicting opinions, private road and driveway permits are subject to final review and approval, by the Nobleboro Select Board. Appeals of any and all decisions related to driveway, roads and roadway entrance application shall be addressed to the Town of Nobleboro's Board of Appeals.

The application fee for a Road, Roadway ans/or Driveway Entrance to a Town Road Permit will be established by the Select Board. The minimum application fee will be set at $25.00.

Enforcement, penalties and failure to construct the private road or driveway in accordance with established standards, or the construction of a private road or driveway without a permit, shall be deemed a violation of Nobleboro's Land Use Ordinances and punishable by a fine established by the Select Board. A minimum fine will be set at $1,000.

The design and construction of all public or private roads, roadways and driveways entering a town or private road shall comply with the standards listed below. The Nobleboro Planning Board and/or Select Board may require additional road requirements based on the recommendations of the Road Commissioner, Fire Company, or the Code Enforcement Officer

a. Driveways, public and private roads shall be designed so that they shall provide safe vehicular and pedestrian travel. The arrangement, character, extent, width, grade and location of all roads shall be considered in their relation to existing or planned roads, topographical conditions, public convenience, and appropriate relation to the proposed use of the land to be served by such roads or driveways. Road and driveway grades shall conform as closely as possible to the original topography within the limits of Nobleboro's Land Use Ordinances.

b. Driveways, public and private roads shall provide and maintain adequate access for emergency vehicles including fire apparatus, ambulance, and police.

c. Road 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 subsection Q.

d. Road grades shall be no greater than ten percent (10%) except for short segments of less than two hundred (200) feet. \

e. In order to prevent road surface drainage from directly entering water bodies, roads 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. Road 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 channeled flow of the drainage through the buffer strip.

f. 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 in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

(1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road 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

(2) Drainage dips may be used in place of ditch relief culverts only where the road grade is ten percent (10%) or less.

(3) On road sections having slopes greater than ten percent(10%), ditch relief culverts shall be placed across the road at approximately a thirty-(30) degree angle downslope from a line perpendicular to the centerline of the road.

(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.

g. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

h. The following minimum standards also apply:

(1) The right of way shall be fifty (50) feet wide.

(2) There shall be clearing of all vegetation in a strip thirty-two (32) feet wide, leaving healthy trees between the cleared area and the outside edge of right of way.

(3) Stumps and rocks over six (6) inches in diameter which will be less than eighteen (18) inches below the finished top must be removed.

(4) The road width shall be a minimum of eighteen (18) feet on finished top, plus three (3) foot shoulders.

(5) Culverts shall be a minimum fifteen (15) inches in diameter to be placed at stream bed level over prepared base.

(6) Gravel standards are as follows:

(a) Sub-grade-Minimum of twelve (12) inches, with eighteen (18) inches or more over ledge.

(b) Base-Coarse material of minus six (6) inch grade to be applied to a minimum of twelve (12) inches deep.

(c) Surface-Screened gravel three-quarter (3/4) inch or crushed aggregate applied two (2) inches in depth, or bituminous.

(7) Ditches shall have a flow line to be two (2) feet below sub-grade breakpoint. Ditches and embankments to be seeded with conservation grass mix.

(8) Slope of the road shall not exceed ten percent (10%) slope.

(9) An adequate turn-around at end of dead end roads shall be established with a diameter of one-hundred (100) feet wherever possible.

(10) Where the private road meets the public road, the point of intersection must be of sufficient width to allow for an unobstructed view and safe turning into the traffic lane.

(11) Each road must be adequate to allow emergency vehicles to safely maneuver.

13. Historic or Archaeological Sites

Any proposed use involving structural development or soil disturbance on or adjacent to these 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.

a. This paragraph shall apply to an historic or archaeological resources that is:

(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 the 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 prepared by the Maine Historic Preservation Commission.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission.

(5) Areas identified by a governmental agency such as the Maine Historic Preservation Commission or in the municipality's comprehensive plan as having significant value as an historic or archaeological resource.

(6) 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.

14. Septic

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

15. Home Occupation

A home occupation shall:

a. Be carried on by a member of the family residing in the dwelling unit;

b. Be clearly incidental and secondary to the use of the dwelling unit for residential purposes;

c. Not involve any exterior alterations which would change the residential character of the dwelling or accessory structure;

d. Employ no more than two (2) persons unrelated to the family residing in the dwelling unit;

e. Display no finished goods which have been purchased for resale; and

f. Not include heavy Industrial or medium Industrial.

D. LARGE SCALE DEVELOPMENT

In addition to any other applicable standards or requirements, a large-scale development shall also conform to the following performance standards:

1. Application. This section shall apply to an addition or expansion of an existing structure when such addition or expansion, either individually or cumulatively within a five (5)-year period, meets the threshold for large scale development. The Planning Board may modify or waive specific performance standards for such an addition or expansion, if it finds that, due to the design, location, function or layout of the principal structure, the application of specific performance standards is impractical or inappropriate.

2. Building appearance. The structure shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.

a. A minimum of twenty (20) percent of the structure's façades that are visible from a public road shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 100 feet.

b. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.

c. Pitched roofs with a minimum pitch of 5/12 may be required to complement existing buildings or otherwise establish a particular aesthetic objective.

d. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material module change, (iv) expression of an architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib.

(1) At least one of these elements shall repeat horizontally.

(2) All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

e. A rear or side building facade that is visible from a public road or by three (3) or more residences shall be designed to complement the architectural treatment of the primary façade.

f. Building facade colors shall be non-reflective, subtle, neutral, or earth tone.

(1)The use of high intensity colors, metallic colors, fluorescent colors or black on facades are prohibited.

(2) Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants.

(3) Standard corporate and trademark colors shall be permitted only on signage.

h. Exterior building materials shall be of comparable aesthetic quality on all sides.

(1) Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used.

(2) Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.

i. A ground floor facade that faces a public road shall have arcades, display windows, entry areas, awnings, or other such

features along no less than fifty (50) percent of its horizontal length.

(1) The integration of windows into building design is required, and shall be transparent glass between three (3) to eight (8) feet above the walkway along any façades facing a public road.

(2) The use of blinds shall be acceptable where there is a desire for opacity. Any blinds shall comply with the color standard of subsection f, above.

j. A ground floor facade of a retail building that faces a public road or contains the principal access to the building and which exceed 150 feet in length shall be designed to appear as a series of attached, individual storefronts even though the building itself may consist of a single retail occupancy.

k. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns.

(1) Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, or other distinct architectural details.

(2) Where additional stores will be located in the principal building, each additional store that exceeds 2,500 square feet in gross area shall have at least one exterior customer entrance that shall conform to the above requirements.

l. The building’s architecture shall reflect traditional New England building forms including pitched roofs, dormers, windows (rather than plate glass), and clapboard or brick siding. Freestanding accessory structures, such as ATM’s, gas pump canopies, sheds, etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site.

3. Parking

a. Parking areas shall provide safe, convenient, and efficient access for vehicles and pedestrians. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface.

b. Parking lots over 100 spaces shall be segmented visually and functionally into distinct parking areas of no more than 60 spaces by landscaped and curbed medians with a minimum curb to curb width of 10 feet.

(1) Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces.

(2) Islands at the ends of aisles shall be counted toward meeting this requirement.

(3) Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.

c. No more than 10% of off-street parking shall be sited between the front façade of the principal building and the primary abutting roads with the exception of parking areas used for the display of vehicles for sale. The Planning Board may increase this limit to 50% if it determines that the building and parking are screened from view by off lot development consisting of buildings less than 10,000 square feet of gross floor area and by the use of additional tree plantings, berms, fencing, low walls, shrubs and/or perennials.

4. Landscaping

d. The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings.

(1) Landscaping shall be considered an integral component of the approved project.

(2) The owner shall replace within 30 days any vegetation that dies, is removed or otherwise requires replacement. Such

replacement landscaping shall be equivalent in species and size to the original landscaping unless the owner can demonstrate to the satisfaction of the code enforcement officer that site conditions require an alternative species of comparable size.

e. A minimum of 50% of the building's total foundation, including a minimum of 50% along the building's front façade, shall be planted with landscaping consisting of one 2.5" caliper tree native to Maine and 4 shrubs per ten (10) linear feet of foundation. This landscaping shall be near entrances and facades facing public streets, as well as in parking areas.

f. One 2.5" caliper canopy tree native to Maine, one 4-foot high understory tree native to Maine, and five 12" high evergreen or 15" high deciduous shrubs shall be planted within each parking lot island

g. Landscaping consisting of three 2.5" caliper street trees, six 4-foot high understory trees, ten 12" high evergreen or 15" high deciduous shrubs and five 3-foot evergreen trees shall be planted every 50' along and within a minimum 30-foot wide green strip buffer adjacent to all public street and along and within a minimum 20-foot wide buffer adjacent to all private streets and drives including parking lot connectors, circulation drives (including those adjacent to building) and loading areas

h. Where the building site abuts property with at least one residence, a six-foot high berm shall be provided and planted with double offset row of 4-foot high evergreens spaced 15' on center

5. Lighting

a. Plans shall be submitted for all proposed exterior lighting drawn to a scale of 1" = 20' and shall include the location and type of lighting equipment, manufacturer's specification sheets and point-by-point calculated illuminance values noted on a 10-foot grid.

b. The following lighting criteria may not be exceeded:

(1) Parking lots: an average of 1.5 foot-candles throughout, a maximum of 6 foot-candles and a maximum-to-minimum uniformity ratio of 20:1 foot-candles

(2) Intersections: an average of 3 foot-candles throughout, a maximum of 6 foot-candles and a maximum-to-minimum uniformity ratio of 20:1 foot-candles

(3) Maximum at property lines: 0.1 foot-candles

c. The maximum height of freestanding lights shall be the same as the principal building, but shall not exceed 20 feet. Lighting fixtures including poles shall be compatible with the design of the principal structure.

d. All lights shall have shielding to provide a beam cut-off at no more than 75 degrees nadir

e. The applicant shall demonstrate that the proposed lighting is appropriate for the intended use.

(1) The planning board shall consider the hours of operation, characteristics of the neighborhood and the specific proposed activities.

(2) When the activity is not in use, lighting shall be turned off or turned down to a security level determined appropriate by the Lincoln County Sheriff's Office.

f. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split

g. Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards

6. Screening.

a. Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from on- and off-site ground level views with materials identical to those on building exterior.

b. All trash collection areas that are not within an enclosed building or underground must be screened or recessed so that they are not visible from public roads, public sidewalks, internal pedestrian walkways, or adjacent residential properties and at least 50 feet from any lot line. Screening and

landscaping of these areas shall conform to the predominant materials used on the site.

c. Rooftop equipment must be screened by parapets, upper stories or exterior walls from view from public roads within 1,000’

d. Gates and fencing may be used for security and access but not for screening. Chain link, wire mesh or wood fencing is not acceptable.

e. Loading docks must be screened from surrounding roads and developed properties by walls matching the building’s exterior or fully opaque landscaping

7. Outdoor sales. Additional standards apply for outdoor sales areas.

a. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access.

(1) Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences.

(2) Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.

(3) Any covering shall be similar in materials and colors to those that are predominantly used on the building facade.

b. Except for agricultural products normally stored outdoors, outdoor storage of products requires visual buffers from adjacent public roads and abutting developed properties. Outdoor storage sheds and containers also require such buffers..

c. Outdoor sales areas must be clearly depicted on the site plan. They must be at least 10 feet from motor vehicle routes and protected by a physical barrier.

8. Bicycle and pedestrian facilities. The following standards apply to bicycle and pedestrian ways.

a. Pedestrian walkways internal to the development shall be no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of each large commercial building on the site.

(1) At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points.

(2) They shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.

b. Sidewalks at least five (5) feet in width shall be provided along all sides of the lot that abut a public street.

c. Sidewalks at least five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting a public parking area.

(1) Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

(2) Weather protection features such as awnings or arcades are required within thirty (30) feet of all customer entrances.

d. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete.

e. The development shall provide exterior pedestrian furniture in appropriate locations at the rate of one seat for every 5,000 square feet of gross floor area and secure, integrated bicycle parking at the rate of three bicycle rack spaces for every 50 vehicle parking spaces.

8. Surety and Bonds.

a. A form of surety is required from the applicant to ensure the building and all amenities on the site are maintained if the building becomes vacant.

(1) The amount of such surety shall be based on estimates prepared by a registered professional engineer of the cost of four years of maintenance of all site improvements and the cost of razing the building and removing all demolition materials.

(2) The estimates shall be increased by 50% to reflect inflation.

(3)The surety must be of a form that cannot lapse or be discontinued without consent of the Board of Selectmen.

b. If the building remains vacant for a period of one (1) year and site improvements are not maintained over this period, the selectmen may use the surety to pay for site maintenance.

c. If the building remains vacant for a period of four (4) years, the selectmen may use the surety to remove the structures and improvements from the site.

d. Where the building will replace an existing building the applicant shall submit evidence that there will be no private prohibition on the type or reuse of the previously occupied building through conditions of sale or lease

9. Location. Additional standards applicable only to large scale development consisting of retail and service establishments greater than 10,000 square feet in floor area.

a. These standards are intended to ensure such large structures are placed in suitable locations and that they are not prominently visible from designated roads as listed in subsection d, below, unless they are sited close to the road in a manner similar to traditional village commercial development.

b. Structures over 10,000 square feet in floor area that are set back more than 50 feet from a designated public road shall not be prominently visible from such road.

(1) This may be accomplished by use of existing vegetation and topography as well as proposed site improvements

such as landscaping, berms and similar site design features.

(2) In determining if existing vegetation and/or proposed landscaping will satisfy this standard, the Planning Board may consider the projected height and density anticipated of such vegetation and/or landscaping seven years after construction of the large retail building is completed.

c. Alternatively, the standard in subsection b, above, may be satisfied by the siting of smaller commercial structures between the large retail structure and the designated road. This technique shall be employed for the full width of the development site along the road that provides its principal vehicular access except for access locations and landscaped public open spaces that the Planning Board determines will provide effective visual buffering of the large retail building.

d. The following are “designated roads” within the meaning of subsections 9.b and 9.c, above.

i. US Route 1
ii. Center Street
ii. East Pond Road
iii. Back Meadow Road

e. For large scale developments that are sited in conformance with subsections b or c, above, the maximum size of freestanding signs is as provided for in section C.1 of this Chapter.

CHAPTER XVI

ADMINISTRATION

A. GENERAL PROVISIONS

1. For purposes of this section, the following words shall have the following meanings:

    a. “Authority” means the Code Enforcement Officer, the Board of Selectmen when taking any action under this ordinance, the Planning Board or the Board of Appeals.

    b. “Board” means the Planning Board or the Board of Appeals.

2. In all instances, the burden of proof shall be upon the applicant.

3. Each authority shall maintain permanent files and a permanent written record of its actions on each matter, with those records to be maintained in the Town Office. A Board may maintain tape recordings that are not reduced to a transcript as an official recording.

4. Each Board shall give public notice of all Board meetings.

    a. The requirement for notice of regularly scheduled meetings may be met by an annual notice of the day of the month of such meetings, provided that any changes in that schedule are also published.

    b. Notice of an emergency meeting shall be given to the local press and any interested parties in the same manner and at the same time as it is given to board members.

    c. The Code Enforcement Officer shall publish the names of each person receiving a building permit within two (2) weeks of its issuance.

5. At any hearing a party may appear by agent or attorney. The Code Enforcement Officer shall attend all appeal, variance and special exception hearings.

6. All meetings shall be open to the public, unless the Board enters into an executive session as provided by law. The Board may invite selected comments or participation by an applicant, public officers or officials, or others, but may limit that participation as it deems appropriate for the efficient conduct of its business.

A-1 PERMITS REQUIRED.

(1) 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.

(2) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

A-2 APPLICATIONS

(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 authority.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in 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.

(3) All applications shall be dated, and the authority, as appropriate, shall note upon each application the date and time of its receipt.

(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.

B. OFFICIAL DOCUMENTS

1. A certified copy of this Ordinance shall be filed with the Town Clerk and shall be available 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.

2. The official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. TIMING AND SEQUENCE

1. Unless specifically otherwise established, within forty (40) days of the filing of an application, the authority shall notify the applicant, in writing, either that the application is a complete application or, if the application is incomplete, the specific additional

material needed to make a complete application. After the authority has determined that a complete application has been filed, it shall notify the applicant, in writing, and begin its review of the proposed development.

2. The applicant shall be required to notify, by mail, certified, return receipt requested, all abutting property owners that a Plan or application has been filed, and shall give evidence of that notice to the Board. The Board may identify other potentially interested parties to whom notice must be given. Notification shall be completed within thirty (30) days of filing an application.

3. Unless specifically otherwise established, the appropriate authority shall approve, approve with conditions, or deny all applications in writing within thirty (30) days of receiving a completed application.

a. If a board has a waiting list of applications, a decision on the application shall occur within forty (40) days after the first available date for consideration on the Board's agenda following receipt of the completed application.

b. If a hearing is scheduled, a decision shall occur within forty (40) days of the public hearing.

4. In issuing a decision, the authority shall make written findings of fact, and written conditions, if applicable.

5. An approval shall not 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 any State law which the municipality is responsible for enforcing.

6. On approval of a project requiring a plan, a majority of the authority shall sign all copies of the plan, noting any conditions, terms or limitations on or attached to the plan.

a. The original shall be filed by the applicant with the Lincoln County Registry of Deeds, one (1) copy shall be retained by the applicant, one (1) copy shall be retained by the Board, and one (1) copy shall be filed with the Town Clerk.

b. No changes, erasures, modifications, or revisions may be made in a plan after approval by the Board, unless the plan is first re-submitted and the appropriate authority approves the changes.

c. An approval expires within one (1) year of the date of issuance unless there is a substantial start of construction or use of the property within that time and expires if exterior work is not completed within two (2) years from the date of issuance.

d. A permit expires for uses or structures that are discontinued for more than ninety (90) days. A time limit may be waived if the authority determines that the permit holder can demonstrate that the failure to meet the time limit was for factors beyond their control.

e. An approval expires for seasonal uses or structures that are discontinued for more than one (1) year.

8. A permit is not required for the replacement of an existing road culvert as long as:

a. The replacement culvert is not more than twenty-five percent (25%) longer than the culvert being replaced;

b. The replacement culvert is not longer than seventy-five (75) feet; and

c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

8-A. 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 list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

9. Plumbing Permits shall expire within twelve (12) months of issuance, unless there has been a substantial start of construction. No dwelling shall be occupied until the plumbing fixtures have been connected to the Great Salt Bay Sanitary System or to an adequate septic system that has been inspected and approved by the Plumbing Inspector.

10. An applicant may waive in writing any time requirement for an authority's action.

D. NARRATIVE

A narrative, with supporting data, may be required by the Board to address the standards of this Ordinance. This may require the use of appropriate qualified professionals.

E. HEARINGS

1. Public hearings shall be conducted in accordance with the provisions of 30-A MRSA §2691.

2. When a hearing is held, the appropriate authority shall cause notice of the date, time and place of hearing to be given to the applicant and the public. It may also give notice or require the applicant to give notice to all property owners within one thousand (1,000) feet of the boundaries of the proposed project, or other interested parties, if it deems such notice appropriate. Notice of each hearing shall be published in a newspaper of general circulation in NOBLEBORO at least twice, with the first publication at least seven (7) days prior to the hearing, unless an emergency meeting is required.

3. Each authority may establish rules and procedures to govern its public hearings.

F. INTERESTED PARTIES

"Interested parties" are those persons who may have a direct and significant interest that may be affected by application and the Board's decision on it. They would include abutting property owners and those who might be adversely affected by the Board's decision. If granted that status, they may offer testimony and evidence and participate in oral cross-examination. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municpal officers and the Code Enforcement Officer shall automatically be made parties to the proceeding. Interested parties will be required to state for the record, their name, residence, business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity for the purpose of the hearing.

G. APPLICATION FEE

Unless established by this Ordinance, the Board of Selectmen may set reasonable fees for all permits to be issued under this Ordinance, excluding plumbing permits, sufficient to provide for the administration and enforcement of the Ordinance.

1. A fee schedule shall be maintained by the Town Clerk, with a duplicate posted in public view in the Town Hall.

2. Each application must be accompanied by the proper fee which shall be non-refundable and nontransferable.

3. All fees and fines collected by any authority shall be remitted to the Town on a monthly basis accompanied by a detailed statement of all transactions.

H. TECHNICAL REVIEW FEE

In addition to the application fee, the applicant must also pay a technical review fee to defray the municipality's legal and technical costs of the application review. This fee

shall be set by the appropriate authority at the review to determine the application's completeness, and shall be based on the scale or nature of the project which may require outside review.. This fee must be paid to the municipality and shall be deposited in the Development Review Trust Account, which shall be separate and distinct from all other municipal accounts. The application will not be considered complete until evidence of payment of this fee is submitted to the appropriate authority.

1. When the balance of the technical review fee is reduced to less than twenty-five percent (25%) of the original fee, the Planning Board may require an additional deposit equal to but not to exceed the amount of the original deposit, if it finds that additional professional services may be required by the Planning Board.

2. The technical review fee may be used by the appropriate authority to pay reasonable costs incurred by the appropriate authority, at its discretion, which relate directly to the review of the application pursuant to the review criteria. Such services may include, but need not be limited to, consulting, engineering, or other professional fees, attorney fees, recording fees, and appraisal fees.

3. The municipality shall provide the applicant, upon written request, with an accounting of his or her account and shall refund all of the remaining monies, including accrued interest, in the account after the payment by the Town of all costs and services related to the review. Such payment of remaining monies shall be made no later than sixty (60) days after the approval of the application, denial of the application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund.

4. The monies in such fund shall not be used for any enforcement purposes nor shall the applicant be liable for costs incurred by or costs of services contracted for by the appropriate authority which exceed the amount deposited to the trust account.

I. PERFORMANCE GUARANTEE

The Board may require that the Applicant file at the time of submission of the Final Plat Plan adequate proof of the availability of a performance guarantee.

1. This may be tendered in the form of a certified check payable to the Treasurer of the Municipality, a performance bond running to the municipality and issued by a surety company acceptable to the Municipality, a financial institution's an irrevocable letter of credit from which the Municipality may draw, or an equivalent guarantee. Satisfactory evidence of financial resources and a history of binding ties to the community may be accepted in lieu of a performance guarantee,.

2. The conditions and amount of such performance guarantee shall be determined by the Board with the approval of the Selectmen. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all public improvements specified on the Final Plat Plan including public or private roads or

streets, storm drainage, shared sewage treatment systems and other public utilities or improvements.

3. The performance guarantee shall provide for completion of the improvements within two (2) years of the date of the performance guarantee.

4. The Board may recommend to the Selectmen, and the Selectmen may grant a maximum extension of twelve (12) months to the performance guarantee period when the Applicant can demonstrate, to the satisfaction of the Board good cause for such extension.

5. The Board may recommend to the Selectmen, and the Selectmen may relieve an Applicant from his obligation under the performance guarantee, when all improvements have been satisfactorily completed in accordance with all applicable standards.

6. The Board may waive the requirement of a performance guarantee and accept a properly executed conditional agreement with the Town. That agreement shall be endorsed in writing on the Final Plant Plan. The endorsement shall state that the Board approved the Final Plat Plan, on the condition that no lot may be sold and no building permit may be issued for construction of any building until the Selectmen shall have certified that all improvements have been made.

7. Before construction may begin, the Applicant shall file the performance guarantee with the Town.

J CODE ENFORCEMENT OFFICER

The office of Code Enforcement Officer is established pursuant to the Home Rule provision of Article VIII-A of the Maine Constitution and 30-A MRSA §4103

1. It shall be the duty of the Code Enforcement Officer of the Town to administer the requirements of this Ordinance. The Code Enforcement Officer shall be appointed by the Board of Selectmen.

2. 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 Quality Control within the Department of Environmental Protection.

3. Except as provided in this Ordinance, no building or structure shall be erected, moved, added to, altered, enlarged or changed to another use without a building permit being issued by the Code Enforcement Officer.

a. A permit shall not be required for a conforming building for accessory use not connected to any other building and not exceeding one-hundred fifty (150) square feet in floor area and twenty (20) feet in height.

b. No building permit shall be issued except in conformity with the provisions of this Ordinance or except after written authorization by the Board of Appeals.

c. A building permit shall be valid for one year from its date of issue, and if construction has been started within that period, for an additional reasonable period to complete construction.

4. All applications for building permits shall be accompanied by the proper fee and by scale plans and/or other information sufficient to indicate that the requirements of this and all other applicable State Laws and local ordinances have been met.

a. When the Code Enforcement Officer determines that all State and local requirements have been complied with, (s)he shall immediately issue a building permit.

b. Permits shall be issued or rejected within five (5) working days, and if not issued within that time shall be deemed rejected.

c. A written rejection shall specifically state the reason for it.

4. All building permits shall be filed with the Town Clerk as a public record at the Town Offices.

K. CERTIFICATE OF OCCUPANCY

1. The Code Enforcement Officer must issue a certificate of occupancy before any residential or non-residential structures, buildings, accessory outbuildings, rental units, accessory dwelling units or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given and/or for which the Code Enforcement Officer issued a building permit.

2. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding, rental units, accessory dwelling units or land, and the occupancy thereof, comply with the provisions of Nobleboro's Ordinances and with all provisions of any order by the Planning Board or Appeals Board.

3. The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a residential or non-residential building or structure, or for one or more nonresidential buildings or structures which

are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy.

4. The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues.

5. Failure to obtain a Certificate of Occupancy shall constitute a violation of Nobleboro's Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time.

L. PLANNING BOARD

A Planning Board is established pursuant to the Home Rule provision of Article VIII-A of the Maine Constitution.

1. The Planning Board shall consist of five (5) members, all legal residents of the Town, appointed by the Selectmen to serve staggered terms of three (3) years.

2. The members of the Board on the date of enactment of this ordinance shall continue and serve out their unexpired terms.

3. The Selectmen may appoint alternate members as they deem appropriate, which members may vote in the absence of a regular member.

M. BOARD OF APPEALS

A Board of Appeals is established pursuant to the Home Rule provision of Article VIII-A of the Maine Constitution and 30-A MRSA §2691.

1. The Appeals Board shall consist of five (5) members, all legal residents of the Town, appointed by the Selectmen to serve staggered terms of three (3) years.

2. The members of the Board on the date of enactment of this ordinance shall continue and serve out their unexpired terms.

3. The Selectmen may appoint alternate members as they deem appropriate, which members may vote in the absence of a regular member.

O. BOARD ADMINISTRATIVE AUTHORITY

The following provisions apply to the Planning Board, Board of Appeals, and any other Board established under this Ordinance.

1. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members except the member being challenged.

2. Each Board shall annually elect a chairman and a secretary. The chairman shall call meetings as necessary. The secretary shall keep records of all meetings and decisions of the Board and these records shall be kept in the Town Office and open to the public at all times.

3. A quorum of a Board necessary to conduct an official Board meeting shall consist of 3 members.

4. Each Board may adopt or amend procedural rules, after a public hearing.

P. WAIVER AND MODIFICATION

1. A Board, on the petition of an applicant, may waive, for good cause, any of the application or procedural requirements of this Ordinance, or otherwise modify application requirements, including application documentation.

R. VARIANCES

1. The Board of Appeals may hear and decide applications for a variance within the limitations of this Ordinance.

2. A variance is a relaxation of the terms of this Ordinance, when, owing to conditions peculiar to the property, and not as a result of actions of the applicant, a literal or strict enforcement of the ordinance would result in undue hardship.

3. **Hardship Variance**. A variance may be granted only for minimum lot sizes, unoccupied space percentages, street or water frontage, and setbacks of front, side and rear yards, and only for lots whose boundaries were established prior to November 7, 1972. Variances may not be granted for a change of use nor for setback distances from the waterfront under Shoreland Zoning.

   a. The Board may grant variances when it finds that literal or strict application of the Ordinance to the applicant and the property would cause undue hardship in all of the following ways as provided under 30 MRSA Chapter 187, Subchapter IV:.

(1) The lot in question cannot yield a reasonable return unless a variance is granted;

(2) The need for a variance is due to the unique circumstances of the lot and not to general conditions in the neighborhood;

(3) The granting of the variance will not alter the essential character of the locality;

(4) The hardship is not the result of action taken by the applicant or a prior owner on or after March 23, 1991.

4. **Shoreland Zone Variances.** The following provisions apply in the Shoreland Zone:

a. A variance may be granted for water setbacks in the Shoreland Zone only for a replacement septic system complying with the State Plumbing Code setback requirements. No refuse, garbage, trash, rubbish or debris shall be placed within this area.

b. A variance may also be granted for an expansion of a legally existing structure within one-hundred (100) feet of the high water mark or edge of shore if the following minimum conditions are met:

(1) The existing use is permitted as a community building in the zone;

(2) The expansion would not change or substantially enlarge that use;

(3) No part of the new construction would be closer to the high water mark or edge of shoreline than the existing structure;

(4) The legally existing foundation dimensions (footprint) within the water setback zone would not be increased (except to the minimum extent required to provide handicapped access);

(5) The premises are served by the District sewage system, or a properly functioning septic system installed after January 1, 1975 and conforming to present septic system standards;

(6) The new construction will not substantially impair the view of other existing structures;

(7) The expansion meets the requirements of 38 M.R.S.A. Ch.3 sub-Ch 1, Art. 2B

c. A copy of all variances granted by the Board of Appeals within the shoreland zone shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

5. **Disability Variances.** Notwithstanding the above variances, the Board of Appeals may grant a variance to an owner of a dwelling unit for the purpose of making that property accessible to a person with a disability who ~~is~~ resides in or regularly uses that 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 on the property. 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.

6. **Variance from Dimensional Standards**. The appeals board may grant a variance from dimensional standards of this ordinance when strict application of the provisions of the ordinance to the applicant's property would cause a practical difficulty and when all of the following conditions exist:

A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on the use or market value of abutting properties;

C. The practical difficulty is not the result of action taken by the applicant;

D. No other feasible alternative to a variance is available to the applicant;

E. The granting of a variance will not have an unreasonably adverse effect on the natural environment; and

F. The property is not located in whole or in part within shoreland areas as defined in Title 38, MRSA 435.

As used in this subsection,

"dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

"practical difficulty" means that the strict application of the ordinance provisions to the property precludes the ability of the applicant to pursue a permitted use and results in significant economic injury to the applicant.

"significant economic injury" means causing the applicant to have to purchase additional property in order to have a structure or accessory structures of the size and type desired by the applicant, or placing the applicant at a disadvantage in the neighborhood by applying standards which would prevent the applicant from having a structure or accessory structures comparable in size, location, and number to those of other lot owners within 1000 feet.

"undesirable change in the character of the neighborhood" means the variance would not cause the structure to be larger or closer to the property lines than the majority of structures within 1000 feet, or would not result in a percentage of lot coverage which is greater than the majority of lots within 1000 feet.

"unreasonably detrimental effect on the use or market value of abutting properties" means that the variance would not create a fire safety hazard, substantially impair an established view, or cause a reduction in the appraised value of an adjoining property of more than ten percent.

"no other feasible alternative" means that there is no other location on the lot that the proposed construction could go without a need for a variance or without creating other compliance problems.

7.. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure 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.

a. 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.

8. If a variance is granted, it shall be recorded in the Lincoln County Registry of Deeds in the form of a certificate containing:

a. the name of the property owner;

b. the property identity by reference to the last recorded deed in the chain of title; and

c. the nature, conditions and date of the variance.

9. Unless expressly provided otherwise, a variance shall expire and be null and void if a building permit has not been issued on that variance within one year of the Board's decision granting it.

S.. APPEALS

1. The Board of Appeals may 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 the review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act by the Selectmen, in the enforcement of this ordinance is not appealable to the Board of Appeals.

2. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

3. When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. 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 Section 16(H)(1)(a) 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.

5. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. 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.

6. 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 all of the papers constituting the record of the decision appealed from.

7. 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.

8. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

9. 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.

10. The Board of Appeals shall state the reasons and basis for its decision, including a 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.

11. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party 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.

12. 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.

T. ENFORCEMENT

1. Any violation of this Ordinance shall be deemed to be a nuisance.

2. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.

   a. The Code Enforcement Officer shall conduct on-site inspections to insure 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.

   b. 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.

3. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer, with the approval of the Selectmen may 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.

   a. The Code Enforcement Officer, with approval of the Selectmen may 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.

   b. The Code Enforcement Officer, with the approval of the Board of Selectmen, may institute an action in the District Court, which shall be brought in the name of the Town. On conviction of violating this Ordinance, a person shall

be punished as provided by 30-A MRSA §4452. Each day of violation shall constitute a separate offense. All fines shall inure to the Town.

4. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, §4452. That penalty may include attorney's fees, expert witness fees and other costs as provided.

CHAPTER XVII

REPEALERS

The following Ordinances in the Town are hereby repealed:

The Land Use Code, enacted in November, 1972 as subsequently amended and revised.

The Subdivision Ordinance, enacted on March 14, 1988 as subsequently amended.

The Mobile Home Ordinance, enacted on December 27, 1989.

The Shoreland Zoning Ordinance, enacted on March 21, 1992, as subsequently amended.

The Timber Harvesting Ordinance, as previously enacted and amended

The Ice Fishing Ordinance, as previously enacted and amended

The Flood Plain Management Ordinance, as previously enacted and amended

The Site Plan Review Ordinance, as previously enacted and amended

Nobleboro Planning Board By-Laws, as previously enacted and amended

CHAPTER XVIII

PLANNING BOARD BY-LAWS
MUNICIPALITY OF NOBLEBORO, MAINE

Adopted May 20, 1999
Amended April 20, 2001
Amended September 15, 2022

ADOPTED BY VOTE OF THE NOBLEBORO PLANNING BOARD

At a Regular Meeting of the Planning Board on:

Thursday, September 15, 2022

Chairperson (printed name): Mathew "Matt" Lewis

Chairperson (signature):

ARTICLE 1: ORGANIZATION

1.1. OFFICERS AND THEIR DUTIES

1.1.1. The officers of the Board shall consist of a: Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice-Chairperson shall be full members of the Board. No Board member may hold more than one office at once.

1.1.2 The Chairperson shall preside at all meetings and hearings of the Nobleboro Planning Board. The Chairperson has the authority to appoint all committees, to call all work sessions, to set meeting agenda, designate which alternate member shall serve in place of a regular member, and to preside over executive sessions. The Chairperson shall notify applicants of their time on the agenda: shall write a finding of fact for each application, whether approved or denied: shall notify applicants of any needed forms and fees; shall act as liaison between the Planning Board and Selectmen, between the Planning Board and Code Enforcement Officer; shall read at each meeting all correspondence received since the previous meeting and at each meeting report on transactions with the Selectmen, Town Attorney, and Code Enforcement Officer since the previous meeting.

1.1.3 The Vice-Chairperson shall act for the Chairperson in his or her absence. The Vice-Chairperson shall also be responsible for the mentoring and orientation of new members, including seeing, with the assistance of Nobleboro's Office Administrator, to their being supplied with appropriate materials (ordinance, by-laws, forms, and organizing attendance at seminars and other learning or tutorial events. The Vice Chairperson will give notice of the Planning Board's meetings and hearings, in consultation with the Board Chairperson will prepare and distribute agendas of the regular meeting, public hearing and special meetings of the Board.

1.1.4 The Secretary shall be responsible for noting changes in state and federal laws upon notification by state and federal agencies, and the Town's Code Enforcement Officer as affects the Board and local ordinances: keeping a calendar with regard to time limits, project time-tables, schedules, and the like, and keeping the Board's Chairperson apprised of same: maintaining Planning Board Application forms and notifying Board for any needed changes in same: revising forms at the direction of the Board: maintaining files containing applications, permits, fee schedules, and other forms used by the Board; and take minutes at the Planning Board's regular monthly meetings as well as at public hearings, site visits and other meetings which the Board Clerk cannot attend.

1.2 ELECTION OF OFFICERS

1.2.1 Nominations and election of officers shall be made at the Board's annual organizational meeting, which shall be held on the date of the first regular Planning Board meeting after Nobleboro's Annual Town Meeting.

1.2.2 The candidate for each office receiving a majority vote shall serve for the year or until his or her successor shall take office.

1.2.3 Vacancies of officers shall immediately be filled by regular election procedures.

1.3 OTHER BOARD MEMBERS

1.3.1 An alternate Board member may attend all meetings and participate in the proceedings but may vote only when designated by the Chairperson to sit in for an appointed member.

1.3.2 When a Board member is unable to participate because of a conflict of interest, absence or any other reason satisfactory to the Chairperson, the Chairperson shall designate an alternate member to act for the regular member in that matter.

1.4 EMPLOYEES

1.4.1 The Board may employ such staff and/or experts as provided in local ordinances or regulations within budget limitation and according to municipal contracting and personnel procedures to aid the Board in its work. Appointments shall be made by a majority vote of the entire membership and approved by the Nobleboro Select Board.

1.4.2 The Clerk of the Board, hired by the Town's Select Board, shall be responsible for keeping the minutes and records of the Board and other duties normally carried out by a Board Clerk. At the direction of the Chairperson, the Clerk maybe asked to give notice of the Planning Board's meetings and hearings, distribute agendas of the regular meeting, public hearing and special meetings. The clerk shall keep a record of all resolutions, votes, transactions, correspondence, findings, and conclusions of the Board. The Clerk shall keep track of Board members' voting eligibility with regard to each application (requirement for "perfect attendance")

1.5 RECORDS

1.5.1 All records shall be maintained at the Nobleboro Town Office and shall be deemed public and may be inspected during normal business hours.

ARTICLE 2: POWERS AND DUTIES

2.1 The Board shall perform such duties and exercise such powers as are provided in the Municipal Ordinances and State laws.

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

ARTICLE 3: MEETING ORGANIZATION

3.1 REGULAR MEETINGS

3.1.1 Meetings shall be held on the third (3rd) Thursday of the month at 6:30 p.m. during the months of April – November and at 5:30 p.m. during the months of December – March. Board meetings shall be held in the Community Meeting Room at the Nobleboro Town Office or another suitable meeting place. The Chairperson may schedule special meetings on twenty-four- hour (24-hour) notice to the members, the municipal officers, the local press and media outlets.

3.1.2 All meetings shall be open to the public. Upon request a Zoom link for remote participation will be provided to members of the public

3.1.3 No official business may be conducted without a quorum present. A quorum shall consist of three (3) voting members.

3.1.4 Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the member who is being challenged.

3.1.5 In the event a quorum is not present the Board members are authorized to request that the Chairperson reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, the Vice Chair or upon request the Board Clerk shall provide adequate notice to the Board members, municipal officials, local press and media outlets and the general public.

3.1.6 All comments addressed to the Board shall be made through the Chairperson.

3.1.7 All matters shall be decided by vote. A majority of voting members is needed to pass any motion. When a motion results in a tie vote the motion fails. The board may act by voice vote, unless any member requests a roll call, in which event the vote will be recorded by roll call.

3.2 AGENDAS

3.2.1 Regular meeting agendas shall follow the following format:

1. Call to Order
2. Welcome and introductions
3. Roll call and determination of a quorum
4. Review and acceptance of the minutes from the previous meeting
5. Correspondence
5. Public hearing (if one has been scheduled – separate agenda required)
6. Old business
7. New business
8. Other
9. Public Comment (time permitting)
10. Date(s) for the next regular meeting, public hearing, site visit, work session or other special meeting
11. Adjournment.

3.2.2 New business may automatically be placed on the agenda up until 4:00 p.m., of the first (1st) Thursday of each month. Thereafter, new business may be added to the agenda only on the written approval of the Chairperson and for good cause. Agendas shall be posted in the Town Office and mailed to the Board members at least seven (7) days before any Board meeting or Public Hearing.

3.2.3 New Applications for Site Review, upon receipt at the municipal office, shall be placed on the next available agenda, and the applicant so notified of the date

and time. At that initial meeting, the Board shall make written findings as to whether the application is complete, and shall take all necessary steps to notify the applicant of the Board's determination.

3.3 WORK SESSIONS

3.3.1 The Chairperson may, with the approval of the majority of the Board, call work sessions for the purpose of reviewing and making recommendations for updates, adjustments or changes to the Town's Comprehensive Plan, Land Use Ordinances and/or other proposed ordinances and regulations, Planning Board By-Laws, and other information work items relating to the Board's activities, providing the public is notified. A quorum shall be present to conduct any business.

3.3.2 Work sessions are open to the public. The general public shall be barred from addressing the Board unless a majority of Board members agree to permit the public to speak.

3.4 EXECUTIVE SESSIONS

3.4.1 Upon a vote of at least 3/5 of the members, present and voting, the Board may call for an Executive Session for any purpose allowed under State Law.

3.4.2 Within the Executive Session, the Chairperson shall ensure that only the business for which the session was called is discussed, and that no official action is taken.

ARTICLE 4: HEARINGS

4.1 The Board may schedule a Public Hearing on any application, within the time limits established by State law or local ordinance.

4.2 The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality at least seven (7) days prior to hearing. The Board shall also cause notice of the hearing to be given to the municipal officers at least seven (7) days in advance. In accordance with State law and local ordinances owners of property abutting that property for which the application is taken shall be notified by mail at least seven (7) days prior to the date of the hearing. The Board's Clerk shall be responsible for making said notification when required.

4.3 THE ORDER OF BUSINESS

4.3.1 The Chairperson calls the hearing to order and determines whether or not there is a quorum.

4.3.2 The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.

4.3.3 The Board decides whether the Applicant has sufficient right, title or interest to appear before the Board.

4.3.4 The Board determines whether it has jurisdiction over the application.

4.3.5 The Board determines which individuals attending the hearing are "Interested parties" and of these persons who may have a direct and significant interest that may be affected by the application and the Board's decision on it. This group would include abutting property owners and those who might be adversely affected by the Board's decision. If granted that status, they may offer testimony and evidence and participate in oral cross-examination. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal officers and the Code Enforcement Officer shall automatically be made parties to the proceeding. Interested parties will be required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity for the purpose of the hearing.

4.3.6 The Chairperson gives a statement of the case and incorporates into the record correspondence and documents filed with the Board prior to the hearing.

4.3.7 The Applicant is given the opportunity to present his or her case without interruption.

4.3.8 The Board and interested parties may ask questions of the Applicant through the Chair.

4.3.9 The interested parties are given the opportunity to present their testimony, starting with the proponents followed by the opponents. The Board may call its own witnesses, such as the Code Enforcement Officer, Planner, or its Consultant.

4.3.10 The Applicant may ask questions of the interested parties and Board witnesses directly.

4.3.11 All parties are given the opportunity to refute or rebut statements made throughout the hearing.

4.3.12 The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.

4.3.13 The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All interested parties shall be notified of the date, time and place of the continued hearing, and the reasons for the continuance.

4.3.14 Upon such request made prior to or during the course of the hearing, the Chairperson may permit persons participating in any hearing pursuant to these By-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing within such time and upon such notification to the other participants as the Chairperson may require.

4.3.15 Board members and the Board's Consultants have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized.

4.4 The Board may waive any of the above rules upon good cause shown.

ARTICLE 5: DECISIONS

5.1 Decisions by the Board shall be made within the time limits established by State law and local ordinances and regulations.

5.2 The final decision on any matter before the Board shall be issued as a written order signed by the Chairperson. The record of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearing shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial therefore. At a minimum, the record should specifically state that the applicant either has or has not met all applicable state statutory requirements, all applicable municipal ordinances, and all applicable municipal regulations, and those legal documents shall be specifically referenced.

5.3 Notice of any decision, including the finding and conclusions/minutes, shall be sent by mail or hand-delivered to the Applicant, each interested party, or their representative or agent within seven (7) days of being rendered.

5.4 Decisions of the Board shall be immediately filed in the Office of the Town Clerk. The date of filing of each decision shall be entered in the official records and minutes of the Board.

ARTICLE 6: APPEALS

6.1 Appeal of the decision of the Board is governed by State and local laws and ordinances.

6.1 The By-Laws may be amended by a majority vote of the Board at a regularly scheduled Board meeting,

ARTICLE 7: SEVERABILITY

7.1 The invalidity of any section or provision of these By-Laws shall not be held to invalidate any other section or provision of these By-Laws.

CHAPTER XIX

NOBLEBORO PLANNING BOARD
APPLICATION FOR SITE REVIEW FORMS